

# Planning Commission Staff Report



**Subject:** Lot 17, 18, 19 Echo Spur  
Development Replat  
**Author:** Francisco Astorga, Planner  
**Date:** September 11, 2013  
**Type of Item:** Administrative - Plat Amendment Ratification of Findings

## **Summary Recommendation**

Staff recommends the Planning Commission ratify the Findings of Fact and Conclusions of Law to forward a negative recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat Plat Amendment application located at approximately 489 McHenry Avenue.

## **Topic**

**Applicant:** Leeto Tlou represented by Scott Jaffa, architect.  
**Location:** Lots 17, 18, and 19, Block 58, Park City Survey  
489 McHenry Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Single-Family Residential, Vacant Land

## **Background & Timeline**

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plate the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

In 2012 lots 17, 18, & 19 were purchased by Leeto Tlou, the current applicant, who is now requesting approval to combine three (3) Old Town lots of record into one (1).

### **September 12, 2012 (See Attachment 5, Exhibit E & F)**

The Planning Commission reviewed this request. During this meeting the Planning Commission expressed concerns with the road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, increased setback/square footage limitations/footprint placement, contextual neighborhood analysis, future plat amendment to the south, and future site visit. The Planning Commission continued the item to a date uncertain.

### **December 12, 2012 (See Attachment 5, Exhibit G & H)**

The Planning Commission visited the site and reviewed the requested Plat Amendment. During this meeting the Planning Commission expressed concerns with the vantage point analysis, 2007 property dispute settlement agreement, limitations on the proposed structure, neighborhood compatibility, road/improvements dedication, extensive ridgeline analysis, and future traffic generation.

June 26, 2013 (See Attachment 4 & 5)

The Planning Commission studied the application by reviewing a model that was prepared by his architect, as well as associated exhibits, Alta Survey showing the original topography before the road was built, plat map, and vantage point analysis provided by the applicant.

Commissioner Savage pointed out that there was a fundamental disagreement between certain Commissioners as to what the appropriate definition of a ridgeline and its interpretation within the context of the Land Management Code (LMC), and it was causing polarity on this particular application. He did not think the Commissioners could resolve the issue amongst themselves without further clarification from Staff regarding the basis for their interpretation. Commissioner Savage stated that his direction would be for the Staff to clarify, substantiate and make their position known so the Planning Commission could understand it and decide whether or not they agree with it.

Commissioner Wintzer stated that his concern with combining the lots was the ridgeline encroachment on Lot 19. It is a plotted lot with access to a street. By combing the lots and going further down the hill, they increase the ridgeline encroachment. If the applicant was willing to increase the setbacks on the downhill side as a way of mitigating some of that on Lot 17, he thought they could find a way to make it work by controlling how far it goes down the hill. If the applicant was willing to look at decreasing the setback, he would feel like they had tried to mitigate the ridgeline encroachment.

Commissioner Thomas agreed with Commissioner Wintzer about mitigating the effect of the ridgeline. He noted that as it gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

Commissioner Strachan thought the analysis of the ridgeline on page 217 of the Staff report was the Staff's best attempt at their interpretation of the ridgeline ordinance, and he was comfortable with that. He also agreed with Commissioner Wintzer. If they could pull back Lots 17 and 18 from the nose of the ridgeline it might resolve the problem.

Commissioner Savage supported the interpretation of the ridgeline analysis that was incorporated in the Staff report. He personally could see no reason to modify the application design in a way that changes the boundary conditions on the lot to change the ridgeline encroachment. In his opinion, if it encroaches it should not matter by how much. It was either encroachment or not encroachment.

Commissioner Hontz moved to continue the plat amendment to July 31, 2013.  
Commissioner Thomas seconded the motion.

July 31, 2013 (See Attachment 1, 2, & 3)

During this meeting Staff presented the Supplement Staff Report which laid the discussion on ridgeline development/vantage point analysis. Staff found that the proposed structure on the ridgeline did not break the skyline when viewed from any of

the vantage points. Staff reiterated that on June 26, 2013 the Staff was directed to come back to this meeting with interpretation and clarification related to vantage points, ridgelines and skyline analysis. Based on that interpretation and analysis Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance in the June 26, 2013 Staff report.

After carefully deliberation and the required public hearing, Commissioner Strachan moved to forward a negative recommendation to the City Council for the plat amendment application and directed the Staff to craft Findings of Fact and Conclusions of Law based on their discussion consistent with the motion.

Commissioner Hontz seconded the motion, with suggestions for potential places to look for information when drafting the findings. The previous minutes contain a lot of support for the different concerns; specifically good cause, significance of the HR-1 District, neighborhood impacts, precedents for ridgelines and for number of lots, and issues with health, safety and welfare. Another source is LMC Section 15-7.3-1 regarding safety. Commissioner Strachan suggested that Commissioner Hontz provide the stated direction to Staff in written format to make sure it is accurately included in the findings. Commissioner Hontz handed Planner Astorga a written copy. See Attachment 6. The Planning Commission voted 4-1 to forward a negative recommendation to the City Council.

On August 6, 2013 Commissioner Wintzer delivered his notes to staff, see Attachment 7.

### **Findings of Fact and Conclusions of Law regarding forwarding a negative recommendation for the Lot 17, 18, and 19 Echo Spur Development Replat.**

The Planning Commission hereby ratifies the Findings of Fact and Conclusions of Law as follows:

#### Findings of Fact

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.

8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The Planning Commission has expressed major concerns with access over platted Fifth Street (formerly Third Street).
13. Platted Fifth Street has not been built and the City does not plat to build this a road.
14. When the road and utilities were built in 2009, the topography was slightly altered.
15. The highest point on the site is six feet (6') higher than the October 2006 survey.
16. The improvements and the conditions regarding the road have not been dedicated to the City.
17. The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley Roundabout and looks extremely tall.
18. There is a private land settlement agreement related to lots in this vicinity that could potentially affect access or the relationship with the site.
19. The site is located on a ridgeline.
20. According to LMC § 15-7.3-2 (D), ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.
21. There are concerns regarding vantage points because the site is very abrupt looking from the roundabout.
22. Without understanding the private land settlement agreement, it would be difficult to take look at these lots which would set a precedent for five to six lots leading up to this development.
23. The impacts of the neighborhood and the surrounding area are not understood.
24. There is not good cause to approve the proposed plat amendment.
25. The purpose statements of the HR-1 are not met; specifically:
  - A. Preserve present land Uses and character of the Historic residential Areas of Park City,
  - B. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
  - E. Development parameters that are consistent with the General Plan policies for Historic core,
26. According to LMC section 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.
27. The proposed plat amendment request does not comply with the following General Plan (GP) statements:
  - a. The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street. (GP page 3).

- b. New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape. (GP page 5).
  - c. Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape. (GP page 6).
  - d. Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town's link with nature..... (GP page 12).
  - e. Direct development to the "tow" of slopes, preserving the ridge tops, meadows and visible hillsides. (General Plan page 20).
  - f. Require new development to be more compatible with the historic scale of the surrounding area. (GP page 55).
  - g. Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios. (GP page 56).
  - h. Development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides. (GP page 57).
  - i. Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District. (General Plan page 148).
28. The intent of the General Plan is to protect ridge lines.
29. The LMC defines a ridge line area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.
30. The proposed development sits on a ridgeline and the site meets the definition of a ridgeline.
31. New development should not be allowed on ridges.
32. Ridges in Old Town should not be jeopardized.
33. This ridge is the entrance corridor to Old Town and Deer Valley.
34. The proposed house would be extremely visible from Deer Valley Drive and the roundabout.
35. The General Plan does not address the Sensitive Lands Overlay, but it does address ridgelines.
36. The subtle ridgelines are the only ridgelines left, which are being threatened when built upon.
37. The topographic map shows the site is clearly on a ridgeline.
38. Exhibit A, topographic map from the July 31, 2013 staff report does a great job indicating the ridgelines.
39. As the property gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

40. No increase in minimum setbacks or a reduction in height was proposed by the Applicant to mitigate the impacts on the ridgeline.

#### Conclusions of Law

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code.

#### Attachments

Attachment 1 – Planning Commission Minutes 7.31.2013

Attachment 2 – Planning Commission Supplemental Staff Report 7.31.2013

Exhibit A – Topography Analysis

Attachment 3 – Cross Canyon Analysis presented on 7.31.2013

Attachment 4 – Planning Commission Minutes 6.26.2013

Attachment 5 – Planning Commission Staff Report 6.26.2013

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006

Exhibit D – County Tax Map

Exhibit E – 09.12.2012 Staff Report

Exhibit F – 09.12.2012 Planning Commission Meeting Minutes

Exhibit G – 12.12.2012 Staff Report

Exhibit H – 12.12.2012 Planning Commission Meeting Minutes

Exhibit I – Enlarged Artistic Renderings

Exhibit J – Deer Valley Drive View Site Analysis

Exhibit K – Vantage Points Analysis – Across Canyon View

Exhibit L – Site Plan

Exhibit M - Elevations

Attachment 6 – Commissioner’s Hontz’s Notes

Attachment 7 – Commissioner’s Wintzer’s Notes

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if he was interested in representing the Planning Commission at the City Council meeting on August 15<sup>th</sup>. If he could not attend, the Planning Commission would send another representative.

Planner Astorga stated that the tentative agenda for the August 28<sup>th</sup> meeting is very heavy and the Planning Commission should plan for a long night. Chair Worel asked about the possibility of starting the meeting earlier. Planner Astorga stated that as the Staff finalizes the agenda they could consider an earlier start time if necessary. They would know the agenda three weeks prior to the meeting when the legal notice is published. Commissioner Wintzer asked the Staff to forward a copy of the legal notice to the Planning Commission so they could see the agenda in advance of the meeting.

Assistant City Attorney McLean pointed out that since the legal notice is posted so far in advance, sometimes items on the legal notice drop out before the meeting.

Commissioner Savage reported that he would be absent from both Planning Commission meetings on September 11<sup>th</sup> and 25<sup>th</sup>. Commissioner Hontz stated that she was unable to attend the September 25<sup>th</sup> meeting. Chair Worel reported that she would also be absent on September 11<sup>th</sup>. Commissioner Strachan stated that he was unable to attend on September 11<sup>th</sup> and 25<sup>th</sup>. Planning Manager Sintz would check with Commissioner Thomas to see if he could attend both meetings to make sure they have a quorum.

**CONTINUATION(S) – Public Hearing and continuation to date specified.**

Land Management Code – Amendments to Section 15-1-21 Notice Matrix,  
Chapter 2.24, Chapter 9, and Chapter 15.

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

MOTION: Commissioner Wintzer moved to CONTINUE the Amendment to Section 15-1-12, Chapter 2.24, Chapter 9, and Chapter 15 to September 11, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

**1. 489 McHenry Avenue, Echo Spur – Plat Amendment  
(Application PL-12-01629)**

Planner Francisco Astorga reported that the Planning Commission previously reviewed this application on June 26, 2013. During that meeting he was directed to come up with a Planning Department interpretation for discussion on ridgeline development and vantage point analysis. He noted that there were two Staff reports for this item. The first was a short Staff report outlining the

Planning Department interpretation of ridgeline development construction as shown on page 91 of the Staff report. The second was the Staff report from the June 26<sup>th</sup> meeting, which was unchanged. Planner Astorga clarified that due to the late hour the discussion on June 26<sup>th</sup> was continued to this meeting

Planner Astorga noted that the language from the Land Management Code was reflected in the Staff report dated July 31, 2013. The language indicates that the Planning Commission may place restrictions when reviewing subdivisions due to the character of the land. He noted that the Planning Commission interpreted that the site of Lots 17, 18 and 19, also known as Echo Spur, is on a ridgeline. Planner Astorga remarked that the Staff wanted to move forward with the language from another part of the LMC as outlined in the second paragraph of the July 31<sup>st</sup> Staff report, which indicates that ridges shall be protected from development, and which development would be visible on the skyline from the designated Vantage Points in Park City.

Planner Astorga noted that the Staff report also included the definition of a vantage point, as well as the ten vantage points listed as A through K. Planner Astorga stated that he had personally visited all the reasonable vantage points to see what could be viewed from the site to be developed. The only vantage point that applies is (K), which is the Across Valley View. He asked the Planning Commission to keep in mind that Across Valley View could be multiple points.

Planner Astorga presented an example of the Copper Top Structure on Masonic Hill, and he understood from the contractor that it was a controversial project when it was built in 1981. The contractor told him that the home was originally intended to be bigger and taller. Planner Astorga stated that it was difficult to pinpoint the specific structure from vantage point (A), the Osguthorpe Barn, and the Staff finds that the structure breaks the skyline when viewed from this specific vantage point. He noted that the Staff found that the Copper Top House also breaks the skyline from vantage point (C), Heber Avenue and Main, and (D) the Park City Ski Area base. The copper top house also breaks the skyline from the intersection of Thaynes and State Road 224.

Planner Astorga presented Exhibit A, the Topography Analysis, included in the Staff report. He noted that the contour lines were taken from an aerial photograph and only estimated. It was not intended to replace an actual survey. Planner Astorga noted that the base elevation was approximately 7130 feet. As shown in the July 26<sup>th</sup> Staff report, the applicant, Leeto Tlou, had taken photographs from the opposite side. Planner Astorga explained the topographic features and contour lines and he used the photographs provided on June 26<sup>th</sup> to confirm the elevations and topographic features. He stated that taking a photograph from the same elevation, the Staff finds that the structure would not break the skyline and; therefore, it would not meet the specific regulations stating that "the ridgeline shall be protected from development when the development breaks the skyline." Planner Astorga noted that Park City is an interesting place topographically and there are set points throughout town to protect the ridgelines so they do not see development like the copper top house on the Aerie.

Planner Astorga reiterated that on June 26, 2013 the Staff was directed to come back to this meeting with interpretation and clarification related to vantage points, ridgelines and skyline analysis. Based on that interpretation and analysis the Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council

based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance in the June 26, 2013 Staff report.

Scott Jaffa presented photos of the property with the proposed house inserted into the images. Another photos imposed trees to minimize the concrete retaining walls. Additional photos showed houses that meet the current Code that would be built on the adjoining lots at a 28' height with the appropriate setbacks. Mr. Jaffa pointed out the house proposed for this applicant in relationship to the other homes. Mr. Jaffa stated that landscaping was added on top of the retaining wall as requested by the Planning Commission. He showed photos of the wall with and without landscaping.

Mr. Jaffa stated that the proposed house was designed to sit low and hug the topography so it would not stand out.

Planner Astorga pointed out that this was a plat amendment application to combine three lots into one. Development of the home would necessitate a conditional use permit for construction over steep slopes due to the access.

Chair Worel asked for the square footage of the proposed house. Mr. Jaffa stated that it was calculated to at 2,701 square feet.

Commissioner Gross asked if the applicant would have the ability to put landscaping in front of the retaining wall. Mr. Leeto stated that it is a right-of-way and he did not have the ability to make that decision without discussing it with the other developers and the City.

Chair Worel opened the public hearing.

There were comments.

Chair Worel closed the public hearing.

Commissioner Wintzer thought the pictures of the Copper Top house on the Aerie that Planner Astorga presented as examples shows why the Planning Commission needed to be very careful. If a previous Planning Commission makes a mistake it sets a precedent that cannot be taken back. He noted that the house and City were involved in lawsuits over the design and 7-feet was eventually cut off the top of the house. Commissioner Wintzer felt strongly that precedent was the reason for paying close attention to the ridgeline.

Commissioner Wintzer believed this was a ridgeline and that it met the definition of a ridgeline. He read from page 6 of the General Plan, "New development should not be allowed on ridges." He found similar language on pages 57 and 148. Commissioner Wintzer stated that he was still uncomfortable with the idea of allowing a subdivision on the ridge that would increase the ridgeline encroachment by allowing the applicant to build further down the hit. If the encroachment could be mitigated with different setbacks, etc., he would be willing to consider it. However, he could not support it as proposed.

Planner Astorga understood that there are set ridges that were part of the Sensitive Lands Overlay. The SLO indicates protection for waterways and steep topography, including ridges. He presented a zoning map showing that everything outside the red line was part of the sensitive lands overlay. Planner Astorga had found a map that was utilized historically in the Planning Department that had the nine vantage points and identified which ridges were important. When that map was compared to the zoning map the Staff realized that it was a pattern for the Sensitive Lands Overlay. Based on that information, the Staff was able to determine that no construction is allowed on ridges in any circumstance in terms of the Sensitive Lands Overlay analysis. Planner Astorga recognized the sections of the General Plan that Commissioner Wintzer mentioned; however, the Staff interpretation is that the Sensitive Lands Overlay does not apply to this particular site and development. Planner Astorga noted that the house on the Aerie was on the Sensitive Lands Overlay. He believed it the SLO was adopted to keep other developments from breaking the skyline.

Commissioner Wintzer took exception to the Staff interpretation. He did not believe that any ridge in Old Town should be jeopardized. In addition, this ridge is the entrance corridor and the proposed house would be extremely visible from Deer Valley Drive and the roundabout. He thought the ridge should be protected. Commissioner Wintzer pointed out that the General Plan does not address Sensitive Land Overlays, but it does talk about ridgelines. He was concerned that allowing this development would weaken the Code for other ridgelines in Old Town.

Commissioner Strachan incorporated his comments from the June 26<sup>th</sup> meeting. He could not find new information that would change his interpretation of the Code. He respected the Staff's interpretation of the Code, but he interprets it differently. Commissioner Strachan thought the photograph of the Aerie House was comparing apples to oranges because that house was an obvious ridgeline break. The subtle ridgelines are the only ones left in Park City that are being threatened. He agreed with Commissioner Wintzer that the Planning Commission needs to look at the ridgelines very carefully. In looking at a topo map, he believed this was clearly a ridge.

Commissioner Hontz concurred with Commissioners Strachan and Wintzer. She also incorporated her comments from the June 26<sup>th</sup> meeting because nothing had changed her mind. Commissioner Hontz thought that Exhibit A, the Topography Analysis, did a great job of indicating the ridgelines. She counted three or four other ridgelines in Old Town that would be set up for failure. Commissioner Hontz understood that the Aerie house was the catalyst for creating the SLO regulations and at one point it was supposed to include all of Old Town. That was changed because the SLO regulations were so restrictive it would have made a significant number of lots outside of ridgelines unbuildable in Old Town. In terms of setting precedent and because it is a ridgeline, Commissioner Hontz was not persuaded to change her initial opinion.

Commissioner Savage appreciated the work Planner Astorga had done in trying to clarify the underlying topographical facts associated with the site. He noted that the Planning Commission was reviewing an application that is subject to the current Land Management Code, and he believed this situation called for the Planning Commission to take a careful look the Land Management Code and craft a definition for ridgeline that could be applied across the range of different ridge situations. In his opinion this was not a ridgeline based upon the current LMC and a reasonable interpretation of the definition of a ridgeline. He thought the evidence presented showed that the proposed house

had no issues with breaking the skyline, which he believed is the definition of the ridgeline that is pertinent to protecting the view corridors. On that basis, Commissioner Savage supported the application.

Commissioner Savage remarked that often times the Planning Commission is faced with situations that are marginal in terms of fitting the definition. The problem is that the LMC does not provide a meaningful definition of a ridgeline that eliminates subjective interpretation. He encouraged the Planning Commission to consider implementing a process to review the LMC Code for the purpose of creating a definition for ridgeline that could be properly applied in future situations. Commissioner Savage pointed out that if they do not take that step, these situations would be repeated.

Commissioner Gross understood the vested lots a little better than before; however, he believed the issue was still the ridge. Commissioner Gross noted that the LMC does define ridgeline and specifies 150 feet on either side of it. In his opinion, the definition as written would eliminate the entire lot all the way up and anything else in Echo Spur. Commissioner Gross stated that in his opinion it is clearly a ridgeline as defined in the LMC. The applicant may be able to mitigate the impact through landscaping and other measure, but he was concerned about the ridgeline and the fact that there were very few left.

Leeto Tlou stated that he could see a bit of subjectivity in the discussion. He remarked that when the LMC document and the professional opinion of the Planning Department support the application, he wanted to know how much that little bit of subjectivity weighs into the decision. Mr. Tlou also heard in previous meetings that the Legal Department advised the Planning Commission to carefully consider a negative recommendation because it would be difficult to defend.

Mr. Tlou stated that if this is a subjective decision, he wanted clarity on how they would move forward with ridgelines in the future. He understood that Commissioner Savage had touched on that issue, and he was looking for clarity himself. If the Planning Commission believed this was a ridgeline, then what would not be a ridgeline.

Planner Astorga clarified that the Staff was not disputing the ridgeline in their interpretation. They were simply saying that under 15-7.32(d), it does not break the skyline, based on their interpretation of the language, "Ridges shall be protected, which development will be visible on the skyline from the designated vantage points."

Commissioner Hontz asked the City Engineer if there were updates to the status of the road. Mr. Cassel stated that the road would close for request of vacation of Fourth Street, but that would not impact Echo Spur Drive. When it went before the City Council the Council has that a few things be done before they would consider dedication. Mr. Cassel remarked that from an engineering perspective the road meets Code. He noted that the full intent was to take it back to the City Council for a decision.

Commissioner Hontz pointed to the minutes from a previous meeting regarding a different application on the same road, where statements were made regarding the process with the City Engineer, which did not coincide with the history as she remembered it. Commissioner Hontz requested that the City Engineer read the minutes to make sure the statements were correct or

correct them if necessary so they have accurate information in the record if that application comes back. Mr. Cassel stated that he had not read the minutes but the road was built to City standards.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council regarding the plat amendment for 489 McHenry Avenue. The motion died for lack of a second.

Commissioner Strachan noted that Exhibit A, the topography analysis, was the only new information presented this evening and it should be incorporated into the findings.

MOTION: Commissioner Strachan moved to forward a NEGATIVE recommendation to the City Council for the plat amendment application for Lots 17, 18 and 19 of the Echo Spur Development replat, and direct the Staff to craft Findings of Fact and Conclusions of Law consistent with the motion.

Commissioner Hontz seconded the motion, with suggestions for potential places to look for information when drafting the findings. The previous minutes contain a lot of support for the different concerns; specifically good cause, significance of the HR-1 District, neighborhood impacts, precedents for ridgelines and for number of lots, and issues with health, safety and welfare. Another source is LMC Section 15-7.3-1 regarding safety.

Commissioner Strachan suggested that Commissioner Hontz provide the stated direction to Staff in written format to make sure it is accurately included in the findings. Commissioner Hontz handed Planner Astorga a written copy.

Planner Astorga asked about process and whether the Staff needed to schedule a public hearing when the Findings and Conclusions are ratified. Assistant City Attorney McLean replied that the item would be scheduled for ratification of findings, and there would be no public input. She explained that the evidence had been collected and the Staff would memorialize it for City Council review. There would be an opportunity for public hearing at the City Council level.

VOTE: The motion passed 4-1. Commissioner Savage voted against the motion.

The Park City Planning Commission meeting adjourned at 7:50 p.m.

Approved by Planning Commission: \_\_\_\_\_

## Planning Commission Staff Report



**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Replat  
**Author:** Francisco Astorga, Planner  
**Application #:** PL-12-01629  
**Date:** July 31, 2013  
**Type of Item:** Administrative – Plat Amendment  
Discussion on Ridgeline Development/Vantage Point Analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

*“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”*

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines vantage points as the following:

*A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:*

- (A) Osguthorpe Barn;*
- (B) Treasure Mountain Middle School;*
- (C) Intersection of Main Street and Heber Avenue;*
- (D) Park City Ski Area Base;*
- (E) Snow Park Lodge;*
- (F) Park City Golf Course Clubhouse;*
- (G) Park Meadows Golf Course Clubhouse;*
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;*
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;*
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and*
- (K) Across valley view.*

The LMC definition of Vantage Points includes ten (10) specific sites plus an across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that a cross valley view has to be at approximate similar elevation as the site.

The LMC defines a Ridge Line Area as the “top, ridge or Crest of Hill, or Slope” plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. Staff considers this area to be a ridge, however, the proposed development activity including of a single family dwelling cannot be viewed from any of the eleven (11) vantage points including an across valley view.

Exhibit A shows the vicinity of the subject site with ten foot (10') elevation/contour lines. As represented on this Exhibit, the site contains two (2) valleys adjacent to the site, across Deer Valley Drive (north of the site), and across the Old Town/Main Street area (west of the site). The applicant submitted photographs showing these vantage points within Exhibit K of the June 26, 2013 Planning Commission Staff Report. By looking the photographs and this contour map, one can learn that when viewing the site from across canyon (or any of the other ten [10] LMC defined vantage points), at approximately the same elevation, the site is framed by the existing higher topography behind the proposed development.

### Background Analysis

Staff interprets that the following site located in the Aerie breaks the skyline when viewed from the following vantage points:

- Osguthorpe Barn – Vantage point A:



- Intersection of Main Street and Heber Avenue – Vantage point C:



- Park City Ski Area Base – Vantage point D:



- Intersection of Thaynes Canyon Drive & State Road 224 – Vantage point J



Staff interprets that this development on the Aerie (Masonic Hill) was indeed built on this ridgeline. Furthermore, this development does not meet the current ridgeline protection ordinance as it breaks the skyline from these four (4) vantage points. This development was built in the early 1980's. The ridge line protection ordinance was adopted in 2001. The Sensitive Lands Overlay (SLO) ordinance, further restricting development on ridge lines, was adopted in 2000 and amended in 2005 and 2007.

Unlike the four (4) photographs shown herein with the Aerie development, the proposed plat amendment combining Lot 17, 18, & 19, Block 58, Park City Survey, consisting of a plat amendment lot consolidation from three (3) into one (1) does not break the skyline when viewed from any of the adopted vantage points, including the across canyon view shown on Exhibit K of the June 26, 2013 staff report supported by Exhibit A of this report. This subject site is also not within the SLO area.

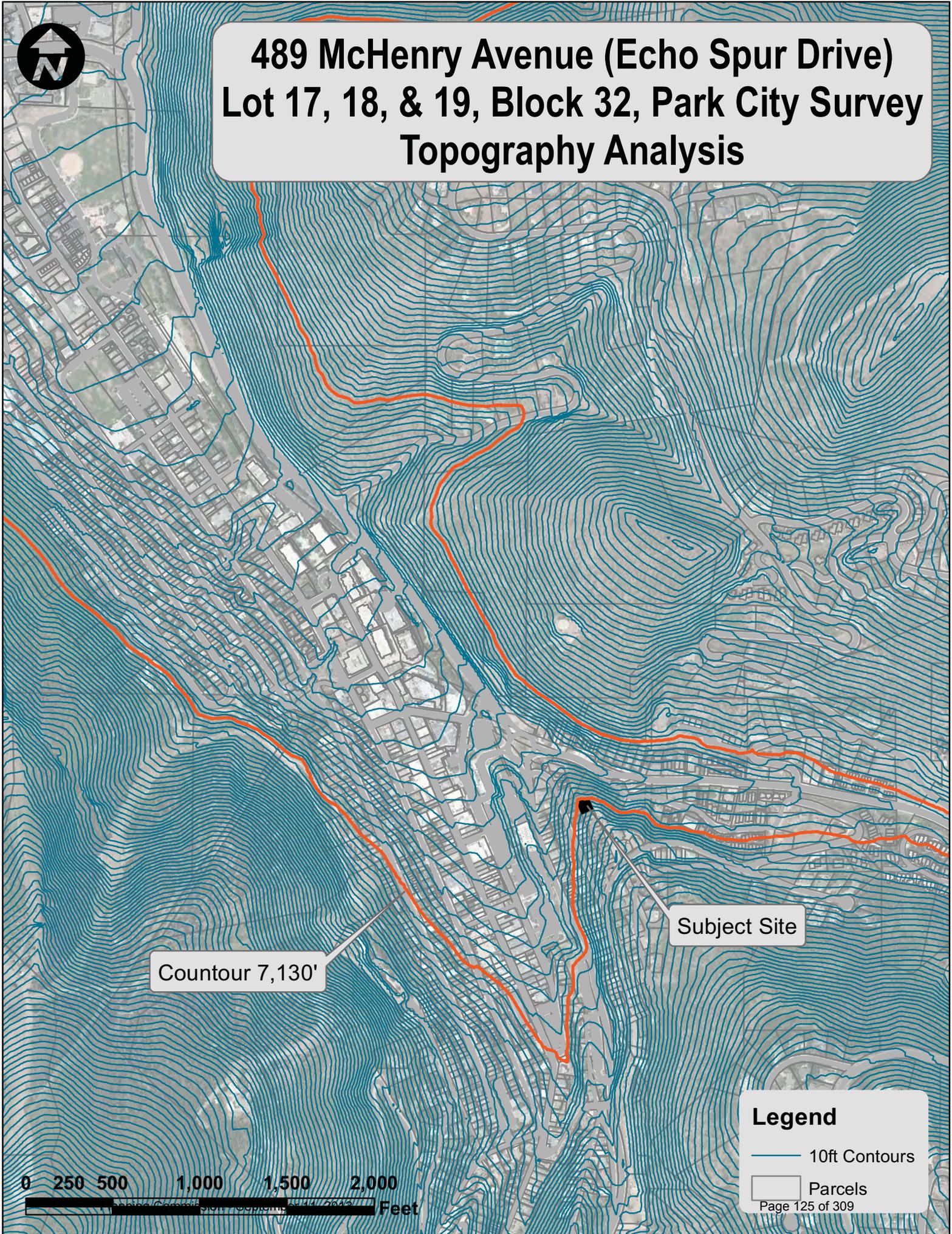
#### Question for Discussion

**Does the Planning Commission concur with this assessment of ridgeline development?**

#### **Exhibit A – Topography Analysis**



# 489 McHenry Avenue (Echo Spur Drive) Lot 17, 18, & 19, Block 32, Park City Survey Topography Analysis



Countour 7,130'

Subject Site

### Legend

- 10ft Contours
- ▭ Parcels

0 250 500 1,000 1,500 2,000 Feet











Echo Spur Lot 17-19

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Conditions of Approval – 124 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall resolve the wood tie retaining wall which encroaches onto 52 King Road by obtaining an encroachment agreement from that neighboring property owner or by removal of the wood tie retaining wall before the plat recordation.
4. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the Property's frontage on Norfolk Avenue.

**4. 489 McHenry Avenue, Echo Spur – Plat Amendment  
(Application PL-12-01629)**

Planner Astorga reviewed the application for Lots 17, 18 and 19 of the Echo Spur Development Replat located at approximately 489 McHenry Avenue, which is to be known as Echo Spur Drive in the future. The request is to combine the three Old Town lots into one lot of record.

Planner Astorga reported that the Planning Commission reviewed this request during a work session on September 12<sup>th</sup>. 2013. The various items discussed at the work session were outlined on page 214 of the Staff report. A site visit and another work session were held on December 12<sup>th</sup>. Items for discussion included specific questions related to the road dedication, the 2007 Settlement agreement, discussions regarding ridgeline development, a vantage point analysis, and possibly placing a square footage limitation on the proposed plat amendment and future plat amendments for the adjacent property owners to the south. The discussion also addressed traffic and access, and height and topography.

Planner Astorga stated that the applicant was proposing to build a single-family dwelling over the three lot combination of these platted historic Old Town lots. The applicant was not interested in building a duplex and has already moved forward with plans to build a single-family dwelling. Planner Astorga noted that the applicant had submitted a model that was prepared by his architect.

Planner Astorga reviewed the plat amendment and the associated exhibits. He presented an Alta Survey that was done on a previous submittal. The Alta Survey showed the original topography before the road was built. Planner Astorga reviewed the plat map showing the three lots at the very end of what is being called Echo Spur Drive.

Planner Astorga reviewed a vantage point analysis provided by the applicant. He clarified that Deer Valley Drive was not an official vantage point; however, the applicant had submitted the analysis to show the project would look from Deer Valley Drive from the roundabout, as well as a closer view.

The applicant had also submitted a cross-valley view analysis showing the approximate elevations from PCMR.

Commissioner Savage asked Planner Astorga to further explain the cross-valley analysis. Planner Astorga stated that as defined in the LMC, the point of the ridge analysis from various vantage points is to determine whether or not the structure breaks the skyline. If it does, it creates an issue. The applicant had taken the photograph from the same elevation on the opposite side of the valley.

Commissioner Wintzer assumed the proposed house would come down to the lowest lot. Commissioner Savage asked if the house was modeled into the photograph presented. Planner Astorga answered no. Commissioner Savage asked if they would eventually see it modeled into the photograph.

Scott Jaffa, representing the applicant, explained that the analysis was only done to show that the site did not break the ridgeline. The house would be located further down the hill. Commissioner Savage asked where the photo was taken from. Mr. Leeto Tlou, the applicant, replied that it was taken from the Green Condos on the Aerie, which is an equivalent elevation to the site.

Planner Astorga clarified that there was no dispute with the elevation. The issue is that the elevation goes down and then up again on both sides, regardless of whether it is viewed from east to west or north to south.

Planner Astorga reviewed the elevations. Mr. Jaffa stated that the houses in front were the existing elevations that were surveyed on those homes. The proposed single-family house would be behind those homes. They had projected how the neighborhood would look at build-out.

Planner Astorga noted that the Staff and applicant had spent time reviewing the minutes from the September 12<sup>th</sup> and December 12<sup>th</sup> meetings, and believe they have addressed all the concerns.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval. Planner Astorga stated that if the Planning Commission were to forward a positive recommendation and the City Council approved the plat amendment, the application would have to come back to the Planning Commission for a Steep Slope CUP.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Wintzer questioned how the Staff could find that it was not on the ridgeline. Going through the topo map and what he saw on Google Earth, he was certain it was a ridge. He could run a pencil lines down the contour line on the map provided as an exhibit and it was clearly a ridge.

Planner Astorga replied that they were calling it a ridge and read the language on page 217 of the Staff report. "The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City." He stated that of the ten listed vantage points, the only one that would qualify as being visible was the cross valley view. Commissioner Wintzer noted that the Staff report also states that, "The Staff does not consider this area to be a ridge due to the difference in the ridgelines." He disagreed with that statement.

Planner Astorga stated that the Staff could change that specific finding based on the statement read from page 217. He clarified that it would be a ridge; however, it is not a ridge that needs to be protected because as viewed from the cross valley view it does not break the skyline.

Commissioner Wintzer emphasized the importance of having it defined. They have all said that ridges are the most important views in Park City and they cannot choose to say this was not a ridge but argue that the next application is a ridge. They need to call it a ridge and specify the reasons why it can be developed on. Planner Astorga commented on development that has already occurred on that ridge.

Commissioner Hontz pointed out that some of those developments may have come in before the ridgeline Code. She knew for sure that most of the developments came in before they had the Steep Slope CUP, which would have affected where those could have been built and probably would have restricted them from going as high up on the ridge. Planner Astorga agreed. However, he noted that most of those developments would not break the skyline. Commissioner Hontz did not believe those developments set a precedent because they were done under a different Code and a different time. They could not be compared.

Commissioner Wintzer stated that if the Planning Commission were to approve this plat amendment, he wanted to make sure they had a good reason they could defend on the next ridgeline.

Assistant City Attorney McLean stated that with the surrounding developments, it would be challenging to defend a lawsuit. She recognized that things have been built over a series of years, but some of it was built recently.

Commissioner Hontz referred to page 243 of the Staff report, the minutes of September 12, 2012, fifth paragraph, and the question she had asked about the road. As reflected in the minutes, she was told that it would go before the City Council for dedication in December 2012. She noted that when the Planning Commission visited the site it still had not been done and she asked if progress has been made. Planner Astorga replied that there was some progress. The City Engineer, Matt Cassel, intend to have the City Council review it during a meeting in May and accept the road and dedicate it. However, the City Council decided to move the item to a date in September. Planner Astorga reported that he had received additional clarification from Matt Cassel that if for some reason the City Council does not accept the road, it would then become a private drive.

Commissioner Hontz pointed out that in September 2012 the Planning Commission was told that there were issues with that road that would have to be addressed, paid for, managed and mitigated. In December 2012, as reflected in the minutes on page 255 of the Staff report, they were told that

there were issues with the road. She noted that the issues are still pertinent and it road is still not dedicated to the City. Commissioner Hontz stated that it would be an entire year from the first time the Planning Commission heard it and the issues still remain. There are obviously problems and she had concerns related to the safety of that road as well as the roads around it.

Council Member Alex Butwinski explained that there were two primary issues. One is that the gate at the end of the road was not adequate and it basically ended in a cliff. The City Council had other issues with accepting the road itself, such as the retaining wall and how it was mitigated. The City Council also wanted time to discuss whether or not they had any recourse for the way it was mitigated.

Commissioner Wintzer asked if the City Council would eventually accept it as a City road. Council Member Butwinski stated that it would depend on what the Staff comes back with in September. He recalled that safety was the main reason for the delay. Council Member Butwinski stated that there was an issue that the aesthetics of the wall and the way it was built did not conform. The wall started to fail and it was mitigated again, but not to their satisfaction.

Commissioner Hontz asked about the bond for the landscaping. Council Member Butwinski stated that the applicant could have bonded for that but the City decided not to.

Commissioner Wintzer referred to page 294 of the Staff report, and asked for the dimension from the lowest lot line to the house and the setback. Mr. Jaffa replied that it was 15-feet. The Code requires 10-feet.

Commissioner Thomas asked if all the topos were taken off of the Alta Survey that were done by Jack Johnson. He also asked if the existing natural grade had been documented based on the Alta Survey. Planner Astorga stated that the discrepancy between the Alta Survey and the other survey was a 6-foot difference from the highest to lowest elevation.

Commissioner Hontz pointed out that the front yard setback would be Third Street. Planner Astorga stated that if that were the case, the minimum setback would be 10-feet. Commissioner Thomas recommended that they establish that for the applicant moving forward. Planner Astorga remarked that if this plat amendment is approved, a condition of approval would prohibit access off of Third Street. Commissioner Hontz clarified that every time this application came before the Planning Commission, access from Third Street has been a significant concern. Planner Astorga replied that the Staff heard her concerns, which is why they added the condition of approval prohibiting construction and access.

Commissioner Hontz stated that as she goes through the previous minutes and details the Planning Commission's concerns and issues, she did not believe any of their requests or issues had been addressed. In her opinion, the design does not do enough to mitigate the ridge. Commissioner Hontz stated that the issue is not whether or not it breaks the skyline. The issues relates to LMC Section 15-7.3-1(D) Subdivision requirements, where the Planning Commission can place restrictions due to the character of the land. She believed the LMC requirements make it very challenging to build on these lots in this manner.

Commissioner Hontz had concerns about the road dedication. Based on their capabilities in terms of reviewing a plat, the streets master plan, street development patterns and public health, safety and welfare are issues they can take into consideration. Those issues have not been addressed because they do not know whether the road and the retaining wall are safe and would be accepted by the City. She personally preferred that they not be accepted because she would not want the taxpayers to pay for any of that moving forward; however, it stills needs to be safe.

Commissioner Hontz commented on the landscaping and stated that the bare retaining wall from all the vantage points is a concern. She noted that in addition to the combination of these lots, they have to take into account the other lots in the vicinity, which was an application they would discuss later this evening. They need to consider how the cumulative impacts of these plat amendments would impact the neighborhood. Commissioner Hontz referred to page 256 of the Staff report and noted that the first, third, and fourth paragraphs mention that Third Street is a dedicated roadway that is unacceptable for access, and the traffic impacts generated from this one proposed house. She pointed out that it was a public health, safety, and welfare good cause limitation that the Planning Commission needed to understand before they could move forward. She reiterated that none of the issues have been addressed and they keep coming back.

Planner Astorga asked if the other Commissioners concurred with Commissioner Hontz. Commissioner Wintzer agreed with her comments with the exception of traffic. These are platted lots and thought it would be difficult to say that the roads to not accommodate the lots; particularly since the applicant was reducing the density from what could be built. Commissioner Hontz clarified that she based her comments on the plat amendment checklist, which indicates that the Planning Commission can use the streets master plan and their limitations as substandard. In her opinion, the roads are dangerous, which is much worse than substandard. She did not believe the burden should be on the public to accommodate any extra traffic that might be unsafe to themselves or to others.

Commissioner Savage questioned the statement that it should not be the burden of the public to make sure that the roads to platted lots are safe. Commissioner Hontz replied that it was her personal opinion, but she felt the burden should be on the developer if they want to develop the property. The road is not suitable, which is why the City has not accepted it as a public road.

Commissioner Savage understood that the road would either be integrated into the City public road system or not. If not, the developers would be responsible for it as a private road, and he assumed the City Engineer would have oversight to make sure it adhered to a certain level of standards related to health, safety and welfare.

Assistant City Attorney McLean understood that the road has been built to City standards. Commissioner Wintzer argued that her understanding was not quite correct. The road failed once and it was corrected; therefore, he was uncertain whether it was built to City standards. Commissioner Wintzer pointed out that it was an issue for the City Engineer and not the Planning Commission.

The applicant, Leeto Tlou recalled from another meeting that the City Engineer had said that Rossi Hill and the proposed Echo Spur were built to Code, and that Ontario was the only substandard

road. Commissioner Wintzer believed that both Rossi Hill and Ontario were substandard streets.

Commissioner Savage commented on the ridgeline issue and noted that the current Code is ambiguous as to the definition of a ridge line. He noted that Planner Astorga had tried to provide examples of the current definition as it relates to breaking the skyline from various vantage points, which was better than nothing. He agreed with Commissioners Wintzer and Hontz, that if you look at the piece of property within the context of a relatively small geographic area, it is an elevated feature. In the process of working on the next iteration of amending the Land Management Code in conjunction with the General Plan, Commissioner Savage thought it was important to come up with a geometric model that defines whether something is or is not a ridgeline within the context of a topological map of the area and certain agreed to distances from which that metric would be measured. As opposed to taking photographs, it would produce a straightforward topological analysis. Commissioner Savage stated that on every topological map things go up and things go down. Wherever something goes up, stops and starts going down could be called a ridgeline. He pointed out that it can happen on a large or small scale, and the Planning Commission needs to determine how they want it defined in a way that is consistent with the objectives of how they want development to proceed as a consequence of the revisions of the General Plan.

Planner Astorga remarked that another provision in the Code, the Sensitive Lands Overlay, talks about various features such as waterways, etc., and it mentions specific mitigation and prohibiting construction on specific ridgelines. He noted that this property was not within the Sensitive Lands Overlay which would prohibit such development on these geographic features.

Commissioner Savage stated that he was not in favor of allowing people to build houses on ridgelines. However, he was also not in favor of prohibiting people from building homes in areas where there may be a ground swell that could be conceived as a ridge by looking at a relatively close-in topological map. Commissioner Savage thought it was important to resolve that issue in an appropriate way in the LMC. The Staff would be able to do the analysis and the result would be black and white without any ambiguity.

Commissioner Thomas agreed with the idea of being able to define a ridge in both written word and geographically on drawings. However, that is a future process and they needed to resolve the current issue. He stated that 100 years ago they would have defined it as a ridgeline, but as it was pointed out early, now it would not be defensible in a court case. Commissioner Thomas was comfortable with the ridgeline aspect.

Commissioner Strachan believed it was a ridgeline from the beginning as evidenced in previous minutes. However, that would be the end of the analysis, assuming the applicant would get enough votes to move forward. Commissioner Strachan felt the good cause standard could not be met because of the unique attributes of the site. Good cause standards require mitigation of the negative impacts. The Planning Commission has not been able to see how combining these lots together would mitigate the impacts. They have seen a proposal but no mitigation solution efforts. They have also seen health, safety and welfare concerns with the road and the access on the substandard streets. Commissioner Strachan questioned how they could find good cause for this plat amendment. He stated that without the combination, if they were kept as three separate lots,

they would still have the problems of substandard streets, building on a ridgeline and mitigating the negative impacts that would be caused by building in that location.

Regarding the fact that other houses were built around the ridgeline, Commissioner Strachan stated that the problem was that a prior owner came in and destroyed the ridgeline. Therefore, the other houses viewed at this point in time all look different than they would have if that ridgeline had remained intact. He did not think they could say it did not violate the Code because other houses exist around it and there is no ridgeline. He believes it violates the Code now and it certainly would have violated the Code before any illegal activity of removing the ridge occurred. Commissioner Strachan thought the applicant had an uphill battle on Good Cause.

Mr. Tlou how much weight the Planning Commission puts on documentation, the LMC, the vantage points and documentation to support, and the professional opinions of others versus a declaration of I'll know it when I see it. Commissioner Strachan replied that it is not a simple declaration that it is a ridgeline, because there is a ridgeline definition in the Code that says, "Breaks the skyline from certain vantage points." It defines the vantage points and one is the cross canyon view. He noted that the Staff report contained a cross canyon view, which is objective documentation of a violation of the ridgeline ordinance. Commissioner Strachan stated that regardless of whether the applicant had pictures taken from other vantage points that did not show ridgeline violations, if there is a ridgeline violation from the cross canyon view or any of the formal vantage points outlined in the Code, they could not build on it.

Commissioner Savage was unclear why Commissioner Strachan thought the cross canyon view showed that the house would break the skyline. Commissioner Strachan clarified that the broken skyline is one that is created by the ridge they were proposing to develop on or around. Mr. Tlou stated that if that is the skyline that is broken and it is declared a ridgeline, anything over 150 feet in any direction could not be built upon. Commissioner Strachan replied that this was correct based on his reading of the Code.

Commissioner Savage stated that from his reading of the Code, the house shown on the left-hand side of the slide did not break the ridgeline from that particular vantage point, which differed from Commissioner Strachan's opinion. However, if he were to move closer and close to the house and his relative perspective gets larger and larger, it would eventually break the skyline and he would see the shape of the house in the sky. Commissioner Strachan pointed out that Commissioner Savage would no longer be cross across canyon if he moved closer and closer to the house. Commissioner Savage stated that in looking across the canyon, the ridgeline that you see according to the skyline is the highest most ridgeline. That is the ridgeline that meets the sky. He did not think it was every ridgeline below it. Commissioners Hontz and Strachan disagreed. The Commissioner discussed several examples with differing opinions on what breaks the skyline.

Commissioner Savage stated that as a practical definition of ridgeline as something that intersects the skyline, there is no way to convince him that the cross valley view is a skyline.

Commissioner Thomas stated that in his mind there was no doubt that it was a ridgeline based on the topography seen from an aerial photo. He pointed out that whether or not the house breaks the skyline depends on where you stand. Commissioner Savage agreed. His point is that the Staff had

done an analysis consistent with the definition in the Code. According to their interpretation, the house does not break the skyline from any of the vantage points. Commissioner Savage agreed that it was a ridge, but he also agreed that it did not break the skyline. Commissioner Strachan stated that the Code does not use the word "Skyline". He read the definition of a ridgeline area from the LMC, "The top ridge or crest of a hill or slope." Crest of a hill is defined as, "the highest point on a hill or slope that is measured continuously throughout the property. Any given property may have one crest of hill." He reiterated that Skyline is never mentioned.

Planner Astorga referred to LMC Section 15-7.3-2(D) and the language that mentions skyline. Commissioner Strachan read the languages, "...which development would be visible on the skyline from the designated vantage points." He pointed out that skyline was not in the definition of a ridgeline. Commissioner Hontz stated that the paragraph she was reading had other concerns for subdivision, including ridgelines. She had identified other general health, safety and welfare concerns related to that and not just the ridgeline issue. She agreed with Commissioner Strachan that the ridgeline definition was not tied to the skyline.

Commissioner Savage stated that if the ridgeline does not include a skyline based definition, he estimated that 50% of the homes in Park City violate the definition of ridgeline.

Planner Astorga clarified that he was not disputing that this was a ridgeline or an elevated feature. However, the language in LMC Section 15-7.3-2(D) stated that they shall protect ridges which will be visible on the skyline from a designated vantage point. In this case, the structure would not be visible from nine of the ten vantage points. The tenth vantage point where it was visible was the cross valley view. Commissioner Strachan did not think it was possible to ever break the skyline on a cross valley view. Commissioner Savage disagreed.

Since the Commissioners had agreed to a 10:00 stop time and it was evident that this item needed further discussion, Assistant City Attorney McLean advised the Planning Commission to conduct a public hearing and continue the item to the next meeting.

Chair Worel opened the public hearing.

Sean Kelleher commented on the wall and the road. He stated that the wall was completed approximately two years ago and it has gone through the last two winters. He explained that the road was not brought to dedication because the City Engineer, Matt Cassel, was very sick last fall and the entire process was delayed. Mr. Kelleher stated that everything done for both the wall and the road were done to Mr. Cassel's specifications. He noted that the retaining wall was entirely rebuilt after it collapsed and it was rebuilt to the City specs. The road was always fine, but they spent the last year working on bullet points to make sure some of the minor elements were addressed. Mr. Kelleher stated that Matt Cassel had recommended that the City Council accept all the infrastructure. At the time that was done, two remaining items were in the process of being complete. One was the barrier at the end of the road, which is now complete. The second was the removal of landscape. Mr. Kelleher remarked that the City remains fully bonded with a deposit for more than the value of what is left to do. They plan to take it back to the City Council for acceptance within the next few months. He pointed out that the road was built with a sidewalk and to the right

width. Therefore, he could not imagine why they could consider the road or the retaining wall to be substandard.

Commissioner Wintzer indicated two large planters at the bottom of the retaining wall. He was always under the impression that they would be planted with landscaping that would screen the concrete face of the wall.

Mr. Kelleher understood that originally it was part of the landscaping plan, but that was before he became involved. In discussions with the neighbors, they adjusted some of the landscaping to the top of the wall and along the sides too meet the requests of the neighbors.

Commissioner Wintzer suggested that putting landscaping in those planters would soften the wall and make it a nicer looking project.

Mr. Kelleher understood from Matt Cassel that acceptance of the infrastructure and whether the road is public or private was a separate issue from any of the replats being discussed in Echo Spur.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 10, 2013 with direction to Staff to clarify and state the interpretation of the ridgeline requirements and analysis with respect to this particular application and in general, with respect to the current generation of the Land Management Code.

Planner Astorga was concerned that July 10<sup>th</sup> would not give the Staff or the applicant time to address the issues and meet the deadline for the Staff report.

Assistant City Attorney McLean suggested that the Planning Commission provide their direction to Staff and then make a motion to continue. Commissioner Savage withdrew his motion.

Commissioner Savage pointed out that there was a fundamental disagreement between certain Commissioners as to what the appropriate definition of a ridgeline and its interpretation within the context of the LMC, and it was causing polarity on this particular application. He did not think the Commissioners could resolve the issue amongst themselves without further clarification from Staff regarding the basis for their interpretation. Commissioner Savage stated that his direction would be for the Staff to clarify, substantiate and make their position known so the Planning Commission could understand it and decide whether or not they agree with it.

Commissioner Wintzer stated that his concern with combining the lots was the ridgeline encroachment on Lot 19. It is a plotted lot with access to a street. By combing the lots and going further down the hill, they increase the ridgeline encroachment. If the applicant was willing to increase the setbacks on the downhill side as a way of mitigating some of that on Lot 17, he thought they could find a way to make it work by controlling how far it goes down the hill. If the applicant was willing to look at decreasing the setback, he would feel like they had tried to mitigate the ridgeline encroachment.

Commissioner Thomas agreed with Commissioner Wintzer about mitigating the effect of the ridgeline. He noted that as it gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

Commissioner Strachan thought the analysis of the ridgeline on page 217 of the Staff report was the Staff's best attempt at their interpretation of the ridgeline ordinance, and he was comfortable with that. He also agreed with Commissioner Wintzer. If they could pull back Lots 17 and 18 from the nose of the ridgeline it might resolve the problem.

Commissioner Savage supported the interpretation of the ridgeline analysis that was incorporated in the Staff report. He personally could see no reason to modify the application design in a way that changes the boundary conditions on the lot to change the ridgeline encroachment. In his opinion, if it encroaches it should not matter by how much. It was either encroachment or not encroachment.

MOTION: Commissioner Hontz moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 31, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Due to the late hour and the earlier decision for a 10:00 p.m. stop, the remaining agenda items were continued.

**5. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3 and Chapter 2.16 regarding Building Height (Application PL-13-01889)**

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the LMC Amendments to July 10, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**7. Lots 21-32, Echo Spur – 9 Lot Subdivision (Application PL-12-01717)**

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

## Planning Commission Staff Report



**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Replat  
**Author:** Francisco Astorga, Planner  
**Application #:** PL-12-01629  
**Date:** June 26, 2013  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### Description

**Applicant:** Leeto Tlou  
**Surveyor:** Rob McMahan  
**Architect:** Scott Jaffa  
**Location:** Lots 17, 18, & 19, Block 58, Park City Survey  
489 McHenry Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

### Proposal

The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.

### Purpose

The purpose of the Historic Residential (HR-I) 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 August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

In 2012 lots 17, 18, & 19 were purchased by Leeto Tlou, the current applicant, who is now requesting approval to combine three (3) Old Town lots of record into one (1). The Planning Commission reviewed this request during their September 12, 2012 meeting (See Exhibit E – 09.12.2012 Staff Report and Exhibit F – 09.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, increased setback/square footage limitations/footprint placement, contextual neighborhood analysis, future plat amendment to the south, and future site visit. The Planning Commission continued the item to a date uncertain.

On December 12, 2012 The Planning Commission visited the site and reviewed the requested Plat Amendment (See Exhibit G – 12.12.2012 Staff Report and Exhibit H – 12.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the vantage point analysis, 2007 property dispute settlement agreement, limitations on the proposed structure, neighborhood compatibility, road/improvements dedication, extensive ridgeline analysis, and future traffic generation.

**Analysis**

The proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

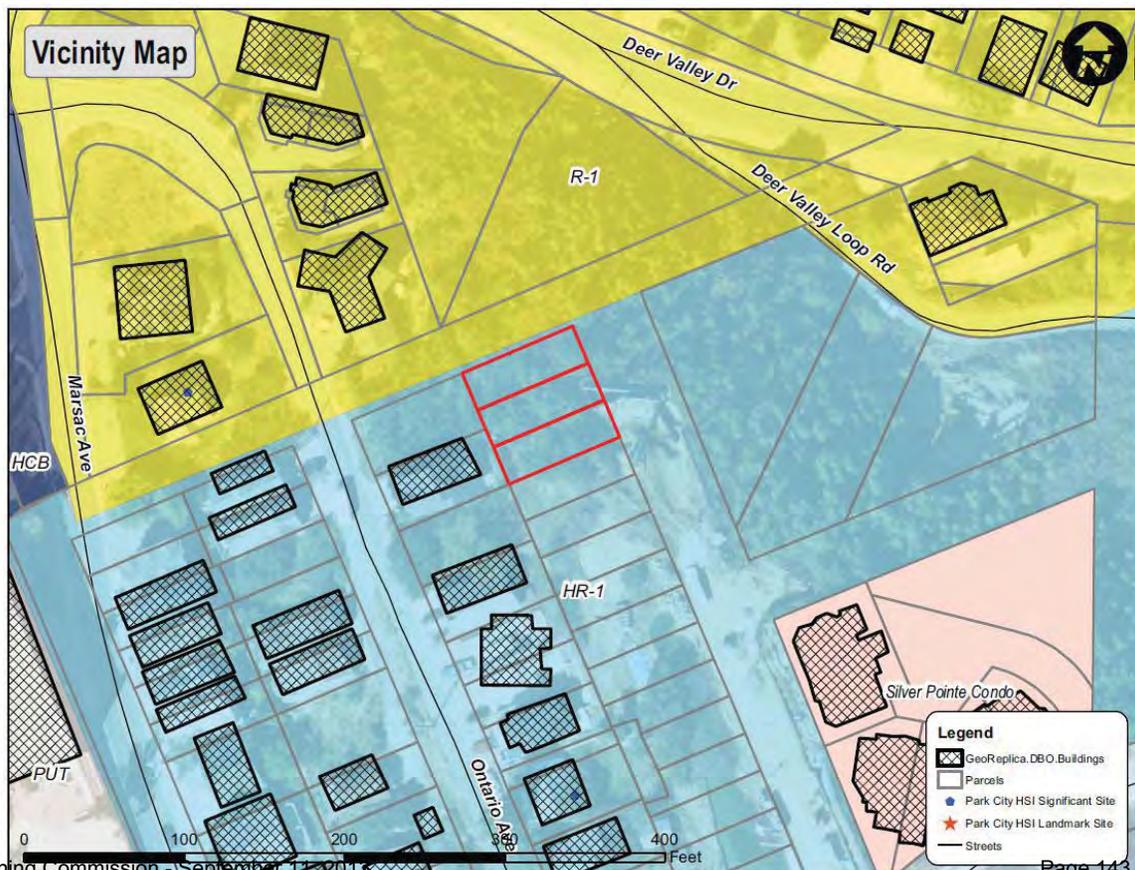
The applicant has indicated that he would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)

Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are Old Town lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds that the proposed plat amendment will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood composed of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots on Ontario Avenue towards the west consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots towards the north (Roundabout Subdivision) and towards the east side, also within the HR-1 District, consist of much larger lots ranging from approximately 9,700 to 12,500 square feet. The lots towards the south on the west side of the road consists of standard Old Town Lots (25'x75'), however, the owner of these other lots has also filed a plat amendment application which proposes eight (8) residential units over approximately twelve (12) Old Town lots. The lots on the east side consist of much larger lots. The map below describes the character of the lots:



### Road Dedication

The existing improvements have complied with the required warranty period. In May 2013 the City Engineer recommended to the City Council to accept the improvements as a public street. The City Council continued this item to September 2013. The City Engineer has indicated that if the City Council does not accept the improvements as a public street, it would become a private drive. The City Engineer also recommended to officially change the name to Echo Spur Drive.

The Land Management Code (LMC) indicates that no building permit shall be issued for a Lot unless such Lot has frontage on a street shown as a private or public street. Staff recommends adding a condition of approval which would indicate that before a building permit can be issued, the street shall be either a private drive or a public street. Staff also recommends adding another condition of approval which indicates that the access to the site shall not take place over platted Fifth Street (formerly Third Street) per the previous Planning Commission comments.

### 2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lied within the wire fence and shed, over lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19 of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City did not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and Kelleher) shall proceed forward with the Alternative Development and shall transfer the disputed property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

### Ridgeline Development/Vantage Point Analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

*“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning*

*Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”*

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]).

The LMC definition of Vantage Points outlines ten (10) specific sites including across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that across valley view has to be at an approximate elevation. The LMC indicates that their function is to assist in analyzing the visual impact of development on hillsides and steep slopes.

The applicant has submitted several exhibits showing renderings (see Exhibit I – Enlarged Artistic Renderings), the proposed structure from six (6) sites on Deer Valley Drive and (see Exhibit J – Deer Valley Drive Site Analysis). The applicant also submitted several photographs across valley view, from PCMR looking east and from the Arie/Masonic Hill (sees Exhibit K – Vantage Point Analysis). Both of these photographs taken at the approximately elevation do not show the proposed structure (development) breaking the skyline from these designated vantage points.

The LMC defines a Ridge Line Area as the “top, ridge or Crest of Hill, or Slope” plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three (3) sides of this site.

Staff does recognize the need to mitigate for proper drainage, steep slopes, etc., and thus Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen (16) lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. The east side of Ontario contains the following:

Plat amendment/ Lot combination	Number of lots	Lot width	Lot area (square feet)
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		(feet)	
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

\*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to “remove” the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

Staff recommends that additional restrictions need to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation).

Staff recommends adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation.

#### Possible Plat Amendment to the South

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to re-subdivide in the form of a condominium Record of Survey at a later date. This property owner requests to build eight (8) single family dwellings over the 12 lots. This proposal includes no curb cuts as it has one (1) shared underground access and the units are platted in the form of Record of Survey, privately owned while the yards, etc., are platted as common ownership. See June 26, 2013 Staff Report – Echo Spur Subdivision within this same packet. However, this application is independent of development to the South.

#### Traffic & Access

Staff finds that traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street). This ROW has not been built and the City does not plat to build this a road. The Planning Commission indicated that if this application is approved access to platted Fifth Street should be prohibited. Staff has added this provision as a conditional of approval.

### Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The LMC currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There are areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. Prior to the issuance of a Historic District Design Review (HDDR) or a building permit, the applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation.

### Good Cause

Staff finds good cause for this plat amendment as the reconfiguration will lessen the impact of the future structures as viewed from Deer Valley Drive at the round-about. The larger lot created by the reconfiguration allows the neighborhood to provide better transition from the historic Old Town layout containing 25' x 75' platted lots to larger lots east and north of the area.

### Process

This recommendation will be forwarded to City Council to make a determination on the plat amendment application. Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a HDDR application and ultimately a building permit application. The approval of this plat amendment application by the City Council

constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Lot 17, 18, and 19 Echo Spur Development Replat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat and provide specific direction regarding additional information needed to make a recommendation.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The lots would remain as is and no construction could take place across the existing lot lines. The three (3) lots are currently platted Old Town lots of record and could be built upon. The property owner could extend access of the current road (Echo Spur Drive) to Lot 17 and 18 since the road was only completed to reach lot 19. The property owner could also build platted Fifth Street (formerly Third Street) from Ontario Avenue to get access for Lot 17 from the North.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006  
Exhibit D – County Tax Map  
Exhibit E – 09.12.2012 Staff Report  
Exhibit F – 09.12.2012 Planning Commission Meeting Minutes  
Exhibit G – 12.12.2012 Staff Report  
Exhibit H – 12.12.2012 Planning Commission Meeting Minutes  
Exhibit I – Enlarged Artistic Renderings  
Exhibit J – Deer Valley Drive View Site Analysis  
Exhibit K – Vantage Points Analysis – Across Canyon View  
Exhibit L – Site Plan  
Exhibit M – Elevations

Exhibit A – Draft Ordinance with Proposed Plat

**Ordinance No. 13-XX**

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 12, 2012, a work session discussion on December 12, 2012, and a public hearing on June 26, 2013 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 26, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on \_\_\_\_\_, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

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

SECTION 1. APPROVAL. The Lot 17, 18, and 19 Echo Spur Development Replat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.

6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street).
16. Platted Fifth Street has not been built and the City does not plat to build this a road.
17. When the road and utilities were built in 2009, the topography was slightly altered.
18. The highest point on the site is six feet (6') higher than the October 2006 survey.
19. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
20. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
21. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).
22. Traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

#### Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the

requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Before a building permit can be issued, the street shall be either be identified as either private drive or a public street.
4. Access to the site shall not take place over platted Fifth Street (formerly Third Street).
5. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
6. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
7. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
8. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
9. Modified 13-d sprinklers will be required for all new construction.
10. The north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
11. A note on the plat shall be placed which will limit development to a single family dwelling.

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

PARK CITY MUNICIPAL CORPORATION

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Dana Williams, MAYOR

ATTEST:

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Jan Scott, City Recorder

APPROVED AS TO FORM:

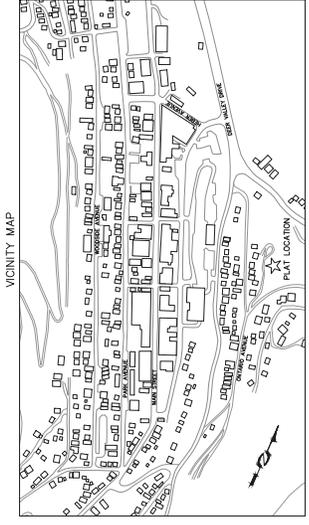
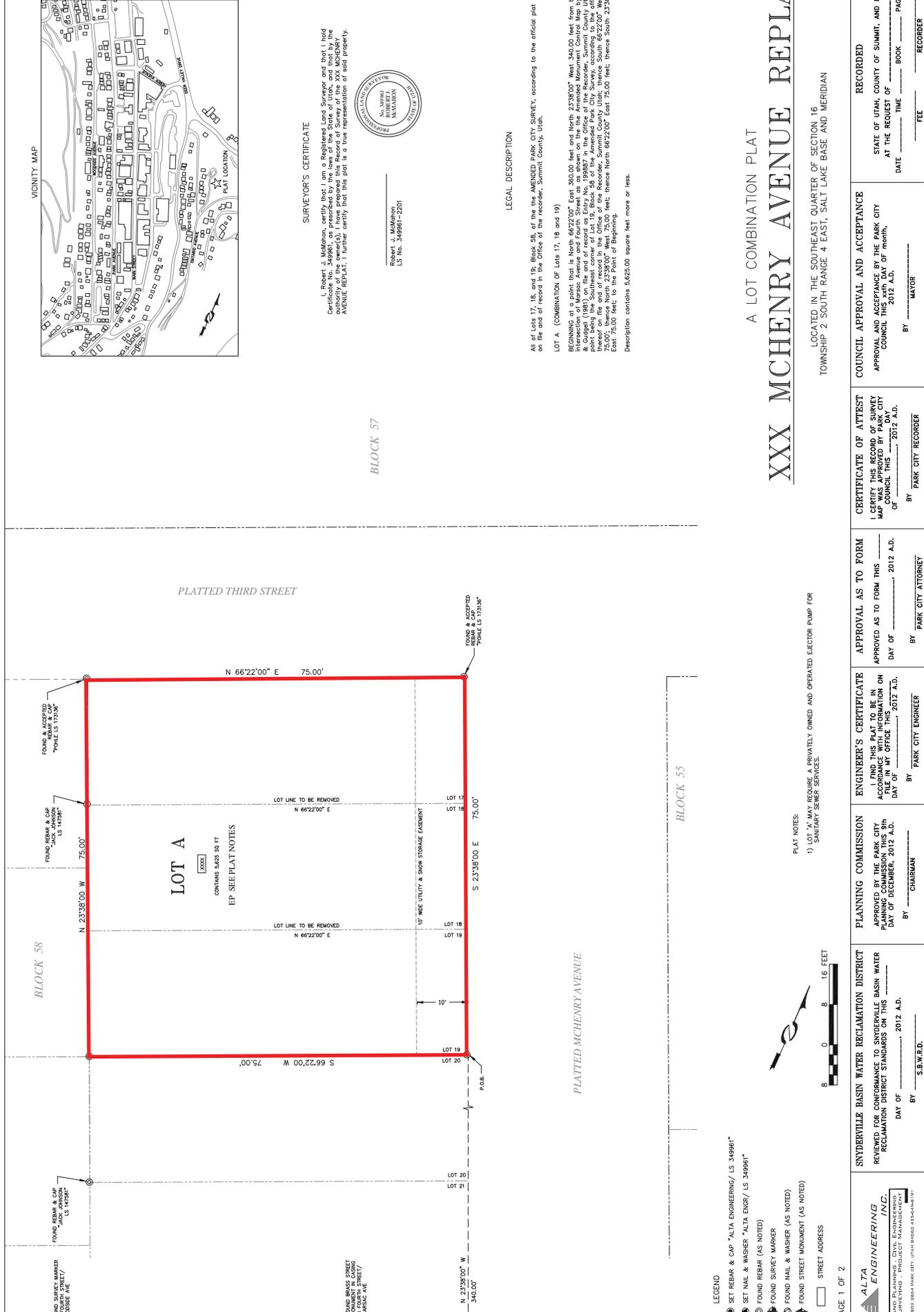
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Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment A - Proposed Plat

Planning Commission September 11, 2013



**SURVEYOR'S CERTIFICATE**

I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961, as prescribed by the laws of the State of Utah, and that by the authority of the owners, I have prepared this Record of Survey of the XXX MCHENRY AVENUE REPLAT. I further certify that this plat is a true representation of said property.

Robert J. McMahon  
 LS No. 349961-2201



**LEGAL DESCRIPTION**

All of Lots 17, 18, and 19, Block 58, of the the AMENDED PARK CITY SURVEY, according to the official plat thereof, as the same of record in the Office of the Recorder, Summit County, Utah.

LOT A (COMBINATION OF Lots 17, 18 and 19)

BEGINNING at a point that is North 66°22'00" East 360.00 feet and North 23°38'00" West 340.00 feet from the intersection of Mchenry Avenue and Fourth Street as shown on the the Amended Monument Control Map by Bush & Associates, Inc. dated 08/22/07; thence North 66°22'00" East 75.00 feet to the corner of the official plat thereof; thence South 66°22'00" West 75.00 feet to the Point of Beginning; thence North 66°22'00" East 75.00 feet; thence South 23°38'00" East 75.00 feet; to the Point of Beginning.

Description contains 5,625.00 square feet more or less.

- LEGEND**
- SET REBAR & CAP "ALTA ENGINEERING/ LS 349961"
  - ⊙ SET NAIL & WASHER "ALTA ENGR/ LS 349961"
  - ⊙ FOUND REBAR (AS NOTED)
  - ⊙ FOUND SURVEY MARKER
  - ⊙ FOUND NAIL & WASHER (AS NOTED)
  - ⊙ FOUND STREET MONUMENT (AS NOTED)
  - STREET ADDRESS



**PLAT NOTES:**

1) LOT 'A' MAY REQUIRE A PRIVATELY OWNED AND OPERATED EJECTOR PUMP FOR SANITARY SEWER SERVICES.

**XXX MCHENRY AVENUE REPLAT**

A LOT COMBINATION PLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16  
 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>DATE _____ TIME _____ BOOK _____ PAGE _____</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST</p> <p>I HEREBY CERTIFY THAT THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>ENGINEER'S CERTIFICATE</p> <p>ENGINEER THIS PLAT IS IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ CHAIRMAN</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF DECEMBER, 2012 A.D.</p> <p>BY _____ CHAIRMAN</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ S.W.R.D.</p>	<p>ALTA ENGINEERING INC.</p> <p>LAND SURVEYING CIVIL ENGINEERING PROJECT MANAGEMENT</p> <p>BURNING WOOD PROJECT MANAGEMENT</p> <p>PO BOX 2884 PARK CITY, UTAH 84302-2884</p>
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OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Ryan Blibrey, Managing Member, L.L.C. a Utah Limited Liability Company, the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recording of this Lot Line Adjustment Plat. Also, the owners of their representative, hereby irrevocably offer for dedication to the City of Park City all streets, land for local government uses, easements, poles, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Ryan Blibrey, Managing Member

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Ryan Blibrey personally appeared before me, the undersigned Notary Public, in and for said state and county, Ryan Blibrey, having been duly sworn, acknowledged to me that he is the Managing Member of Ryan Blibrey Holdings, L.L.C., a Utah Limited Liability Company, owner of the above described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Stephen Connolly personally appeared before me, the undersigned Notary Public, in and for said state and county, Stephen Connolly, having been duly sworn, acknowledged to me that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the XXX MCHENRY AVENUE REPLAT, do hereby certify that I have caused this Lot Line Adjustment Plat to be prepared, and I, Stephen Connolly hereby consent to the recording of this Lot Line Adjustment Plat. Also, the owners of their representative, hereby irrevocably offer for dedication to the City of Park City all streets, land for local government uses, easements, poles, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Stephen Connolly

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Stephen Connolly personally appeared before me, the undersigned Notary Public, in and for said state and county, Stephen Connolly, having been duly sworn, acknowledged to me that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Dali Investments, L.L.C. a Utah Limited Liability Company, the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recording of this Lot Line Adjustment Plat. Also, the owners of their representative, hereby irrevocably offer for dedication to the City of Park City all streets, land for local government uses, easements, poles, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Jennifer Ann Blibrey, Managing Member

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Jennifer Ann Blibrey personally appeared before me, the undersigned Notary Public, in and for said state and county, Jennifer Ann Blibrey, having been duly sworn, acknowledged to me that she is the Managing Member of the Dali Investments, L.L.C., a Utah Limited Liability Company, owner of the herein described tract of land and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Connie Blibrey personally appeared before me, the undersigned Notary Public, in and for said state and county, Connie Blibrey, having been duly sworn, acknowledged to me that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

XXX MCHENRY AVENUE REPLAT

A LOT COMBINATION PLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

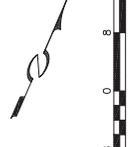
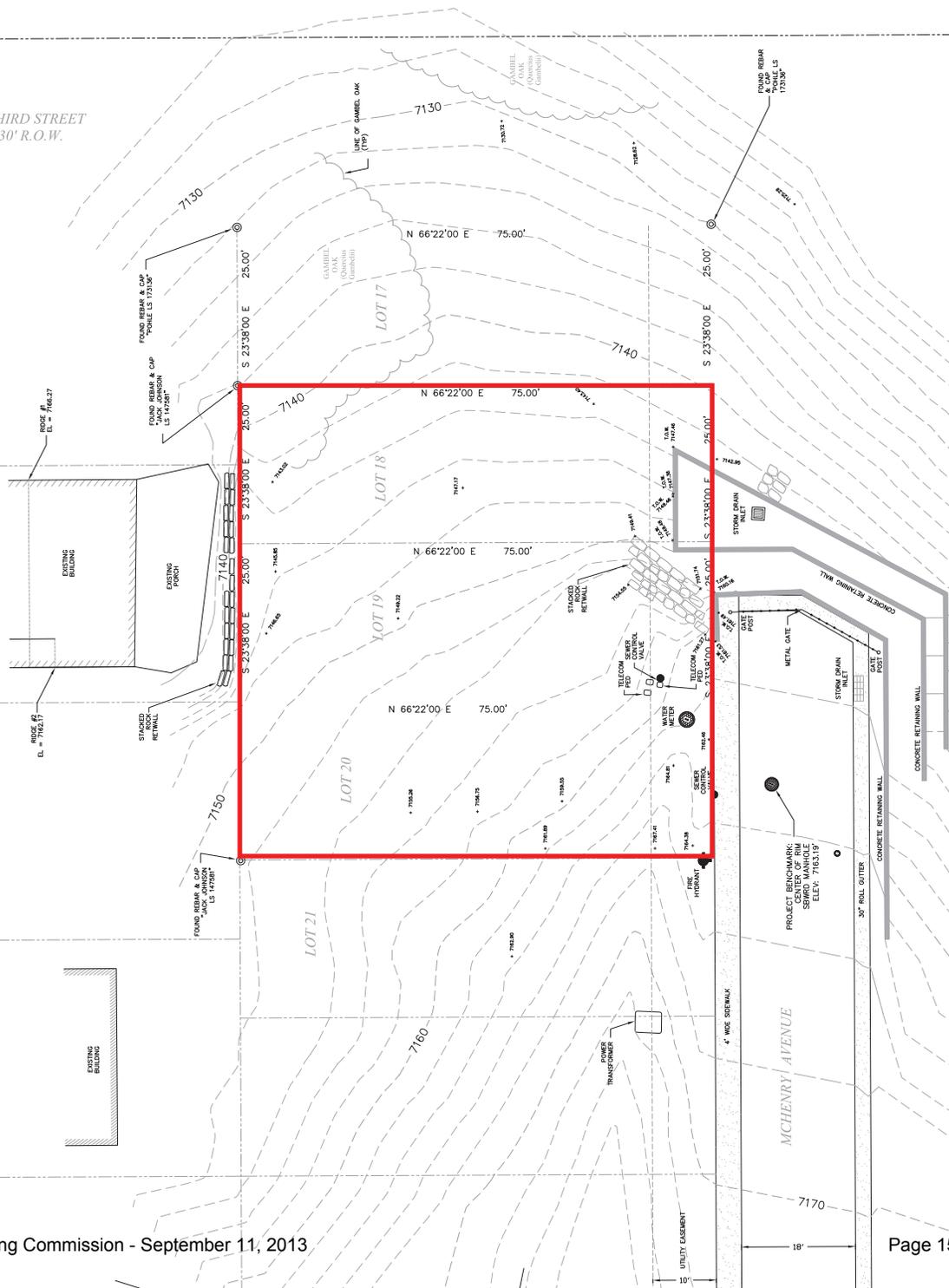
PREPARED BY ALTA ENGINEERING INC. CIVIL ENGINEERING & LAND PLANNING SURVEYING & PROJECT MANAGEMENT 100 SOUTH 200 EAST, SUITE 200, PARK CITY, UTAH 84302-2000

THIRD STREET  
30' R.O.W.

BLOCK 58

BLOCK 57

BLOCK 55



**SURVEYOR'S CERTIFICATE**

I, Robert J. McMahon, do hereby certify that I am a registered professional engineer and land surveyor in the State of Utah, and that I am duly qualified to perform the duties of a surveyor. I further certify that a topographic survey has been made of the lands shown on this map, and that the same is a correct representation of the lands shown at the time the field work was completed.



Robert J. McMahon  
LS No. 346981-2201

**LEGAL DESCRIPTION**

All of Lots 17, 18, and 19, Block 58, of the AMENDED PARK CITY SURVEY according to the official plat thereof, file one of record in the Office of the Recorder, Summit County, Utah.

**LEGEND**

© FOUND REBAR AND CAP (AS NOTED)

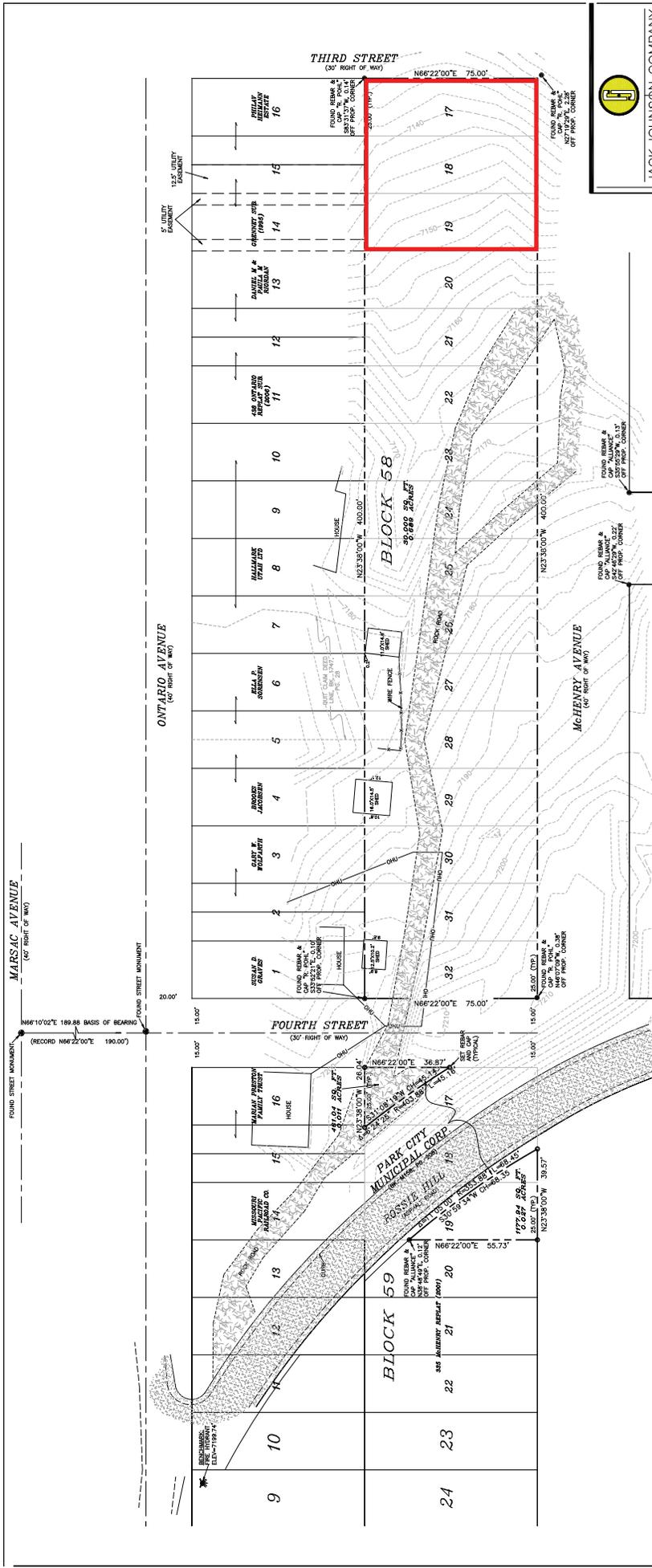
**NARRATIVE:**

- 1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- 2) Property corners were not set as part of this topographic survey.
- 3) The Basis of Bearing of this survey, North 66°37'10" East between Found Survey Marker #1 Fourth Street and Woodside Avenue between Found Survey Marker #1 and Found Survey Marker #2 on a stone on the Monument Control Map by Bush & Goudell (1987) on file and of record in the Office of the Recorder, Summit County, Utah.
- 4) Project Elevation: Center of cover of SBIRD Manhole as noted Elevation = 7163.19'
- 5) Date of field survey, May 30, 2012, and July 20, 2012
- 6) The architect/owner is responsible for verifying building setback/ zoning requirements and building heights.

LOTS 17-19, BLOCK 58  
PARK CITY SURVEY  
EXISTING CONDITIONS &  
TOPOGRAPHIC SURVEY

FOR: CONNIE BILLBERRY  
JOB NO.: 07-1201





**ALTA/ACSM LAND TITLE SURVEY FOR  
LOTS 17-32, BLOCK 58 & LOTS 17-19, BLOCK 59  
OF THE AMENDED PLAT OF PARK CITY  
LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH**

- NARRATIVE.**
1. THE SURVEY WAS PREPARED FOR PARK CITY REAL ESTATE AND DEVELOPMENT.
  2. THE BASIS OF BEARING WAS ESTABLISHED FROM FOUND STREET MONUMENTS AS SHOWN.
  3. THE BENCH MARK FOR THIS PROJECT IS A IRON INGRANT AT THE INTERSECTION OF ROSSE HILL AND ONDARO AVENUE. THE BENCHMARK ELEVATION = 7199.24'
  4. THE SURVEY WAS BASED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE AGENCY, LLC, OWNER NO. 041-175940 FIRST AMENDED, ISSUE DATE SEPTEMBER 22, 2006. ITEMS DEPICTED AS PR # REFER TO SCHEDULE R, SECTION 2, EXCEPTIONS TO SAID TITLE COMMITMENT.
  5. SPECIFIC TITLE COMMITMENT EXCEPTION ITEMS ARE AS FOLLOWS:
    - A. PR. ITEMS #1-14 ARE NOT PLATTABLE MATTERS.
    - B. PR. ITEMS #15-16 ARE NOT PLATTABLE MATTERS.
    - C. PR. ITEMS #17-19 ARE NOT PLATTABLE MATTERS.
    - D. PR. ITEMS #20-32 ARE NOT PLATTABLE MATTERS.
  6. THE SURVEY WAS BASED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE AGENCY, LLC, OWNER NO. 041-175940 FIRST AMENDED, ISSUE DATE SEPTEMBER 22, 2006. ITEMS DEPICTED AS PR # REFER TO SCHEDULE R, SECTION 2, EXCEPTIONS TO SAID TITLE COMMITMENT.
  7. THERE IS NO ORIGINABLE EVIDENCE OF SITE USED AS A SOLID WASTE DUMP, SLUMP, OR SHANTY LANDFILL.
  8. DUE TO THE LACK OF ORIGINAL MONUMENTS, PREVIOUS SURVEYS IN THE AREA AS WELL AS EXISTING IMPROVEMENTS WERE USED IN DETERMINING THE BOUNDARY OF THE ABOVE PARCEL. ALL EVIDENCE USED IS CLEARLY SHOWN ON SURVEY.
  9. THERE ARE MANY ENCROACHMENTS ALONG THE WESTERLY LINE OF THE PROPERTY AS SHOWN ON THE SURVEY. THIS SURVEY DOES NOT ADDRESS THESE ENCROACHMENTS. IT ONLY SHOWS THAT THEY EXIST.

**BOUNDARY DESCRIPTION:**

ALL OF LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND 32, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDS OFFICE.

TOGETHER WITH AN EASEMENT FOR UTILITIES, INCLUDING SEWER AND WATER LINES OVER THE PORTION LOCATED WITHIN THE BOUNDARY RIGHTS OF WAY AS EXPRESSED IN THOSE CERTAIN DOCUMENTS ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDS OFFICE, EXCEPTING THEREFROM ANY PORTION LOCATED WITHIN THE BOUNDARY RIGHTS OF WAY AS EXPRESSED IN THOSE CERTAIN DOCUMENTS ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDS OFFICE, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDS OFFICE.

**SURVEYOR'S CERTIFICATE.**

TO PARK CITY REAL ESTATE AND DEVELOPMENT & FIRST AMERICAN TITLE INSURANCE AGENCY, LLC:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PROFESSIONAL SURVEYING ACT, CHAPTER 10, SECTIONS 10-15, 10-16 & 10-19 OF A TITLE INSURANCE POLICY AND THE ACCURACY FURTHER CERTIFIED THAT IN MY PROFESSIONAL OPINION, THE SURVEY ACCORDS WITH THE REQUIREMENTS OF THE UTAH PROFESSIONAL SURVEYING ACT. THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

**VICINITY MAP**

SCALE: 1" = 20'

**JACK JOHNSON COMPANY**  
 Deserving World Delineations  
 1000 West 1000 South, Suite 100, Park City, Utah 84302  
 Telephone: 435.246.4300 • Fax: 435.246.4301 • Website: www.jackjohnson.com

DATE	DESCRIPTION
10/20/2011	CONTRACT
10/20/2011	FIELD
10/20/2011	OFFICE
10/20/2011	REVISION
10/20/2011	DATE
10/20/2011	BY
10/20/2011	CHK
10/20/2011	APP
10/20/2011	DATE
10/20/2011	BY
10/20/2011	CHK
10/20/2011	APP

**ALTA/ACSM SURVEY**  
**LOTS 17-32, BLOCK 58 & LOTS 17-19, BLOCK 59**  
**PARK CITY, UT**

**1 OF 1**



## Planning Commission Staff Report



**Application #:** PL-12-01629  
**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Replat  
**Author:** Francisco Astorga, Planner  
**Date:** September 12, 2012  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### Description

**Applicant:** Leeto Tlou  
**Location:** Lots 17 – 19, Block 58, Park City Survey  
489 McHenry Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

### Proposal

The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.

### Purpose

The purpose of the Historic Residential (HR-I) 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 August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

## **2007 Plat Amendment**

In April 2007, the City received an application for a plat amendment to lots 17-32, Block 58 of the Park City Survey. The applicant proposed to combine the sixteen (16) lots into seven (7) lots; four (4) of the lots were of sufficient size to have a duplex built on each although one lot was proposed to be deed restricted to a single unit. Ten (10) units were possible.

In July 2007, the Planning Commission discussed the original submittal at both a work session and public hearing. The primary issue at that time was the vacation of platted, but un-built McHenry Avenue adjacent to the lots in question. At the hearing the Planning Commission requested a joint hearing with the City Council to get direction on the street vacation request. The joint meeting was held in August 2007. Based on the outcome of the joint meeting, the applicant revised their plans and was no longer requesting the vacation of McHenry but requested to construct an access road within the right of way.

In May 2008, the Planning Commission reviewed the applicant's additional request of the street vacation of platted Fourth Street (approximately 1,831 square feet) in exchange for a dedicated access and paved drive for neighboring Ontario Avenue lots (approximately 1,875 square feet). A second driveway between Lots 5 and 6 would be platted as an easement to provide necessary fire truck turnaround.

The revised application also reflected a dedication of land to Ella Sorenson, owner of property fronting Ontario Avenue but with historical access and use of land on the eastern border of her property. Also shown was possible widening of Rossi Hill Drive for street parking between platted McHenry and Lot 13, block 59. As the City does not have right of way across Lot 14, block 59, except by prescriptive use, this pullout was likely to be shorter than proposed. The Planning Commission voted unanimously to direct staff to prepare findings for a negative recommendation to the City Council. In July 2008, the application was withdrawn by the applicant.

## **2010 Plat Amendment**

In March 2010, the City received another application for a plat amendment to lots 17-29, Block 58 of the Park City Survey. This proposed plat reconfigures the thirteen (13) lots into nine (9) lots. The developer was in the final stages of improving McHenry Avenue on the east side of the property. In March 2010 the Planning Commission reviewed the application for compliance with the Land Management Code in regards to lot combination, access and lot layout during a work session and provided feedback to the applicant.

In 2011 the applicant amended their application to only include the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The applicant requested approval to re-plat the three (3) lots of record into two (2) lots equally divided, on a north and south alignment parallel to Echo Spur Drive, creating two (2) lots with 37.5'x75' dimensions each. This application was later withdrawn by the applicant.

**Analysis**

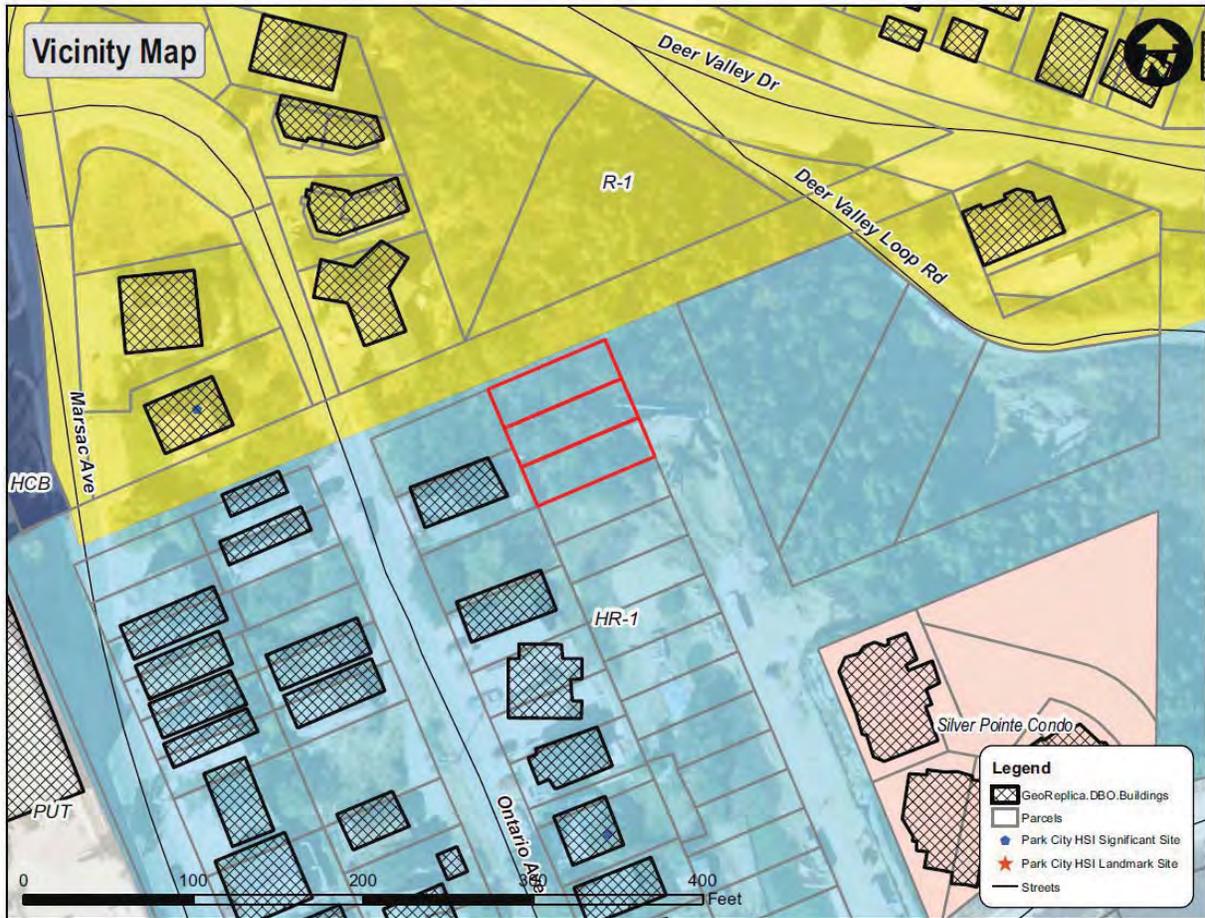
The current proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

The applicant has indicated that they would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)
Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots on the east side, also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. See Exhibit below showing the character of the lots:



### Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The Land Management Code (LMC) currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There appear to be areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. The applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the

topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation.

#### Ridge Line Development

The LMC indicates that ridges shall be protected from development, which development would be visible on the skyline from the designated vantage points in Park City (LMC § 15-7.3-2[D]). The LMC defines a ridge line area as *the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.*

LMC § 15-7.3-1(D), under Restrictions due to Character of the Land indicates that land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, physical mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

**Discussion requested: Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. Does the Planning Commission concur with Staff related to the requested increased setback area?**

#### Square footage

The LMC indicates that the maximum dwelling or unit square footage may be required to be placed as a note on the plat. Limited building heights may also be required for visually sensitive areas.

**Discussion requested: Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum square footage in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). The property owner indicated that they would like to build a single**

family dwelling ranging from 3,000-4,000 square feet. Staff recommends adding a note on the plat limiting the gross maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?

### **Good Cause**

Staff finds good cause for this plat amendment as the reconfiguration will lessen the impact of the future structures as viewed from Deer Valley Drive at the round-about. The larger lot created by the reconfiguration allows the neighborhood to provide better transition from the historic Old Town layout containing 25' x 75' platted lots to larger lots east and north of the area.

### **Process**

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and provide specific direction regarding additional information needed to make a recommendation.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The lots would remain as is and no construction could take place across the existing lot lines. The lots are currently platted lots of record. The property owner would have to extend access of the current road since the road was only completed to reach lot 19.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions & Topographic Survey
- Exhibit C – ALTA/ACSM Survey dated October 2006
- Exhibit D – County Tax Map

Exhibit A – Draft Ordinance with Proposed Plat

**Ordinance No. 12-\_\_**

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 12, 2012 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on \_\_\_\_\_, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on \_\_\_\_\_, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

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

**SECTION 1. APPROVAL.** The Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.

7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. When the road and utilities were built in 2009, the topography was slightly altered.
16. The highest point on the site is six feet (6') higher than the October 2006 survey.
17. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
18. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
19. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).

#### Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
4. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
5. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
6. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
7. Modified 13-d sprinklers will be required for all new construction.
8. the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

8. Modified residential 13-D sprinklers shall be required for all new construction.
9. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
10. The plat shall include an encroachment easement for the Quittin' Time condominiums wood step and foot path from the step to the north property line.
11. The plat shall contain a note indicating that the northwest area of the Lot is identified as year-round access to adjacent neighbors.
12. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall include the method and means of protecting the historic house during construction.
13. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
14. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
15. Conditions of Approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
16. All Standard conditions of approval shall apply.
17. The applicant stipulates to these conditions of approval.

**4. Echo Spur, Lots 17-19 – Plat Amendment  
(Application #PL-12-01629)**

Planner Francisco Astorga reviewed the application to reconfigure Lots 17, 18 and 19 of Block 58 of the Park City Survey. The site is located north of the intersection of Rossi Hill Drive and platted McHenry. The street is currently platted as McHenry Avenue and that will be the official address until the City Engineer changes the name to Echo Spur. Per the City Engineer, this plat amendment is to be referred to as Lots 17, 18 and 19, Echo Spur development replat. The applicant, Leeto Tlou purchased the property in August and is now the owner of Lots 17, 18 and 19.

Mr. Astorga stated that Mr. Tlou filed an application for a plat amendment to combine the three lots of record into one lot. These lots are part of the Historic Park City Survey. The proposed lot would contain 5,625 square feet.

Planner Astorga reviewed the history of the 2007 and 2010 applications that were submitted by the previous property owner. He noted that both applications were eventually withdrawn and no official action was taken. One of the previous applications included up to 16 lots. The other application started with 16 and was later revised to the same three lots as the current application.

Planner Astorga reported that the minimum lot area for a single family dwelling is 1875 square feet, and the standard configuration of a 25' x 75' lot. The minimum lot area for a duplex is 3750 square feet. Planner Astorga stated that the current proposed lot area was 5,625 square feet, which meets the criteria for a duplex. However, a duplex is a conditional use and would require approval by the Planning Commission. At this point, the applicant was not requesting a duplex.

Planner Astorga reviewed the requirements of the HR-1 zone, as outlined on page 181 of the Staff report. He stated that the building footprint formula would trigger approximately 2,000 square feet maximum due to the lot combination.

Planner Astorga outlined three discussion items for the Planning Commission. Due to the regulation of the building footprint and the limit of three stories under the current Code, they could potentially see a 6,000 square foot building. Gross floor area is not regulated in the HR-1 District, but it is indirectly regulated through the footprint and the maximum number of stories. The Staff report contained an analysis of the sites on Ontario Avenue, where most of the properties have a combination of 1-1/2 lots, which triggers a footprint of 1,200 square feet. Given that number, times the number of stories, the Staff recommends adding a regulation that would cap the gross floor area to approximately 3600 square feet to be more compatible with the Ontario Avenue area. Planner Astorga pointed out that there were larger lots of record east of the subject area which trigger a larger footprint.

Planner Astorga reported that the applicant disagreed with his recommendation and he would let Mr. Tlou explain his plan. Planner Astorga requested input from the Planning Commission on whether the additional limitation was appropriate in conjunction with this plat amendment.

Planner Astorga commented on the second discussion item. Ridgeline development per the LMC indicates that the Planning Commission may add additional restrictions in specific ridgelines. He pointed out that these were historic platted lots of record and the City has approved development in the past on both the Ontario side of this neighborhood and Silver Pointe MPD that was approved with the larger lots on the west side of McHenry. However, in order to mitigate for proper drainage, steep slopes, etc., the Staff requests that the north side yard minimum be increased to 15' on that side, plus the other five per Code. The Code requires 18' total, however, the Staff was requesting 20' on the north side.

The third discussion item related to height and topography. The Staff was able to find a survey dated 2006, which indicated that the older survey had a different highest point on this site, mainly due to the construction of the road. The Staff recommended measuring the maximum height from the older survey because it has a lower elevation.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the items outlined, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Leeto Tlou, the applicant, has lived in Park City for ten years. He did not have issues with the Staff report and the disagreement with Planner Astorga was actually a minor conversation. Mr. Tlou commented on the setbacks. He stated that the designs were not set at this point and he was unsure how the setbacks would work. He asked if the 15' setback increase would be set with the plat amendment or not until the CUP. Mr. Tlou referred to the 3600 square foot maximum. He was not interested in building a 6,000 square foot home, but as indicated in the Staff report, he was considering a 3,000 to 4,000 square foot house. When he communicated that to the Staff, he neglected to communicate conditioned versus unconditioned space. He was unsure whether additional square footage for a garage would be available.

Planner Astorga remarked that Criteria 7 of the Steep Slope Conditional Use permit indicates that the Planning Commission may add additional setbacks to designs through the CUP.

Commissioner Hontz asked if the roundabout at Deer Valley Drive was a designated vantage point. Planner Astorga looked it up in the Land Management Code and found that it was not a vantage point.

Commissioner Hontz understood that the improvements and the conditions regarding the road had not been dedicated to the City. City Engineer, Matt Cassel, replied that the road had not been dedicated yet. He explained that the applicant is currently in a warranty period that ends in November. If everything goes well, it would go before the City Council for dedication in December or January. Commissioner Hontz commented on past issues with retaining. She understood that if everything goes well, the City would accept those improvements and it would become a public street. Mr. Cassel replied that this was correct. Commissioner Hontz wanted to know what could happen with platted Third Street to the north of Lot 17. Mr. Cassel stated that it is too steep for a road, but it could be used as a utility corridor. Commissioner Hontz clarified that access to those lots would not take place off of that street, and she suggested making that a condition of approval. Commissioner Hontz thought the retaining wall was very noticeable from the Deer Valley roundabout and looked extremely tall. Mr. Cassel assumed she was talking about the lower concrete retaining wall at the bottom. He could not recall the height of the retaining wall. However, the landscaping that was put in had died and new landscaping would need to be established. The purpose of the landscaping is to help hide the retaining wall. Commissioner Hontz asked how the lot would gain access. Mr. Cassel stated that there is enough space to get on to Lot 19 and access from there. Commissioner Hontz stated that until the time when the City accepts the improvements to make that Echo Spur, she assumed they could still access along the private road. Commissioner Hontz asked if there was a bond for replanting the landscaping. Mr. Cassel answered yes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Hontz stated that in researching the public data base, she found a development in the land use agreements related to lots in this vicinity that could potentially affect access or relationship with the Echo Spur lot. She had presented the information she found to the Legal Department. Commissioner Hontz recommended that the Planning Commission continue this item to allow time for our legal counsel to review and confirm that it may or may not have impacts to the relationship with these properties. Her interpretation is that it does and that causes her concern.

Commissioner Hontz rejected the notion that this was not part of a ridgeline, based on the Land Management Code. She stated that LMC 15-7.3-1(D) is important when taking into account the very sensitive nature of this particular area. She understood that the surrounding area has been developed and much of that occurred prior to the most recent LMC amendments. Commissioner Hontz concurred with the Staff recommendation regarding the setback area. Commissioner Hontz also concurred with the Staff request for additional limitations on maximum square footage. She was very concerned about the vantage point because it is very abrupt looking from the roundabout. If you can see the retaining wall, the house would be much more visible.

Commissioner Hontz pointed out that these are lots at the end of what may be a future subdivision. As shown in the Staff report, it comes with a variety of configurations. She felt it was difficult to take the step to look at these lots with an existing land use agreement in place that would affect the lots, but secondly, it would set precedent for five to six lots leading up to this. She did not understand the impacts to the neighborhood and the surrounding area and that should be taken into account based on what the Planning Commission is allowed to do under good cause and the purpose statements of the HR-1 District.

Commissioner Thomas believed the issues warranted a group site visit, and possibly looking at the property with balloons flying from the site at a reasonable structure height to consider the visual impacts.

Commissioner Strachan agreed that a site visit would be worthwhile. He would like to see exactly where the building footprint would be with the new proposed setbacks. He was particularly concerned with the north side. In addition to view issues, there were also major issues in terms of drainage and topography that a site visit would allow them to digest. Commissioner Strachan echoed Commissioner Hontz regarding a precedent that could be set for nearby lots. One of the requirements for good cause for plat amendments is to utilize best planning practices. A best planning practice would be to see how this would align with the other lots that may be developable in the Echo Spur area. He was unsure how to look that far into the future. Commissioner Strachan did not think they could say that Lot 17, 18, and 19 could be combined into one lot and disregard Lots 20, 21 and 22 when they will probably end up using the same access point of the newly constructed and to be dedicated road. Commissioner Strachan believed the plat amendment needed to be looked at from a larger perspective than just lots 17, 18 and 19. The Code allows it and directs them to use best planning and design practices, resolve existing issues and non-conformities and to provide positive benefits and mitigate negative impacts. Commissioner Strachan directed the Staff to look at the status of Lots 20 and 21 and what implication this plat amendment would have for those lots.

Planner Astorga stated that the Staff would look at the land use agreement Commissioner Hontz mentioned. He noted that Lot 20 is currently owned by Mike Green and he plans to build one single family dwelling. Lots 21-32 are currently owned by Sean Kelleher. He has come in many times, but has not committed to submitting a plat amendment to combine lots to build single family dwellings.

Commissioner Strachan thought it would be worthwhile for the Planning Commission to look at the old plat amendment submittals from Kelleher and Bilbrey. It would at least give them an idea of what could be done and how it would work with the plat amendment to combine Lots 17, 18 and 19. Commissioner Strachan stated that the impact of a home on Lots 17, 18 and 19 may not be significant in and of itself, but the homes that could be built on the rest of the lots cumulatively could significantly disrupt the vantage point on Deer Valley Drive.

Commissioner Strachan recommended that the Staff bring this back for a work session. The suggestion was made to schedule a site visit and the work session on the same night. Planner Astorga requested that the item be continued to a date uncertain to give the applicant and his architect time to come up with a preliminary design for the Planning Commission to review.

MOTION: Commissioner Strachan moved to CONTINUE this item to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 200 Ridge Avenue - Subdivision  
(Application #PL-10-00977)**

Planner Evans reviewed the request for a plat amendment to combine 9 Old Town lots and approximately 21 partial lots to create a six lot subdivision. The Planning Commission reviewed this application at three previous meetings. The applicant was proposing to create six lots ranging in size from 3,700 square feet to 6100 square feet. The minimum lot size in the HRL Zone is 3,750 square feet. Therefore, each proposed lot would meet or exceed the minimum.

Planner Evans reported that the application first came before the Planning Commission in June 2010 as a work session item. At that time the Planning Commission raised a series of issues outlined in the Staff report. The applicant came back on April 24, 2012 and the Planning Commission had additional concerns. The first was that the slope of each lot was very steep and questioned whether homes could be built on each lot without a variance. The second issue was that unplatted Ridge Avenue is very narrow and raised concerns regarding emergency access. The third issue related to mitigation and preservation of the existing vegetation on the site to accommodate six lots. There was concern about destabilizing the hillside and impacts to the homes on Daly Avenue. The fourth issue was that the concerns raised during the 2010 work session had not been addressed or mitigated. The fifth issue was that the proposed subdivision did not meet the purpose of the HRL zone, particularly with consideration to Section A of the purpose statement, which says to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. The last issue was that this

## Planning Commission Staff Report



**Application #:** PL-12-01629  
**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Re-plat  
**Author:** Francisco Astorga, Planner  
**Date:** December 12, 2012  
**Type of Item:** Administrative – Plat Amendment  
Site Visit and Work Session Discussion

### Summary Recommendations

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

### Description

**Applicant:** Leeto Tlou represented by Scott Jaffa, architect  
**Location:** Lots 17, 18, & 19, Block 58, Park City Survey  
489 McHenry Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

### Proposal

The proposal includes the consolidation of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) standard Old Town lots into one (1) lot of record to be able to build one single family dwelling.

### 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 August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Re-plat plat amendment. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

The Planning Commission reviewed this plat amendment request during the September 12, 2012 meeting. At this meeting the Commission continued this item to a date uncertain. During this meeting the Commission was concerned with the following:

- 2007 settlement agreement
- Ridgeline development/vantage point analysis
- Increased setback/maximum square footage limitations
- Future plat amendment to the south
- Footprint placement on the proposed lot

The September 12, 2012 Planning Commission staff report and meeting minutes are attached (see Exhibit A). The Commission recommended that this plat amendment be reviewed as a work session discussion as well as scheduling a site visit. Staff has prepared an analysis of the items mentioned above. Additional background information dating back to 2007 and 2010 can be found in the September 2012 Staff report (see Exhibit B).

**Analysis**

The current proposed plat amendment creates one (1) lot of record from three (3) Old Town legal lots of record, Lot 17, 18, & 19, Block 58 of the Park City Survey. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

The applicant has indicated that they would like to build a single family dwelling on the proposed lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)

Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, maximum
Number of stories	A structure may have a maximum of 3 stories
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are legal lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.



### 2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lies within the wire fence and shed, specifically over lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19 of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City does not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and Kelleher) shall proceed forward with the Alternative Development and shall transfer the Disputed Property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

### Ridgeline development/vantage point analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

*“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”*

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines a Ridge Line Area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. The Vantage Points LMC definition outlines ten (10) specific vantage points as well as across valley view. It also defines it as a height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes.

The applicant has submitted several exhibits showing the proposed structure on the proposed lot from six (6) vantage points on Deer Valley Drive as well as several renderings of the proposed structure (see Exhibit C - Vantage Point Analysis & Exhibit D - Renderings).

**Discussion requested:** Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three (3) sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. Does the Planning Commission concur with Staff related to the requested increased setback area? Does the Planning Commission consider the area of development a Ridgeline? If so, can the Commission provide direction as to how this can be mitigated?

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. This east side of Ontario contains the following

Plat amendment/ Lot combination	Number of lots	Lot width (feet)	Lot area (square feet)
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

\*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to "remove" the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

**Discussion requested:** Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this

site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). Staff recommends adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. **Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?**

#### Future plat amendment to the south

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to later re-subdivide at a later date (see Exhibit F - Adjacent Property Owner's future plans/statement). Please note that at this time the application for these adjacent lots has not been formally reviewed or approved. The property owner indicated in the past that he would like to build 7 - 9 single family dwellings over the 12 lots.

#### Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) subject lots, certified by a surveyor, which indicates the topography of the site. The Land Management Code (LMC) currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There appear to be areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. The applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation. **Does the Planning Commission concur with this condition of approval?**

### **Recommendation**

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

### **Exhibits**

Exhibit A – 9.12.2012 Planning Commission meeting minutes

Exhibit B – 9.12.2012 Staff Report & Exhibits including:

- Proposed Plat
- Existing Conditions & Topographic Survey
- ALTA/ACSM Survey dated October 2006
- County Tax Map

Exhibit C – Vantage Point Analysis

Exhibit D – Renderings

Exhibit E – Site, Floor, & Elevation Plans

Exhibit F – Adjacent Property Owner's future plans/statement

individual smaller components that are compatible with the District. The garage must be subordinate in design of the main building. Commissioner Strachan believed the language encourages having a separated garage. It would be hard to predict whether or not someone would try to enclose it eventually. Commissioner Strachan felt that overall the dwelling mass and volume was incompatible with the surrounding houses, with the exception of 205 Norfolk which should not be a basis for compatibility analysis. He views the analysis as a bell curve and the proposed project should be near the middle to be considered even close to compatible.

Mr. DeGray asked if the compatibility issue was the size of the building or the mass above grade. Mr. Strachan replied that it was mass of the building above grade. Mr. DeGray pointed out that the average for the area came in at 3700 square feet. The proposed project is larger at 4500 square foot gross, but they are comparable to the other structures at 60 Sampson, 50 Sampson and the recently approved projects at 16 Sampson and 201 Sampson. Commissioner Strachan remarked that the smaller structures such as the one at 41 Sampson are the ones that need to be taken into account. He clarified that in addition to the size above grade, it is also the size of the entire living space. Commissioner Strachan pointed out that the purpose statements in the Code do not differentiate between above grade and below grade. His primary concern was the massing above grade; however, the CUP process analysis will also look at the total area.

Commissioner Savage thought the applicant was in the zone they needed to be in as it relates to the comparables in that particular part of the neighborhood. The house looks nice and interesting and it appears to adapt to an extremely challenging lot situation. Commissioner Savage suggested that the applicant look at changing the façade of the home to make it look and feel more historic in terms of presentation. From his perspective, the design and configuration as proposed was not inconsistent with what exists in the neighborhood. He felt it was difficult to be consistent with a hodgepodge of structures.

Commissioner Hontz noted that page 73 of the Staff report showed the size of surface parking and asked for the dimensions. Mr. DeGray replied that it was 9' x 18'.

Vice-Chair Thomas agreed that it was a difficult argument to fit within the purpose statements and the burden was on the applicant to demonstrate compatibility with the historic fabric of the community in terms of mass, scale and height, and how it is consistent with the purpose statements. He noted that the Planning Commission has the purview to reduce height on a Steep Slope CUP and he would prefer to see the height reduced. Vice-Chair Thomas struggled with the drawings presented and questioned how it was not one house based on the design. The roof is connected to the elevator and the elevator is connected to the garage, which makes it one structure exceeding three stories. Vice-Chair Thomas felt the argument was whether or not this was one house.

Mr. DeGray stated that the deck and patio are required to meet setback requirements, which treats them like a structure. Having a deck or patio connect from an accessory structure to a main structure does not technically connect buildings. Vice-Chair Thomas understood the point Mr. DeGray was making, however, he wanted to see that defined in the drawings to prove his point. Planner Evans remarked that it would definitely be an issued if the foundation was connected. Mr. DeGray noted that the deck touches the elevator shaft, but it is an open air connection.

**Lot 17, 18 and 19 Echo Spur Development – Plat Amendment**

**(Application PL-12-01629)**

Planner Francisco Astorga noted that on September 12, 2012 the Planning Commission requested a site visit and work session for the Echo Spur Development Replat. The applicant also submitted additional information that was requested, including preliminary plans of the site. Planner Astorga noted that the plans were more specific than preliminary and the Staff was still working on reviewing the plans.

Planner Astorga reviewed the application for a plat amendment on platted McHenry. As previously noted, the City Engineer would eventually change the name of the road once it is fully dedicated to the City.

Planner Astorga reported that the applicant had submitted an application for a plat amendment to combine lots 17, 18 and 19. He presented slides to orient the Planning Commission to what they had seen during the site visit. He also presented the County Plat showing the ownership of the property. On September 12, 2012 the Planning Commission discussed vantage points per the Land Management Code. Planner Astorga noted that the LMC does not have a defined vantage point from where the development would be visible. However, the LMC identifies cross-canyon view as a vantage point. The applicant had submitted a total of six vantage points; three on Deer Valley Drive by the access to Main, one by the entrance at the Summit Watch, one at the roundabout, and another closer to the property. Planner Astorga reviewed slides from the stated vantage points.

Commissioner Savage concluded from the photographs that the development was basically invisible. Commissioner Gross concurred. Commissioner Hontz stated that she personally stood at each of the vantage points and concluded that the development would be visible, particularly the retaining wall. Commissioner Strachan remarked that the brown house behind the retaining wall was also visible. He pointed out that photographs are not entirely reflective of what the human eye would actually see.

Scott Jaffa, the project architect stated that the intent was never to make the house invisible. The existing scrub oak is 12 feet high and the house would sit approximately 12 feet above. It is surrounded by houses at the bottom on Ontario, as well as houses above it. The house is nestled in its surrounding environment.

Planner Astorga reviewed the elevations. He noted that the site is zoned HR-1 which has a 27' foot height limitation and a required 10 feet setback on the downhill façade. Planner Astorga stated that at the last meeting the Planning Commission discussed the 2007 settlement agreement. He had verified with Jack Fenton that the disputes with the settlement agreement had been resolved and both parties were satisfied with the outcome. Planner Astorga had done a more specific analysis of the Ontario neighborhood as shown on page 9 of the Staff report. The analysis concluded that the average width is approximately 36 feet and the average lot area is approximately 2800 square feet for those lots.

Planner Astorga referred to an Exhibit showing the outskirts of the Park City survey. He commented on the Gateway Estates subdivision. Because of the orientation of the houses and access off of Deer Valley Loop Road, it provided a better way to transition Old Town to what is called the Deer Valley entry area. In terms of house size the two houses that were originally platted for Gateway

Estates were planned to be much larger than the Old Town historic character.

Planner Astorga requested that the Planning Commission discuss whether this Echo Spur neighborhood provides an appropriate area for transitioning between the larger lots of record versus the Ontario neighborhood, which tends to follow a different pattern than the standard 25' x 75' configuration. Since September the Staff has held several meetings with the owner to review the current definition of gross residential floor area and how that applies. The Staff recommendation was to limit the gross residential floor area to 3600 square feet. The Staff reviewed the preliminary plans submitted and found that the proposal would comply with the Staff recommendation of limiting the gross residential floor area.

Commissioner Wintzer remarked that the three lots are contiguous to a neighborhood of historic platted lots of 25' x 75'. That is the neighborhood they need to look at rather than the homes above or below. Planner Astorga pointed out that after the General Plan update is completed the next task is to do an analysis of the zoning districts to see how that can be improved.

Vice-Chair Thomas stated that he was on the Planning Commission when the Deer Valley Loop Road lots were approved, and there was a dramatic effort to minimize the massing and to make the units fit into the hillside. He pointed out that the grading on those three lots was dramatically different than the grading on the three Echo Spur lots. Vice-Chair Thomas believed that would have to be highly considered in this process. Planner Astorga noted that only one house was actually built and the other two houses lost their approval because they did not move forward on the building permit.

Planner Astorga recalled that another discussion point in September was what would happen in the neighborhood. Since the September meeting the Staff met with Mike Green, the owner of Lot 20. Mr. Green plans to build a single family dwelling and is currently working on an application. The other twelve lots are owned by Sean Kelleher, who submitted a complete application yesterday. The Planning Commission would review Mr. Kelleher's application during a work session in January. He proposes to build seven single family units through a condominium plat on his 12 lots of record. Vice-Chair Thomas stated that he would be recusing himself from the Kelleher discussion and he was uncomfortable talking about that proposal this evening.

Planner Astorga stated that ridgeline development was another issue carried over from the September meeting. He noted that Lot combinations in the HR-1 zone require an overall setback of 18 feet, with a minimum of 5 feet. The Staff request that the setback on the northern side be increased to 15 feet to aid with drainage issues and slope mitigation issues. Planner Astorga asked for input from the Planning Commission regarding the Staff analysis.

Planner Hontz referred to the minutes from the September 12, 2012 meeting on page 15 of the Staff report, fifth paragraph, and revisited a number of issues that were still pertinent. The first was that the road is still not dedicated to the City. In speaking with Matt Cassel during the site visit she understood that some conditions have not been fulfilled and issues still remain. Commissioner Hontz was not comfortable with the safety of the road related to the gate, the vegetation that needs to be replaced and enhanced, the retaining wall and other issues. She thought there could be possible pressure from the applicant to whoever was responsible for fulfilling the conditions if it was a requirement to move forward with this application. Since the City Engineer had decided to place

the road under the City's road system, they should do nothing until they know for sure that the road is acceptable to the City. A second point is that Third Street, which is located to the north of Lot 17, is currently a platted dedicated right-of-way. Because it was a right-of-way, someone decided to dig it up and put in a road. If this application moves forward, Commissioner Hontz wanted to make sure that no access would ever be provided to any lots in any area off of that existing right-of-way. A third point was that lots 17, 18 and 19 had to be combined in order to have access. In looking at the plat, lot 19 is the only lot that has access off of Echo Spur. Commissioner Hontz thought it was unrealistic to say that Lots 17 and 18 would be developed off of the current configuration of Echo Spur Drive. Standing at the gate and looking over a 40 foot drop, the amount of retaining required to get to the lots makes them unbuildable. Commissioner Hontz remarked that in reality this was one lot.

Commissioner Hontz referred to page 15 of the Staff report regarding the settlement area. She appreciated that the Staff took the extra step to confirm that an agreement was reached. However, she would like to see how the land was deeded. According to the publicly available agreement, the land would change hands and there would be different lot configurations for the lots adjacent to this property further north that could possibly have an effect.

Commissioner Hontz referred to Item 5 on page 15 and reiterated that the property and the road are part of a ridgeline. They cannot change the definition of a ridgeline because of what has happened around it. She thought they may be able to say that due to setbacks, the structure is placed far enough off of the ridgeline, but regardless, the property is part of the ridgeline and the setbacks should be closely scrutinized. Commissioner Hontz commented on LMC 15-7.3-1(D) and noted that this is a very sensitive area and there are impacts related to the ridgeline.

Commissioner Hontz referred to Items 6 and 7, additional limitations on maximum square footage and visibility from the roundabout. She felt it was a unique strategy to separate these lots from what was previously reviewed as a subdivision, because they now have to look at it as a new application. If this application moves forward, the applicant would have to maximize the number of lots on this particular substandard road, which can only be reached by other substandard Old Town streets. Based on traffic impact models, Commissioner Hontz understood that one house would generate approximately 12 vehicle trips per day. Assuming build-out on the nine lots, the per day vehicle trips would exceed 108 per day on this substandard street. She thought it was ludicrous to create that much additional traffic into that neighborhood on substandard streets. Commissioner Hontz pointed out that it was not just one home. They need to consider the compound impacts of all the lots.

Commissioner Gross asked about the cars backing out of the driveway and how they would get up the street. In his opinion it looked very tight and he was unsure how a car would get out. He requested a diagram showing how it would work. Commissioner Gross had spoken with City Engineer Matt Cassel about the fire safety issues and there is a turnaround below for fire trucks. He assumed that once the street is accepted by the City it would provide the proper access for people to build.

Planner Astorga asked if the Planning Commission would feel comfortable approving the propose development once the road is accepted by Matt Cassel, particularly regarding the road compliance issue raised by Commissioner Hontz. Planner Astorga noted that LMC 15-7.3 indicates that these

types of development must be approved by the Planning Commission and that upon recommendation of a qualified engineer these items can be mitigated. The burden is on the applicant to hire a qualified engineer to determine whether the issues are mitigated. Planner Astorga clarified that the LMC implies that the applicant is allowed to find appropriate mitigation for these types of unforeseen development conditions on the land.

Commissioner Wintzer pointed out that the applicant has that ability with everything except the ridgeline. He read language in the same Chapter of the LMC that states, "For other features including ridgelines." Commissioner Hontz remarked that per the LMC the impact mitigation is formulated by the developer and approved by the Planning Commission. The applicant can propose a solution but the Planning Commission has the purview to determine whether the solution is suitable to mitigate the problem. Planner Astorga agreed. However, his interpretation of the LMC language is that the burden of mitigation is on the applicant, which also includes the ridgeline. He wanted to make sure the Planning Commission shared his interpretation. Commissioner Wintzer agreed with the interpretation with regards to geological hazards. His reading of the LMC language did not include the ridgeline. Commissioner Wintzer recalled that this same paragraph was read to the previous owner five years ago and at that time the Planning Commission had the same concerns that combining these three lots would encourage development to move down the hill further on the ridgeline. They faced the same issue with this application and he could see no way around it.

Planner Astorga remarked that the Staff interpretation was that ridgeline impacts could be mitigated if adequate methods are formulated. Due to the discrepancy in interpretation, he believed further discussion was necessary. He asked if the Staff was interpreting the Code incorrectly. The Commissioners answered yes.

Commissioner Strachan questioned whether the applicant could even find adequate methods. In addition, language in LMC 15-17.3-2(D) prohibits ridgeline development. There was no qualifier in the language to indicate that it would be allowed with adequate mitigation methods. Commissioner Strachan felt the LMC was clear that ridgeline development would not be allowed in any circumstance. In his opinion, this was still a ridgeline, even though the previous owner tried to eliminate that fact by digging a road through the property.

Planner Astorga understood that the Planning Commission would be prepared to make findings that this is a ridgeline and construction is prohibited on a ridgeline. Commissioner Savage stated that the Planning Commission was looking at a set of platted lots that also included other lots along that same ridgeline, and there were property rights associated with those particular lots. He understood the ridgeline issue; however, the fact that the lots were platted and exist as platted lots entitles the owners of those lots to some level of development rights independent of the ridgeline.

Assistant City Attorney McLean agreed that City cannot take away all rights to the use of a property; however, there are restrictions in the Code that prohibit structures on ridgelines. Therefore, those two issues need to be balanced. Commissioner Savage asked if the contextual precedence in that particular area has any influence on how the Planning Commission should view ridgeline development. In looking at the topography, it is clear that a ridgeline runs along the road and through the middle of the lots. He pointed out that existing homes above those lots on the ridgeline have already compromised the ridgeline in that area. He asked if that should have any impact on how these applications are reviewed. Commissioner Savage asked if the applicant would have the

ability to say that within the constraints of this particular development site, as well as the existing homes, this is the ridgeline visual impact with the proposed home versus not building at all. Ms. McLean replied that the Planning Commission could have that discussion. Commissioner Savage wanted the applicant to pursue that direction unless it would be a waste of time because it is a ridgeline and development would be denied.

Mr. Jaffa pointed out that this was a new subdivision that was still in the process of dedicating the road to the City. He questioned why the subdivision would have been approved with platted lots if the lots could not be built on. Commissioner Wintzer noted that the previous subdivision application never came before the Planning Commission and it was never approved. Planner Astorga explained that it was a historic part of the Park City survey that was historically platted a hundred years ago.

Commissioner Strachan asked Assistant City Attorney McLean for her interpretation of LMC 15-7.3-1(D) as opposed to 15-7.3-2(D). Ms. McLean stated that when there are competing ordinances in the Code, they look at the plain meaning of the language. She noted that when language is added to address restrictions due to the character of the land, they try to have the statutes comport. Ms. McLean thought that should be balanced with making sure property rights are not being taken away from an existing lot. She believed that sub (D) in 15-7.3-1 also goes to health and safety issues; whereas, in 15-7.3-2(D), ridgeline development, the issue is more aesthetic.

Commissioner Strachan recalled that when the LMC provisions conflict the policy is to follow the one that is most specific. He considered the language in 15-7.3-1 to be more general than the language in 15-7.3-2.

Commissioner Savage asked to look at the topo map. Commissioner Wintzer pointed out the top of the ridge on the map to identify the exact ridgeline. Assistant City Attorney McLean read the definition of ridgeline area in the LMC. "The top ridge or crest of hill or slope, plus the land located within a 150 feet on both sides of the top crest or ridge." Commissioner Hontz pointed out that Lot 19 was different than in the previous proposal. Commissioner Wintzer personally believed it was a ridgeline and combining the lots would allow the applicant to move further down the ridgeline. He has walked the property and drawn the ridgeline on the topo. Commissioner Wintzer could see no way of getting around that fact. It is an important issue and the General Plan and the LMC address ridgelines in several places. Commissioner Hontz did not believe the Planning Commission should compromise on ridgeline development.

Vice-Chair Thomas remarked that the reason for being sensitive to ridgelines is based on the observation from the community of what appears to be a ridgeline and the problems created when the ridgeline is broken. The type of ridge is irrelevant. this is a ridgeline with regard to a large percentage of the community. Commissioner Savage did not disagree that this was a ridgeline. He was only pointing out that there are many ridgelines in that area and some of those ridgelines had been compromised.

Assistant City Attorney McLean read the language from LMC 15-7.3-2(D) - General Subdivision Requirements for Ridgeline Development. "Ridges shall be protected from development in which development would be visible on the skyline from the designated vantage points in Park City." The specific vantage points are the Osguthorpe Barn, Treasure Mountain Middle School, the intersection

of Main Street and Heber Avenue, the Park City ski area base, Snow Park Lodge, the Park City golf course clubhouse, the Park Meadows Golf Course Clubhouse, State Road 248 at the turnout one-quarter mile west from US Highway 40, State Route 224 one-half mile south of the intersection of Kilby Road, the intersection of Thaynes Canyon Drive and State Road 224 and across valley views. Commissioner Hontz stated that the cross valley view could be from any point across the valley. Vice-Chair Thomas remarked that the intersection of Main Street and Heber Avenue would be a critical vantage point in this situation.

Commissioner Savage thought an important piece of the language was the reference regarding visibility on the skyline from the designated vantage points. Vice-Chair Thomas informed Mr. Jaffa that the Planning Commission would need to see visuals from the specific vantage points mentioned. Commissioner Strachan stated that the three related vantage points were Heber Avenue, the base of PCMR and the base of the Park City golf course. Commissioner Strachan suggested that the Planning Commission could personally visit those vantage points.

Mr. Jaffa asked for clarification on across valley. The Planning Commission discussed other potential vantage points where the development might be visible. Commissioner Savage believed the analysis could be done using the topography map without a site visit to the vantage points. Commissioner Wintzer stated that in his opinion it was very clear that development would hit the ridge and penetrate the skyline. Commissioner Savage remarked that every object would penetrate the skyline from some given point. Vice-Chair Thomas agreed, but noted that there were primary valleys in the community that needed to be protected.

Assistant City Attorney McLean stated that height restrictions or other limitations are often placed in subdivisions to address the issues on a problematic property. She noted that the applicant has submitted a subdivision application and provided a conceptual idea of what they would like build. She suggested that the Planning Commission could discuss placing restrictions on the site to make sure it complies with all the elements of the Code. Commissioner Strachan remarked that the Planning Commission was being asked whether or not there was good cause for a plat amendment. In his opinion, there would not be good cause if the site is on a ridgeline and no structure, regardless of the height, could be built. Ms. McLean agreed, if the Planning Commission finds to that extreme. However, if as an example, if they find that a one story structure would not violate the elements of the Code, they could place those restrictions. Commissioner Strachan was unsure whether the Planning Commission would be able to make that finding. Ms. McLean stated that if the Planning Commission could not find good cause they would need to define very specific findings related to the vantage points and visibility on the skyline.

Mr. Jaffa used the color coded map to point out that while this may be a ridgeline, it was definitely not the highest element in that neighborhood. He indicated three houses that are substantially higher than the proposed structure. Commissioner Wintzer reiterated that those houses were approved in that location as a trade-off to stop development from coming further down the ridge. This is a different process and if this application is approved they would be putting one house on the ridge.

Vice-Chair Thomas requested that the Staff delineate the ridge that separates Deer Valley Drive from Main Street. If that ridge goes through this property the argument would be resolved. He directed the applicant to work with the Staff and seriously consider the comments made this

evening.

Commissioner Savage clarified that he was not arguing whether or not it was a ridgeline. He was concerned that there was not a working definition on how to make that analysis. Commissioner Wintzer pointed out that the Planning Commission can only adhere to the Code. He agreed that the Code is sometimes vague, but the Planning Commission is tasked with interpreting the Code to make their decisions.

Commissioner Gross asked if the applicant could build on any part of Lots 17, 18 and 19. Commissioner Wintzer stated that Lot 19 is a platted lot on a ridge. The applicant could build a house on Lot 19 based on the current Code. The issue is that combining the lots would require a Steep Slope analysis. Planner Astorga remarked that all three lots would require a Steep Slope CUP.

The applicant, Leeto Thlou understood the comments expressed this evening. He asked if the other landowners in that area would have the same problem. Commissioner Savage replied that it would depend on the steepness of the individual lot and whether a Steep Slope CUP would be required. It was clear that Lots 17, 18 and 19 would require a Steep Slope CUP; therefore, the ridgeline issue needs to be resolved.

Commissioner Hontz clarified that the points she identified earlier in the discussion also apply to all the lots in that same area.

The Work Session was adjourned.



**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





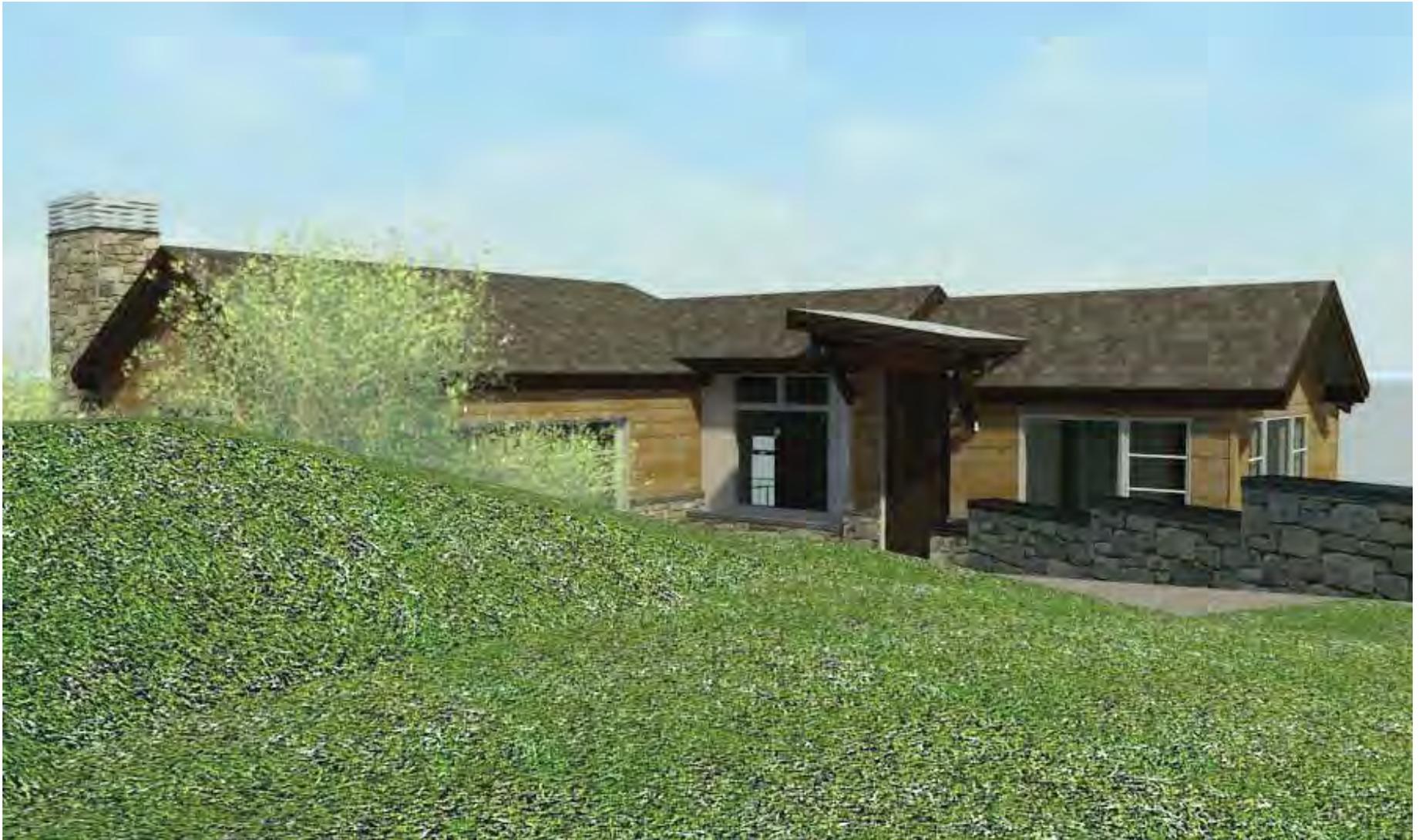
ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 1: EYE ELEVATION 7000'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 1: EYE ELEVATION 7000'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 2: EYE ELEVATION 7022'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 2: EYE ELEVATION 7022'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**

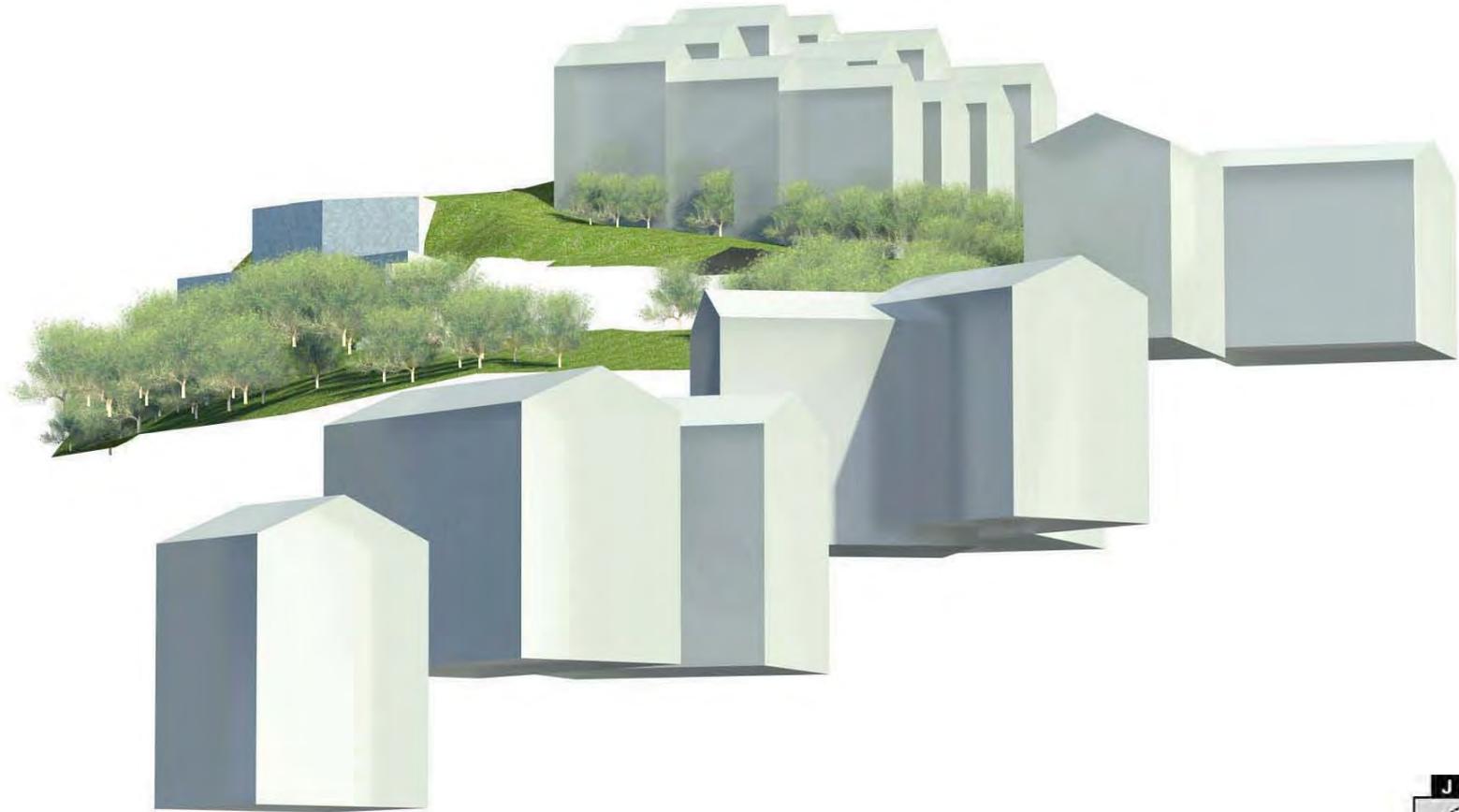




**ENLARGED ARTISTIC RENDERING-**

**PT 3: EYE ELEVATION 7045'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**

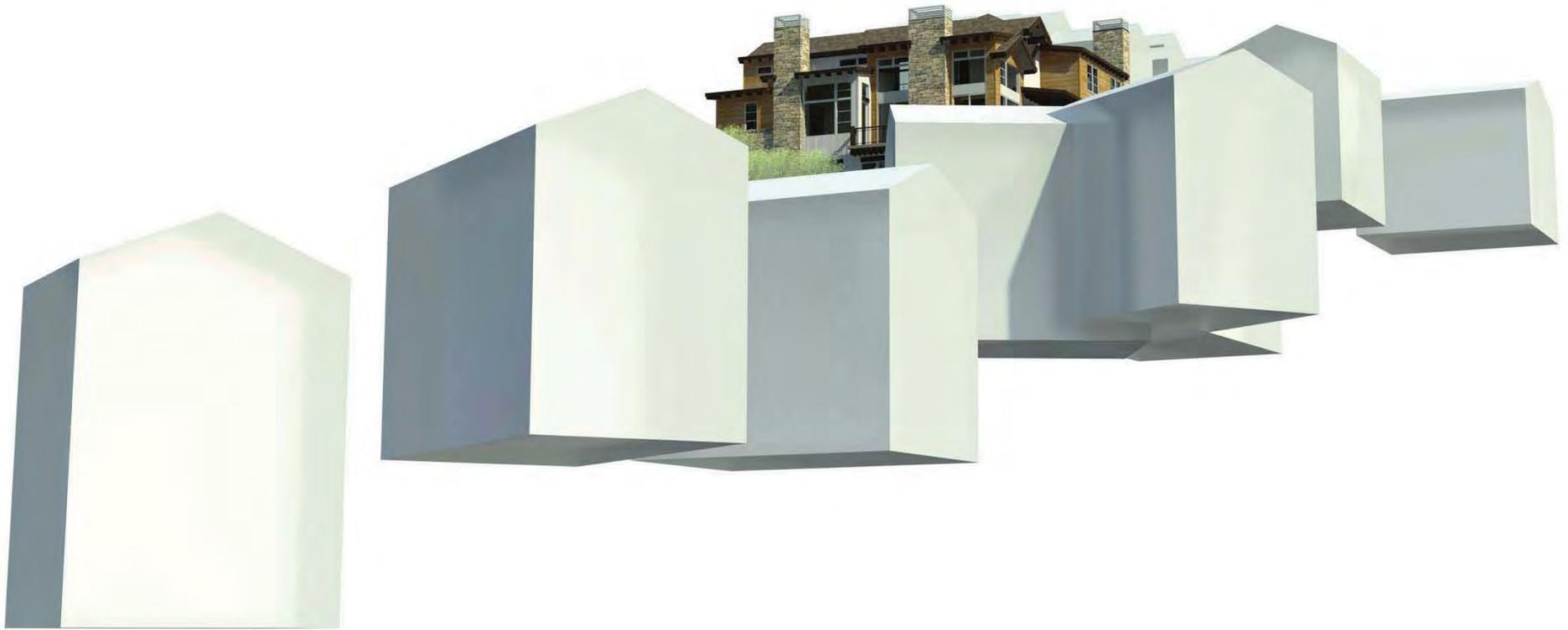




**ENLARGED ARTISTIC RENDERING-**

**PT 3: EYE ELEVATION 7045'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**

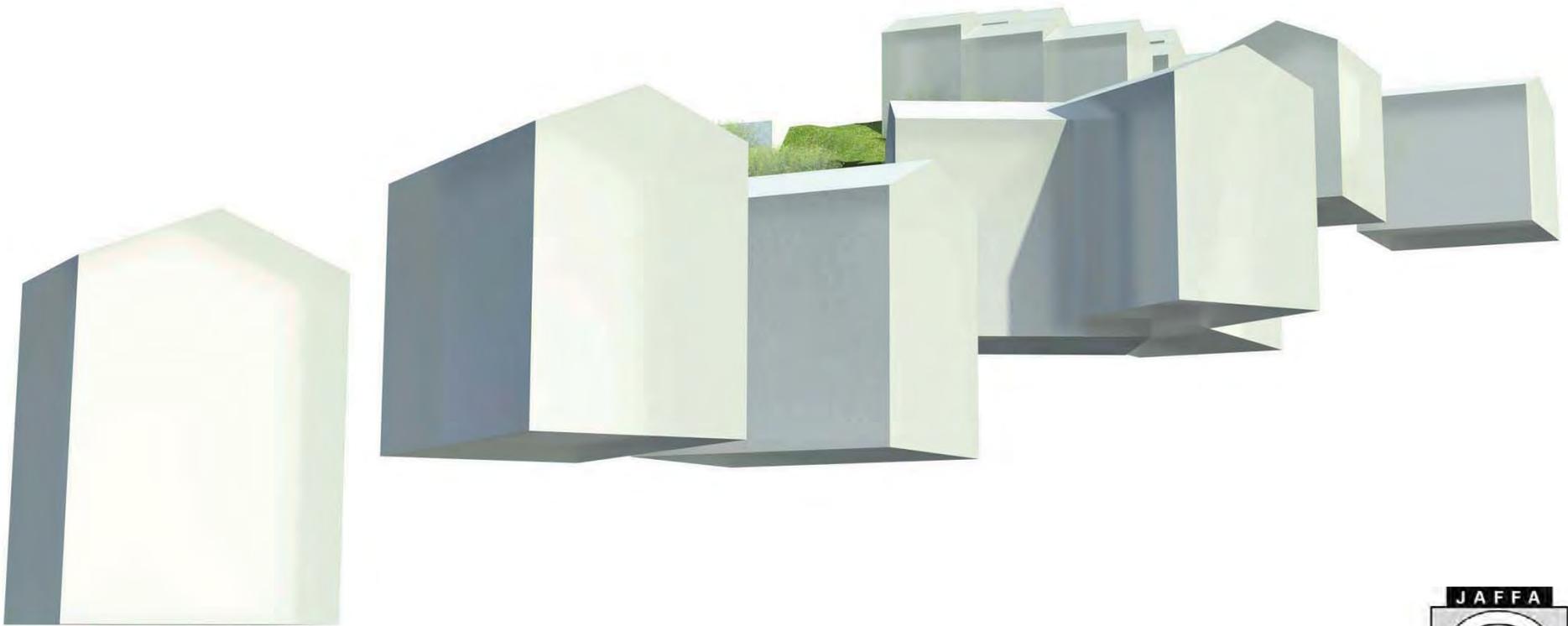




**ENLARGED ARTISTIC RENDERING-**

**PT 4: EYE ELEVATION 7066'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 4: EYE ELEVATION 7066'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 5: EYE ELEVATION 7082'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 5: EYE ELEVATION 7082'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 6: EYE ELEVATION 7097'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES



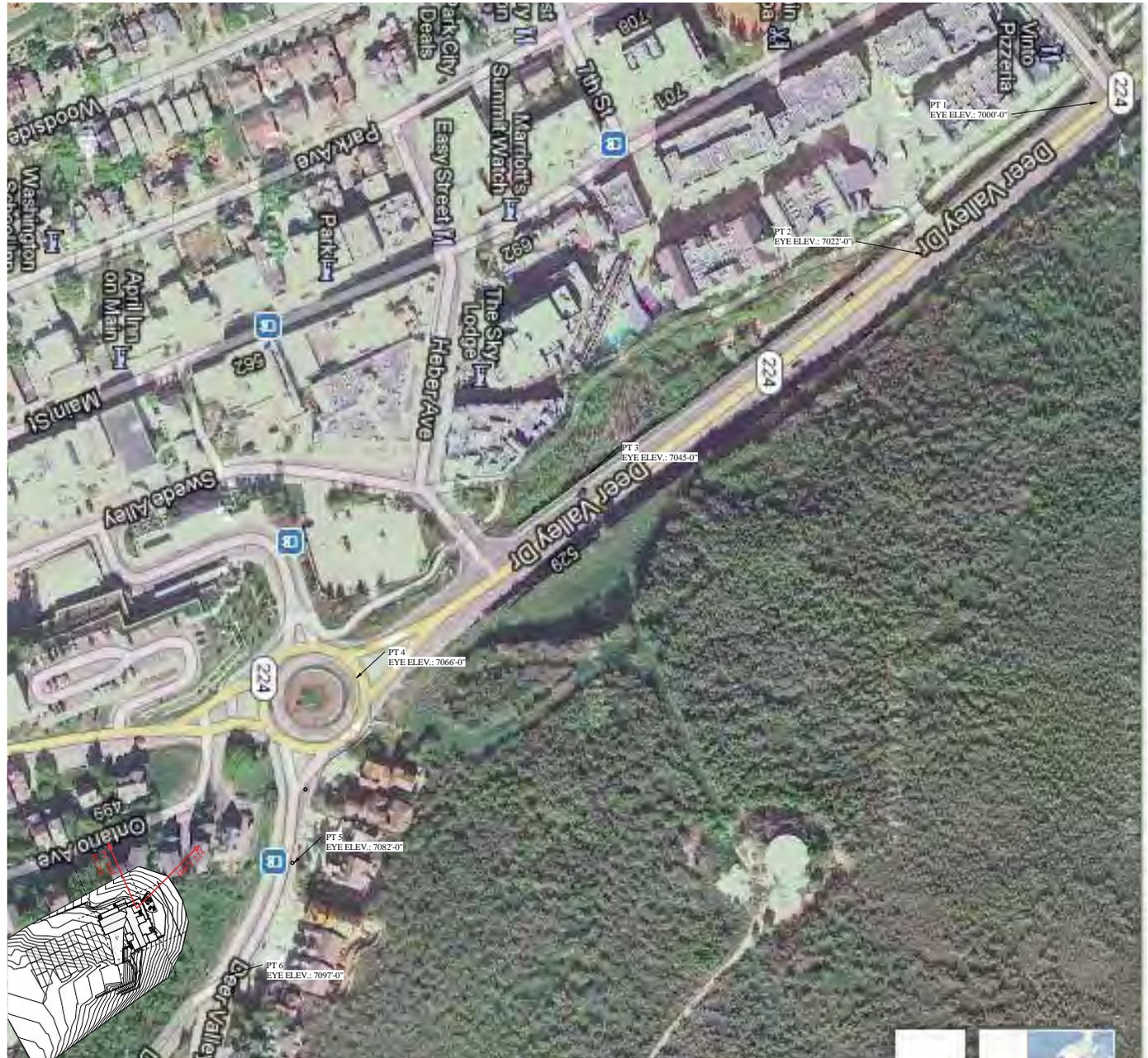


**ENLARGED ARTISTIC RENDERING-**

**PT 6: EYE ELEVATION 7097'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES



**\*PLEASE SEE 11X17 DOCUMENTS FOR VANTAGE PT RENDERINGS\***



VANTAGE POINT LOCATIONS AND ELEVATIONS  
1" = 60'-0"



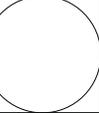
GARAGE VIEW FROM ECHO SPUR  
12" = 1'-0"



JAFFA GROUP

1960 SDEWENNER DRIVE  
SUITE 101  
PARK CITY, UT 84090  
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**ECHO SPUR**  
489 MCHENRY AVE PARK CITY, UT  
DISPERSED DEVELOPMENT  
PLAT 17-19

REVISION SCHEDULE

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PROJECT #: 17-19  
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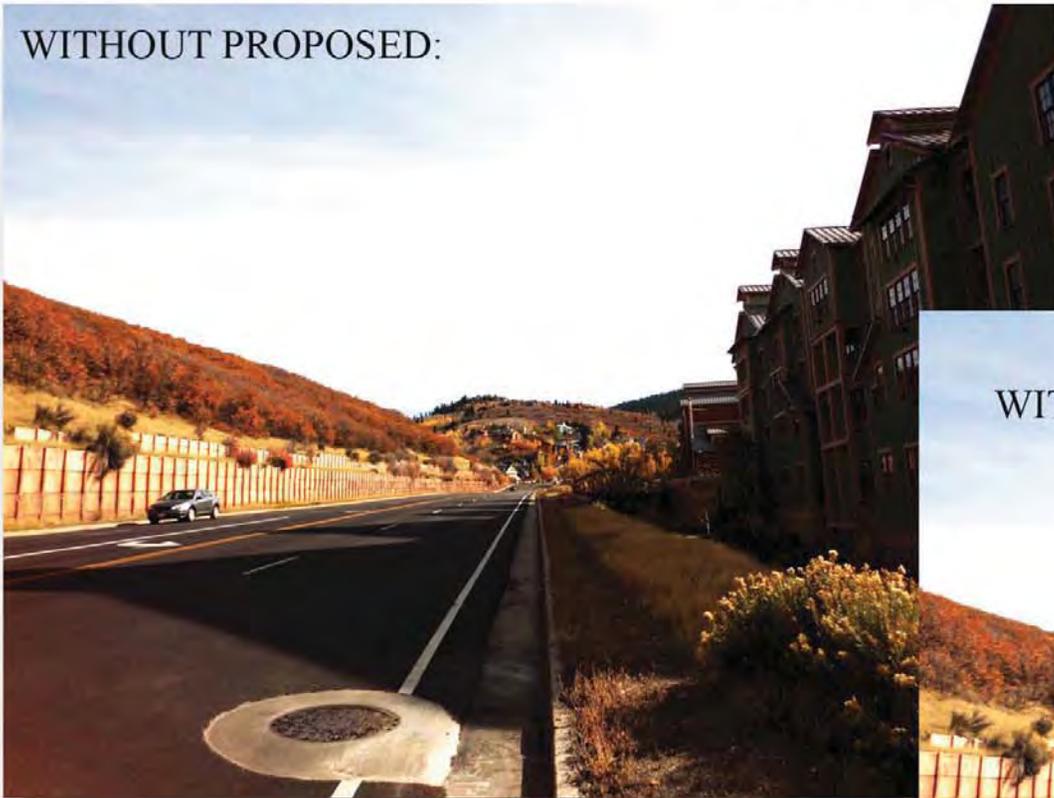
**DEER VALLEY DRIVE**

**A1.0a**

# PT 1: EYE ELEVATION 7000'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



## PT 2: EYE ELEVATION 7022'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



# PT 3: EYE ELEVATION 7045'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



# PT 4: EYE ELEVATION 7066'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



# PT 5: EYE ELEVATION 7082'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



# PT 6: EYE ELEVATION 7097'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from PCMR and Woodside Ave. Ski run at PCMR (elevation 7,204 ft) and below the ski run (elevation 7,167 ft).



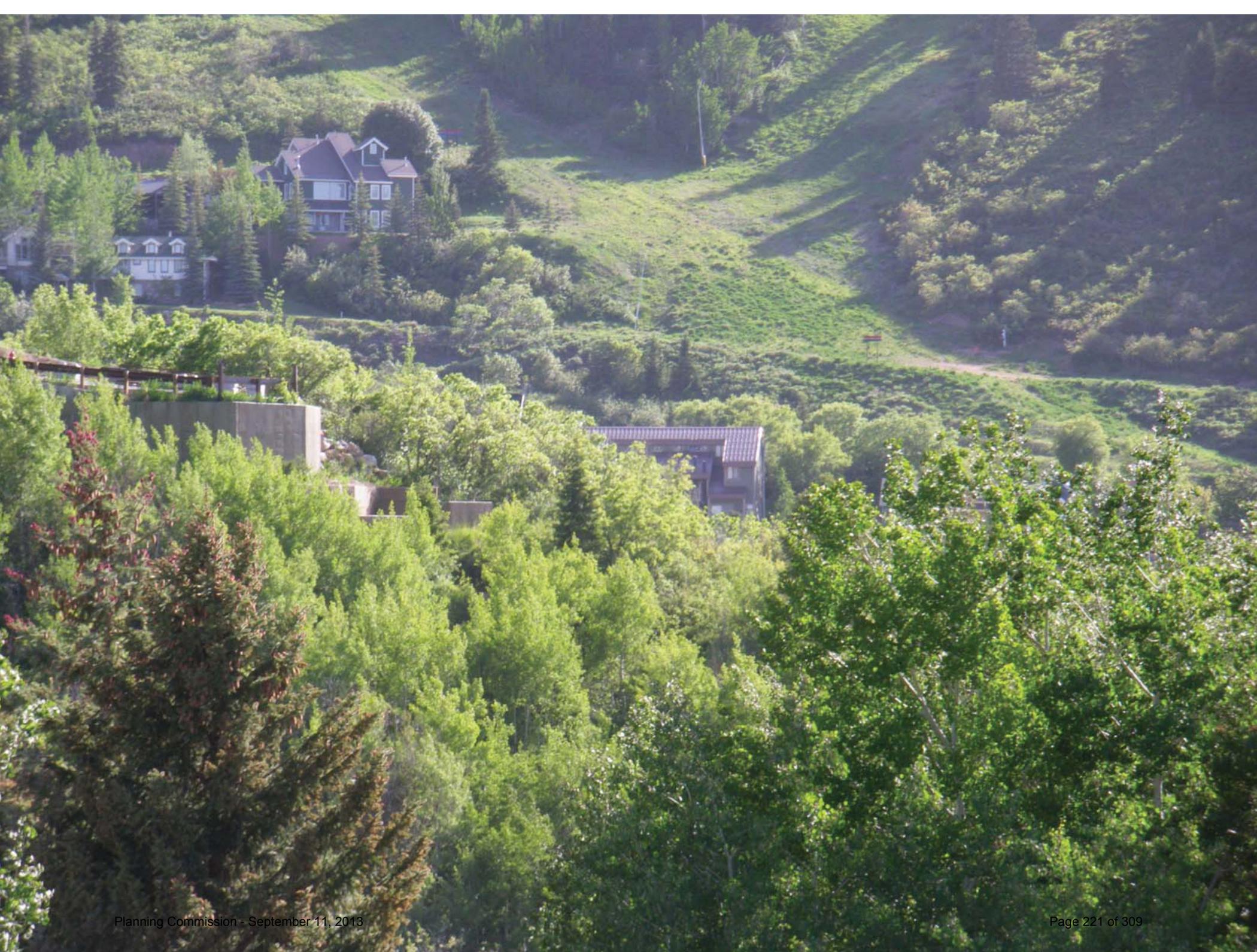


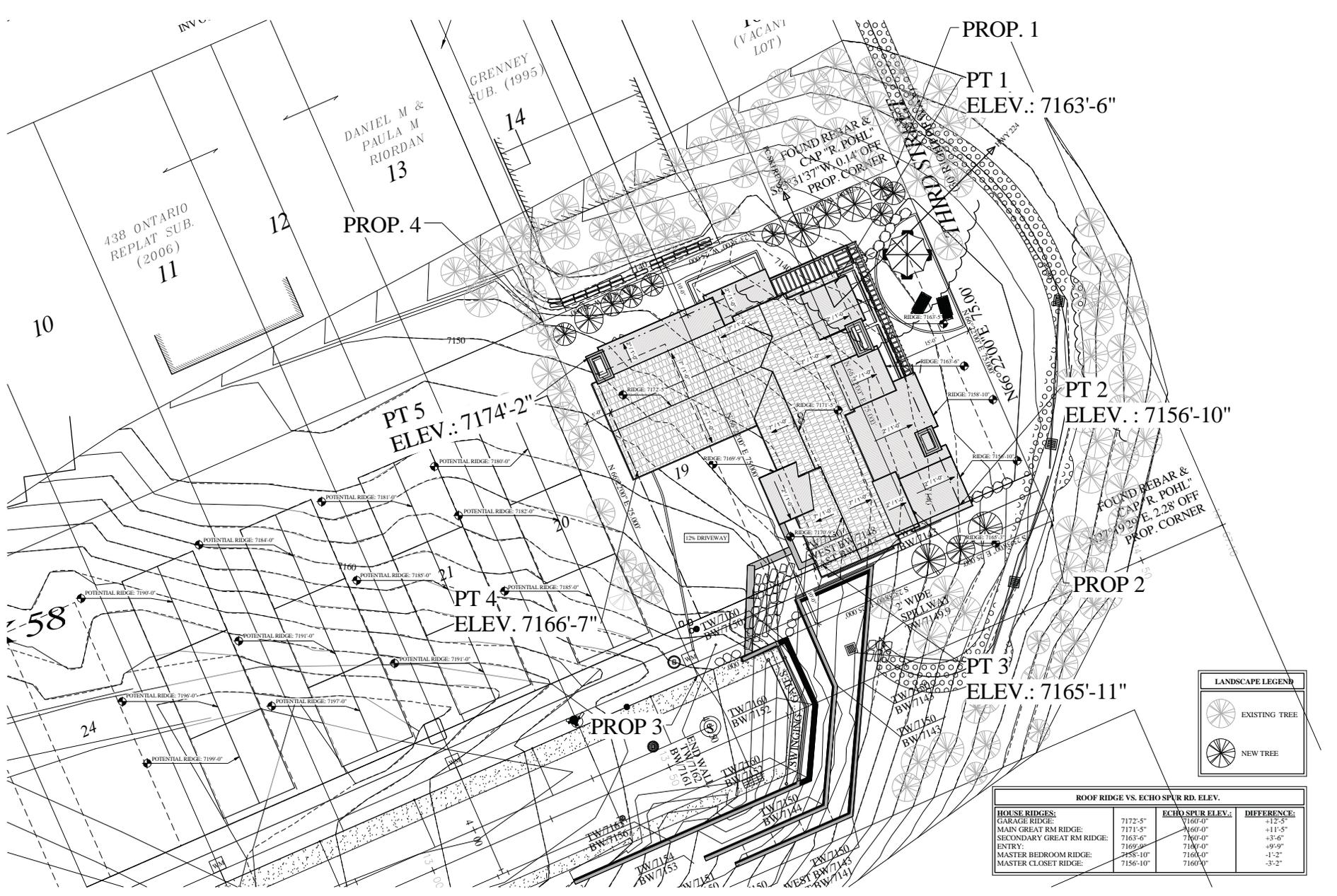


Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from between the two green condo buildings on Arie. The altitude was 7,150 ft. Close ups and a few with a wider view to capture the big house on the left in some of the pictures.









**LANDSCAPE LEGEND**

	EXISTING TREE
	NEW TREE

**ROOF RIDGE VS. ECHO SPUR RD. ELEV.**

HOUSE RIDGES:	ECHO SPUR ELEV.:	DIFFERENCE:
GARAGE RIDGE:	7160'-0"	+12'-5"
MAIN GREAT RM RIDGE:	7171'-5"	+11'-5"
SECONDARY GREAT RM RIDGE:	7163'-6"	+3'-6"
ENTRY:	7169'-9"	+9'-9"
MASTER BEDROOM RIDGE:	7155'-10"	-1'-2"
MASTER CLOSET RIDGE:	7156'-10"	-3'-2"

ENLARGED SITE PLAN  
1/8" = 1'-0"



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(435) 615-6873

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**ECHO SPUR**  
489 MCHENRY AVE. PARK CITY, UT  
DESIGNED BY ORNAMENTAL ECHO SPUR  
LOT 17-19  
PLAT 17-19

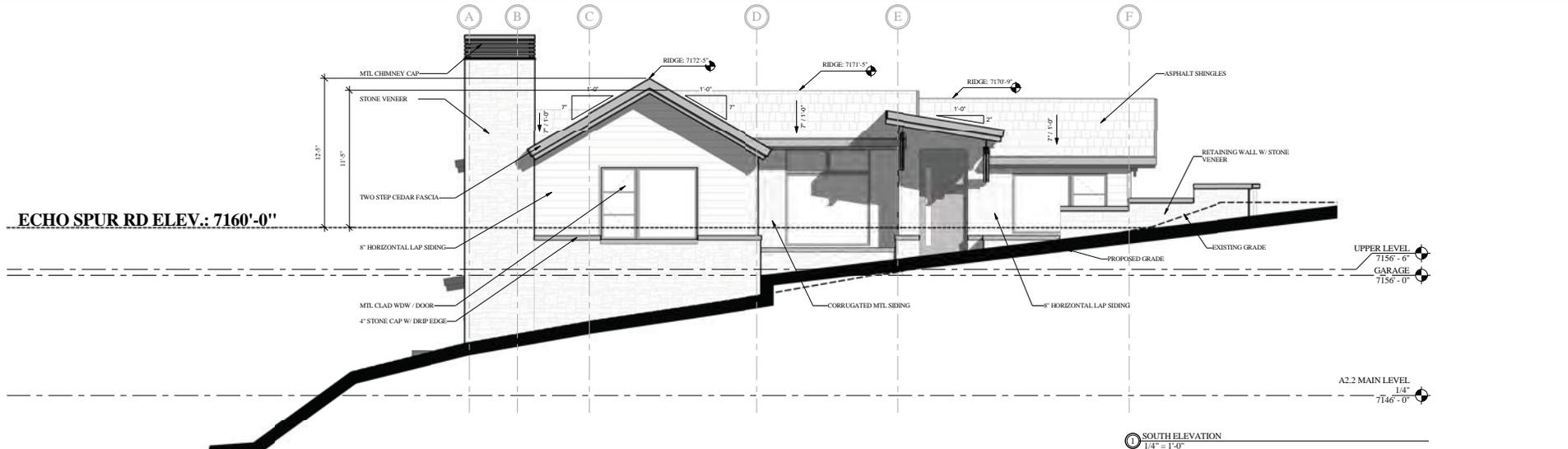
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REVISION SCHEDULE

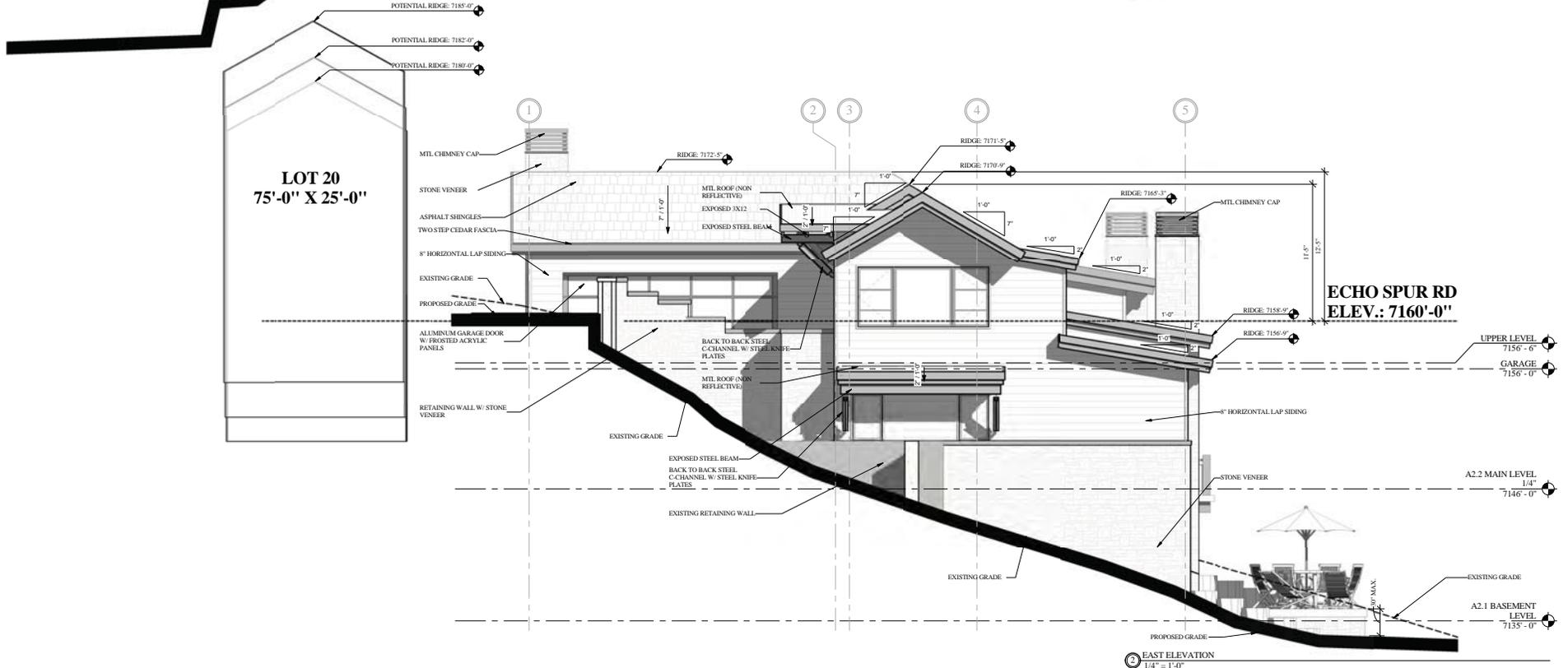
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SCALE: 1/8" = 1'-0"
<b>SITE PLAN</b>

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A1.0



① SOUTH ELEVATION  
1/4" = 1'-0"



② EAST ELEVATION  
1/4" = 1'-0"

LOT 20  
75'-0" X 25'-0"



**JAFFA GROUP**

1960 SIDWINDER DRIVE  
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PARK CITY, UT 84090  
(435) 615-8873

---

**ECHO SPUR**  
489 MCCHERRY AVE. PARK CITY, UT

---

DESIGN ORIGINATOR: ECHO SPUR  
LOT: 17-19  
PLAT: 17-19

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REVISION SCHEDULE

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**Exterior Elevations**

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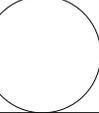
**A3.1**



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1960 SIDWINDER DRIVE, SUITE 101 PARK CITY, UT 84090 (435) 615-8873

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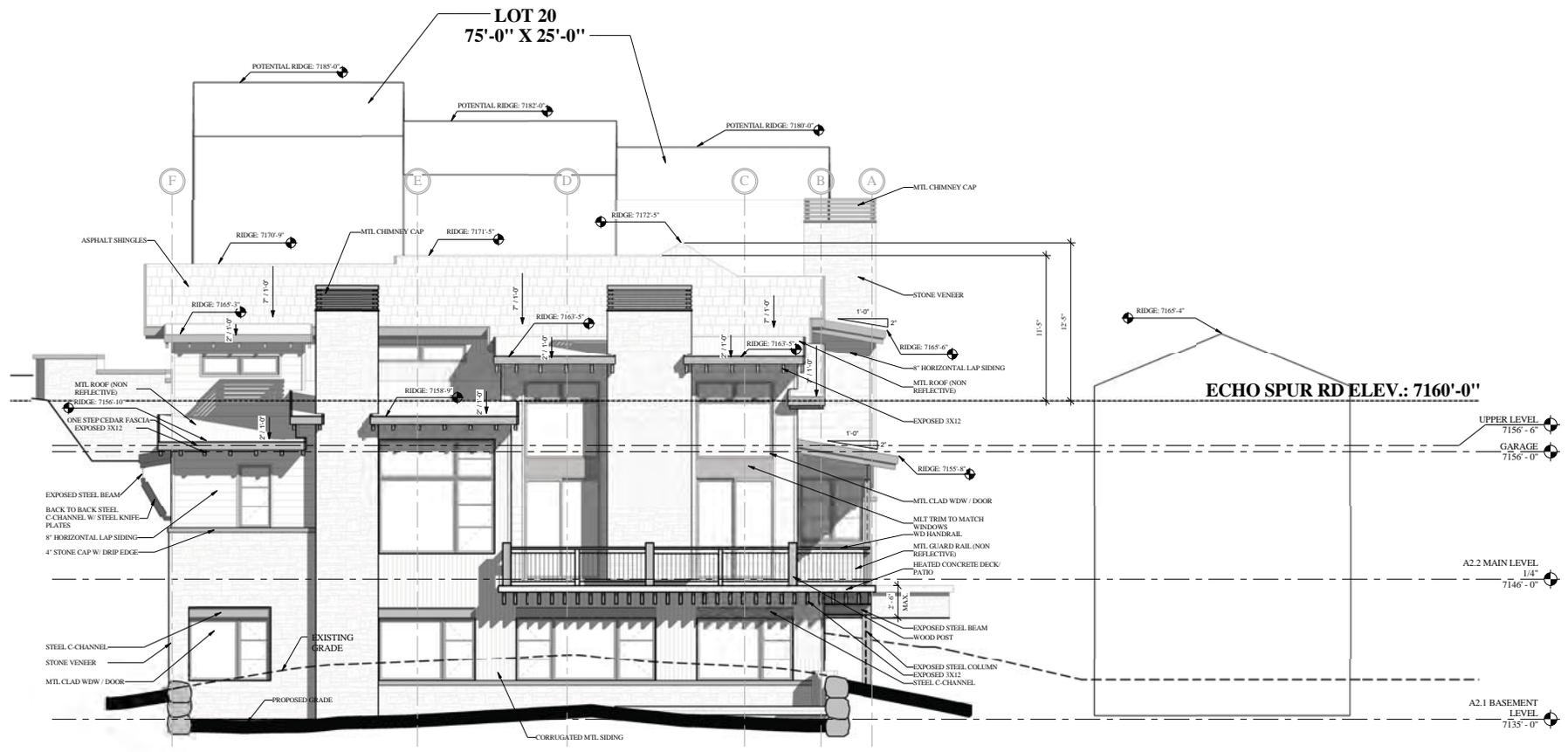
**ECHO SPUR**  
489 MCHENRY AVE. PARK CITY, UT  
DINIEL ORMENTECHEO SPUR  
LOT: 17-19  
PLAT: 17-19

REVISION SCHEDULE

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PROJECT #: 17-19  
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SCALE: 1/4" = 1'-0"

**EXTERIOR ELEVATIONS**

**A3.2**



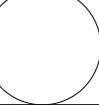
NORTH ELEVATION  
1/4" = 1'-0"



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**ECHO SPUR**  
489 MCHENRY AVE. PARK CITY, UT  
DESIGN ORNAMENT/ECHO SPUR  
PLAT 17-19

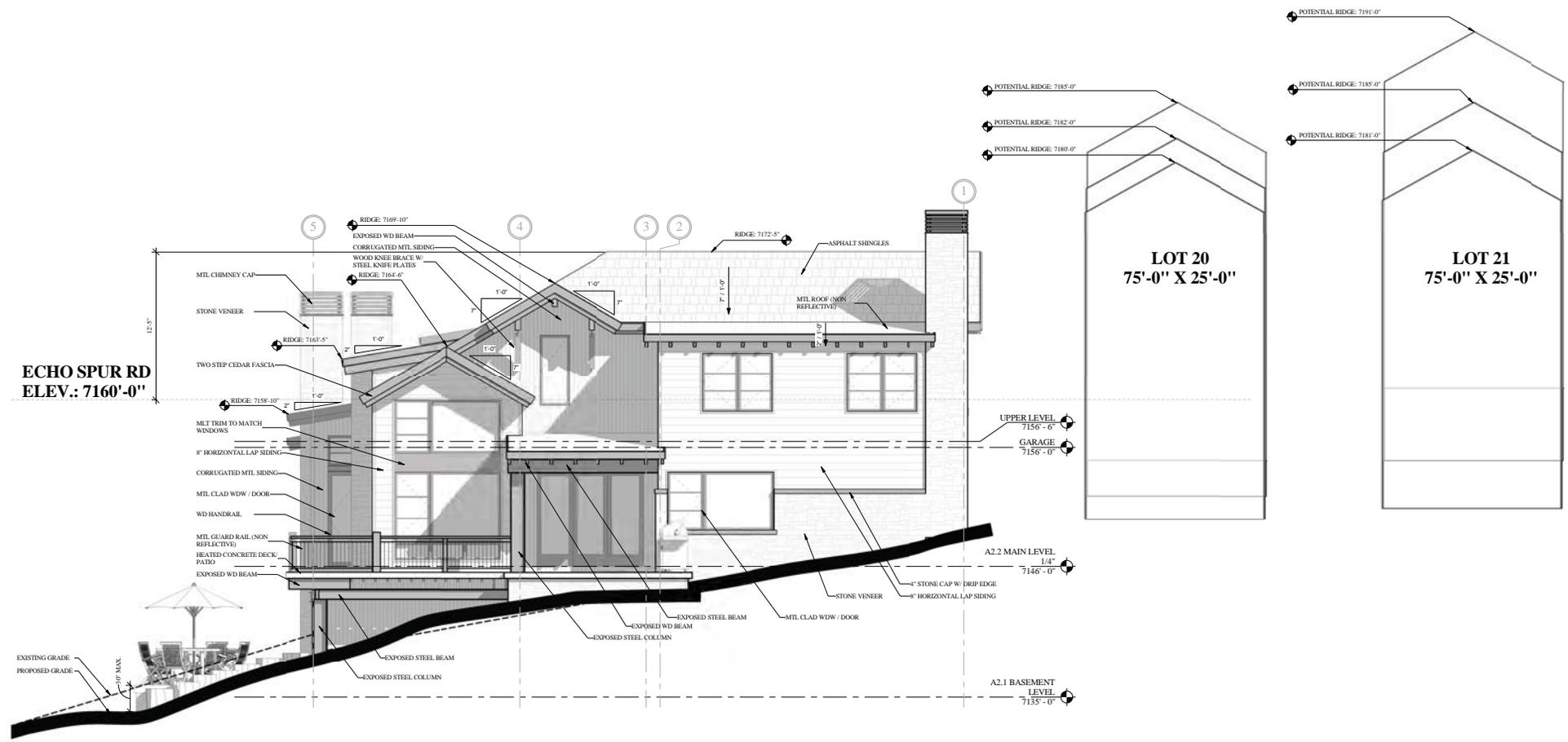
REVISION SCHEDULE

DRAWN BY: Author  
PROJECT #: 17-19  
2/20/2013 1:38:58 PM  
SCALE: 1/4" = 1'-0"

**EXTERIOR ELEVATIONS**

**A3.3**

**ECHO SPUR RD  
ELEV.: 7160'-0"**



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

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The Staff recommended that the Planning Commission conduct a public hearing, discuss the items outlined, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Leeto Tlou, the applicant, has lived in Park City for ten years. He did not have issues with the Staff report and the disagreement with Planner Astorga was actually a minor conversation. Mr. Tlou commented on the setbacks. He stated that the designs were not set at this point and he was unsure how the setbacks would work. He asked if the 15' setback increase would be set with the plat amendment or not until the CUP. Mr. Tlou referred to the 3600 square foot maximum. He was not interested in building a 6,000 square foot home, but as indicated in the Staff report, he was considering a 3,000 to 4,000 square foot house. When he communicated that to the Staff, he neglected to communicate conditioned versus unconditioned space. He was unsure whether additional square footage for a garage would be available.

Planner Astorga remarked that Criteria 7 of the Steep Slope Conditional Use permit indicates that the Planning Commission may add additional setbacks to designs through the CUP.

Commissioner Hontz asked if the roundabout at Deer Valley Drive was a designated vantage point. Planner Astorga looked it up in the Land Management Code and found that it was not a vantage point.

①

Commissioner Hontz understood that the improvements and the conditions regarding the road had not been dedicated to the City. City Engineer, Matt Cassel, replied that the road had not been dedicated yet. He explained that the applicant is currently in a warranty period that ends in November. If everything goes well, it would go before the City Council for dedication in December or January. Commissioner Hontz commented on past issues with retaining. She understood that if everything goes well, the City would accept those improvements and it would become a public street. Mr. Cassel replied that this was correct. Commissioner Hontz wanted to know what could happen with platted Third Street to the north of Lot 17. Mr. Cassel stated that it is too steep for a road, but it could be used as a utility corridor. Commissioner Hontz clarified that access to those lots would not take place off of that street, and she suggested making that a condition of approval. Commissioner Hontz thought the retaining wall was very noticeable from the Deer Valley roundabout and looked extremely tall. Mr. Cassel assumed she was talking about the lower concrete retaining wall at the bottom. He could not recall the height of the retaining wall. However, the landscaping that was put in had died and new landscaping would need to be established. The purpose of the landscaping is to help hide the retaining wall. Commissioner Hontz asked how the lot would gain access. Mr. Cassel stated that there is enough space to get on to Lot 19 and access from there. Commissioner Hontz stated that until the time when the City accepts the improvements to make that Echo Spur, she assumed they could still access along the private road. Commissioner Hontz asked if there was a bond for replanting the landscaping. Mr. Cassel answered yes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

-topographic map

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② Commissioner Hontz stated that in researching the public data base, she found a development in the land use agreements related to lots in this vicinity that could potentially affect access or relationship with the Echo Spur lot. She had presented the information she found to the Legal Department. Commissioner Hontz recommended that the Planning Commission continue this item to allow time for our legal counsel to review and confirm that it may or may not have impacts to the relationship with these properties. Her interpretation is that it does and that causes her concern.

③ Commissioner Hontz rejected the notion that this was not part of a ridgeline, based on the Land Management Code. She stated that LMC 15-7.3-1(D) is important when taking into account the very sensitive nature of this particular area. She understood that the surrounding area has been developed and much of that occurred prior to the most recent LMC amendments. Commissioner Hontz concurred with the Staff recommendation regarding the setback area. Commissioner Hontz also concurred with the Staff request for additional limitations on maximum square footage. She was very concerned about the vantage point because it is very abrupt looking from the roundabout. If you can see the retaining wall, the house would be much more visible.

④ Commissioner Hontz pointed out that these are lots at the end of what may be a future subdivision. As shown in the Staff report, it comes with a variety of configurations. She felt it was difficult to take the step to look at these lots with an existing land use agreement in place that would affect the lots, but secondly, it would set precedent for five to six lots leading up to this. She did not understand the impacts to the neighborhood and the surrounding area and that should be taken into account based on what the Planning Commission is allowed to do under good cause and the purpose statements of the HR-1 District. ④ ③

① ② Commissioner Thomas believed the issues warranted a group site visit, and possibly looking at the property with balloons flying from the site at a reasonable structure height to consider the visual impacts.

Commissioner Strachan agreed that a site visit would be worthwhile. He would like to see exactly where the building footprint would be with the new proposed setbacks. He was particularly concerned with the north side. In addition to view issues, there were also major issues in terms of drainage and topography that a site visit would allow them to digest. Commissioner Strachan echoed Commissioner Hontz regarding a precedent that could be set for nearby lots. One of the requirements for good cause for plat amendments is to utilize best planning practices. A best planning practice would be to see how this would align with the other lots that may be developable in the Echo Spur area. He was unsure how to look that far into the future. Commissioner Strachan did not think they could say that Lot 17, 18, and 19 could be combined into one lot and disregard Lots 20, 21 and 22 when they will probably end up using the same access point of the newly constructed and to be dedicated road. Commissioner Strachan believed the plat amendment needed to be looked at from a larger perspective than just lots 17, 18 and 19. The Code allows it and directs them to use best planning and design practices, resolve existing issues and non-conformities and to provide positive benefits and mitigate negative impacts. Commissioner Strachan directed the Staff to look at the status of Lots 20 and 21 and what implication this plat amendment would have for those lots.

## Attachment 7 – Commissioner’s Wintzer’s Notes

Francisco Astorga, Planner

Aug. 6, 2013

Re: Lots 17,18, and 19 Echo Spur

Here are my comments about this project, as I will not be able to attend the next meeting.

### **Purpose of HR-1**

I do not think it complies with:

A--Preserve present land Uses and character of the Historic residential Areas of Park City,

C—encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

E—define Development parameters that are consistent with the General Plan policies for Historic core,

I also believe with 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.

### **General Plan**

Pg.3 The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street.

Pg.5 New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape.

Pg.6 Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape.

Pg.12 Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town’s link with nature.....

Pg.34 Direct development to the “tow” of slopes, preserving the ridge tops, meadows and visible hillsides.

Pg.55 Require new development to be more compatible with the historic scale of the surrounding area.

Pg.56 Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios.

Pg.57 Direct development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides.

Pg.148 Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District.

I know that all of these points will not apply in this area but I do believe it shows that the intent of the General Plan was to protect ridge lines.

Charlie Wintzer



# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** LMC Amendment  
**Author:** Francisco Astorga, Planner  
**Date:** September 11, 2013  
**Type of Item:** Legislative – LMC Amendments HRM District

## Summary Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report, open the public hearing, and forward a recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

## Description

**Project Name:** LMC Amendments to Chapter 2.4 HRM District  
**Applicant:** Planning Department  
**Proposal:** Revisions to the Land Management Code

## Background

The HRM District is bifurcated by the Park Avenue street corridor and consists of a diverse mix of residential housing, ranging from historic single family dwellings to multi-unit condominiums.

In order to encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along an important corridor that is compatible with historic structures in the surrounding area, as well as being consistent with the rest of the LMC, staff recommends that the Planning Commission forward a recommendation to the City Council regarding the adoption of the proposed LMC amendments in the HRM District.

On July 31, 2013 the Planning Commission had a work session discussion related to these proposed changes. During this meeting two (2) adjacent property owners shared negative public comments related to the proposed amendments. The Planning Commission discussed the proposed changes and the majority did not support the proposed amendments. The Commission showed interest in bringing back one (1) of the three (3) proposed amendments for further consideration. See Exhibit B.

## General Plan

### Park City Direction

Goal 7: Encourage a diversity of housing opportunities (pg. 7):

- The City should plan future land use to provide opportunities for a variety of housing types.

- The City should encourage and require private sector participation in providing a portion of housing for employees.

### Community Character Element

#### Historic Core Policies (pg. 13):

The designated historic district, which is subject to special design and preservation regulations, best defines the historic core of the City. Citizens feel strongly that the core must continue to provide a range of services for residents, while also functioning as an attraction for tourists. The goal for the historic district is to maintain it as the center of the community, not just as a stage set for tourism. The following policies will help accomplish this goal:

- Keep City and other government offices and services in the downtown, to maintain the function of the historic core as a gathering place. Similarly, concentrate in the historic area certain commercial uses that attract and encourage interaction among local residents (e.g., bookstores, card shops, coffee shops, and post office).
- To maintain commercial viability, promote year-round demand by residents and workers for services, restaurants, entertainment, and similar uses in the core.
- Maintain the historic character of buildings.
- Support programs that make the downtown attractive to potential businesses.
- Promote the continuation and augmentation of a pedestrian-friendly environment in the downtown.
- Work to ensure the continued livability of residential areas around the historic commercial core.

#### Historic Core [Actions] (pg. 15-16):

[...]

- Allow expansion of existing residential structures, if such expansion can be made compatible with the integrity of historic structures and the surrounding neighborhood. Similarly, allow the addition of garages to historic structures if the addition can be done in a compatible fashion.

[...]

- Encourage residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation, and historic preservation objectives.

### Analysis

#### Open Space

LMC § 15-2.4-5(D) indicates that an applicant must provide open space equal to at least sixty percent (60%) of the total site for all triplex and multi-unit dwellings. For Master Planned Developments (MPDs), the LMC requires a minimum of sixty percent (60%) open space and a minimum of thirty percent (30%) open space for redevelopment.

In order to be consistent with the MPD language, Staff recommends amending the LMC to reflect the following language for triplex/multi-unit dwellings within redevelopment areas:

**15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.**

(A) **FRONT YARD.** *The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.*

(B) **REAR YARD.** *The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.*

(C) **SIDE YARD.** *The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.*

(D) **OPEN SPACE.** *The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. **In cases of redevelopment of existing sites, the minimum open space requirement shall be thirty percent (30%).***

*(Amended by Ord. No. 09-10; 12-37, 13-XX)*

**Existing Historic Structures**

LMC 15-2.4-6(A) indicates that in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the building setback for additions to historic buildings upon approval of a Conditional Use Permit (CUP), when the scale of the addition is compatible with the historic structure, and when the addition complies with all other provisions of the HRM District, and applicable Building Codes.

Staff finds that there are some instances that this same exception should apply to new construction within this district, specifically when the project encourages the rehabilitation of existing historic structures and new development that is compatible with historic structures in the surrounding area. Staff is exploring the possibility of having the Planning Commission reduce the minimum setbacks of new construction upon issuance of a CUP alike to the reduction of setbacks for additions to historic structures. Staff

recommends amending the LMC to reflect the following language to new construction within historic sites only:

**15-2.4-6. EXISTING HISTORIC STRUCTURES.**

*Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.*

(A) **EXCEPTION.** *In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings **and new construction on sites listed on the Historic Sites Inventory:***

- (1) *Upon approval of a Conditional Use permit,*
- (2) *When the scale of the addition or driveway is Compatible with the Historic Structure,*
- (3) *When the addition complies with all other provisions of this Chapter, and*
- (4) *When the addition complies with the International Building and Fire Codes.*

*(Amended by Ord. No. 06-69, **13-XX**)*

The CUP review criteria includes the following items:

1. Size and location of the Site;
2. Traffic considerations including capacity of the existing Streets in the Area;
3. Utility capacity, including Storm Water run-off;
4. Emergency vehicle Access;
5. Location and amount of off-Street parking;
6. Internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
9. Usable Open Space;
10. Signs and lighting;
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.

Staff finds that the proposed separation of new construction within a historic site should be mitigated during the CUP review process by the Planning Commission, specifically, when reviewing the building mass, bulk, and orientation, and the location of buildings on the site. Staff does not recommend adding a prescriptive separation as each lot contains deviating factors related to setbacks and overall siting within a site. The HRM District allows for multiple buildings within the same lots based on specific standards. By allowing some flexibility in terms of setbacks, greater separation can be achieved when proposing separate buildings adjacent to historic structures.

#### Affordable Housing

In order to incentivize affordable housing in the HRM District, Staff recommends amending the LMC to removing the Sullivan Road Access requirements found in LMC § 15-2.4-9 if the development contains 50% or more deed restricted affordable housing units per the Affordable Housing Resolution as shown below:

#### **15-2.4-9. SULLIVAN ROAD ACCESS.**

*The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”). “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.*

**(A) CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.** *Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.*

**(B) NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.** *The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:*

(1) **UTILITY CONSIDERATIONS.** *Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.*

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** *These review criteria apply to both Sullivan Road and Park Avenue Street fronts:*

(a) *Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.*

(b) *Increased Front Yard Setbacks.*

(c) *Increased snow storage.*

(d) *Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.*

(e) *Elimination of Multi-Unit or Triplex Dwellings.*

(f) *Minimized Access to Sullivan Road.*

(g) *Decreased Density.*

(3) **DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES.** *Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.*

(4) **INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE.** *Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.*

(5) **PARKING MITIGATION.** *Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.*

(6) **PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPE FEATURES.** *This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.*

**(C) AFFORDABLE HOUSING APPLICABILITY. *When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution, Section 15-2.4-9 (B) above does not apply.***

*(Amended by Ord. No. 06-69, 13-XX)*

### **Community Ideals**

Staff finds that the proposed changes do not detract from the four (4) community ideals: Sense of Community, Natural Setting, Small Town, and Historic Character; but rather enhance historic preservation and affordable housing, both of which are supported by the City's principles. Staff finds that the proposed LMC amendments are essential to the City Council vision of this neighborhood.

### **Green Park Cohousing**

These changes will affect the current filed Conditional Use Permit (CUP) application at 1450 /1460 Park Avenue, Green Park Cohousing development, in a positive manner. These possible LMC changes came from various Planning Commission work session deliberations as well as internal discussions within the Park City Planning Department and the City Council.

### **Process**

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

### **Notice**

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

### **Public Input**

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments were properly and legally noticed as required by the Land Management Code.

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council; or
- The Planning Commission may continue the discussion.

### **Significant Impacts**

The proposed LMC amendments encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along Park

Avenue, an important corridor, to be compatible with historic structures in the surrounding area. The proposed amendments also provide consistency in terms of open space requirements.

### **Summary Recommendation**

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report, open the public hearing, and forward a recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

### **Exhibits**

Exhibit A – Proposed Ordinance

Exhibit B – July 31, 2013 Planning Commission Minutes

Exhibit C – HRM District Vicinity Map - North Area

Exhibit D – HRM District Vicinity Map - South Area

Exhibit A – Proposed Ordinance

Draft Ordinance 13-XX

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2.4 – HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM) SECTION 15-2.4-5 SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS, SECTION 15-2.4-6 EXISTING HISTORIC STRUCTURES, AND SECTION 15-2.4-9 SULLIVAN ROAD ACCESS.**

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, the City's goals include encouraging the rehabilitation of existing historic structures, providing affordable housing, and creating new development along an important corridor that is compatible with historic structures in the surrounding area; and

WHEREAS, Chapters 2.4 Historic Residential-Medium Density District (HRM), provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to update and revise. These revisions concern special requirements for multi-unit dwellings, existing historic structures and Sullivan Road access; and

WHEREAS, the Planning Commission held work session discussion on July 31, 2013 and provided input and direction; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on September 11, 2013, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on \_\_\_\_\_, 2013; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.4.5, 15-2.4.6, and 15-2.4.9. The recitals above are incorporated herein as findings of fact. Chapter 15-2.4 of the Land Management Code of Park City are hereby amended as redlined (see Attachment 1).

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, Mayor

Attest:

\_\_\_\_\_  
Marci Heil, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark Harrington, City Attorney

**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.4 - HISTORIC RESIDENTIAL - MEDIUM DENSITY**  
**(HRM) DISTRICT**

*Chapter adopted by Ordinance No. 00-51*

**15-2.4-1. PURPOSE.**

The purpose of the Historic Residential Medium Density (HRM) District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- (E) encourage Affordable Housing,
- (F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and

- (G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

**15-2.4-2. USES.**

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit<sup>1</sup>
- (5) Accessory Apartment<sup>2</sup>
- (6) Nightly Rental<sup>3</sup>
- (7) Home Occupation

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<sup>1</sup>Nightly rental of Lockout Units requires a Conditional Use permit.

<sup>2</sup>See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments.

<sup>3</sup>Nightly Rentals do not include the Use of dwellings for Commercial Uses.

- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family<sup>4</sup>
- (10) Child Care, Family Group<sup>4</sup>
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

**(B) CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Group Care Facility
- (4) Child Care Center<sup>4</sup>
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility Service, and Structure
- (7) Telecommunication Antenna<sup>5</sup>
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>6</sup>
- (9) Bed and Breakfast Inn<sup>7</sup>
- (10) Boarding House, Hostel<sup>7</sup>
- (11) Hotel, Minor<sup>7</sup>
- (12) Office, General<sup>8</sup>

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<sup>4</sup> See LMC Chapter 15-4-9 for Child Care Regulations

<sup>5</sup> See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

<sup>6</sup> See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>7</sup> Allowed only in Historic Structures or historically Compatible Structures

- (13) Retail and Service Commercial, Minor<sup>8</sup>
- (14) Retail and Service Commercial, personal improvement<sup>8</sup>
- (15) Neighborhood Market, without gasoline sales<sup>8</sup>
- (16) Cafe, Deli<sup>8</sup>
- (17) Café, Outdoor Dining<sup>9</sup>
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement<sup>10</sup>
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events<sup>10</sup>
- (23) Fences greater than six feet (6') in height from Final Grade<sup>10</sup>

**(C) PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-3. CONDITIONAL USE PERMIT REVIEW.**

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the

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<sup>8</sup> Allowed only in Historic Structures

<sup>9</sup> Requires an Administrative Conditional Use permit. Allowed in association with a Café or Deli

<sup>10</sup> Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

Design Guidelines for Park City’s Historic Districts and Historic Sites. The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

- (A) Consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites.
- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.
- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

(F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

(G) Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.

(H) All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

*(Amended by Ord. No. 06-69; 12-37)*

**15-2.4-4. LOT AND SITE REQUIREMENTS.**

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at

least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Permit Review.

(B) **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line. Existing platted Lots of record, with a minimum width of at least twenty five feet (25'), are considered legal Lots in terms of Lot Width. In the case of unusual Lot configurations, Lot Width measures shall be determined by the Planning Director.

(C) **FRONT YARD.**

(1) The minimum Front Yard for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet (75') or less, then the minimum Front Yard is ten feet (10').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

(3) See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

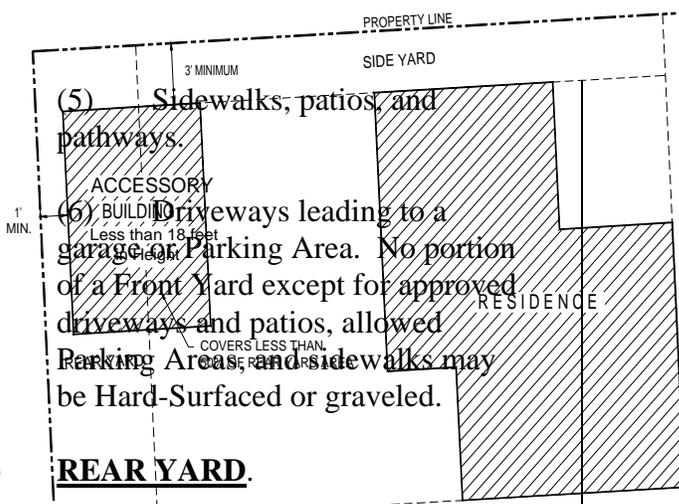
(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

Front Yard  
← →

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.



(E)

**REAR YARD.**

(1) The minimum Rear Yard is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.

(2) See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.

(F) **REAR YARD EXCEPTIONS.**

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

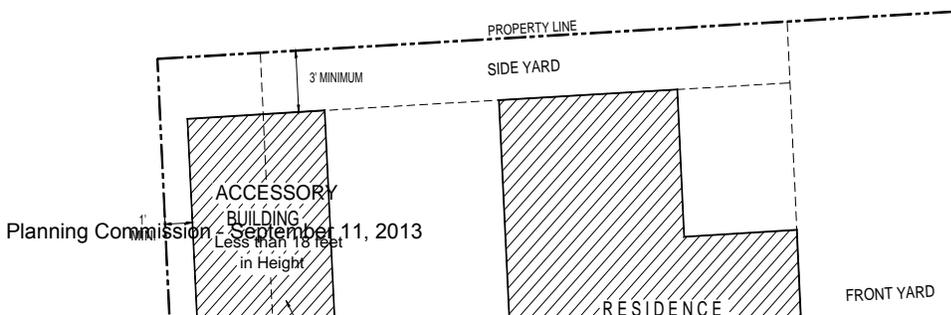
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard for a detached Accessory Building, not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.<sup>11</sup>

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.<sup>12</sup>

(3) Window well and light wells projecting not more than four feet (4') into the Side Yard.<sup>12</sup>

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.<sup>12</sup>

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade.

(7) Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City staircase or pathway.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.**

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing

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<sup>11</sup> Applies only to Lots with a minimum Side Yard of five feet (5').

Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. In cases of redevelopment of existing sites, the minimum open space requirement shall be thirty percent (30%).

*(Amended by Ord. No. 09-10; 12-37)*

**15-2.4-6. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must

comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

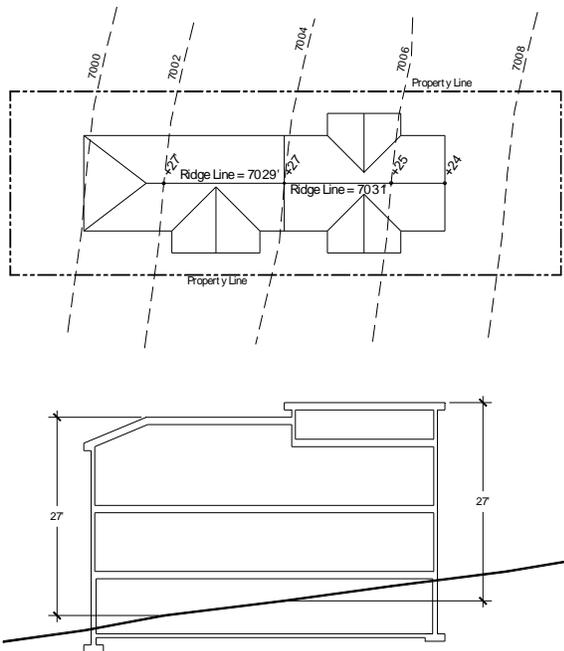
(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

*(Amended by Ord. No. 06-69)*

**15-2.4-7. BUILDING HEIGHT.**

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.



**(A) BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Antennas, chimney, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) Church spires, bell towers, and like architectural features as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone

Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(4) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirements and the plans comply with height exception criteria in Section 15-2.1-6(10)(a-j).

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-8. PARKING REGULATIONS.**

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:
  - (1) the Development of individual Buildings that more closely conform to the scale of

Historic Structures in the District;  
and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-9. SULLIVAN ROAD ACCESS.**

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”). “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased

vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

**(A) CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.**

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

**(B) NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.**

The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

(a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.

(b) Increased Front Yard Setbacks.

- (c) Increased snow storage.
- (d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.
- (e) Elimination of Multi-Unit or Triplex Dwellings.
- (f) Minimized Access to Sullivan Road.
- (g) Decreased Density.

**(3) DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES.** Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.

**(4) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE.** Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

**(5) PARKING MITIGATION.** Plans that keep the Front Yard

Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

**(6) PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPE FEATURES.** This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.

**(C) AFFORDABLE HOUSING APPLICABILITY.** When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution, Section 15-2.4-9(B) above does not apply.

*(Amended by Ord. No. 06-69)*

**15-2.4-10. ARCHITECTURAL REVIEW.**

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC

Chapter 15-11, and LMC Chapter 5-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

*(Amended by Ord. Nos. 06-69; 09-23)*

**15-2.4-11. CRITERIA FOR BED AND BREAKFAST INNS.**

A Bed and Breakfast Inn is a Conditional Use subject to an Administrative Conditional Use permit. No Conditional Use permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure, addition thereto, or a historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

*(Amended by Ord. No. 06-69)*

**15-2.4-12. OUTDOOR EVENTS AND MUSIC.**

Outdoor events and music require an Administrative Conditional Use permit. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent Property

Owners.

(B) No violation of the City Noise Ordinance, Title 6.

(C) Impacts on adjacent Residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

**15-2.4-13. 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 small 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. No. 06-69)*

**15-2.4-14. SIGNS.**

Signs are allowed in the HRM District as provided in the Park City Sign Code, Title 12.

**15-2.4-15. RELATED PROVISIONS.**

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-5-13.
- Telecommunication Facility. LMC Chapter 15-5-14.
- 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 Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3.3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
JULY 31, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Mick Savage, Charlie Wintzer, Kayla Sintz, Francisco Astorga, Polly Samuels-McLean

Commissioners Thomas was excused.

City Manager Diane Foster introduced Matt Diaz, the new Assistant City Manager, and provided a brief history of his experience.

Mr. Diaz stated that he previous lived and worked in Park City he was very familiar with the City. He felt fortunate to be back in Park City and looked forward to meeting the Commissioners.

**WORK SESSION ITEMS**

**LMC Amendments to the HRM District**

Planner Astorga remarked that this work session item related to the LMC amendments in the HRM District. He referred to Exhibits B and C in the Staff report and noted that the Staff chose to put the District on two maps because it was too difficult to read on one map.

Planner Astorga stated that the HRM District is basically Park Avenue from 15<sup>th</sup> Street down to 12<sup>th</sup> Street on both sides. On the east side it goes down to 10<sup>th</sup> Street. Planner Astorga noted that page 3 and 4 of the Staff report contained information related to applicable compliance and general terms related to the General Plan. He explained that the primary changes begin on page 4. The first one addresses open space, where through an MPD the open space requirement is 60%. The proposed change for consideration suggests a reduction in open space.

Planner Astorga remarked that consistency was the main driver. The HRM District indicates that under special requirements for triplexes and multi-unit buildings, the open space requirement is 60%. Everywhere else in the Code mentions 60%, but it also indicates an exception that if the site can qualify as re-development, the open space requirements drops down to 30%. He noted that the first LMC amendment was proposed for the purpose of being consistent with the language included in the MPD requirement criteria for review or approval.

Planner Astorga stated that the second proposed change was to the language for existing historic structures, that the Planning Commission has the ability to reduce setbacks for additions to historic sites. Instead of going through a variance it is a conditional use permit through applicable compliance in terms of compatibility and form, mass, volume, and scale. The Planning Commission has that ability and they have exercised that right through specific requests. Planner Astorga explained that the Staff was proposing to add language indicating that it would apply to additions, but also new construction. In the HRM District multiple buildings are allowed on the site for whatever reason. The Staff asked if the Planning Commission was willing to entertain the concept of allowing the exception of reduced setback for new construction similar to the conditional use permit for additions to historic sites. Planner Astorga clarified that the exception would only apply to a historic sites listed on the Historic Sites Inventory.

Planner Astorga remarked that the last proposed change related to affordable housing. In an effort

to incentivize Affordable Housing in the HRM District, the Staff was proposing to deviate from some of the LMC requirements for the HRM District, specifically the one for compliance with access to Sullivan Road.

Planner Astorga noted that the Staff had drafted proposed language as shown on Exhibit A in the Staff report, the HRM District, Chapter 2.4. The potential changes were highlighted in red beginning on page 14 with the two amendments regarding open space and setback exceptions. The proposed amendment for Affordable Housing was outlined on page 17.

Planner Astorga disclosed that the proposed changes would affect the current application filed within the Planning Department for a conditional use permit for a multi-unit building, co-housing project at 1450/1460 Park Avenue. The amendments would change the requirements related to parking spaces of five or more and access off of Sullivan road. Planner Astorga stated that if the City decided to move forward with the proposed changes, it would positively affect that site.

Planner Astorga noted that this was a work session and a public hearing was not scheduled. However, members of the public were in attendance and he recommended that the Planning Commission take public input.

Assistant City Attorney remarked that even though the proposed amendments would affect issues that arose with a specific application, she felt it was important to recognize that it would be a legislative change and not specific only to the Green Housing project. Ms. McLean recommended that the Planning Commission focus on the policy decisions regarding the LMC amendments rather than on one project.

Commissioner Wintzer asked if an application would have to be resubmitted if it was originally submitted under the existing Code and the Code is changed. Ms. McLean replied that the applicants would have the benefit of the Code change without resubmitting the application. Commissioner Wintzer understood that if it was turned around they would not get that benefit. Ms. McLean replied that he was correct.

Planner Astorga believed it would depend on whether the Code was changed to be more restrictive or less restrictive. Ms. McLean stated that an application is vested under the current Code; however, the applicant could choose to take advantage of the changes and move forward with the revised Code.

Commissioner Hontz referred to page 4, the last bullet point under Historic Core Policies and noted that some of the words were missing to complete the sentence. She noted that words were missing from the second bullet point under Historic Core Actions and asked for clarification. Planner Astorga apologized for the error and offered to find the exact language from the General Plan.

Planner Astorga stated that he looked at the vicinity map to contemplate what the change might allow in terms of the properties in the zone. He was concerned about setting a precedent and creating a future problem. Planner Astorga stated that it was impossible to predict future problems because everything depends on what currently exists and what the property owner wants to do with his land. However, as indicated on the HRM maps on page 20 and 21, the second amendment proposed would only apply to the historic sites identified as significant or landmark on the Historic

Sites Inventory, and those were indicated on the map with yellow dots or orange triangles.

Commissioner Hontz clarified that for MPDs or anything else, any applicant could come in at any time and use the benefit of the Code changes. The benefit of the Code changes would affect every person in the HRM District. Commissioner Hontz commented on City-owned property in the HRM District, some of which was identified in blue on the map. She pointed out that the City would be one of the property owners affected, as well as private property owners.

Chair Worel opened the public hearing.

Planner Astorga handed out a letter that Clark Baron had emailed earlier in the day.

Clark Baron, an owner in the Struggler Condominiums located at 1470 Park Avenue adjacent to the project stated that he had made comments at the last two public hearings and the Planning Commission was given a written copy of comments. Mr. Baron stated that during the last two meetings the owners of the Struggler Condominiums have made it clear that the concept of co-housing is a good concept; however, putting ten units on a property of this size in the Historic District does not meet Code. They have tried to indicate that it is a good project but on the wrong property.

Mr. Clark stated that he and other Struggler owners were opposed to the changes in the LMC. Making public policy changes to benefit a specific private development looks bad for the City. The project is too large for the property and he encouraged the Planning Commission to consider the density. Mr. Clark stated that one of the changes in 15-2.4-9 attempts to exempt the project from all requirements related to Sullivan Road. He felt it was inappropriate to negate a full section of the building code based on the fact that a percentage of the project is affordable housing. The goal of the City is to maintain the historic nature of the area and also to do affordable housing. He believed they could both, but not with this project on that property. It is too big and does not match the surrounding development. Mr. Clark asked the Planning Commission not to support the proposed changes to the LMC.

Dan Moss, a Struggler Condominium owner, stated that there is very little developable land left in the historic district and this was not the time to compromise the standards they have all worked so hard to craft through the years. He felt it was important to hold fast to the values and not snub the efforts of the City forefathers who gave their all to ensure a future Park City that holds true to its beliefs. Mr. Moss stated that the wording that defines the City Code was well-thought out by those who had the foresight to know how best to proceed. He did not think those valiant efforts should be compromised. Mr. Moss remarked that the Historic District of Park City was the last place where they should ease the requirements to promote affordable housing. If the proposed project cannot be built on this parcel without the aid of compromise and the easing of standards, then it should be built on a different parcel of land that could better facilitate the proposal.

Chair Worel closed the public hearing.

Planner Astorga read the language from the General Plan to complete the incomplete sentences that Commissioner Hontz had pointed out earlier. The first was the last bullet point under Historic Core Policies. "Work to ensure the continued livability of residential areas around the historic commercial core." The second was the second bullet point under Historic Core Actions, "Encourage

residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation and historic preservation objectives.”

Commissioner Hontz noted that pages 3 and 4 of the Staff report highlighted some of the sections of the General Plan that the Staff had chosen to support the potential Code changes. However, when she reads the language it does not support the changes. Commissioner Hontz stated that both of the bullets highlighted under Goal 7 do not relate to the changes proposed. She remarked that livability was a key element in the historic preservation objectives. She intended to focus on both issues in her comments.

Commissioner Hontz summarized her comments in six points as follows:

1) Open Space – In her opinion none of the proposed changes were acceptable and none of them would make for a better District or zone that would benefit the entire community and building district. Commissioner Hontz referred to the first bullet point in the consistency question regarding open space, and stated that if she had been aware that the unintended consequences of allowing MPDs in Old Town would mean reduced open space and not specifying no roof tops and no side yards, she would have never allowed MPDs in Old Town. Commissioner Hontz stated that the reason for having an open space requirement in MPDs and for larger units was due to the context of the neighborhood and the relationship with the historic structures. She believed the open space needed to be maintained, especially in Old Town, where a few feet is precious space. Commissioner Hontz remarked that open space is a mandatory requirement for larger density in order to fit into that part of Town. In her mind it was not a consistency issue.

2) Relationship – Commissioner Hontz felt like the City was shifting from the number one goal in the Historic District, the word “historic”, to pushing another goal for affordable housing. She recognizes that affordable housing is important and she supports it, but it should not compromise the “historic”. Commissioner Hontz noted that the current General Plan has supported existing affordable projects, and they can be done under the existing Code. She was not willing to further degrade the historic district and run the risk of making it less valuable and livable by allowing the proposed change outlined under Existing Historic Structures. Commissioner Hontz thought the situation would be worsened by making the conditions fit the historic structures instead of new construction.

Commissioner Hontz stated that a relationship has been established between the historic structures, other structures and the street, and she believed those needed to be maintained. She felt the proposed change was the wrong direction to go in Old Town.

3) Affordable Housing and the Sullivan Road Access – Commissioner Hontz stated that she has lived in Park City for 19 years, and she has learned over time that the Planning Commission exists for a good reason. She found it interesting that they would consider exasperating the problem in this area rather than to enforce the rules that were put in place to stop this type of situation from occurring. In looking at the corridor along Sullivan Road, the proposed change would undo the important regulations intended to stop the type of development in the parking lot and the facades that were occurring along the Park. Commissioner Hontz did not believe it fits the neighborhood and it was not a good direction to consider.

4) Commissioner Hontz believed the points she outlined shows that the proposed changes do not

support any of the community ideals and it would erode what they have worked hard to put into place.

5) Keeping her focus on the legislative action, Commission Hontz could see this policy change causing problems for the City in terms of how the process was initiated and moved forward.

6) Commissioner Hontz believed her points against making the Code changes were strong enough to convince them not to move forward in any aspect.

Commissioner Wintzer concurred with all of Commissioner Hontz's comments. However, he would put more emphasis on the comment that the process is flawed. If this is a big issue, the Planning Commission should be looking at it in comparison with the General Plan and looking at the bigger picture rather than just one isolated area. Commissioner Wintzer agreed that Sullivan Road needs to be maintained as a special area. It was abused when it was first put in and the proposed changes would weaken it even more.

Commissioner Strachan agreed with the comments. He believed the trend throughout the community is to increase the amount of open space. People have voted for million dollar bonds to gain more open space, and the idea of changing the Code to decrease the amount of open space is not in concert with the community trend. Commissioner Strachan stated that in Old Town where the houses are so close together, open space is an important element. There needs to be room between structures for storage of bikes, etc., but particularly for children. If they want to encourage families to move back into Old Town they need to have yards for their children. He remarked that yards are still important for projects along Sullivan Road, because even though the Park is on the other side of the road, people cannot send their children to play in the Park without having a parent with them. Families need to have open space next to their homes where the children can play and the parents can supervise.

Commissioner Strachan needed more time to think about the changes proposed to the Historic District section. This was the first time he had seen the changes and he needed to look at the map and physically walk by the historic structures to figure out what the Code change would mean for each of those homes.

In terms of process, Commissioner Strachan felt this was similar to when the Kimball Arts Center requested a Code change to accommodate their project. At that time the Planning Commission viewed it as being reactive planning instead of progressive planning. He thought they should be planning for the projects they want to see as opposed to reacting to projects that come before them.

Commissioner Strachan recognized that the change may be good overall, but putting it in front of the Planning Commission as an effort to approve what they all agree is a good project may have unintended consequences. Knowing the trends that occurred in the past when patchwork changes were done to the LMC, he would anticipate abuse of the Code.

Commissioner Savage stated that he had given the matter considerable thought and he spent a lot of time driving the area. He took exception to the earlier comments, not because of the unintended consequences, but rather trying to do something that supports intended consequences. He disagreed with Commissioner Hontz's comment that the proposed changes do not support any of the community ideals, since one of the primary community ideals is affordability and integrating

people of various economic means into the community as broadly as possible. The idea of bring families back into the historic area without providing a mechanism to achieve it was frustrating. Commissioner Savage believed this was an opportunity in this area to contemplate a range of possible projects that could help achieve some of the intended objectives. He remarked that in talking about open space in the area around Sullivan Road, he could not think of many places in all of Park City that offer a more direct access to significant open space for children and families and recreation in terms of having a Park all along the back of the homes. In relations to the yellow dots on the map, he felt the achievement of open space and the desirability of functional open space was well achieved in that area. If they could find a way to encourage development that would create that as an asset, it would attract the families they want to see in Old Town.

Commissioner Savage stated that when he looks at the purposes in this part of the General Plan and the Land Management Code, he finds it very supportive for what they were trying to achieve. Commissioner Savage supported the proposed changes because it makes sense for Park City. Commissioner Savage agreed that the desire to maintain historic compatibility was of paramount importance and they need to be good stewards of that, but not to the exclusion of flexibility as it relates to allowing the higher population of family units.

Commissioner Savage referred to the City properties in the area and he believed those properties were ripe for development in terms of higher density and affordability for families, particularly due to the proximity to the Park and transportation corridors.

Commissioner Gross believed that Lower Park Avenue would be a very important aspect of the City and some of the things being planned in the redevelopment areas. He thought the Code changes would help take it in the direction of additional density in the right places, walkability, transportation, etc. Commissioner Gross stated that in looking at the area identified in the Staff report, it appeared that the Struggler lots to the north only had five units on one lot equaling the same size of property as the two lots to the south with ten proposed units. Commissioner Gross was unsure if density was the real issue. He thought affordable housing was critical and there has been heard good feedback with regards to projects along Park Avenue. Without talking about the Green Co-housing project specifically, Commissioner Gross thought the Planning Commission needed to pay attention to the importance of setbacks and open space. He suggested that 60% open space may be too aggressive; but he would not want green roofs or patios being considered as part of the 30% open space.

Chair Worel stated that from her perspective open space was a key factor and she had an issue with potentially cutting the open space requirement in half. Chair Worel agreed that they need to protect the historic structures and carefully consider what they put next to historic structures in terms of additions, etc. Any additions or construction should be compatible with historic structures and with the streetscape. Chair Worel liked Commissioner Strachan's comment about planning rather than reacting. She was concerned about setting a precedent for changing the Code every time a project comes along that they all like and believe in. Chair Worel was opposed to setting the precedent by changing the Code.

Commissioner Savage stated that for the years he has been on the Planning Commission he could count on two fingers the number of times there has been a change in the LMC that has come to the Planning Commission as a consequence of a specific application. He was not particularly

concerned about the issue of precedence. However, he was concerned about the issue of higher purpose in terms of their intentions. He noted that the Planning Commission has had extensive discussions in relation to the development of the new General Plan having to do with the concept of gives and gets. Commissioner Savage stated that there was no perfect way. Any time they are faced with making a decision that supports the vision they want for the community in the future, there will have to be compromises. Commissioner Savage did not argue the fact that there were compromises associated with the proposed changes; but when he looks at the implication it could have relative to the integration of affordable housing in a very high-quality location in the community, he felt strongly that this was a good opportunity to act in a constructive way.

Commissioner Hontz stated that the City has four community ideals; historic character, small town, natural setting and community. She would argue that the historic core is what distinguishes Park City the most as a unique ski town that is both livable and interesting to visitors. In order to accept any of the proposed changes they would have to buy into the fact that it would benefit the four community ideals. Commissioner Hontz remarked that she has looked at this area for various projects and as a Planner she understands that the existing regulations work quite well. She was not convinced that the proposed changes would help someone succeed. She believed that accepting them would be reacting in a negative way.

Commissioner Hontz stated that a 50% reduction sounds significant, but on a plan with significant density, that could mean four feet on one side yard, which is important in Old Town. She realized that it was hard to understand what 30% means, but she does understand it and making it smaller would not work. Going back to the historic character, she was not willing to erode what they have any further.

Commissioner Wintzer stated that he had calculated the setbacks on a 50' x 150' lot and they equaled 36% open space. The proposed change would essentially mean that the Planning Commission was willing to accept only the setbacks as open space. Commissioner Wintzer remarked that he personally was not willing to accept setbacks as the only open space.

Planning Manager Sintz pointed out that MPDs are now allowed in the HRM zone. Under the current Code, reductions of open space from 60% to 30% can be granted when there is affordable housing or rehabilitation of historic structures. She liked the discussion regarding open space and whether it was enough in setbacks. Planning Manager Sintz noted that the variation of setbacks can be a bonus for historic structures if an applicant is not actually attaching an addition to, but is instead doing new construction. It allows a greater separation from two buildings. She was unsure if that had been contemplated as a mechanism.

Planning Manager Sintz asked if there was consensus among the Commissioners to bring back the proposed changes for further consideration. If the consensus was no, she asked if there were specific items or sections that the Staff should bring back for further discussion.

Commissioner Savage reiterated his support for implementing the changes as proposed.

Commissioner Strachan wanted to know the catalyst for proposing changes to the Historic District setbacks for new construction. Planning Manager Sintz replied that greater separation allows for more space between a historic structure and new construction on the same site or an addition to a

historic site. Planner Astorga stated that unlike the HR-1 or other districts, the HRM District allows multiple buildings within a lot. If new construction that is not necessarily attached to the building it could be shifted towards the back, it would achieve greater separation between the historic structure, but the setbacks would still be reduced.

Commissioner Hontz wanted to know what would keep the new construction from creeping closer to the historic structure but still be allowed a reduced setback. Planning Manager Sintz stated that it would be part of the Planning Commission review process. Commissioner Hontz remarked that it would not end up being a benefit unless the Code specified that in order to receive the reduced setback, the structure would have to be set back for further separation.

Planner Astorga clarified that the Staff chose not to specify the separation because compatibility is addressed in the conditional use permit criteria. Each site is different and it is better to address it on a case by case basis.

Chair Worel asked if the Planning Commission was interested in further discussing the proposed change regarding open space. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in discussing it further. Commissioner Gross was interested. Commissioner Savage had already made his position clear for supporting the proposed change.

Chair Worel asked if the Commissioners were interested in further discussing the proposed changes regarding Existing Historic Structures. Commissioner Strachan wanted to see additional analysis. He had walked around Rossi Hill and went up the Shorty steps. Some of the homes are close together and he found it to be quaint and interesting because it had the feel of an old mining town. Commissioner Strachan stated that if the proposed change allows the ability to shrink the setbacks to achieve that feeling, he would be willing to look at it. He understood that it was only for new construction and he recognized the issues related to a new structure abutting a historic structure. However, he was interested in seeing the Staff analysis and how that could be mitigated. If compatibility is the only regulator to address that problem, he would not support it.

Commissioner Hontz noted that all the pieces of the Code were entwined. If the other Commissioners concurred with Commissioner Strachan, she would want strong language in terms of what instances it would make sense, and she would also want to mandate more open space.

Commissioner Wintzer referred to Commissioner Strachan's comment about the quaint neighborhood up the Shorty Stairs. He explained that it is a unique neighborhood because there is no road and no cars. There is no chance for a mega-building in that area because it cannot be accessed by car. He pointed out that decreasing the amount of open space essentially increases the size of a structure. At this point, Commissioner Wintzer was not interested in pursuing it further. He believed the only way to draw families and children back into Old Town is to create more open space.

Commissioner Savage stated that in the category of gives and gets, having the ability to encourage people to build affordable housing in a location proximate to City Park and the park at the Library, was very consistent with the desire to encourage families to move back into Old Town. He believed they were putting so much emphasis on the open space issue that it becomes the defining constraint without looking at the benefits from developments that include a significant percentage of

affordable housing. Commissioner Savage thought the Planning Commission was being inconsistent. They talk about affordable housing but they are unwilling to do what is necessary to achieve it.

Commissioner Hontz reiterated that the point she made that was not resonating is that the amount of open space is three or four feet, which is not enough space to do anything or store anything. She emphasized that 30% open space is only the setbacks, which is not usable open space. Commissioner Hontz noted that there are still no yards in Old Town at 60% open space. Families are already forced to go to the Park. She believed that 60% open space was a necessity.

In response to the question of whether the Planning Commission wanted the Staff to come back with more analysis on existing historic structures, Commissioner Strachan answered yes. Commissioners Gross, Savage and Worel concurred. Commissioners Wintzer and Hontz were not interested in further analysis.

Chair Worel asked if the Commissioners were interested in further analysis regarding the proposed change to explore the concept of removing the Sullivan Road access requirements if the development contains 50% or more deed restricted affordable housing units. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in pursuing this change. Commissioner Gross and Savage were interested in more analysis. Commissioner Gross clarified that he would like to see more analysis because he still struggled with why they were calling it a parking lot and access road. He thought it needed further analysis so they could call it what it is. If they do not want housing and people they should put in another parking lot for the Park.

The Work Session was adjourned.

# HRM District - North Vicinity Map



## Legend

-  Road Edges
-  Parcels
-  Park City HSI Significant Site
-  Park City HSI Landmark Site

Source: Planning Commission - September 11, 2013



# HRM District - South Vicinity Map



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## Legend

-  Road Edges
-  Parcels
-  Park City HSI Significant Site
-  Park City HSI Landmark Site
-  Streets



# Planning Commission Staff Report



**Subject:** General Plan  
**Author:** Thomas Eddington, Planning Director  
Kayla Sintz, Current Planning Manager  
**Date:** September 11, 2013  
**Type of Item:** Work Session

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## **Background**

The draft version of the General Plan was completed on March 27, 2013 and distributed to the Planning Commission and City Council for review and comments. Prior to its completion, two Planning Commission meetings were dedicated to the Small Town – Goals and Strategies section: the October 10, 2012 and October 16, 2012 meetings.

Upon completion of the draft document, a joint City Council/Planning Commission meeting was held on May 16, 2013 to discuss Bonanza Park and long range planning and scheduling. A second joint meeting was held on May 30, 2013 and the CC/PC agreed to form a task force to review the draft document.

## **Task Force**

As approved by the Planning Commission and City Council at the Joint Meeting, a Task Force was formed consisting of the Planning Director/Staff, City Attorney and two rotating Planning Commission members. Weekly meetings began in early June and were completed on schedule by the end of July. Each assigned task force member collected input from other PC and CC members prior to the designated meetings so they were not representing personal viewpoints. A summary of the Task Force discussion schedule was as follows:

- Week 1: Regional Planning and Transportation
- Week 2: Open Space, Environment, Climate Adaptation, and Living within Limits
- Week 3: Lifelong Housing and Workforce Housing
- Week 4: Recreation and Arts & Culture
- Week 5: Resort Community, Tourism and Community
- Week 6: Character and Diverse Economy
- Week 7: Historic Preservation
- Week 8: Main Street and Neighborhoods

While the Task Force completed its initial obligation above, at the joint City Council and Planning Commission meeting held on September 4, 2013, the two groups agreed to continue a Coordinating Committee as needed. The Planning Commission will need to appoint a bipartisan Coordinator to be involved on a bi-weekly basis. The Planning Commission GP Coordinator will continue discussions with Planning Director/Staff, City Attorney and CC member bi-weekly (or weekly if required). As the schedule will be strictly adhered to, the Coordinating Committee will be able to complete additional discussion/consensus and make recommendations in-between meeting dates.

### **Analysis**

The draft document presented for discussion at this meeting incorporates the input received from each of the task force meetings. Individual comments provided independently and without consensus from the task force group have not been incorporated.

The first section of the draft General Plan for review and input by the public is the Small Town – Goals and Strategies section. Within this section were a few policy issues that were discussed at the joint City Council/ Planning Commission meeting on September 4, 2013:

**Policy 1** “While Park City could choose to encourage growth to occur outward, into the undeveloped lands surrounding the City, we support higher densities in town, so that we can preserve open space and the natural setting in and around Park City. Small Town, Goal 1, page 95 (as edited). See also Sense of Community 7.1, page 135.

**Outcome:** Consensus to *Modify* language. Modifications should clarify increased density is not a goal in its own right, and include community give/gets that may justify additional density in neighborhoods that can accept additional load (not compromise Keeping PC PC) - consider affordable housing & TDR’s. Discussion of density in BoPa.

**Policy 2** “Increase opportunities for local food production within City limits.” Small Town, Principle 1D, page 96.

**Outcome:** Consensus to *Modify* to allow garden areas (food, flower, etc.) in zoning districts and city Rights-of-Way. Explore additional appropriate areas (not including Open Space) via LMC clarification but de-emphasize references in GP.

**Policy 3** “Continue to provide necessary commercial and light industrial services within the City limits by allowing a range of commercial uses within city limits, including industrial uses in appropriate areas.” Small Town, Strategies page 97.

**Outcome:** Consensus to *Modify* language to keep Light Industrial in town and strengthen language in Form Base Code Character Zones for LI uses.

These changes from Thursday have not yet been incorporated into the attached redline.

### **Revised Layout for the General Plan**

The Planning Department recommends revising the layout for the General Plan to be formatted as follows:

- Introduction
- Goals and Strategies
  - Small Town
  - Natural Setting
  - Sense of Community
  - Historic Character
- Neighborhoods
- Appendices (Including Trends)

The final format will be better formulated based on the input via the public process.

### **Executive Summary**

Planning staff does not recommend a stand alone Executive Summary be prepared until the end of the process, once final content and format is established. Staff recommends that the Executive Summary contain the following:

- An introduction outlining the Plan
- A simplified list of Goals and Strategies
- An overview of the neighborhoods

Requested Direction: Confirm or Deny desire to have a stand alone Executive Summary and confirm contents and purpose of the summary to enable staff to work on the summary as the substantive parts of the GP are reviewed.

### **Small Town**

The Planning Commission should review the following pages of the attached redline (Exhibit B), pages 93 – 114 and pages 175 – 200,, and the policy questions raised during the task force meetings. A complete redline document has been

completed by the Planning Department. Does the Planning Commission want this to be uploaded to the City's website or is there a preference to review the sections in hard copy at each Planning Commission meeting?

## **GENERAL PLAN TASK FORCE – POLICY ISSUES LIST For Discussion**

### SMALL TOWN - GOAL 1

1. While Park City could choose to encourage growth to occur outward, into the undeveloped lands surrounding the City, we support higher densities in town, so that we can preserve open space and the natural setting in and around Park City. Increased infill; impact on existing neighborhoods-allow only where offsets development pressure elsewhere and there is available infrastructure/capacity to handle traffic. Possible TDR agreements/programs with both counties. **[addressed above]**
2. Additional annexation discouraged or encouraged? Expand annexation policy declaration boundaries? To protect undeveloped land?
3. Increase opportunities for local food production within City limits. **[addressed above]**
4. Continue to provide necessary commercial and light industrial services within the City limits by allowing a range of commercial uses within city limits, including industrial uses in appropriate areas. **[addressed above]**
5. Require a range of lots sizes and housing density within new subdivisions in primary residential neighborhoods v keeping additional infill where compliments the existing patterns of subdivision.
6. Additional accessory uses/apartments in residential?

Requested direction: discuss as appropriate and agree/reject/modify.

A complete list of policy issues for the entire General Plan has been included as Exhibit C.

### **Exhibits**

- Exhibit A: Schedule for General Plan Completion
- Exhibit B: Draft, with markups, of Small Town – Goals and Strategies
- Exhibit C: Full Policy Issues List for General Plan – From Task Force

### Proposed General Plan Schedule

Joint PC/CC Meeting	Policy Issues	9/4/2013	
PC Public Hearing	Kick Off - Exec Summary & Small Town	9/11/2013	
PC Public Hearing	Sense of Community	9/25/2013	
PC Public Hearing	Natural Setting	10/9/2013	
PC Public Hearing	Historic Character	10/23/2013	
PC Public Hearing	Neighborhoods & Recommendation to CC	11/6/2013	
CC Work session	Introduction - Executive Summary	11/14/2013	
CC Public Hearing	Values, Goals, Strategies	11/21/2013	
CC Public Hearing	Final Draft Distribution	12/5/2013	
CC Public Hearing	Action - Vote on GP	12/12/2013	

Dated 8/26/13

# 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.”

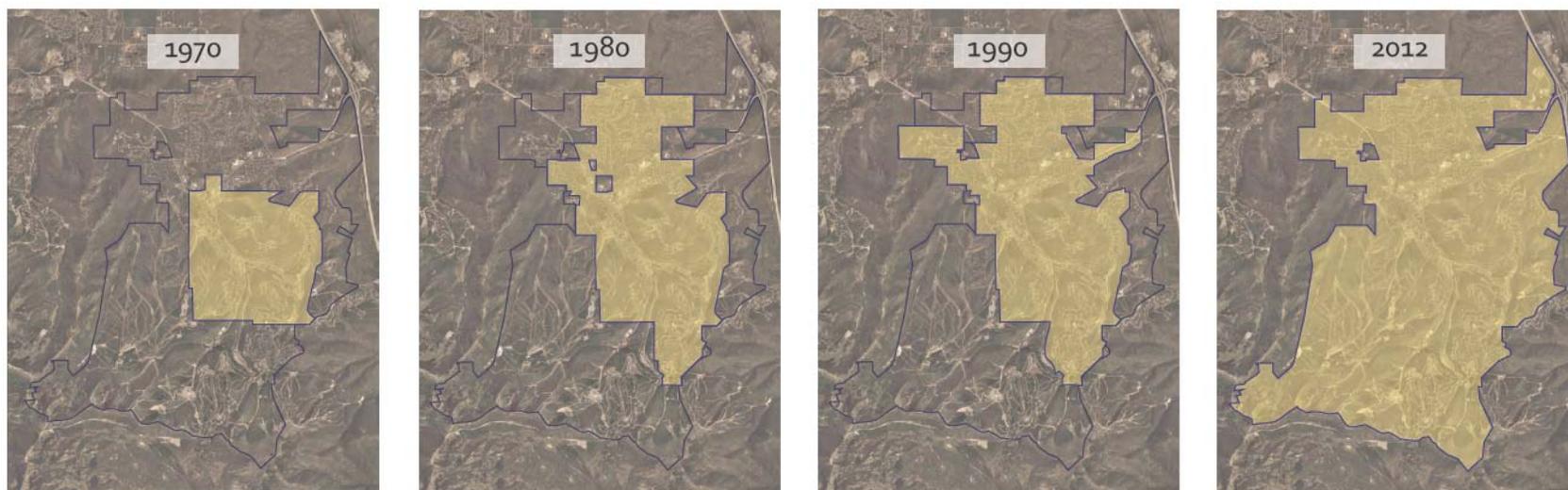


Since Park City was incorporated in 1884, the City has experienced cycles of growth and decline. First with the mining boom and its subsequent contraction. Its transition to skiing and tourism beginning in the 1960s established a second growth cycle in Park City. The original city boundaries comprised 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 choose 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 community's core values includes the expansive vistas, open space, sensitive lands, and wildlife corridors which are irreplaceable. For our guests and residents alike, it is 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*



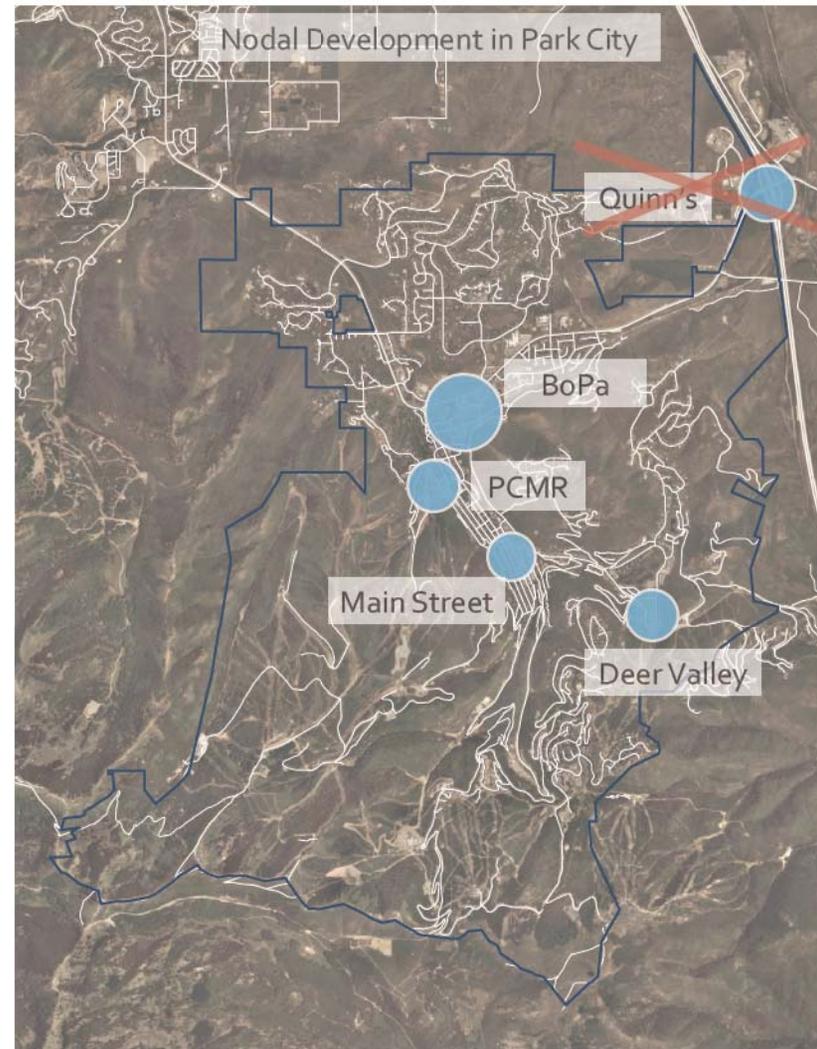
The protected open space of round valley defines the Park Meadows neighborhood boundary while providing recreation opportunities for Parkites and habitat for wildlife.

*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 or to protect historic resources to an area appropriate for development. This planning tool can help Park City “grow inward” and relieve pressures on undeveloped lands. The City may expand the annexation boundary to acquire more of the undeveloped lands along Interstate 40

and up into Guardsman Pass to protect these lands as open space for future generations. New opportunities in and around the City center and Resort Centers must be explored to receive the densities from the boundary. Taking a fresh look at diversifying land use within established neighborhoods can create new opportunities for receiving density, as well as, adding interest and opportunity within the neighborhood experience.

## Principles

- 1A** Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. Increased infill development **beyond current entitlements** 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 **encourage** 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 **business** 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 **and around** City limits. **Sustainable agriculture practices should be considered within open space areas.**



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 defined receiving zones 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.

**1.2** **1.1.2** Within Identify transition zones where two adjacent neighborhoods meet and one neighborhood has a higher density. Transition zones should be considered to receive TDR credits 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.

## Policy Discussion highlighted

**1.32** 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.

**1.43** Require a range of lot sizes and housing density within new subdivisions in primary residential neighborhoods.

**1.54** Revise minimum lot size within primary residential neighborhoods to create opportunities for smaller, more compact development and redevelopment. Create specific context sensitive requirements within the LMC, such as minimum road frontages and minimum lot width.

**1.65** 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.

**1.7** Direct development to the “toe” of the slopes, preserving the ridge tops, meadows, and visible hillsides. Open space foregrounds should be incorporated in development proposals to enhance the visual experience of open space.

**1.8** Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.



Preference to re



Tammy Paulson ©

move cartoons

## City Implementation Strategies

- 1.96** 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.
- 1.107** Redevelopment areas **shall be defined** ~~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.
- 1.118** Identify and prioritize parcels for open space acquisition and include as TDR sending zones.
- 1.129** Update **The Transfer of Development Rights (TDR) system shall every two years to reflect market rate valuations of included properties within the incentivized multipliers.**
- 1.130** Annex additional land to shape growth reflective of the City's goals for land use surrounding Park City.

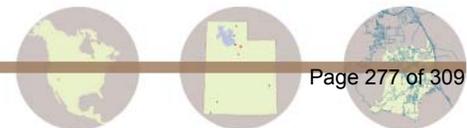


© Getty Images

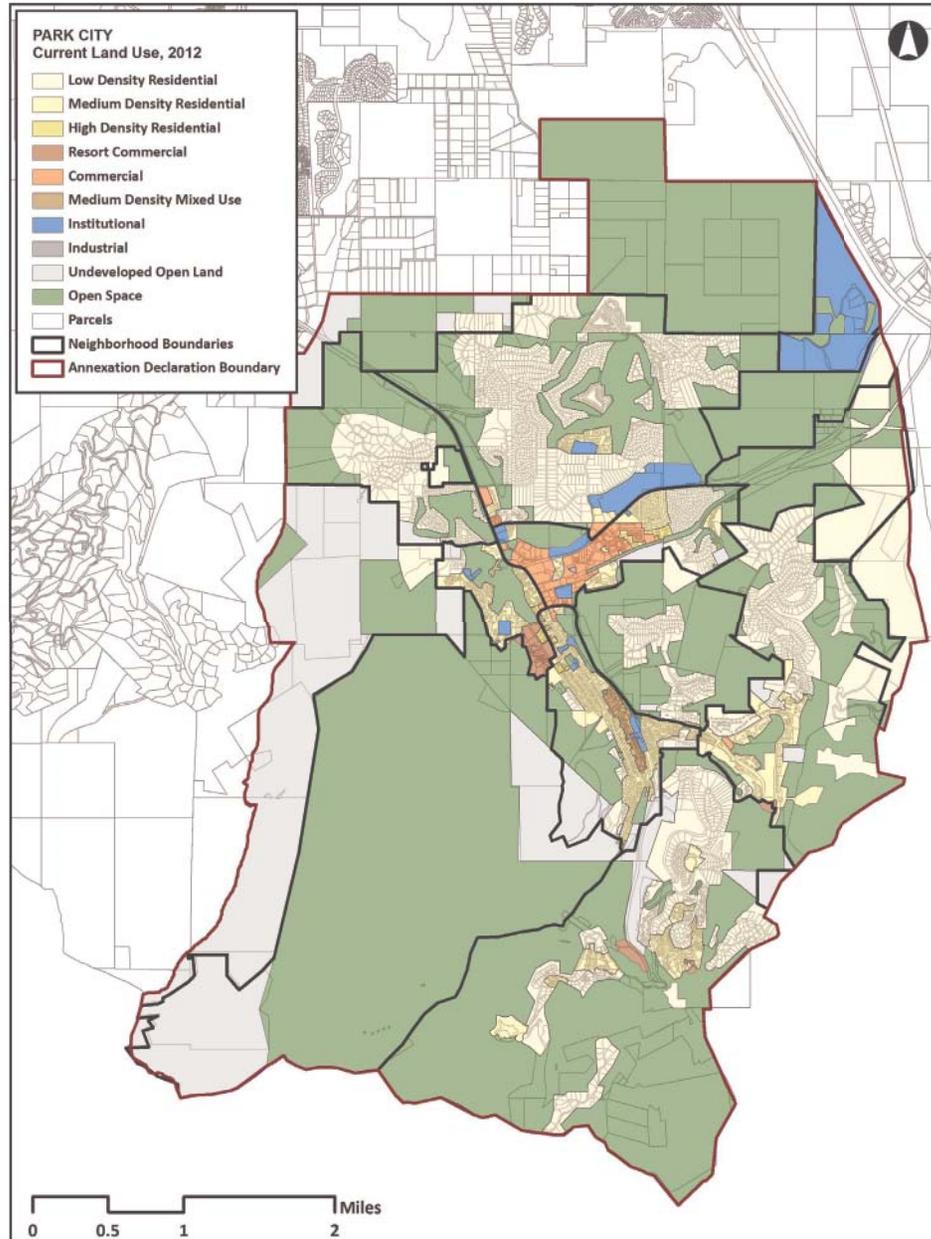
View from St. Albans Clock Tower, UK. The Town and Country Planning Act of 1947 designated green-belt land around towns and villages and has prevented urban sprawl, protect the countryside and historic towns, and promote urban regeneration.

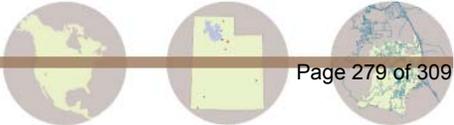
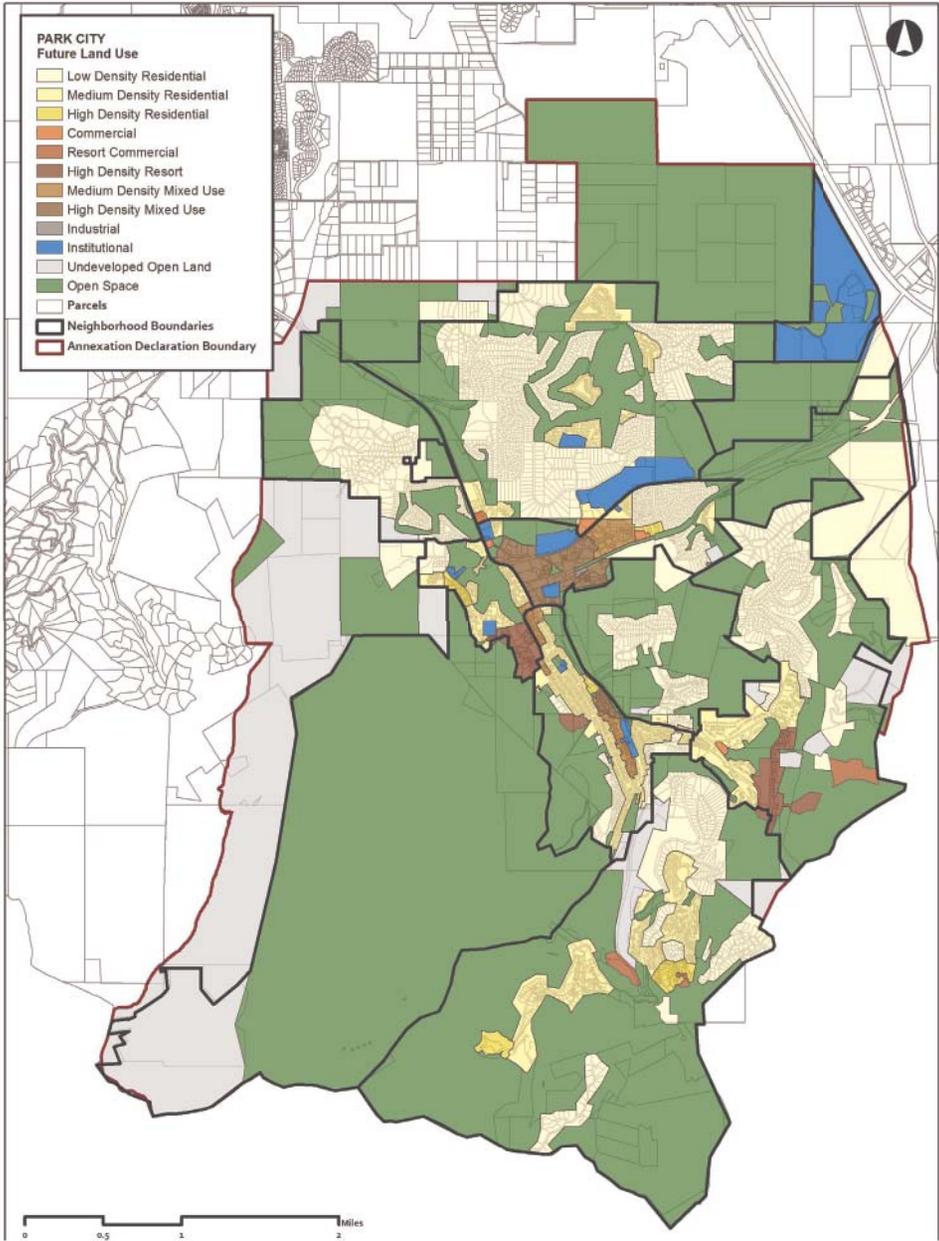


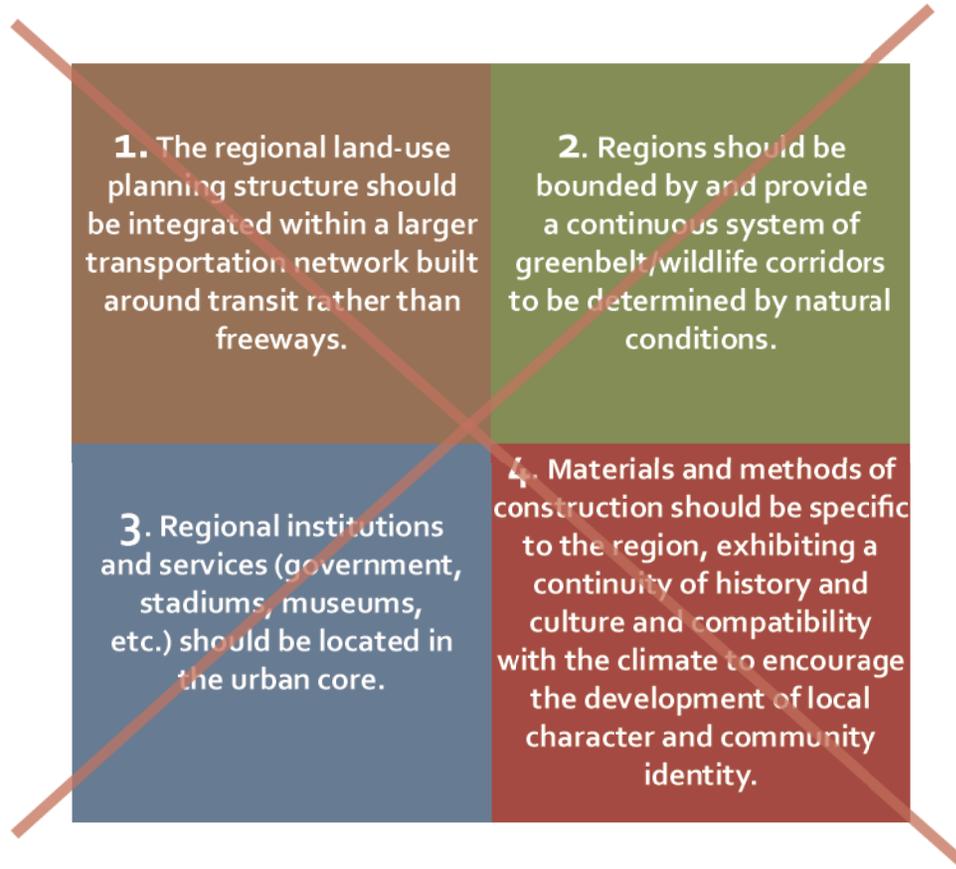
View of St. Albans, UK from Google Earth. Development continues to evolve within the urban center promoting urban reinvestment while protecting local agriculture and open space.



1. Add a map to orient reader.
2. Label roads
3. Remove neighborhood limits.
4. Rotate maps to fill page.



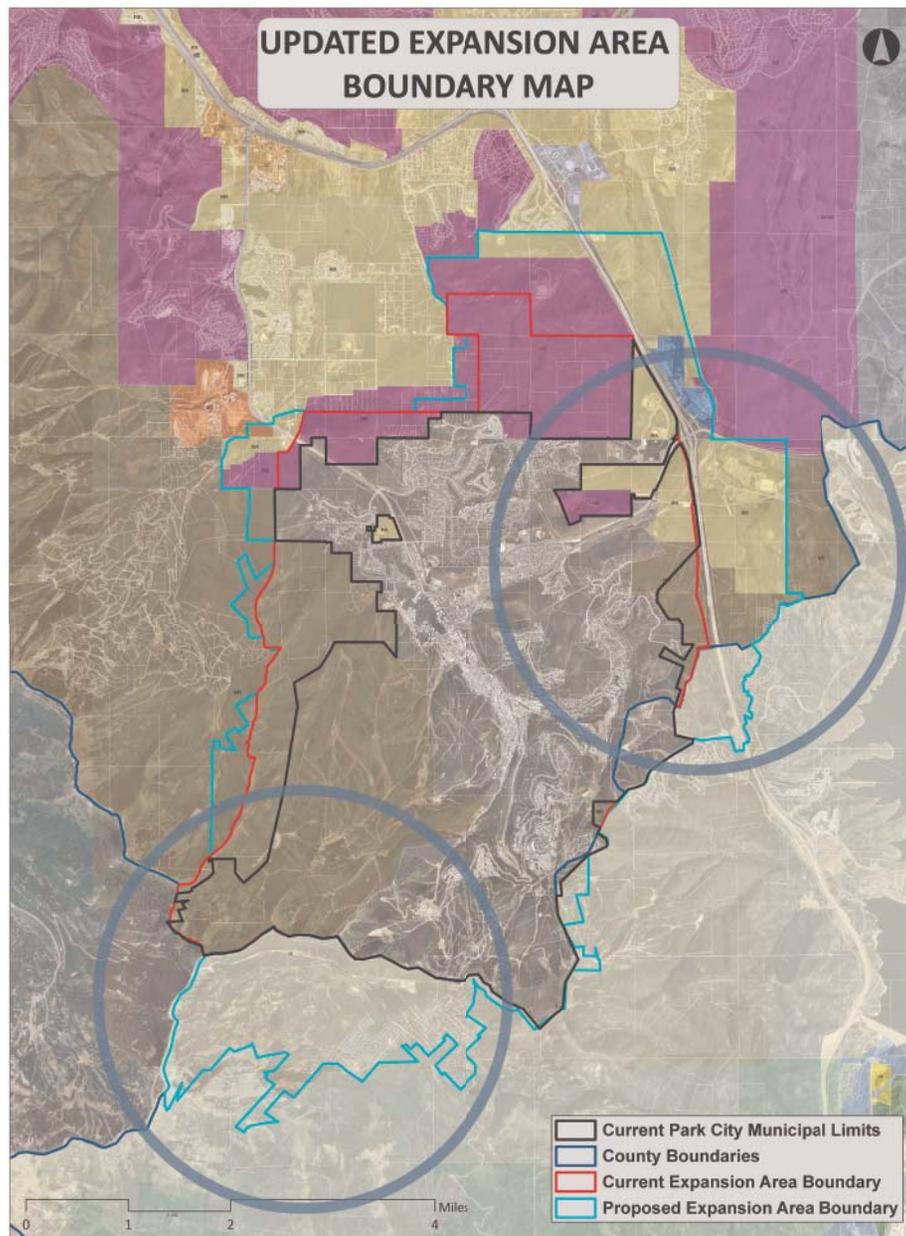




Delete. Orientation map will fill space.

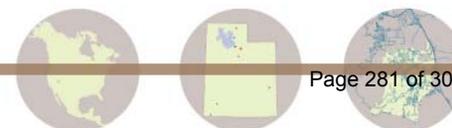
Modifications to the expansion area require full analysis of the annexations within the state and local code. This map represents the need to discuss expansion with our regional partners and the Park City Planning Commission and City Council. This map is a draft to be utilized within discussions toward 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.



Area for future discussions with our regional partners in Summit County.

1. Remove zoning colors in the county. Use one color for summit county. One color for wasatch county.
2. Label roads
3. Show zoom in on discussion areas
4. Expand discussion areas to include the entire expansion boundary.
5. Create a hatch for new area added to expansion area.



## 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.

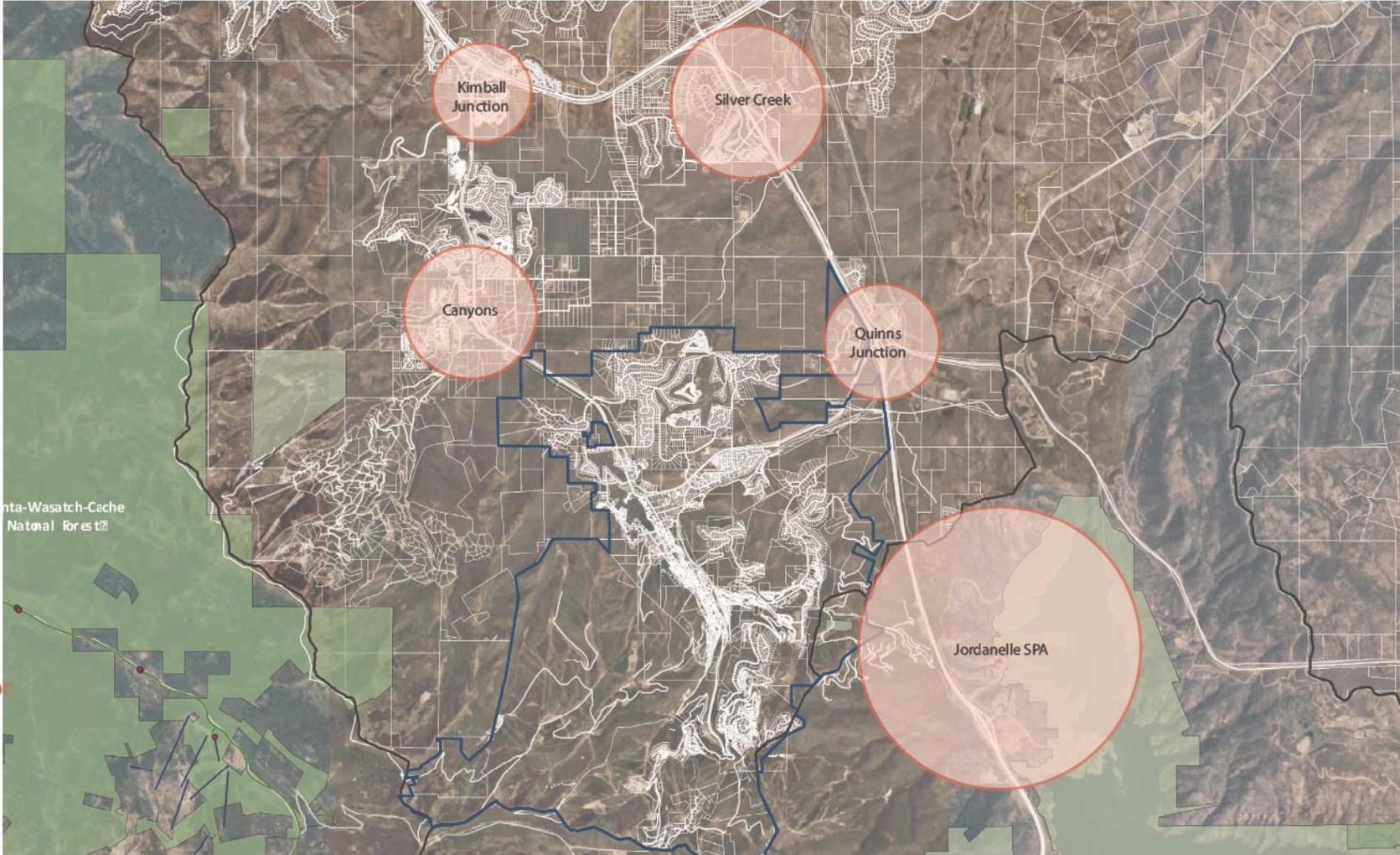
Park City is part of the greater Wasatch Back region, which spans from Snyderville Basin Parley's Summit to Eastern Summit County the Uinta Basin to Wasatch County and all the small cities and towns in-between. The decisions that we collectively make have wide-reaching consequences throughout the region. In order to maintain the collective experience character 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 Whether they do or 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 engage 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.



Suggestion  
Replace with image of architecture that reflects the region and one that doesn't



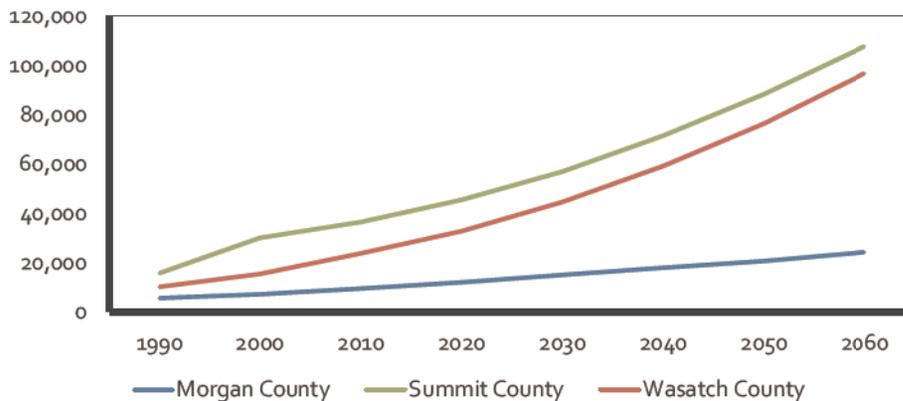
- Add #s for Commercial and Residential
- Add Park City #s and bubble in different color

Future development within the Wasatch Back is expected to more than double (add date of when) 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 ( +/- 8,000 units), Silver Creek ( +/- 1,100 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



## Planning Strategies

- 2.1 Collaborate with Summit County and 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 Salt Lake 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 with Summit County and Wasatch County to alleviate pressures on the natural setting and decreasing vehicle miles travelled.
- 2.5 Pro-actively plan ahead with Summit County, Morgan County, and Wasatch County toward a region land use and transportation plan including key Right-Of-Way, utility and transportation corridor.



The Governor's Office of Planning and Budget projects population growth in the Wasatch Back to more than triple will double in the next 50 years from 69,610 in 2010 to 118,601 in 2060.<sup>x</sup>

Replace map with map of potential regional development nodes for evaluation for possible receiving zones

## City Implementation Strategies

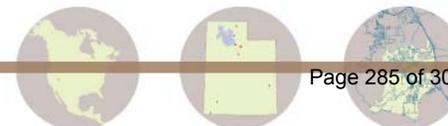
- 2.56 Research the pros and cons to understand and evaluate the impacts of a regional Transfer of Development Rights (TDR) program in the Wasatch Back. If feasible under state code, consider adoption if of state legislation; otherwise identify necessary legislative steps to establish for such a regional TDR program. Identify future capacity to receive density within the county and City limits to limit sprawl, concentrate densities, and protect open space.
- 2.67 Continue to work Proactively engage with regional neighbors to keep informed on adopted plans and long range planning efforts throughout the Wasatch Back. Identify City Projects that would benefit from diversified review teams for City Projects to including e regional representatives. of the region.
- 2.78 Increase interregional interactions between among regional officials and regional government staff.
- 2.89 Continue collaboration of transportation planning efforts with Summit County, Wasatch County, and Salt Lake County, state, and federal agencies.



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.

~~"I fear that we will be some huge urban sprawl from the top of~~

Missing: Water Strategy





Add map with arrows from natural resource study.

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.

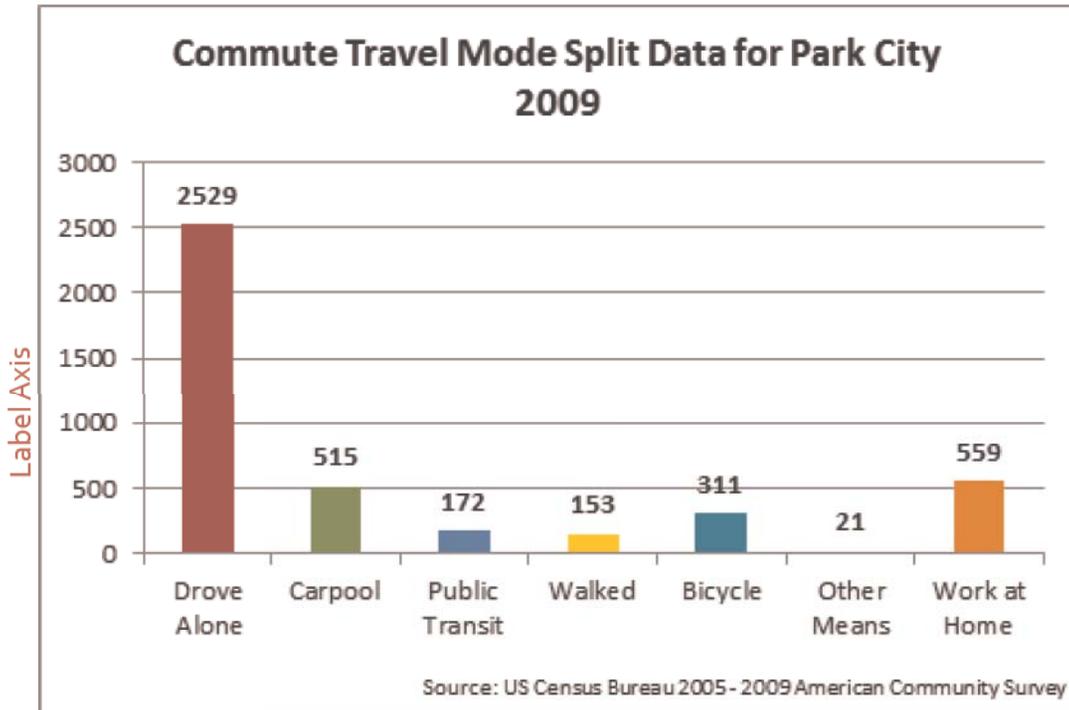
Question: Can you label where these overpasses are?



## 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 Wasatch Back areas continue to evolve, the transportation system must be able to move people and goods throughout Park City and the region efficiently and effectively.

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



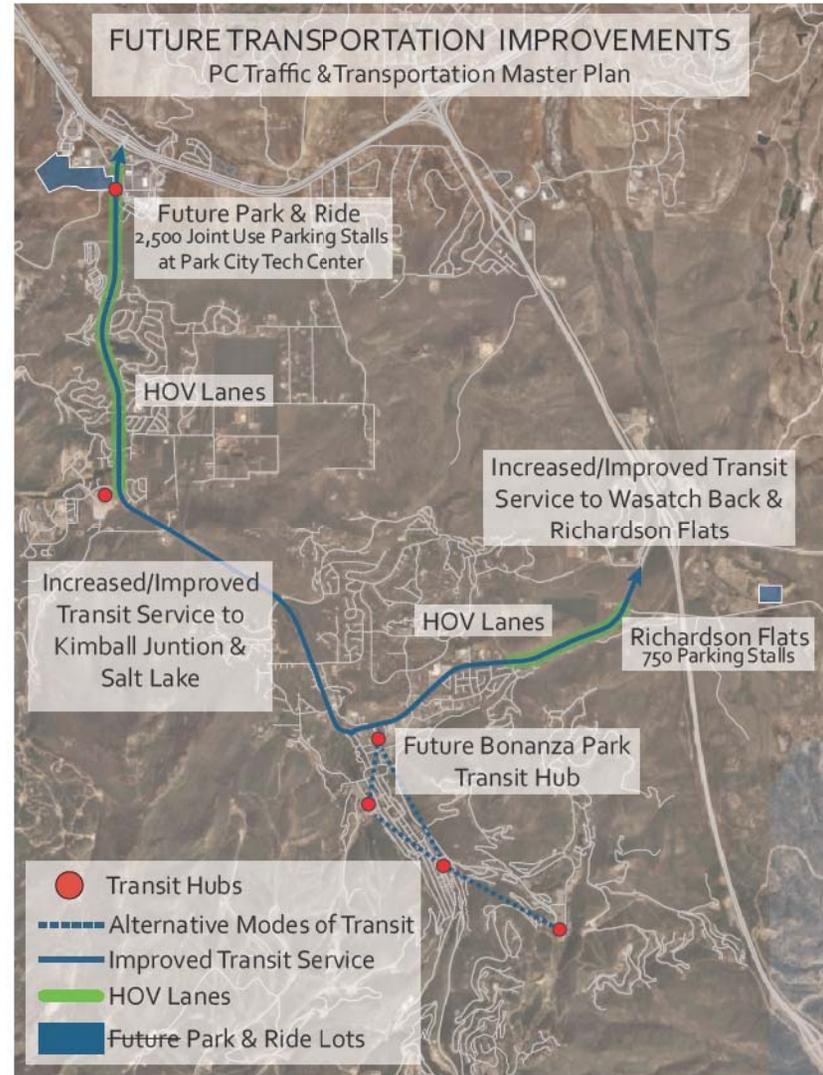
the *Small Town* aesthetic. of narrow roads.

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.

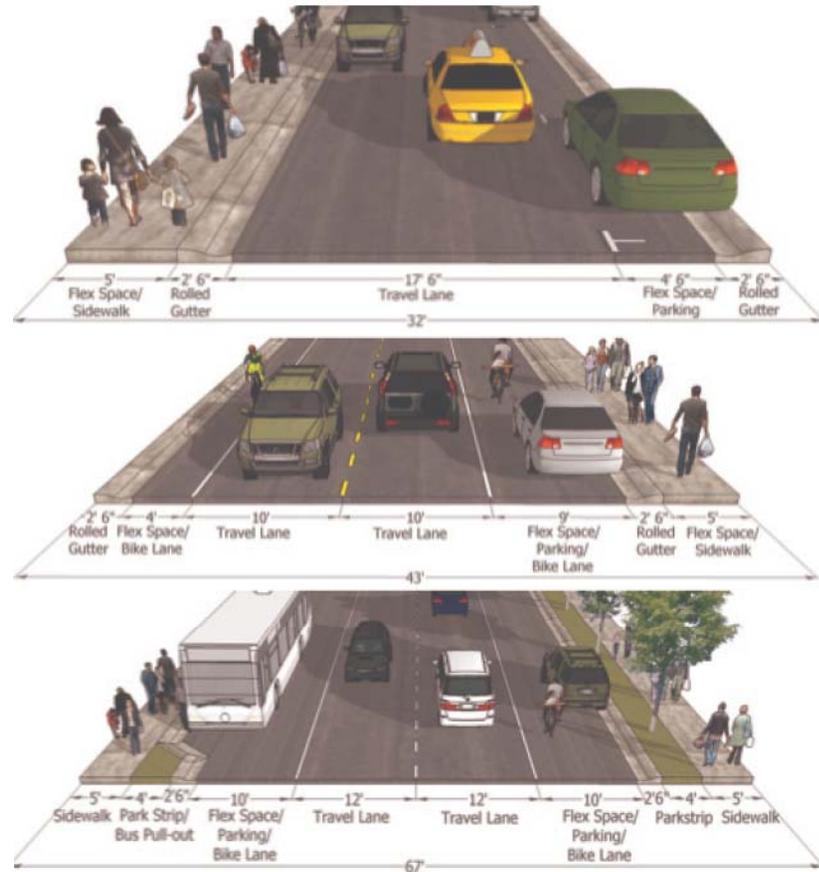
# Principles

- 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, signs, and lighting; and by discouraging high-speed traffic.
- 3B Prioritize efficient public transportation over widening of roads to maintain the *SmallTown* experience of narrow roads, modest traffic, and complete streets.
- 3C Public transportation routes should be designed to increase efficiency of passenger trips and capture increased ridership of visitors and locals.



## Planning Strategies

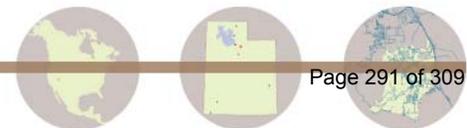
- 3.1** Require development and redevelopment to increase the potential for multi-modal transportation options including: public transit, biking, and walking. Require developers to document how a development proposal is encouraging **walking, biking, and** public transportation over the single-occupancy-vehicle.
- 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 within new development and redevelopment** for connectivity and linkage within the City road and trail networks. **This requirement must be consistent with Utah impact fee statutes factoring in adjustments to capitol facilities plan and funding mechanisms**
- 3.4** Create safe bike/pedestrian pathways between all public **spaces. commons** within the City limits.

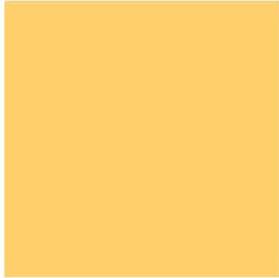
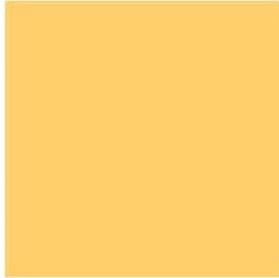
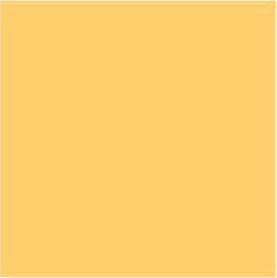
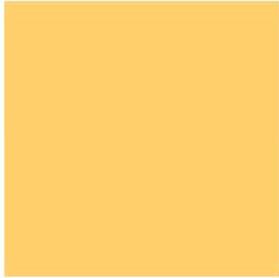
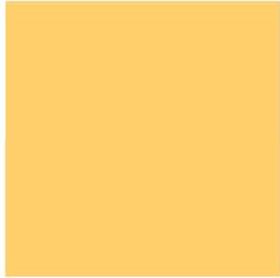
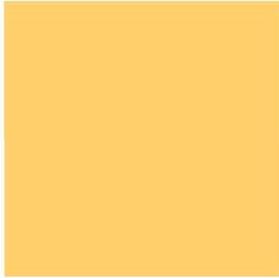


Above: To accommodate multi-modal transportation alternatives within rights-of-ways and decrease pressures to widen roads, the 2011 Park City Traffic and Transportation Master Plan adopted complete street strategies for future redevelopment of roads. Complete streets plans for safety and efficiency of 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 as appropriate.
- 3.9** Locate Park-and-Rides, transfer stations, and transit centers in areas that will increase public transit ridership and carpooling **decreasing the amount of single passenger automobiles commuting to and from Park City.**
- 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 **bilingual** multi-modal access guide, which includes maps, schedules, contact numbers, and other information noting how to reach a particular destination by public transit.
- 3.16** **Incentivize use of public transportation from the airport to connect with the Park City public transportation system.**
- 3.17** **Conduct research on approved projects within Park City that received a reduction in parking. Reassess parking policy on decreased parking based on the findings of the research.**

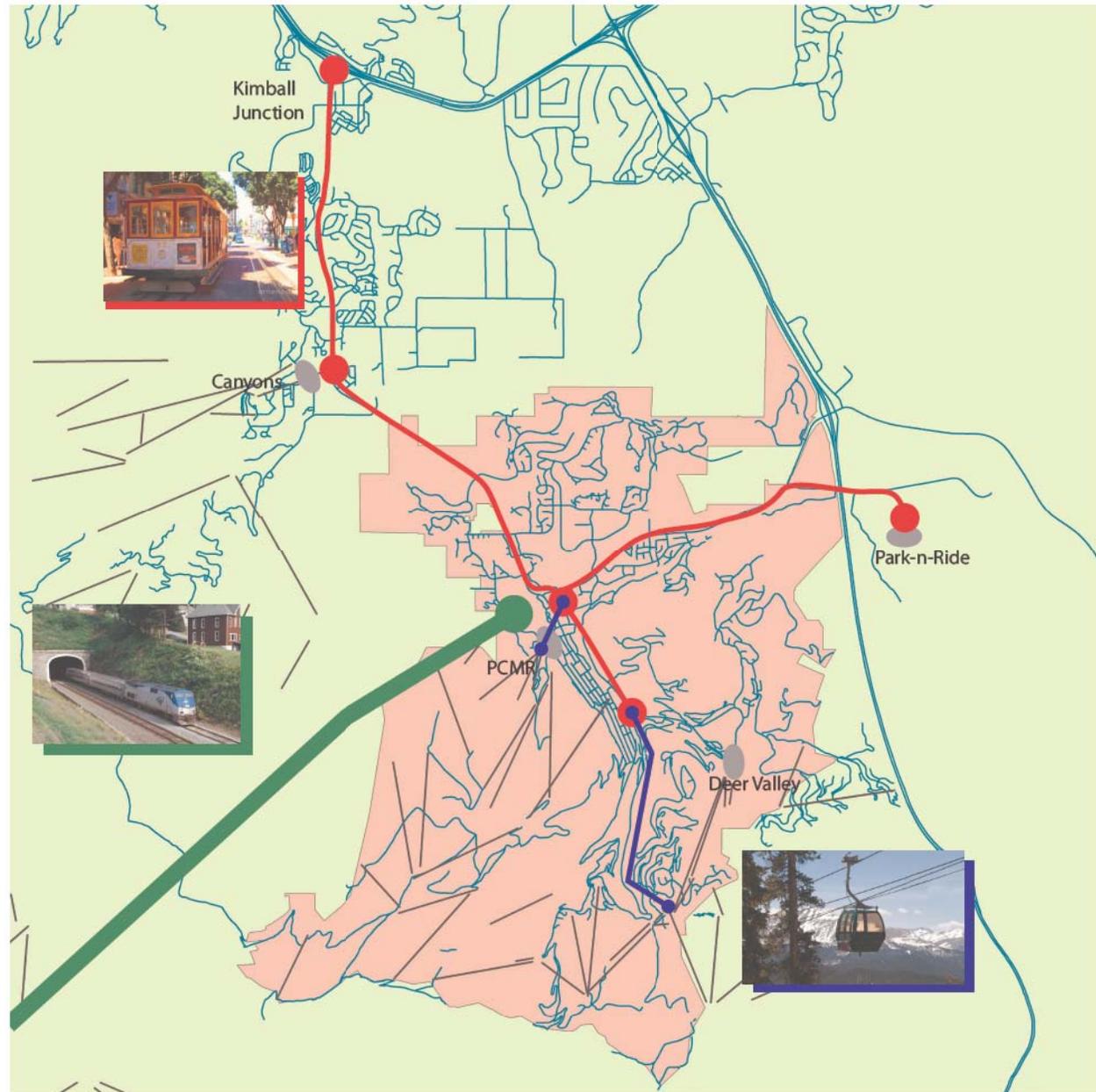




## Combine with previous transportation map

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.



## STRATEGY: Conservation Subdivision Design

Conservation Subdivision Design (CSD) is a method of open space preservation in which land developers cluster houses together on the least sensitive lands, preserving the remainder of land as open space, ideally between 30 to 75 percent. In return, developers are able to build the same number of units per acre as base density allows, keeping conservation subdivisions density neutral.

Randall Arendt is the chief proponent of CSD. He believes that, for the most part, engineers and surveyors have had too much influence in the design and construction of subdivisions in



the United States over the past 50 years. The result has been cookie-cutter style site designs whose only goal is to maximize development on

the property, with little regard for the topographical, ecological, and historical elements present on the site. CSD is an alternative that promotes

### 4 Steps of the Conservation Subdivision Processes:

1. **Existing Resources/Site Analysis (ER/SA) Map:** The first step for development approval should require the developer to complete a detailed inventory and analysis of the site and surrounding area, identifying areas of natural, historic and geologic importance.
2. **Site Walk:** An inspection of the site should be undertaken by members of the Planning Commission, Planning staff, the developer, the landscape architect, the landowner and adjacent property owner. The site walk allows for greater familiarity of the site by all members involved in the planning and approval process.
3. **Conceptual Sketch Plan:** The developer submits a preliminary conceptual sketch plan overlaying an aerial image, allowing staff and officials to judge the design's protection of sensitive areas identified in the previous two steps. The creation of the sketch plan should follow these steps.
  - a. Identify the areas of a site that are unbuildable (sensitive lands, wetlands, wildlife corridors, and flood planes) and areas that should be preserved. Unbuildable areas do not count towards open space requirements. Open space should connect to the greater, existing open space network.
  - b. Locate homes around the protected space to maximize residents' enjoyment and utilization of the space.
  - c. Add streets and trails.
  - d. Create lot lines that subdivide the property.
4. **Landscaper Architect or Urban Planner:** The site design should be completed by a landscape architect or a planner, who generally will have much more.

## STRATEGY: Zoning for Varied Lot Sizes and Further Subdivision of Existing Lots

### Decreased Vehicle Miles

**Traveled:** Land use patterns dictate the number of vehicle miles traveled (VMT). Dense developments in close proximity to existing commercial nodes and public infrastructure (schools, parks) reduce VMT, generate fewer emissions, and reduce transportation costs for municipalities and residents.

**Protect Open Space:** A second benefit of smaller lot sizes is increased density which reduces pressure on undeveloped land and prevents sprawl. Undeveloped land plays a critical role in carbon sequestration and off-setting greenhouse gas emissions. Within Park City, the increased open space protect the core value of natural setting.

**Cost Savings:** Thirdly, because more housing units can be built per acre, density reduces land and infrastructure cost, thus lowering the market price of each unit and creating opportunities for increased affordability of individual units. The higher concentration of people places greater demand on public transportation and local retail.

### Diversifying Building Lots:

Strategically reducing and removing minimum lot size requirements through lot size averaging allows individual lots within a development to vary from the maximum density zoned, so long as the development as a whole averages to the maximum density. This tactic creates a mix of housing types—including granny flats, in-law apartments, and garage apartments—within an existing development, increasing the affordability and attainability of housing.

**Housing Affordability:** Today, low income families face the challenge of choosing between basic necessities and housing due to escalating housing costs. According to the National Low Income Housing Coalition, there is not a county in the U.S. that can provide a two-bedroom apartment at a rate affordable to minimum wage earners.<sup>1</sup> Because housing prices fall away from employment centers, working families often choose to live outside of the cities they work to save on housing costs; however, for every dollar they save on

**Context Sensitive:** High density development does not have to take the shape of massive, urban skyscrapers. Reduced setbacks, smaller lot sizes, and subdivision of existing lots result in greater density. Cottage Housing Development (CHD) zoning is one planning technique to create clusters of small, single-family detached units sharing common open space, interspersed with sidewalks and short street blocks. Traditional neighborhood design, the prominent urban form prior to World War II, promotes pedestrian-friendly, compact design with a connected street network for pedestrians, bicyclists, and cars.

**Transfer of Development Rights (TDRs):** TDRs allows property owners to pass existing development rights to predetermined neighborhoods seeking to increase their density. Within Park City increased density through subdivision of existing lots should only be considered with the use of a TDR credit.

## STRATEGY: Strengthening Neighborhoods

To improve the livability of neighborhoods, dynamic options that address residents' daily needs at every stage of life should be available.

### Diversify Housing

A variety of housing options for primary residents is essential to diversifying the neighborhood and attracting residents of all ages, socioeconomic classes, and walks of life. Options for housing types (single family to multi-family), ownership or rental, and a variety of sizes, are necessary to fulfill residents needs during all stages of life.



### Mix of Use

Meeting the everyday needs of residents by allowing some variety of uses within residential neighborhoods decreases dependency on the car while strengthening the neighborhood identity through increased points of interest. The existing density within a neighborhood generally guides the appropriate mix of uses. A small grocery store, coffee shop, and office space are examples of appropriate uses that can complement low density residential neighborhoods.



### Neighborhood Identity

Clearly-defined ingress and egress into these neighborhoods help better define neighborhood borders and create unique community identities within boundaries. Each neighborhood should have a well-defined edge, such as open space or a naturally landscaped buffer zone, permanently protected from development. Where two neighborhoods adjoin along an established transportation route with existing development, a transition area should thoughtfully evolve.

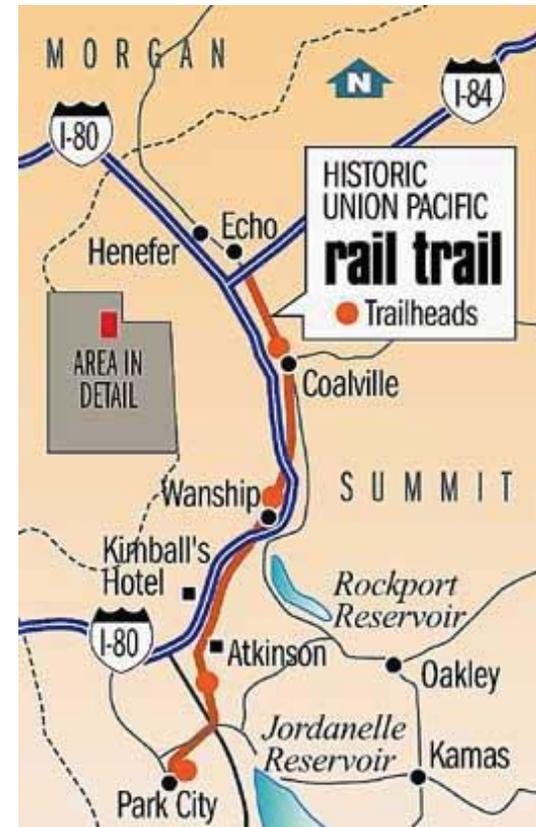


## STRATEGY: Regional Planning

The Wasatch Back has a unique opportunity to learn from other regional planning efforts around the world and those as close as the Wasatch Front, to protect those community assets which the region values. The watershed, airshed, wildlife habitat and corridors, and vast view corridors of open space are just a few shared regional assets that define the small town aesthetic of the Wasatch Back. With growth in Park City, Summit County, Wasatch County, and Morgan County projected to more than triple by 2060, there is no better time than the present to begin regional planning. The very essence of what draws residents and tourists to the area is threatened without regional planning in place to guide the coming boom. To prevent future negative growth patterns in the region, Park City should work cooperatively with the communities of the Wasatch Back to implement the following 4 Regional Ahwahnee Principles.

**1. The regional land-use planning structure should be integrated within a larger transportation network built around transit rather than freeways.**

Well thought out regional planning projects future land use and population densities and identifies transportation demands related to the projections. This data is utilized to plan for future multi-modal transportation including trail connections, dedicated bicycle and public transportation lanes, and automobile options. By prioritizing transit, rather than widening roads for increased throughput of cars, the character defining narrow roads and clean air of the Wasatch Back can be preserved. A current example of regional multi-modal transportation planning is the rail trail connection from Echo Reservoir to Park City. The Wasatch Back could adopt future paved and unpaved trails to connect all the communities in the region creating horseback riding, running, and cycling options complementary to the lifestyles of our residents and the community's health.



Regional transportation planning currently exists for multi-modal transportation in the form of trails, bus routes, roads, and highways. The existing rail trail is a great example of an alternative to highways that connect communities throughout the region. Paved and unpaved trails connecting the communities of Wasatch Back would complement the outdoor lifestyle of the residents.

## STRATEGY: Regional Planning (continued)



### 3. Regional institutions and services (government, stadiums, museums, etc.) should be located in the urban core.

Intentional planning to locate community resources in the community center supports continued reinvestment in existing centers. Although redevelopment in the community centers may be more costly and challenging than greenfield development, the long range benefits far outweigh the initial additional cost.

The “return on community” is high and includes support for existing local businesses that have invested in the area, decreased vehicle miles travelled due to centralized destinations, and continued reinvestment in the public realm – “placemaking”. The charm of the community centers is maintained along with the community’s pride.



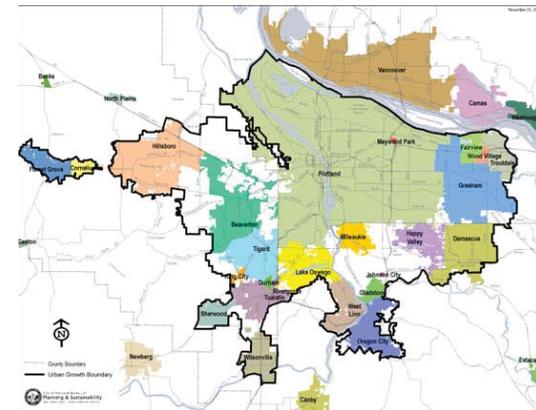
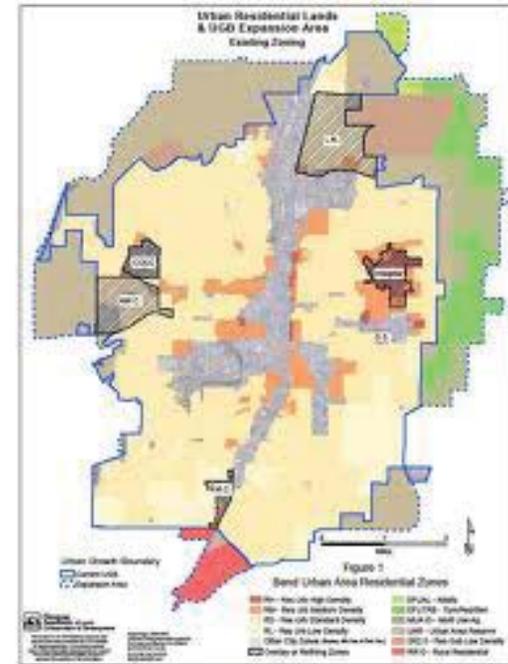
## CASE STUDY: A look at Regional Planning in the US

### Portland, Oregon

Enacted in May 1973, Portland's Urban Growth Boundary (UGB) seeks to preserve open space by containing urban development within a prescribed area.<sup>1</sup> This planning tool promotes greater efficiency by concentrating funds and resources on existing infrastructure such as roadways and sewer systems, the development and redevelopment of land and buildings within the urban core, and transportation within the UGB. By building up, not out, this initiative creates higher densities within the UGB through mixed-use development and protects rural lands and open space. Moreover, it reduces automobile dependence and promotes alternative transportation methods, which contribute to the improvement of the region's overall quality of life. Higher land values generated by increased density have also restricted big box development, thus protecting and revitalizing Main Street and the downtown. The Metro Council manages the UGB program, reviewing the land supply every five years to



ensure that the UGB encompasses a twenty (20) year supply of land.<sup>2</sup> Since the late 1970s, the boundary has been expanded only three times, each time adding twenty (20) acres or less.<sup>3</sup>



## CASE STUDY: A look at Regional Planning in the US (continued).

### King County, Washington

King County, Washington, has become a national leader in sustainable planning since making efforts to reduce its Greenhouse Gas (GHG) emissions in 2006.<sup>5</sup> Preparing for climate change, Seattle and thirty-nine (39) cities in 2,000 square miles have concentrated on four levels of change: land use planning, transportation, environmental management, and renewable energy policy.<sup>6</sup> Through collaborative partnerships, King County has introduced two-hundred (200) hybrid buses and plug-in hybrid electric vehicles, created internal policies and programs in support of renewable energy that reduce dependency on foreign fossil fuels, as well as reevaluated energy use of its own facilities and services.<sup>7</sup> Through the use of hydropower resources, the county has achieved lower than average electricity emissions, but improved transit and pedestrian-friendly transportation options have also had a significant impact on reducing GHG emissions. By reducing vehicles miles travel and restraining urban sprawl,



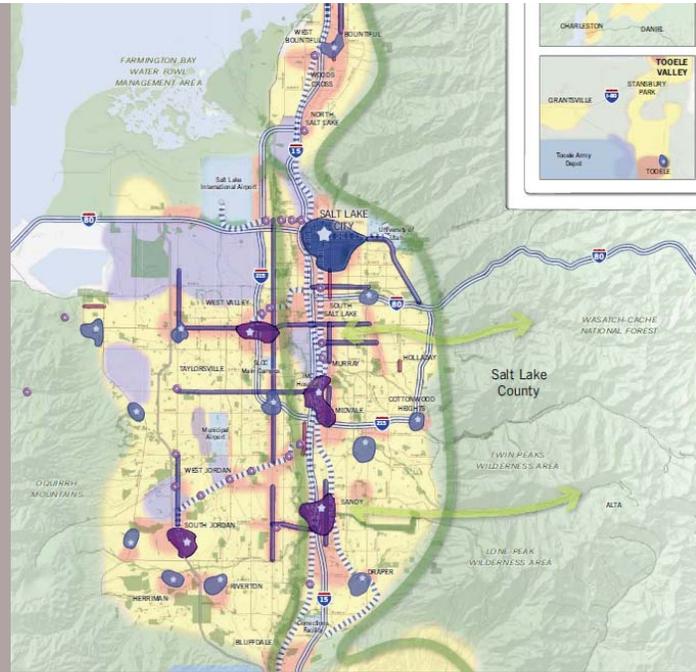
conserving open space, and protecting environmentally sensitive areas, King County is on its way to achieving its

goal of reducing eighty (80) percent of its GHG emissions below today's levels.<sup>8</sup>

## Regional Planning: Wasatch Choice for 2040

Led by 18 mayors and elected county officials, the Wasatch Front Regional Council (WFRC) has developed the long-range transportation plans for the Salt Lake City metropolitan area for decades. As the Regional Council developed these transportation plans, it became apparent that certain development patterns were more transportation-efficient than others. Therefore, the Regional Council, in association with the Mountainland Association of Governments in Utah County and Envision Utah, decided in 2005 to engage in a visioning process for growth and development called the Wasatch Choices 2040 Vision. This Vision, in turn, served as the foundation for the transportation planning effort resulting in the current Regional Transportation Plan.

In consultation with city and county planners, engineers and local elected officials, WFRC staff refined the Wasatch Choices 2040 Vision based on updated modeling analysis.



The Wasatch Choice for 2040 is the Vision renewed. The Regional Council released it as a draft in January 2010 to begin the public discussion about how the region should develop. This discussion included a formal public comment period from February 1st through March 12<sup>th</sup>. The Regional Council adopted the final version on May 27, 2010.

This "Choice" points the way forward for us to focus growth in a variety of

activity centers across the region, many of which are coordinated with our existing and near-term transportation system: freeways, rail lines, rapid bus ways, and key boulevards. While these centers are coordinated with *today's* transportation system, *tomorrow's* new transportation investments will be planned to *serve* these activity centers, areas of growth, and our region's special districts – like the airports and the universities.

term market, helping provide opportunities to residents who want to live close to work, walk or bike to shop, and have both great transit and road access – desperately needed as our population ages, gas prices and congestion increase, and housing prices inch upward.

### Metropolitan Center



**Downtown Salt Lake City** is the metropolitan center serving as the hub of business and cultural activity in the region. It has the most intensive forms of development

for both employment and housing, with high-rise development common in the central business district. It will continue to serve as the finance, commerce, government, retail, tourism, art, and entertainment center for the region. The metropolitan center benefits from pedestrian friendly streetscapes and an urban style grid network. Downtown Salt Lake is the central hub for public transportation in the region. Auto access is prevalent with access to several major highways and thoroughfares.

### Urban Center



Urban Centers are the focus of commerce and local government services benefiting a market area of a few hundred thousand people. Urban Centers will be served by high-capacity transit and major streets. They are characterized by two- to four-story employment and housing options.

### Town Center



Town centers provide localized services to tens of thousands of people within a two- to three-mile radius. One- to three-story buildings for employment and housing are characteristic. Town centers have a strong sense of community identity and are well served by transit and streets.

### Station Community



Station Communities are geographically small, high-density centers surrounding high capacity transit stations. Each has pedestrian and bicycle access transit without a car. Station Communities vary in their land use: some feature employment, others focus on housing and many will include a variety of shops and services.

### Main Street Community



Main Streets are a linear town center. Each has a traditional commercial identity but are a community aside with a strong sense of the immediate neighborhood. Main streets prioritize pedestrian-friendly features, but also benefit from good auto access and often transit.

### Boulevard Community



A Boulevard Community is a linear center coupled with a transit route. Unlike a Main Street, a Boulevard Community may use



Floor Area Ratio 1 to 10  
20 to 300 Housing units per acre



Floor Area Ratio 0.75 to 4  
20 to 100 Housing units per acre



Floor Area Ratio 0.5 to 1.5  
10 to 50 Housing units per acre



Floor Area Ratio 0.5 to 2.5  
20 to 40 Housing units per acre



Floor Area Ratio 0.25 to 1.0  
10 to 30 Housing units per acre

## STRATEGY: Complete Streets

The purpose of complete streets is to ensure that streets are designed to enable safe access for all users. In order for a street to be considered a complete street, pedestrians, bicyclists, motorists and transit riders of all ages and abilities should be able to safely move along and across the street.

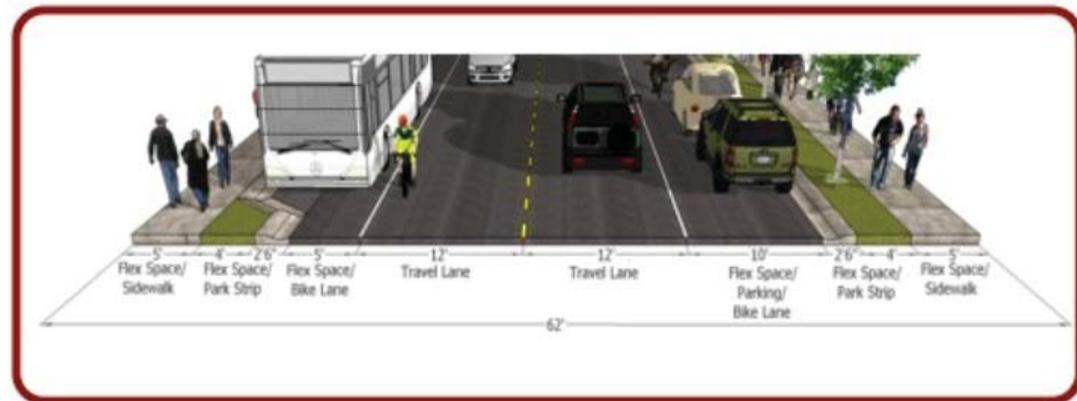
In less populated areas of Park City, a complete street may look quite different from a complete street in a more heavily traveled or denser part of the City. Nevertheless, both should be designed to balance safety and convenience.

“Park City will have a multi-modal transportation system with complete streets and balanced availability of pedestrian, bicycle, transit and auto travel.”

*Park City Traffic and Transportation  
Master Plan Goal #1*

**Tourism** Most importantly, Park City is a tourist destination that offers an abundance of year-round outdoor activities. The streets are essential to the visitor experience and should prioritize recreational opportunities and easy access to the various amenities. Many visitors come looking to escape their typical city commute and find great pleasure and relaxation from enjoying a car free vacation. Complete streets provide more opportunities for guests, residents, and workers to get out of the car and take in the resort community at a slower pace.

**Liveable Communities** Complete Streets play an important role in livable communities, where all people – regardless of age, ability or mode of transportation – feel safe and welcome on the roadways. A recent study found that people who live in walkable communities are more likely to be socially engaged and trusting than residents of less walkable neighborhoods. Additionally, they reported being in better health and happier more often.<sup>2</sup> The social benefits of complete streets compliment the City’s core value, Sense of Community.



The 2011 Park City Traffic and Transportation Master Plan reinforces the City’s goal to create complete streets. Above: Major Residential Collector cross section from PC TTMP.



As transportation evolves in Park City, the main corridors will introduce more efficient modes of public transportation. Bus rapid transit could be a reality in the near future ; followed by light rail connections between Park City, Kimball Junction, and Salt Lake City.

## STRATEGY: Re-thinking Parking

Control of parking has been around since the 1950s. The main theory is that if developed sites don't provide their own off-street parking, drivers will try to park on neighboring streets.

In creating ratio requirements for parking standards, planners often do not conduct site specific analyses to establish parking requirements. Usually national surveys of the peak parking occupancy observed at suburban sites are referred. The Parking Generation report published by the Institute of Transportation Engineers (ITE) is generally utilized. Transportation engineers survey parking occupancy to report a "parking generation rate" that relates the peak parking occupancy. ITE's 1987 edition of Parking Generation indicates that the vast majority of the data is derived from suburban developments with little or no significant transit ridership. Another method that cities often use to regulate mandatory off-street parking is simply by borrowing other cities' requirements. Minimum off-street requirements can create an excess supply of parking,

encourage unnecessary driving, and makes congestion worse. Additionally, these standards can also encourage people to build unsightly surface lots instead of inviting storefronts.

In his book *The High Cost of Free Parking*, Donald Shoup wrote, "With free parking available almost everywhere, almost everyone can go almost anywhere without resorting to public transportation, carpooling, biking, or their own two feet."

Currently Park City offers a free transit system. The transit system provides easy access of recreational areas, residential neighborhoods, our Historic District, and Kimball Junction without the worries of having to drive a vehicle and find available parking. A reduction in the number of required off-street parking spaces, after thorough analyses, will provide flexibility in building design, maintain or enhance pedestrian-oriented urban design, and allow more efficient use of buildable space, which in turn reduces rents, including housing costs. Progressive



cities have switched direction from minimum off-street parking requirements to maximum off-street parking requirement.<sup>1</sup> In other words, maximum requirements have placed a cap on the total allowable number of parking spaces.

In conjunction with maximum parking standards, shared parking can be utilized to use parking space generated by two or more land uses without conflict or encroachment. The benefits of shared parking include variations in the accumulation of vehicles by hour, day, and season at the individual land uses. It also results in relationships among the land uses that end in visiting multiple land uses on the same auto trip.

## STRATEGY: 6 Steps to Reduce Vehicle Miles Travelled

### ve·hi·cle miles trav·eled (VMT)

/vēekel/mil/traveld

Noun

the sum of all miles traveled by automobile.

- 1 **Build complete streets.** Invest in alternatives to solo driving, such as:
  - Transit (standard bus, bus rapid transit (BRT), light rail, train). Improving accessibility, frequency, quality, routes, pricing, ease of use, etc.
  - Biking. Adding lanes, improving trails, bike sharing program, connectivity, safety, etc.
  - Walking. Adding and improving sidewalks, pedestrian paths, connectivity, cross-walk safety, etc.



### 2 Improve land use.

- Increase density near established centers.
- Adopt anti-sprawl growth policy.



### 3 Support Carpooling.

- Add free-way High Occupancy Vehicle (HOV) lanes.
- Create programs that would support carpooling i.e. on-line carpooling database, etc.

## STRATEGY: Parking in Old Town

Park City Municipal Corporation currently employs a neighborhood parking permit system on most Old Town residential streets. This system is devised into four separate parking zones (zones A, B, C, F) within Old Town (see map).

Resident and employee permits in Zone C allow for parking in China Bridge and the Gateway Upper Level over the posted time limits. Resident permits in Zone C can park up to 72 hours in the above mentioned garages and employees are permitted to park up to 24 hours. Resident permits in Zones A, B, and F allow for on-street parking on residential streets for up to 72 hours. The Parking Code and area signs may indicate additional regulations. Additionally, a resident living within one of these three zones is eligible to receive up to five (5) on-street parking permits.

Due to the pre-automobile characteristics and 19th Century historic development patterns of Old Town and the limited supply of off-

street parking, careful consideration should be given in regards to the regulatory requirements for off-street parking and how on-street neighborhood parking is managed. As population and economic growth transpire and infill of undeveloped lots and remodels of existing homes occur in Old Town, parking demand in Old Town neighborhoods can be expected to rise, exceeding on-street supply in many cases. On-street parking spaces are a finite city service, and it is important for neighborhoods to efficiently and effectively manage existing facilities as a scarce and valuable resource.

This will require careful coordination between the neighborhood, the Planning Department, and the Parking Department. If excess demand is placed upon the limited on-street parking supply in Old Town and local neighborhoods cannot resolve the issues through neighborhood coordination, certain parking management tools may need to be employed.

Because the existing supply of on-street parking in Old Town is restrained by geographical boundaries (physical, legal, etc...), these tools are largely demand side management techniques and may include the following:

1. Inventory and identify the existing on-street parking supply and demand within the respective neighborhood parking zones.
2. Move towards a needs based on-street parking permit program. In other words, inventory the existing off-street parking for private properties within the residential zones and assess their need for on-street parking permits against the existing supply and demand.
3. Consider the use of variable pricing and complementary strategies as a way to manage demand for parking at on-street locations and off-street facilities managed by Park City Municipal Corporation.

## GENERAL PLAN TASK FORCE – POLICY ISSUES LIST

### SMALL TOWN - GOAL 1

1. While Park City could choose to encourage growth to occur outward, into the undeveloped lands surrounding the City, we support higher densities in town, so that we can preserve open space and the natural setting in and around Park City. Increased infill; impact on existing neighborhoods-allow only where offsets development pressure elsewhere and there is available infrastructure/capacity to handle traffic. Possible TDR agreements/programs with both counties.
2. Additional annexation discouraged or encouraged? Expand annexation policy declaration boundaries? To protect undeveloped land?
3. Increase opportunities for local food production within City limits.
4. Continue to provide necessary commercial and light industrial services within the City limits by allowing a range of commercial uses within city limits, including industrial uses in appropriate areas.
5. Require a range of lots sizes and housing density within new subdivisions in primary residential neighborhoods v keeping additional infill where compliments the existing patterns of subdivision.
6. Additional accessory uses/apartments in residential?

### GOAL 2

7. Are we trying to limit growth to existing development nodes? If so, have we identified the appropriate locations?
8. Should the City let the resorts and/or Wasatch Front lead interconnect planning or take a proactive posture/policy position? Is a collaboration posture strong enough to keep Park City Park City?
9. Should the GP prioritize issues within each regional partner/county?

### GOAL 3

10. Can we have a standardized Streets Master Plan or are we really an “it depends” decision-maker?
11. Complete streets v. affirmatively favor narrow roads?
12. Parking and reduced single vehicle policies. How reduce parking on-site while addressing future seasonal uses and equity of those held to standard? Impact fee issues v limiting use v. requiring additional non-traditional improvements?
13. Are we prepared for culture shift to have additional parking and enforcement priorities necessary to truly effect behavior?
14. Is the private sector adequately addressing airport transportation?
15. Impact on existing residential if introduce grid/east west connections to resorts?

#### GOAL 4

16. 4D- How balance needs for parking, restrooms, shade and other recreation facilities?
17. Should open space and recreation have different goals- reflect pending policy decision re restrictions and conservation easements?

#### GOAL 5

18. What is purpose of max house sizes in all zones versus regulating floor area?
19. How define local agriculture and regulate?
20. Can we better define a higher obligation to mitigate high impacts of tourist economy v false goal of sustainability?
21. Do we want to discourage day visitation and air travel?

GOAL 6 (several repeat from above re farm and agriculture)- water issues with increasing density in Goal 1.

#### GOAL 7

22. Increase diversity of housing stock within primary residential neighborhoods to maintain majority of occupancy by fulltime residents. Existing CCR conflicts if eliminate minimum house sizes.
23. Adjust nightly rental restrictions- eliminate or expand?
24. Should the City/RDA have a role in incentivizing/subsidizing retrofits of existing residential housing?

#### GOAL 8

25. Is focus on "workforce" or primary residents/children? Seasonal v year-round. Ref existing plan and inventories.
26. Can some opportunities in counties be win/win re their economic development and not just PC pushing problem on them?
27. Different standards/fees? If on-site?
28. Allow/expand capability of land dedication in lieu of construction of units?

#### GOAL 9

29. Transit a priority/practical? Qualify with per person cost? Or affirmatively subsidize or effectively prioritize over other core services
30. Address lighting issues?
31. Inherent conflict between residential use and visitor addressed?

#### GOAL 10

32. Is this or Goal 9 a higher priority?
33. Is percentage in Quinns plan working? Need adjustment? Work for all facilities?

34. Do we still want more events all year long?

GOAL 11

35. Are we promoting Main Street separate from Historic Park City?

GOAL 12

36. Discourage national commercial retail chains.

37. Does residential in existing commercial limit future commercial in the area in which it was originally intended?

GOAL 13

38. How define live street performances and how regulate without impacting parking and brick and mortar? Impacts on solicitation?

39. Food trucks and carts?

GOAL 14

40. Does goal capture need to balance protections and sustainability with need for flexibility and adaptability to also remain sustainable?

41. Commitment to traffic standard?

GOAL 15

42. Require architect or landscape architect on all Historic District applications?

43. Better to acknowledge conflicts in build out between mass and scale versus "maintain context and scale"?

44. Districts v resources? Same priority?

45. PCMC to consider adaptive reuse prior to building new facilities? 15.14

46. Expand the Park City Historic Sites Inventory to include historic resources that were built during the onset of the ski industry in Park City in an effort to preserve the unique built structures representative of this era.

47. Limit parking exemption for expansions?

48. Lot combo policy v larger structures.

GOAL 16

49. What is policy re: parking on commercial levels?

50. Policy of Swede Alley

51. Limits on Events?