

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY HALL, COUNCIL CHAMBERS
 OCTOBER 9, 2013**



AGENDA

MEETING CALLED TO ORDER – 5:30 PM		
WORK SESSION – <i>Discussion items only. No action taken.</i>		<i>pg</i>
Sign Code amendment discussion	<i>Planner Alexander</i>	<i>5</i>
ROLL CALL		
ADOPTION OF MINUTES OF SEPTEMBER 25, 2013		<i>15</i>
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>		
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES		
CONTINUATION(S) – <i>Open public hearing and continue as outlined below</i>		
331 McHenry Avenue – Appeal of Staff’s determination		
<i>Public hearing and continue to October 23, 2013</i>		
REGULAR AGENDA - <i>Public hearing and possible action</i>		
General Plan – Natural Setting		<i>63</i>
<i>Public hearing and discussion only</i>	<i>Planning Manager Sintz</i>	
115 Sampson Avenue Subdivision – Plat Amendment	PL-13-02035	<i>101</i>
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Grahn</i>	
1134 Lowell Avenue – Steep Slope Conditional Use Permit	PL-13-02012	<i>117</i>
<i>Public hearing and possible action</i>	<i>Planner Whetstone</i>	
Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development	PL-13-02009 PL-13-02010	<i>155</i>
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Whetstone</i>	
Land Management Code – Amendments to Chapter 2.4 (HRM)	PL-12-02070	<i>259</i>
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Astorga</i>	
ADJOURN		

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

WORK SESSION

Planning Commission Staff Report



Subject: Sign Code Amendment Discussion
Author: Christy Alexander, Planner II
Matthew Pershe, Planning Intern
Date: October 9, 2013
Type of Item: Work Session – Legislative, Sign Code Amendments

Summary Recommendation

Staff recommends that the Planning Commission provide feedback and input to the proposed amendments to the Sign Code for Municipal Code Section 12-4-4(A) as described in this report. This is not a Land Management Code (LMC) issue, but rather a Municipal Code issue that is addressed by the City Council. Planning Staff is simply requesting input prior to taking the issue to the City Council.

Description

Project Name: Sign Code Amendments Discussion
Applicant: Planning Department
Proposal: Revisions to the Sign Code

Background

As it is currently written, the height limitations of Section 12-4-4(A) may result in the effective visibility of a sign being materially impaired by existing topography, other buildings or signs, landscaping, or other visual impairment. In order to accommodate better signage that would create a more legible built environment, staff recommends that the Planning Commission provide feedback and input to the following proposed Sign Code amendments.

Analysis

The proposed changes to Section 12-4-4(A) would allow for the Planning Director to grant an exception to the height limitations described in Subsection (A). The proposed signage must still adhere to the location, orientation, and compatibility requirements set forth in Subsections 12-4-4 (B)-(D). The location of a building, its existing topography, landscaping, other buildings or signs, or other visual impairment, however, should be taken into account when determining a sign's location on a building. For larger buildings such as hotels (e.g. the St. Regis), Section 12-4-4(A), which states, "Signs shall be located below the finished floor of the second level of a building or twenty feet (20') above final grade, whichever is lower," prevents signage from being optimally visible. The proposed changes would grant an exception, at the Planning Director's discretion, so that such buildings would not need to adhere to the restriction of signs above the second floor finished elevation to window signs only. These changes would allow the Planning Director to help signage best attract passersby without violating other Sign Code regulations or being obstructed by other visual obstacles.

St. Regis Hotel

Staff discloses that these changes could affect the signage at the St. Regis Hotel – allowing for a sign to be located at a higher elevation on the building that houses the funicular at the entry to the hotel. These proposed LMC changes came from various internal discussions within the Park City Planning Department.

Summary Recommendation

Staff recommends that the Planning Commission provide feedback and input to the proposed amendment to the Sign Code for Municipal Code Section 12-4-4(A) as described in this report. Planning Staff will ultimately make a recommendation to the City Council regarding a change to the Sign code language as contained within the Municipal Code.

Exhibit A – Applicable Sign Code Section

CHAPTER 4 - SIGN STANDARDS

12- 4- 1. TOTAL SIGN AREA REQUIREMENTS.

The sign area, per building facade, may not exceed thirty-six square feet (36 sq. ft.). Historic signs are exempted from these requirements.

Subject to the criteria below, the Planning Director may grant additional sign area, provided the total area requested does not exceed five percent (5%) of the building face to which the signs are attached. The Planning Director must make findings based on the following criteria:

- (A) **LOCATION**. Signs must be designed to fit within and not detract from or obscure architectural elements of the building=s façade;
- (B) **COMPATIBILITY**. Signs must establish a visual continuity with adjacent building facades and be oriented to emphasize pedestrian or vehicle visibility;
- (C) **MULTIPLE TENANT BUILDINGS**. The building must have more than one (1) tenant in more than one (1) space; and
- (D) **STREET FRONTAGE**. The building must have more than fifty feet (50') of street frontage.

(Amended by Ord. No. 05-79)

12- 4- 2. AREA OF INDIVIDUAL SIGNS.

The area of a sign shall include the entire area within any type of perimeter or border that may enclose the outer limits of any writing, representation, emblem, figure, or character, exclusive of the supporting framework.

When the sign face of a backed sign is parallel or within thirty degrees (30°) of parallel, one (1) sign face is counted into the total sign area. If the sign faces are not parallel or within thirty degrees (30°) of parallel, each sign face is counted into the total sign area.

(Amended by Ord. No. 05-79)

12- 4- 3. INDIVIDUAL LETTER HEIGHT.

Signs shall be limited to a maximum letter height of one foot (1'). The applicant may request that the Planning Director grant an exception provided the request is for an increase of no more than six inches (6") for a maximum height of eighteen inches (18").

The applicant must demonstrate that the requested exception would be compatible with the building=s architecture, and the placement of the sign upon the building.

For buildings located along the Frontage Protection Zone, the Planning Director may grant a letter height exception for buildings farther than one-hundred and fifty feet (150') from the right-of-way of which the building has vehicular access. The maximum letter

height in these cases shall be no greater than thirty inches (30").

(Amended by Ord. No. 05-79)

12- 4- 4. LOCATION ON BUILDING.

The location of a sign on a structure or building has a major impact on the overall architecture of the building. To ensure that signs enhance this architecture, the following criteria must be met:

(A) **HEIGHT.** Signs shall be located below the finished floor of the second level of a building or twenty feet (20') above final grade, whichever is lower. For buildings with approved or existing conflicts with this requirement, the Planning Director may grant an exception to the second floor level sign restriction.

Signs located above the finished floor elevation of the second floor shall be restricted to window signs.

The Planning Director may grant an exception to the height limits set forth herein, as long as it is found that:

(A) The height limitations of this Subsection (A) would result in the effective visibility of a sign being materially impaired by existing topography, other buildings or signs, landscaping, or other visual impairment

(B) The proposed location and design of the sign satisfies the requirements of Subsections 12-4-4 (B)-(D).

In the event that the Planning Director grants such an exception, the above provision restricting signs above the second floor finished elevation to window signs only would not be applicable. The decision of the Planning Director to deny a requested exception to the height limitations, as provided herein, may be appealed to the Planning Commission within ten (10) business days following the issuance of a written decision by the Planning Director, in accordance with the provisions of Section 12-15-1.

(B) **LOCATION.** Architectural details of a building often provide an obvious location, size, or shape for a sign. Wherever possible, applicants should utilize these features in the placement of signs. Signs should compliment the visual continuity of adjacent building facades and relate directly to the entrance. Signs shall not obstruct views of nearby intersections and driveways.

(C) **ORIENTATION.** Signs must be oriented toward pedestrians or vehicles in the adjacent street right-of-way.

(D) **COMPATIBILITY.** A sign, including its supporting structure and components, shall be designed as an integral design element of a building and shall be architecturally compatible, including color, with the building to which it is attached. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the facade.

(Amended by Ord. No. 05-79)

12- 4- 5. SETBACK REQUIREMENTS.

Permanent signs shall not be placed in the setback area as defined for the zone in which the sign is located, except in the General Commercial (GC) District. Signs in the GC zone may be set back ten feet (10') from the property line with the exception of those in the Frontage Protection Zone. The Planning Director may decrease the setback if it is determined that the public will benefit from a sign located otherwise, due to site specific conditions such as steep terrain, integration of signs on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties.

(Amended by Ord. No. 05-79)

12- 4- 6. PROJECTION AND CLEARANCE.

No portion of a sign may project more than 36 inches (36") from the face of a building or pole.

Awnings, projecting and hanging signs must maintain at least eight feet (8') of clearance from ground level.

Signs may not extend over the applicant=s property line except over the Main Street sidewalk. Signs may extend over City property only after review and written approval by the City Engineer and an encroachment agreement acceptable to the City Attorney is recorded.

(Amended by Ord. No. 05-79)

12- 4- 7. SIGN MATERIALS.

Exposed surfaces of signs may be constructed of metal, glass, stone, concrete,

high density foam board, brick, solid wood, or cloth. Other materials may be used in the following applications:

(A) **FACE.** The face or background of a Sign may be constructed of exterior grade manufactured composite board or plywood if the face of the sign is painted and the edges of the sign are framed and sealed with silicone.

(B) **LETTERS.** Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Letters shall be raised, routed into the sign face or designed to give the sign variety and depth.

Ivory colored plastic shall be used for internally illuminated letters.

Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

(Amended by Ord. No. 05-79)

12- 4- 8. COLOR.

Fluorescent colors are prohibited. Reflective surfaces and reflective colored materials that give the appearance of changing color are prohibited.

(Amended by Ord. No. 05-79)

12- 4- 9. ILLUMINATION.

The purpose of regulating sign illumination is to prevent light trespass and provide clear illumination of signs without causing potential hazards to pedestrians and vehicles.

(A) **EXTERNALLY ILLUMINATED SIGNS.** Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall be simple in form and should not clutter the building or structure. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties.

The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as directed in Chapter 15-5 of the Land Management Code.

(1) **FIXTURES.** Lighting fixtures shall be simple in form and should not clutter the building. The fixtures must be directed only at the sign and comply with Chapter 15-5.

(2) **COMPONENT PAINTING.** All light fixtures, conduit, and shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.

(B) **INTERNALLY ILLUMINATED SIGNS.** Internally illuminated signs include any sign face that is lit or outlined by a light source located within the sign.

(1) **LETTERS.** Individual pan-channel letters with a plastic face or individual cutout letter, letters routed out of the face of an opaque cabinet sign, are permitted. Cutout letters shall consist of a single line with a maximum stroke width of one and one-half inch (1 ½”). Variations in stroke width may be reviewed and approved by the Planning Director. The plastic face of backing of the letters must be ivory colored.

Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for “halo” or “silhouette” lighting. Internally illuminated pan-channel letters are prohibited on free-standing signs.

(2) **LIGHT SOURCE.** The light source for internally illuminated signs must be white.

(3) **WATTAGE.** Wattage for internally illuminated signs shall be specified on the sign application.

(4) **ZONING RESTRICTIONS.** Individual pan-channel letters and individual reversed pan-channel letters are prohibited within the Historic District.

(C) **SEASONAL**. Strings of lights that outline buildings, building architectural features, and surrounding trees, shall be allowed from the 1st of November through the 15th of April only. These lights shall not flash, blink, or simulate motion. These restrictions apply to all zones except residential uses within the HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD Districts.

(D) **PROHIBITED LIGHTING**. Lights that flash or move in any manner are prohibited.

(Amended by Ord. No. 02-50; 05-79)

MINUTES – SEPTEMBER 25, 2013

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
SEPTEMBER 25, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Thomas Eddington, Kayla Sintz, Anya Grahn, Francisco Astorga, Polly Samuels McLean.

WORK SESSION ITEMS

**1255 Park Avenue – Park City Library Discussion of Possible Amendment to MPD.
(Application PL-13-01992)**

Commissioner Wintzer disclosed that in 2004 he worked on the building at 1255 Park Avenue as the contractor. He did not believe that would affect his decision on this MPD.

Planner Anya Grahn reported that Park City Municipal is the applicant, represented by Matt Twombly. The Architect, Kevin Blaylock and Steve Brown, a consultant to the City on the Lower Park Avenue Master Plan, was also in attendance.

Planner Grahn provided a brief background on the Library. She noted that this application was the second MPD on the site. The first MPD was in 1989, at which time the goal was to create a cultural center with lodging and a convention center at the Carl Winters School. By 1992 the City's relationship with the developer had dissolved and the City abandoned the idea of a cultural center and decided to move the Library into the Carl Winters building. The building was rehabilitated to create space for the Library, as well as leasable space, and to be used as a theatre.

Planner Grahn stated that in 1992 the conditions of approval for the Library also addressed creating 92 permanent parking spaces on site, improving the Mawhinney parking lot at the south side of City Park to accommodate overflow parking, and setback exceptions along 12th Street where the historic building has a zero foot setback, as well as on Norfolk to accommodate the new 1992 addition.

Planner Grahn remarked that in the RC or ROS District all new public or quasi-public projects greater than 10,000 square feet in gross floor area are subject to an MPD process. She clarified that in this case the request is for an amendment to the MPD. During the regular meeting this evening, the Planning Commission would be reviewing the Pre-MPD application for compliance with the General Plan. The purpose of this work session was to hear feedback from the Commissioners on the proposal in general.

Planner Grahn noted that the applicants had prepared a power point presentation and they were requesting input on items that were outlined in the Staff report. They were asking for a setback reduction along Norfolk Avenue from 25' to 10'. Planner Grahn pointed out that the Staff report indicates 15' back from Norfolk; however the second story would be 10' and there would be an overhang. Planner Grahn stated that Norfolk Avenue is the rear of the building. The front façade is more on Park Avenue. An entrance is not proposed along Norfolk Avenue and it was treated as a rear elevation. She stated that the Planning Commission had the opportunity allow a reduced setback if they find it acceptable.

Planner Grahn reported that the applicant was also requesting an open space reduction. The new addition would reduce the current 114,100 square feet of open space to approximately 111,700

square feet, which equates to a 1% reduction. They were also looking for feedback regarding an improved entry sequence that would lead from the Park Avenue bus stop to the Library entrance.

Planner Grahn stated that as reflected in the Staff report, the Staff believed that 11 parking spaces would be eliminated; however, that number was closer to 18 parking spaces or 18% of the parking on the library parking lot. The applicant was also looking for feedback on installing a gravity fed book drop system in the loading zone along Norfolk Avenue. Currently there is a book drop that the staff manually empties. The new book drop would be gravity fed into the building and it could be a future sorting system.

Matt Twombly, the project manager for the Sustainability Department, stated that since the 1992 remodel, there have been several tenants in the building besides the Library. The Library was the main tenant to move in after they ran out of room at the Miners Hospital. Mr. Twombly named all the tenants who had leased space in the building since 1992 and again when the building was remodeled to expand the Library in 2004. He noted that most of the tenants had left and currently the second and third floors were vacant except for the Co-op on the second floor and the Film Series on the third floor. Mr. Twombly remarked that in 2004 the City was looking at a seven to ten year Library remodel. Since the tenants were moving out, this was a good time to expand the Library.

Kevin Blaylock with Blaylock and Partners, the project architect, had prepared a number of slides and an electronic model. He explained that his firm met on a regular basis with the steering committee group, individuals from the Planning Department, and with the Sustainability Group for Park City. Throughout the process they included the Friends of the Library and the Library Board. This same presentation he would give this evening was already given to the Library Board and the City Council.

Mr. Blaylock noted that the primary objectives were identified in three different categories; 1) the Library, 2) the third floor, and 3) City-wide goals. Mr. Blaylock remarked that there were several layers to the Library objectives and what defined a 21st Century Library. It speaks to everything from greater community involvement, more flexibility and adaptable space, improvements in technology, and acknowledging that while books are not going away, there is more of a demand for social gathering space. Along with that is developing a strong entry sequence and a stronger identity. Libraries are civic buildings in the community; however, the current Library does not present itself to the community.

Mr. Blaylock stated that the third floor would accommodate the temporary location for the seniors and create a multi-purpose space, as well as improvements for the Film Series and Sundance, relocation of the Co-op and coordinate improvements.

Mr. Blaylock remarked that to address the City-wide goals they would promote the City's commitment to historic preservation and recognize the importance of sustainable design goals, provide flexible space and work within the allocated budget.

Mr. Blaylock stated that the plans for the Library consists of expanding the Children's area, creating dedicated pre-teen and teen areas, media, restrooms, flexible space, and other things that could be

accomplished. Building-wide the goal is to promote opportunities for greater community meeting space, outdoor gathering space and the possibility of a small coffee shop. Along with the utility and infrastructure improvements they would also be creating a new elevator and new restrooms. Mr. Blaylock noted that the building would also be brought up to Code in terms of life safety and seismic.

Mr. Blaylock remarked that developing both the site and the building architecture and interior was a four step process; which included 1) analyzing or assessing the existing conditions; 2) exploring the studies; 3) developing a conceptual approach, and 4) providing options for evaluation.

Mr. Blaylock presented a slide showing the site opportunities. Purple identified the original historic footprint. The blue-ish tone represented the addition to the building in 1992. The piece that bracketed the back side on Norfolk Avenue was the three-story portion. He indicated a piece that was put in as a single story addition. Mr. Blaylock stated that in terms of site development they were looking at ways to improve or enhance the entry sequence. The view on the left was immediately outside what is now the front door looking towards Park Avenue. The view on the right was the view from the bus shuttle stop on Park Avenue looking back at the same entry sequence. The conceptual approach was to create a pedestrian access through the parking lot that collected pedestrians and brought them to the front door. They need to acknowledge with the site the facility use year-round, as well as the fact that the facility is used 10-12 hours per day at various times of the year.

Mr. Blaylock reviewed a number of proposed options that would promote connectivity, develop a stronger civic presence, maintain service and delivery access points, safe staff entry sequence, allowing for a book drop either now or in the future, and recognizing the importance of the after hour experience relative to the Library use. His firm generated a few sketches and provided a document to Planner Grahn that was included in the Staff report. They were looking at losing 11 to 12 parking stalls in the existing parking lot.

Mr. Blaylock had met with the Park City Sustainable Design Group and obtained information about the importance of what sustainable design means to Park City.

Mr. Blaylock noted that one idea was to put on a larger footprint that what the building currently occupies to promote the idea of an outdoor terrace at grade. They were maintaining the service entry drive but sliding it 10' to the north. He pointed out that all those things begin to encroach on the existing green space. In an effort to be sustainable, they looked for an opportunity to offset the lost green space with hardscape and supplant it in the front entry sequence. This would allow the creation of a more passive green space as a civic element and introduction to the library as opposed to a parking lot.

Mr. Blaylock stated that the current architectural solution proposes to remove the 1992 addition and to look for an opportunity to reuse the material on the site. Mr. Blaylock remarked that as they develop a more walkable community and connect the civic components, there was a concern about the amount of traffic activity occurring across Park Avenue and through a parking lot. Previous studies had two access points where patrons were crossing or conflicting with vehicular traffic. Mr. Blaylock presented a conceptual diagram that creates the connection with the access across Park Avenue and re-directs people to a front door experience.

Mr. Blaylock stated that the first two studies, S.1 and S.2 looked at potentially losing 11 or 12 parking stalls. His recommendation with S.4 results in a loss of 18 parking stalls and a net increase of 4,000 square feet of green space.

Chair Worel referred to page 10 of the Staff report and the reference to the number of people getting on and off the buses. She liked the high numbers but she was unclear as to how that would translate into parking spaces. She asked if the increased bus traffic would decrease the demand for parking spaces and if it was based on a formula.

Mr. Blaylock replied that there was no way to know exactly, but they could try to interpolate some of the numbers. He believed it speaks to the larger issue of promoting public transportation and a walkable community. If that is the goal, the question is how important are the actual parking stalls.

Planner Grahn noted that a map on page 39 of the Staff report showed where the adjacent parking lots were located and their relationship to the Library. As part of the discussion and reflected on page 11, the Staff recommended that the Planning Commission require a parking analysis to understand the demands and usage of this site.

Commissioner Wintzer believed Mr. Blaylock was right in trying to promote public transportation. However, he thought it was important to know where the people who come to the Library live and if they have access to a transportation link. Commissioner Wintzer referred to one picture presented and noted that there were two or three houses to the left of the green area. He recalled that when the previous project was done, those houses had parking spaces assigned to them in the rear. If those spaces are still assigned it would reduce the parking for the project. He suggested that the Staff or the applicant research those spaces. Mr. Blaylock understood that there was a parking agreement in place. He noted that they were providing two additional parking stalls at this location, essentially creating two parking stalls closer to the front door and taking away the 12 spaces that were more remote from the front door of the Library.

Commissioner Gross was concerned about losing any parking spaces. When he attends the movies at the Library on the weekends there is never enough parking. If people have to park across the street there is no connection to get to the Library. He was unsure how the 13 stalls behind the bus stop would be accessed. Commissioner Gross had concerns regarding the Mawhinney lot. At the last meeting they looked at proposed rezoning of the HRM zone and the Mawhinney lot was shown as future housing. Therefore, those 48 spaces would eventually go away and he was concerned about creating an under parked situation.

Director Eddington clarified that there was not a housing proposal on that particular lot. Commissioner Gross replied that it was part of the overlay which means it would occur at some point in time. Director Eddington agreed that it could be in play, but the intent of the overlay was to show development for zoning purposes. Commissioner Gross emphasized that if it could potentially occur they would have to consider how they would replace the 48 spaces that would be gone. Director Eddington reiterated that the City was not proposing affordable housing on the Mawhinney lot.

Commissioner Gross referred to the 26 public spaces along 13th Street and asked if that parking was for the Library facility or general public parking. Mr. Twombly replied that those spaces were not specified for the Library, which is why it was included as overflow parking. Commissioner Gross thought of that parking as unaccessible, particularly during the snow season. He was not comfortable with the overflow parking as proposed. Mr. Twombly noted that part of the original MPD required the 13th Street parking and parking across the street in City Park as additional parking. It was included as overflow parking for this proposal to be consistent with the original MPD. Commissioner Gross felt they were burdening this property by not providing enough parking to take care of the citizens for the next ten years. If they want people to use the Library building on a regular basis they need to resolve the parking issue.

Commissioner Thomas liked the scheme, the angle and the connection of pedestrians to the Park. He thought that having some accent to delineate the crossing across Park Avenue was important for increasing life-safety and drawing more attention to the crossing. Commissioner Thomas did not object to the parking spaces across the street. He believed there were 72 total parking spaces for overflow and he wanted clarity on whether the Mawhinney lot was designated as permanent overflow parking for the Library facility in the future. Mr. Twombly stated that there were 48 parking spaces on Mawhinney and 25 spaces on 13th Street. Planner Grahn apologized for including the wrong number of parking spaces on page 9 in the Staff report. She believed the correct number was closer to 72 when the 13th Street spaces are included. Commissioner Thomas agreed with Commissioner Gross on the importance of making sure the overflow parking is permanent.

Mr. Blaylock believed there was some confusion on the diagram. He noted that there was currently a striped crosswalk Park Avenue. That was an existing physical attribute that they were trying to connect with on the Library side. Commissioner Gross was aware of the crosswalk. His concern was with the 12 month accessibility around it and the potential for losing the spaces to development.

Mr. Blaylock presented the architectural elements of the proposal and reviewed the proposed design and materials.

Mr. Blaylock presented an electronic model of the proposal and an aerial view of the model looking at the proposed entry sequence.

Commissioner Thomas asked how they contemplated dealing with the walls that step up to Norfolk. Mr. Blaylock proposed to leave the existing concrete retaining wall in place and work around it and build on top of it.

Planner Grahn asked for input from the Planning Commission on the requested setback reduction. Commissioner Wintzer stated that his only concern was that having the upper outside door so close to the residential area could lead into noise and after-hour problems. He understood the need and how it works, but they need to be careful about encroaching a high-intensity use next to the existing houses. He suggested some type of restrictions to address the issues. Commissioner Wintzer noted that the existing wall is a vertical straight structure and he believed the proposal was a better approach to what exists. He felt it was important to keep some landscaping to protect the residential neighbors and to keep that area from becoming auxiliary parking and create traffic

impacts for Norfolk.

Commissioner Thomas remarked that the wall is large and he was interested in seeing the material treatment of the wall and how they break it up aesthetically. He was comfortable with the reduced setback. Commissioner Thomas thought it was important to distinguish the difference between the old and the new. The more they mimic the historic building the more it undermines the historic character. Mr. Blaylock agreed.

Commissioner Wintzer did not want to lose the historic entrance to the building, even though it was not the primary access.

Commissioner Thomas understood that the terraces to the north would not be usable but he felt it was important to have the stepback to aesthetically address the building façade and preserve it.

Chair Worel liked the proposal and found it exciting. It brings the community together and adds gathering spaces. She asked if a lot of work needed to be done to bring the building up to Code. Mr. Blaylock replied that they were currently going through a tremendous amount of design and financial effort to improve the seismic components of the building. They were also addressing relatively minor life-safety issues, egress issues and non-compliant issues such as restrooms and stairs. Mr. Blaylock stated that because of the historic nature of the building it would fall under the grandfather clause. However, the total re-gutting of the building automatically triggers the upgrades.

Mr. Blaylock stated that after their discussion with the Sustainable Design Team from Park City, it was important to understand that they were creating a more sustainable design solution with the building, but they would still have much higher energy consumption primarily due to the air conditioning they were asked to put in. On the other hand, the current boiler system is 65% efficient and that would be increased to 90-95% efficient. The objective is to achieve some balance.

Mr. Blaylock stated that in keeping with a 21st Century Library model they were trying to promote a higher engagement level between the Staff and the patrons. A drive-up or walk-up book drop goes a long way in making the Staff more available and reducing the wear and tear on the books and materials. Mr. Blaylock reviewed the proposed location for the gravity book drop and explained how the circulation would work. He noted that the location was prompted by the desire to get automated materials and handling equipment in the library. Mr. Blaylock stated that a number of studies were reviewed with Transportation and Engineering and they concluded that the location shown would be the better supported approach.

The Commissioners discussed vehicle access to and from the book drop and expressed their concerns. Mr. Blaylock commented on the cueing and he believed they would have to rely on signage and striping. Commissioner Gross expected it to be an issue within the first month. Mr. Blaylock pointed out that there were trade-offs with every scenario, including keeping the book drop in its current location. Commissioner Wintzer thought the book drop was an issue for the Library and not the Planning Commission. His concern was the amount of traffic it would generate on Norfolk.

Commissioner Thomas believed the proposal was going in the right direction. Commissioner Wintzer requested a blow up of the area and the adjacent parking for the next meeting. He would like to see how it all goes together with the street crossing and pedestrian linkage.

Chair Worel called for public input. There were no comments.

The Work Session was adjourned.

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 25, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney

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The Planning Commission met in Work Session prior to the regular meeting. That discussion can be found in the Work Session Minutes dated September 25, 2013.

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Hontz, Strachan and Savage who were excused.

ADOPTION OF MINUTES

September 11, 2013

Commissioner Wintzer referred to page 72 of the Staff report, page 6 of the minutes, 5th paragraph, 5th line, and the sentence "... the number of people who drive to the junction to buy sheets and towels to take to Deer Valley". He clarified that he was talking about a commercial laundromat and corrected the sentence to read, "...the number of people who drive to the junction **to launder sheets and towels** to take to Deer Valley", to accurately reflect the intent of his comment regarding light industrial uses.

Commissioner Thomas referred to page 73, page 7 of the minutes, 6th paragraph, and corrected "...south into Wasatch County looking down hear the Brighton Estates..." to read, "...**near** the Brighton Estates..."

Commissioner Gross referred to page 76 of the Staff report, page 10 of the minutes and noted that his name was written as Steward Gross and should be corrected to read **Stewart Gross**.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of September 11, 2013 as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed. Chair Worel abstained since she was absent from the September 11th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Gross referred to the 2519 Lucky John Drive replat item on the agenda and disclosed that he is a neighbor and a stakeholder in the area. He had not received public notice on this plat amendment and it would not affect his ability to hear the item this evening.

Commissioner Wintzer remarked that in talking about the Carl Winters School and the High School during work session, he felt it was important to note that the community had lost David Chaplin, who spent much of his career teaching there.

Director Thomas Eddington reported that the Planning Commission typically holds one meeting in November due to the Thanksgiving holiday. However, due to the lengthy agendas and the General Plan schedule, he asked if the Planning Commission would be available to meet on the First and Third Wednesdays in November, which would be November 6th and 20th. The Commissioners in attendance were comfortable changing the schedule. The Staff would follow up with the three absent Commissioners.

CONTINUATIONS(S) – Public hearing and continue to date specified.

1. Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development. (Application PL-13-01992 and PL-13-03010)

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

MOTION: Commissioner Thomas moved to CONTINUE the Park City Heights Pre-MPD and Amendment to Master Planned Development to October 9, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 1255 Park Avenue, Park City Library – Pre-Master Planned Development
(Application PL-13-01992)

Planner Anya Grahn requested that the Planning Commission review the Park City Library Pre-Master Plan Development located at 1255 Park Avenue and determine whether the concept plan and proposed use comply with the General Plan and the goals.

During Work Session the applicant provided an overview of how a 21st Century library creates community spaces, conference rooms. It is about expanding the library and improving accommodations and improving the entry sequence and encouraging greater use of public transportation.

Planner Grahn noted that pages 84 through 85 of the Staff report outlined the goals of the current General Plan and how this application had met those goals. The Staff also analyzed the application based on the goals set forth in the new General Plan.

Commissioner Thomas remarked that since the new General Plan was still in the process of evolving and being modified, and it was not yet adopted, it was not pertinent to review the application under the new General Plan. He recommended that they remove that section. Commissioner Gross concurred.

Assistant City Attorney McLean stated that from a legal perspective, even though the Commissioners were relying on the existing General Plan, it would be changing. Therefore, if the Planning Commission has an issue regarding compliance with the new General Plan, it would be appropriate to raise the issue, particularly at this point in the process. Commissioner Thomas understood the legal perspective; however, the General Plan process was not completed and he was uncomfortable making that comparative analysis because it would add confusion.

Planner Grahn stated that if there was consensus to remove reference to the new General Plan, they suggested that they remove Finding of Fact 13, which talks about compliance with the drafted General Plan.

Commissioner Wintzer commented on uses and requested a note on the plat about exterior uses not sprawling into neighborhoods. They need to somehow acknowledge the need for a connection between the neighborhoods. Assistant City Attorney McLean stated that unless it was linked to the General Plan goals, it would be addressed with the MPD. Ms. McLean clarified that the main concept of the pre-MPD is compliance with the General Plan. However, it is appropriate to give initial feedback to make sure the concept is one the applicant should pursue.

Steve Brown representing the applicant, stated that time barriers would be placed as opposed to architectural barriers. Commissioner Wintzer clarified that he was talking about issues such as live music after 10:00 p.m. Mr. Brown stated that the applicant would respond in that vein.

Commissioner Gross referred to page 84 of the Staff report and the sentence stating that the applicant intends to continue to utilize the additional 72 parking spaces at the Mawhinney parking directly east of the Library as overflow parking. He wanted to make sure that would be a reality and that there would not be conflicts. Planner Grahn stated that the Staff report incorrectly stated 72 parking spaces. She believed the actual number was closer to 48 spaces, and she would confirm that number. She apologized for the mistake in her calculation. Commissioner Gross stated that regardless of the actual number, his concern was making sure that the parking spaces would remain as parking over the duration of the Library and its associated uses in the future.

Matt Twombly, representing the applicant, explained that building those spaces was a condition of the original MPD. He assumed it could be conditioned again to retain the spaces for the Library overflow. Director Eddington stated that it would be part of the MPD amendment. Commissioner Gross reiterated that his concern was to make sure it remained as parking as opposed to being developed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to ratify the Findings for the pre-MPD application at 1255 Park Avenue, the Park City Library that it initially complies with the General Plan for a Master Planned Development, consistent with the Findings of Fact and Conclusions of Law as modified to remove Finding of Fact #13. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1255 Park Avenue

1. The property is located at 1255 Park Avenue in the Recreation Commercial (RC) District.
2. The Planning Department received a plat amendment application on June 14, 2013, in order to combine the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat, this property will be known as the Carl Winters School Subdivision, and is 3.56 acres in size.
3. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library will be expanded by approximately 2,400 square feet in order to meet the demands of a twenty-first century library. These demands include a café as well as other meeting and conference rooms. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces, the library will temporarily house the Park City Senior Center.
4. The applicant submitted a pre-MPD application on July 19, 2013; the application was deemed complete on August 16, 2013.
5. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library. An

amendment to the Conditional Use Permit will be processed concurrently with the Master Planned Development.

6. Access is from Park Avenue, with a secondary entrance along 12th Street.

7. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use Permit. Compliance with applicable criteria outlined in the Land Management Code, including the RC District and the Master Planned Development requirement (LMC-Chapter 6) is necessary prior to approval of the Master Planned Development.

8. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.

9. Staff finds that the proposal complies with Goal 1 of the General Plan in that it preserves the mountain resort and historic character of Park City. The proposal to expand the Library will be modest in scale and ensure the continued use of the historic Landmark Carl Winters School. The new structure will complement the existing historic building, complying with the Design Guidelines for Historic Sites.

10. Staff finds that the proposal complies with Goal 3 of the General Plan in that it maintains the high quality of public services and facilities. The City will continue to provide excellence in public services and community facilities by providing additional space for the transformation of the Park City Library into a twenty-first century library and community center.

11. Staff finds that the proposal complies with Goal 5 of the General Plan in that it maintains the unique identity and character of an historic community. The rehabilitation of the structure and the new addition will maintain the health and use of the site as a community center and library. Moreover, the new addition must comply with the Design Guidelines and be simple in design, modest in scale and height, and have simple features reflective of our Mining Era architecture and complementary to the formality of the existing historic structure.

12. Staff finds that the proposal complies with Goal 10 of the General Plan in that it supports the existing integrated transportation system to meet the needs of our visitors and residents. The improved entry sequence will encourage greater use of Planning Commission - September 25, 2013 Page 88 of 302public transit, walkability, and biking to the library. The project is on the bus line and within walking distance of Main Street.

13. The discussion in the Analysis section is incorporated herein.

Conclusions of Law – 1255 Park Avenue

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan.

2. Second Amended Stag Lodge Phase IV, 8200 Royal Street Unit 52 – Amendment to Record of Survey (Application PL-13-02025)

Planner Christy Alexander reviewed the application amended plat the existing Stag Lodge record of survey plat for Unit 52, which is a detached single-family unit. The request is to identify additional basement and sub-basement area beneath the home. The area is currently listed as common area because it is not listed as private or limited common on the plat. The owner would like to make the area private and create a basement, which would increase the square footage of the unit by 1,718 sf. Planner Alexander noted that the plat was previously amended for Units 44, 45, 45, 50, 51 and 52 in 2002 and recorded in 2003. At that time 3,180 square feet was added to each of those units in the vacant area.

Planner Alexander noted that the plat amendment would not increase the footprint of the unit and additional parking would not be required. The height and setbacks would remain the same.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the amendment to the record of survey.

Bruce Baird, representing the applicant and the HOA, noted that this same request was approved last year for two other units. It is a strange function of having space below the unit that is somehow considered common area in the deep dirt. The area does not count as an extra unit and it does not require additional parking. Mr. Baird thanked the Staff for processing this application quickly, which could allow his client the opportunity to get some work done before Deer Valley shuts down construction for the year. Mr. Baird reiterated that this was a routine application and he was prepared to answer questions.

Commissioner Gross asked if the amended would affect the height from the ground floor to the top. Director Eddington replied that height is based on the structure and not the use. Therefore, it would not affect the height. Commissioner Gross asked if the additional square footage would have the ability to be leased out separately. Mr. Baird replied that it was not intended to be a lock-out. Given the layout of the building it would be nearly impossible to set it up as a lockout.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council on the Second Amended Stag Lodge Phase IV plat for Unit 52 based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Stag Lodge, Phase IV

1. The property is located at 8200 Royal Street East, Unit 52.
2. *The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).*
3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase IV plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51, & 52, was first amended on June 6, 2002 and recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.
6. On August 16, 2013, a complete application was submitted to the Planning Department for an amendment to the Stag Lodge Phase IV record of survey plat for Unit 52.
7. The plat amendment identifies additional basement area for Unit 52 as private area for this unit. The area is currently considered common area because it is not designated as either private or limited common on the plats.
8. The additional basement area is located within the existing building footprint and crawl space area and there is no increase in the footprint for this building.
9. Unit 52 contains 3,180 sf of private area. If approved, the private area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.

10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.

11. Unit 52 was constructed in 1985. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.

12. The HOA voted unanimously for approval to convert common to private space

13. The findings in the analysis section are incorporated herein.

Conclusions of Law – Stag Lodge, Phase IV

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Stag Lodge, Phase IV

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, the recorded plats, and the conditions of approval, prior to recordation of the amended 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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Stag Lodge Condominium record of survey plats as amended shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of

certificates of occupancy for the interior basement finish work.

**3. Ontario Park Subdivision, 463 & 475 Ontario Avenue – Plat Amendment
(Application PL-13-02019)**

Planner Alexander reviewed the application for a plat amendment at 463 and 475 Ontario Avenue. Jeremy Pack, the owner, was requesting to combine the two lots.

Planner Alexander reported that in 1993, the previous owner, Joe Rush, owned Lot 19 as well as Lots 13 and 14 behind it on Marsac. Mr. Rush had wanted to build single family homes on Lots 13 and 14; however, with the diagonal of Marsac Avenue going across his property, Mr. Rush did not have enough area with the setbacks to build the home he wanted. Since Mr. Rush owned both of the properties he was granted a lot line adjustment, which made Lot 19 a substandard lot. At the time, Mr. Rush agreed to a deed restriction on Lot 19 which states, "The Grantor restricts construction on this lot alone. Construction can only occur with another lot adjacent to the property used for construction."

Planner Alexander noted that Joe Rush eventually sold the property and Jeremy Pack was the current owner. Due to the deed restriction, a single family home could not be built on the lot unless Lot 19 is combined with an adjacent lot. Mr. Pack was requesting to combine the lots together to build one single-family home. Because the lot would be larger, he could build a larger single-family home than what he could on the smaller lot. However, the setbacks would be increased on the larger lot. The applicant would be limited to a single family home because there is not enough square footage to build a duplex.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 463 & 475 Ontario Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Worel opened the public hearing.

Bonnie Peretti stated that she knows Old Town quite well and she wanted to know the maximum square footage if the lots were combined.

Director Eddington noted that page 112 of the Staff report identifies the maximum footprint as 1,486 square feet. He pointed out that three stories is allowed in the zone.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the 463 & 475 Ontario Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 463 & 475 Ontario Avenue

1. The property is located at 463 & 475 Ontario Avenue and consists of two “Old Town” lots, namely Lots 19 and 20, Block 55, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The property has frontage on Ontario Avenue and the combined lot contains 3,650 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
4. Single family homes are an allowed use in the HR-1 zone.
5. On August 6, 2013, the owner submitted an application for a plat amendment to combine the two lots into one lot of record for a new single family house.
6. The application was deemed complete on August 30, 2013.
7. The property has frontage on and access from Ontario Avenue.
8. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
9. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
10. The proposed plat amendment does not create any new non-complying or nonconforming situations.
11. The maximum building footprint allowed for Lot One is 1,486 square feet per the HR-1 LMC requirements and based on the lot size.
12. The plat amendment secures public snow storage easements across the frontage of the lot.
13. In 1994, a lot line adjustment was done combining 100 square feet of Lot 19 with Lot 20.
14. Therefore, by itself, the remainder of Lot 19 is substandard.

Conclusions of Law – 463 & 475 Ontario

1. There is good cause for this plat amendment.

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

Conditions of Approval – 463 & 475 Ontario

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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lot.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lot with Ontario Avenue and shall be shown on the plat.

4. Second Amended 2519 Lucky John Drive Replat – Plat Amendment (Application PL-13-01980)

Planner Whetstone reviewed the application for a plat amendment to re-establish a line that recreates Lots 30 and 31 of the Holiday Ranchette Subdivision. In 1999 an Administrative lot line adjustment removed the lot line between the two lots and created a single lot of record. The new owners would like to re-establish these two lots within the Holiday Ranchette Subdivision. Each lot is approximately 42,560 square feet, which is similar to the lots in the Holiday Ranchette Subdivision.

The Staff believes there is good cause for the application. The proposed subdivision re-establishes the two lot configuration as platted. It would not increase the original overall density of the

subdivision. All of the original drainage and utility easements were preserved in the previous amendments.

Planner Whetstone stated that the proposal meets the requirements of the Land Management Code and all future development would be reviewed for compliance with the Building and Land Management Code requirements. The Staff had recommended Condition of Approval #7 which requires the primary access to come off of Lucky John Drive to protect the new sidewalk that was constructed as a safe route along Holiday Ranch Loop. It would be a note recorded on the plat.

Planner Whetstone had received public input from several neighbors primarily related to various noticing requirements. She stated that the Staff had met the noticing requirements for a plat amendment by posting a sign on the property and sending letters to individual properties within 300 feet 14 days prior to this meeting. It was also legally published in the paper. Planner Whetstone noted that this item was continued at the last meeting because the required noticing had not been done.

Planner Whetstone added Condition of Approval #8 that would be a note on the plat. The Condition would read, "Existing grade for future development on Lot 31 shall be the grade that existed prior to construction of the garage." She understood that previous grading had raised the grade. The grade should be returned to the grade that existed prior to constructing the garage and the regarding that occurred at that time." Planner Whetstone noted that the survey with the original grade was on file in the Planning Department.

Planner Whetstone reported that the Planning Staff had done an analysis of this proposal and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the Lucky John plat amendment in accordance with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Condition #8.

Steve Schueler with Alliance Engineering, representing the applicant, stated that he was unaware of the owner's intention with respect to the lot, but he presumed that they planned to sell it.

Commissioner Gross commented on the primary access being limited to off of Lucky John Drive. He recalled past discussion about TDRs and increasing densities in areas such as Park Meadows, and he wanted to make sure they were not creating an opportunity for this applicant or a future applicant to re-subdivide the lot again. He noted that the HOA has it designated as preserved open space. Commissioner Gross referred to page 128 of the Staff report and stated out of 100 lots, two lots are slightly under an acre and the rest of the lots are over an acre. Fifty lots are two acres or more. He believed that established the type of neighborhood that Holiday Ranchette is, and he felt it was important to maintain that consistency.

Commissioner Gross stated that as a single-family development it should rest on its own merits, have its own driveways, the respective easements that have been established with the homeowners and the covenants that are within the property.

Chair Worel opened the public hearing.

Steve Swanson submitted a handout of diagrams showing the prior condition, the as-built condition, and the split lot option to help support his comments. Mr. Swanson remarked that many of the neighbors do not understand the process and he has done his best to help them understand the role of the Planning Commission and the Staff. Mr. Swanson addressed the idea of re-discovering a line that represents the demarcation between the original lots 30 and 31. He stated that it may be true to some extent, but to cover it up and then to have it magically sold back is worrisome. Mr. Swanson remarked that the lots have not existed since the plat amendment was recorded in 1999. He believed they were talking about a re-subdivision of an existing lot, and regardless of the size it was in their neighborhood. He thought the bar should be set higher than the original because there is now existing hard construction and other improvements on this lot, the 2519 Lucky John replat.

Mr. Swanson remarked that the subject property and how it has development over time is important in terms of its relation to the neighborhood, Lucky John Drive itself, and in the context of the review and approval process operative at the time in the Holiday Ranch HOA CC&Rs. He recognized that the City has no obligation to enforce the CC&Rs.

Mr. Swanson reviewed the diagram of the prior condition site plan, which showed the two lots, 30 and 31, as they existed in 1999 with a HR plat overlay. He indicated a two-story residence that was built within the building pad, a driveway to the north, and an accessory building pad that could accommodate a garage, barn, etc, directly to the west. Mr. Swanson stated that at that point the approved and constructed projects meet the HOA requirements and the requirements of the CC&Rs. There were also no inconsistencies with respect to the LMC regarding single-family dwellings for orderly development, protected neighborhood character, and property values conserved. Mr. Swanson stated that he likes to reference the Municipal Code because it is important to understand that the City has broad authority in subdivisions in terms of review approval and purview. The LMC and the General Plan is all the City has. Mr. Swanson cited specific sections in the LMC to show the consistency between the LMC and the CC&Rs.

Mr. Swanson reviewed the as-built site plan diagram. He stated that the 1999 replat removed the center line and the subdivision is established. The Cummings were the owners at the time and they purchased both lots with a structure on one lot. Mr. Swanson noted that the owner received a variance to build a larger accessory structure than what the building pad would accommodate. The pad did not meet their needs so they purchased the adjacent lot and did the replat to combine the lots. Mr. Swanson explained that his graphic was intended to show the relationship and how it has changed in terms of how open space is viewed and the types of uses on parcels. He stated that the variance process that was affected at the time with the HOA architectural committee and the full knowledge of the HOA Board would have resulted in a larger garage being built to the north and it was placed within the building pad that was allotted to the second lot for a main building. Mr. Swanson remarked that in reality the owner was forever vacating the pad to the west. That change was shown on his diagram. He noted that the strip in between was open space. He remarked that the owner was also granted a variance to realign the entry drive and take a portion of the open space side yard. That was shown as a hatched area on the diagram. Mr. Swanson stated that based on the CC&Rs, a portion would have to remain open with no structures and no hard surfaces.

Mr. Swanson clarified that it was the HOA architectural committee and not the City who granted the variance. He explained that the hatched area was given back to the owner to utilize as a driveway surface for the single-family use with the approved accessory building at the new location. Mr. Swanson stated that it is routine and common for the HOA to work with the owners within the confines of the charter and the CC&Rs. He pointed out that the garage was raised up three to four feet from grade. Mr. Swanson remarked that there were still no conflicts or inconsistencies between the CC&Rs and the Land Management Code.

Mr. Swanson reviewed the split option diagram. He stated that if the replat is successful and the two lots are re-created, it would create immediate non-conformances with respect to the Holiday Ranch CC&Rs and the LMC. Mr. Swanson outlined the non-conforming aspects. He stated that if the building is allowed to remain it would be under the minimum that is acceptable under the CC&Rs. The side yard open space is in conflict because hard drive surfaces would be needed to access the two parcels. A common driveway would create a conflict and a potential hardship for one or both owners. Mr. Swanson believed that it violated the LMC because the required three-foot landscape setback would no longer exist on either property, contrary to the Side Yard Exception 15-2-11H-8 of the LMC.

Mr. Swanson stated that orderly development was in question since the applicant is apparently not required to do anything to mitigate, and could initiate legal cross easements for the drive access. The owner could market, sell or hold these properties as he is equally entitled to now, but with the new underlying land being recorded as two lots. Mr. Swanson stated that the neighbors have seen firsthand what has happened to this property in a year's time. He presented a photo of what the property looked like a few years ago. It was meticulously maintained. The owner after the Cummings' recognized the value of the property and the neighborhood and was eager to contribute.

Mr. Swanson presented a photo showing the condition of the property in July 2013. He noted that the current owner took a disinterested stance on this property. Based on public record, he understood that the owner had leveraged the property and had no interest in contributing to the neighborhood or interacting with the neighbors and the HOA. Mr. Swanson believed it was only a question of solving the building addition to the existing garage, which creates an architectural problem for the HOA. He thought it was obvious that the house and garage go together. Mr. Swanson stated that there were too many negatives and unknowns to take a chance on this application. Because of the non-enforcement of CC&Rs clause and the City's broad powers, the HOA is left with created hardship and non-conformances on other issues that should have been dealt with first. He asked that the Planning Commission not take the Holiday Ranch neighbors down that path. Just because something can be done does not mean it should be done. He stated that the neighborhood is 80% full-time residents and many families. The property is inherently valuable because it has open view sheds and wildlife habitat corridors, as well as a strong and beautiful street presence.

Mr. Swanson believed the application should be rejected on its face and a recommendation to the City Council to deny this action. Short of this, he would ask the Planning Commission to continue in

order to consider additional conditions of approval, one of which would be the signature and approval of the surrounding neighbors and owners.

Chair Worel asked Mr. Swanson if his comments were made on behalf of himself as an individual or on behalf of the HOA. Mr. Swanson replied that he spoke on behalf of himself as a resident.

Eric Lee, Legal Counsel for the Holiday Ranch HOA. Mr. Lee believed the City had the opportunity to keep the two parties out of litigation. He understood that the City had a policy of not enforcing CC&Rs; however, the CCRs in this case prohibited re-subdividing lots. As demonstrated by Mr. Swanson a quid pro quo negotiation was engaged fourteen years ago that resulted in the lot line adjustment. He stated that there may be room for negotiation now, but the Nevada Limited Liability Company that owns this property has not approached the Homeowners Association despite communication from him requesting communication on this issue. They have not approached the HOA for approval to re-subdivide the lot, despite the fact that the CC&Rs require that approval, or on anything other matter. It is an absentee owner. If they are willing to communicate with the HOA there may be the potential to work something out. If not, it would end up in litigation.

Mr. Lee requested that the Planning Commission do what was administratively done in 1999 when the City considered the neighborhood's position and obtained neighborhood consent for the lot line adjustment in 1999. His position was that the owner should not be bothering the City with this issue until they receive permission from the HOA. Mr. Lee believed a negative recommendation to the City Council would allow the owner and the HOA to try and work together.

Mr. Lee stated that forwarding a negative recommendation or deferring consideration of this application would serve another purpose. The declaration for the subdivision also precludes altering any improvements or landscaping without prior written approval from the architectural committee. He pointed out that a re-subdivision would require the lot owner to alter improvements in landscaping. If the Planning Commission forwards a positive recommendation and the City ultimately allows this re-subdivision, the City would be creating a hardship argument for this owner to take to the HOA, and it changes the balance in an unfair way.

After reading the Staff report, Mr. Lee had concerns with Findings of Fact #6 which states that, "There is an existing home on Lot 30 that was built within the required setback areas and is considered a non-conforming structure." He was unclear on the meaning and asked for clarification. However, if it means that subdividing the lot would create a setback problem, the Planning Commission needs to consider that issue.

Planner Whetstone noted that word "non-conforming" was an error in the Finding because the structure is conforming and the house on Lot 30 meets the setbacks. Mr. Lee clarified that if the subdivision occurred the home on Lot 30 would be at least 12 feet from the side yard. Planner Whetstone replied that this was correct.

Mr. Lee understood that if the subdivision was allowed, an accessory structure would exist on Lot 31. As pointed out in the Staff report, accessory structures are allowed in this District as long as the setback requirements. However, in his reading of the Code, an accessory structure is not allowed without a primary structure. Mr. Lee stated that creating the subdivision would create a lot with an

accessory structure without a primary structure. The City would create that situation if the subdivision was approved.

Mary Olszewski, a resident of Holiday Ranch, thanked the Planning Commission for the job they do for the City. She stated the CC&Rs is their bible that has been enforced for 37 years. It is something they do not ignore. She stated that in standing by the CC&Rs they improve their neighborhood and contribute to the City. Ms. Olszewski remarked that historically they have a relationship with the City in that plans and designs are reviewed by the architectural committee and suggestions are made, and the plans ultimately come to the City for approval. She stated that in 1999 the Cummings came to the HOA and submitted a formal application and received letters for a variance from all the neighbors. In this instance they have been circumvented as a Board in the Holiday Ranch. A formal application was not made and no letters for a variance have been submitted from the applicant. Ms. Olszewski stated that the 1999 decision was predicated on this being one lot and a desire to help the homeowner. It seems whimsical that a homeowner can combine lots and then divide lots and leave the neighbors with a set of problems after they did their best to make everything work in the neighborhood. Mr. Olszewski stated that if the applicant is allowed to circumvent the Board, the HOA and the letters of acceptance, it weakens the CC&Rs and makes the Board moot in the neighborhood. She asked the Planning Commission to consider that in making their decision. The stronger the CC&Rs, the more valuable the property is and the greater contribution it makes to the City.

Mary Wintzer, a resident at 320 McHenry, disclosed that she is married to Planning Commissioner Charlie Wintzer. Ms. Wintzer realized that the Planning Commission was in a predicament with the policy of not being able to enforce the CC&Rs. As an Old Town resident she has spoken for years about the neighborhoods in Old Town that are being injured and how they are unable to get help from the City Council and enforcement from the Planning Commission. Ms. Wintzer noted that later this evening the Planning Commission would be discussing the General Plan and Sense of Community. She stated that what has been occurring in Old Town is now hitting Holiday Ranch. This community of full time-residents was asking the City to help uphold their sense of community. Ms. Wintzer remarked that if helping these citizens was not within their purview this evening, the Planning Commission needed to find a way to bring this into the discussion. She compared it to the domino effect. What has been happening in Old Town was now rippling to Holiday Ranch to Prospector and Thaynes, as a result of not paying attention to Sense of Community and what Park City means. Ms. Wintzer suggested that the Planning Commission and the City Council figure out a way of maintaining the sense of community the citizens were asking for.

Tracy Sheinberg, a neighbor, stated that when the current owner went to purchase the property, the real estate agent specifically told him that he could not split the lot. She was bothered by the fact that the owner had that information before he purchased the lot. She was also concerned because the owner has never lived in Park City and she assumed they did not plan to live there. They have never been a part of the community, yet they want to do something that is not allowed and would affect the neighborhood. As a neighbor, Ms. Sheinberg was concerned because the owner has let the property go into disarray. The driveway and the fence were falling apart and no one is taking care of the property. The owner now wants to split the lot and sell it as two lots. No one knows who the owner is because they never talked to the neighbors or met with the HOA. Ms. Sheinberg understood that there was no legal standing, but she thought the Planning Commission should take

those factors into consideration because as a neighborhood they do care what happens to the houses and properties in their neighborhood.

Bonnie Peretti stated that she lives in the neighborhood in a home across the street and she was involved when the lots were combined under the assumption that they would not be separate. She was concerned with the term accessory apartment. Ms. Peretti noted that the owners have to refer to all accessory structures as a barn, even though some of the barns look like garages. Accessory structures were meant to accommodate horses at one point, and even now it still has to have the feeling of a barn. Accessory structures are not allowed to be rented or lived in. Ms. Peretti remarked that if the lots are split one lot would have a structure that is not a home. She wanted to know how the City could guarantee that the structure would stay under the terms of the CC&Rs. If they allow the lots to be divided they need to protect the neighbors. Ms. Peretti felt it was best to keep the property as one lot in the way everyone understood it would be.

Peter Marsh echoed the comments of the previous speakers who have been his neighbors for 25 years. Mr. Marsh stated that he was involved in the 1999 discussions and he was available to answer any questions the Commissioners might have regarding the combinations of the lots, or any questions for the HOA as the HOA spokesperson.

Chair Worel closed the public hearing.

Mr. Schueler pointed out that the definitions of the CC&Rs of the HOA states that there should be no subdivision of lots. However, the lots referred to are the lots that were in the original platted subdivision. He clarified that the applicant was only asking to re-create the lots that existed when the subdivision was recorded as a plat in 1974. Mr. Schueler remarked that the applicant was not seeking an active proposal for development of the property at this time. He was certain that when there is a proposal, the applicant would come before the HOA and comply with the CC&Rs.

Planner Whetstone referred to comments regarding the 3' side setback of landscaping between the driveways. She noted that it could be considered a shared driveway, which is allowed; but without knowing that for certain she recommended adding Condition of Approval #9 stating that, "The driveway and landscaping must be modified to meet the 3' side yard setback prior to recordation of the plat."

Assistant City Attorney McLean emphasized that the City does not enforce CC&Rs. The Planning Commission purview is to apply the Land Management Code to the application before them. Even if the LMC is in direct conflict with the CC&Rs, the Planning Commission is tasked with applying the Land Management Code and not additional private covenants. Litigation can be a way to enforce the CC&Rs but that would be between the HOA and the applicant. The City must abide by the Land Management Code.

Commissioner Thomas understood that the Homeowners Association was registered with the City and signatures from the HOA are required when building plans are submitted. Assistant City Attorney McLean explained that the City is required to notify the HOA when building plans are submitted.

Assistant City Attorney McLean clarified that in 1999 and currently, an administrative lot line adjustment requires the consent of the neighbors, but the only purpose is to alleviate the need for having a public hearing before the Planning Commission. If the neighbors had not consented in 1999 the request for a lot line adjustment would have come to the Planning Commission.

Commissioner Wintzer stated that it is one thing to enforce the Code and another thing to ensure neighborhoods, and he was unsure how they could do both in this situation. Subdividing this property would create a non-conforming use, not of the LMC but of the CC&Rs. The structure that would be left is not an accessory building and is not large enough to meet requirements of the CC&Rs for a house. Commissioner Wintzer did not believe the Planning Commission had the legal means to stop the lot subdivision.

Commissioner Thomas concurred with Commissioner Wintzer. Often times they run into the decision-making process of having to abide by the Code even when they do not like the solution. Unfortunately, the CC&Rs and the HOA guidelines and rules are not the responsibility of the Planning Commission. Their responsibility is the LMC and the General Plan and from time to time they have to make decisions that impact people and neighborhoods. The Commissioners do not like that solution but it is the law and they are held accountable to the law.

Commissioner Gross was concerned that allowing the subdivision would be setting up the neighbors and the homeowners for future litigation and other issues because of the accessory structure and the driveway. He referred to LMC Section 15-7-3(b)-2 – Private Provisions, which talks about the provisions of the easement, covenants or private agreements or restrictions impose obligations more restrictive or a higher standard than the requirements of these regulations or the conditions of the Planning Commission, City Council or municipality approving a subdivision or enforcing these regulations and such provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Based on that language, Commissioner Gross believed that if the Homeowners Association had a stronger will to have the neighborhood a certain way than the City or the City Council, then the operative word is private rights and that should be respected per Section 15-7-(b)-2.

Assistant City Attorney McLean stated that if the LMC was more restrictive than the CC&Rs, the more restrictive would apply. However, if it is a private agreement and it is not reflected on the plat, the City would not enforce it. It is up to the HOA to enforce their provisions if they are more restrictive than the LMC.

Commissioner Wintzer asked for clarification on the side yard setback in the zone and what was permitted in the setback. Planner Whetstone replied that per the LMC the side yard setback is 12' and it allows patios, decks, chimneys, window wells, roof overhangs and driveways. Commissioner Wintzer asked if the driveways could go to the property line. Director Eddington stated that driveways could be 3' from the property line or 1' from the property line if it is deemed as assistance to help a car back in or out. Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code.

MOTION: Commissioner Wintzer moved to CONTINUE this item to a date uncertain until the applicant submits a site plan showing how the setbacks and driveways would comply with Code,

and they would also have to submit their plans to the Homeowners Association. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 70 Chambers Avenue – Steep Slope Conditional Use Permit
(Application PL-13-01939)**

Planner Whetstone reviewed the request for a steep slope conditional use permit located at 70 Chambers Avenue. The property is Lot 1 of the Qualls two-lot subdivision that was approved in 2004. Each lot was 4,125 square feet in area. There is an existing historic home on one of the lots and the lot at 70 Chambers Avenue has remained vacant since that time. Planner Whetstone stated that because the proposed structure is greater than 1,000 square feet and construction is proposed on an area of the lot that has a 30% or greater slope, the applicant was required to submit an application for a steep slope conditional permit.

The Staff had conducted an analysis of the proposal and the result of their analysis was contained on page 155 of the Staff report. Planner Whetstone noted that additional criteria specific to a steep slope conditional use permit was outlined on page 156 and 157 of the Staff report. Based on their analysis, the Staff determined that there were no unmitigated impacts with the proposal. Planner Whetstone remarked that the proposal has evolved over the past six month and the Staff was still working with the applicant regarding the design.

Planner Whetstone presented slides from various views to orient the Planning Commission to the property. The Staff had prepared conditions of approval to address mitigation issues.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 70 Chambers Avenue based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Darren Rothstein, the applicant, stated that he chose an architect who has designed projects in Park City in an effort to keep the process flowing. Mr. Rothstein noted that the square footage, setbacks and other design elements were below the maximum allowed. He pointed out that he could have built a duplex or a larger home than what was proposed, but he stayed within the footprint. The First floor footprint is 1600 square feet. As it moves up the hill the structure steps down to 1400 square feet on the second floor and 1100 square feet on the top floor. There is less excavation and very little retaining is required. Most of the retaining walls are four feet or smaller. Mr. Rothstein stated that the driveway is a 5% slope and matches grade, which reduces the overall scale of the building. The garage is set back 20' from the lot line and a single car garage is proposed.

Mr. Rothstein stated that a portion of the roof hits the maximum, but the majority of the roof is under height. The mid-span is 20' which is seven feet below the maximum.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross understood that the Planning Commission was not approving architectural elements this evening, but he commented on the 10' step with the deck above and the chimney. Commissioner Wintzer noted that page 176 of the Staff report showed the 10' setback and the relation to the deck and chimney. Planning Manager asked if the chimney encroached into the 10' setback. Commissioner Gross thought it appeared to encroach three feet into the setback.

Planner Whetstone stated that the façade of the building is at the 10' setback and the chimney steps forward. Mr. Rothstein did not believe the chimney encroached on the setback. Commissioner Gross thought the center line of the chimney was to the edge of the building. Commissioner Wintzer pointed out that the building steps back as required by the LMC.

The Commissioners and the Staff reviewed various drawings to determine whether or not the chimney encroached into the setback.

Commissioner Wintzer asked if the Code allowed the chimney to encroach into the 10' setback. Director Eddington stated that there was not an exception in the Code, but nothing in the Code disallowed the exception. Commissioner Wintzer thought it stepped back 10', came out 2' and then went back to 10' and he was comfortable with it. Commissioner Gross thought the stepping broke up the mass.

Assistant City Attorney McLean read from the Code, Chapter 2.2-5(a), in the HR1 Zone, "A structure may have a maximum of three stories." Chapter 2.205(b), "A ten foot minimum horizontal step on the downhill façade is required for the third story of a structure, unless the first story is located completely under finished grade of all sides of the structure. On a structure in which the first story is located completely under finished grade, a side or rear entrance into a garage that is not visible from the front of the façade, or is too far away, is allowed." Commissioner Gross clarified that the chimney is two feet to the front of the wall. Ms. McLean read the definition of a façade, "The exterior of the building located above ground and generally visible from other points of view."

Commissioner Thomas clarified that on the third story the façade of the building shifts two feet into the 10' setback. Based on the LMC, the third story is not ten feet and; therefore, the fireplace elevation did not meet Code. Commissioner Thomas asked if the Code has a height exception for fireplaces. Director Eddington stated that there is a side yard setback exception for those, but not in the front yard.

Commissioner Thomas believed the façade did not continually step back on the story and that was a violation of the Code. In looking at the drawing, Commissioner Wintzer noted that the fireplace inside the house meets Code and the fireplace outside comes out 2' into the setback.

Assistant City Attorney McLean re-read the language from Chapter 2.2-5(a) and (b). She stated that in this case, because the garage is on the front façade the last portion of the language would not apply. Therefore, the horizontal step is required for the third story of the structure. Ms. McLean

suggested that the Planning Commission also look at the side area on the north side of the structure that has a 6' setback, which may also not comply with Code. Director Eddington noted that there are also exceptions in the HR-1 for side yards that allow for bay windows and chimneys two feet into the side yard. He pointed out that the language for the front yard is not that clear.

Commissioner Thomas thought the Code was clear about the minimum 10' setback. The only portion that does not step back is the outdoor fireplace. The stairway is below the third story and that portion is at a different elevation.

Commissioner Wintzer thought there could be a workable solution. He suggested that the Planning Commission could add a condition of approval requiring the fireplace to be within the 10' setback, and allow the applicant to work with his architect to meet the condition. Mr. Rothstein preferred to have the opportunity to work it out with his architect rather than delay a decision and have to come back to the Planning Commission.

Commissioner Wintzer added Condition of Approval #15, "The fireplace will meet the 10' setback."

MOTION: Commissioner Wintzer moved to APPROVE the Steep Slope CUP for 70 Chambers Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report and as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 70 Chambers Avenue

1. The property is located at 70 Chambers Avenue.
2. The property is within the Historic Residential (HR-1) District and is subject to all requirements of the Land Management Code and the 2009 Design Guidelines for Historic Districts and Sites.
3. The property is described as Lot 1 of the Qualls 2 Lot Subdivision, recorded at Summit County on December 15, 2004. The lot is undeveloped and contains 4,125 square feet of lot area.
4. The site is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
5. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. On August 16, 2013, the design was found to comply with the Design Guidelines and the second notice was sent to adjacent property owners.
6. The lot is an undeveloped lot containing grasses and shrubs, including chokecherry, sage, and clusters of oak the property. There are no encroachments onto the Lot

and there are no structures or wall on the Lot that encroach onto neighboring Lots. There is evidence of a small wooden coop structure from old wooden boards. There are no foundations.

7. There is an existing significant historic structure on the adjacent Lot 2. Lot 2 is also 4,125 square feet in size.

8. Minimum lot size for a single family lot in the HR-1 zone is 1,875 square feet. Minimum lot size for a duplex in the HR-1 zone is 3,750 square feet.

9. The proposed design is for a three story, single family dwelling consisting of 2,989 square feet of living area (excludes 336 sf single car garage). A second code required parking space is proposed on the driveway in front of the garage on the property. The driveway is proposed to be a maximum of 12' in width and a minimum length of 20' to accommodate one code required space. The garage door complies with the maximum width of nine (9') feet.

10. The maximum allowed footprint for a 4,125 sf lot is 1,636 square feet and the proposed design includes a footprint of 1,608 square feet. By comparison, an overall building footprint of 844 square feet is allowed for a standard 1,875 square foot lot.

11. The proposed home includes three (3) stories. The third story steps back from the lower stories by a minimum of ten feet (10'). The first floor is not excavated fully beneath the upper floor.

12. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape. There are no houses or platted lots located to the south of this lot.

13. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

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

15. The design includes setback variations, increased setbacks, decreased maximum building footprint, and lower building heights for portions of the structure.

16. The stepped foundation decreases the total volume of the structure because the entire footprint is not excavated on each floor. The foundation steps, not to increase the volume but to decrease the amount of excavation and to minimize the exterior wall heights as measured from final grade. The proposed massing and architectural

design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

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

18. This property owner will need to extend power to the site subject to a final utility plan to be approved by the City Engineer and applicable utility providers prior to issuance of a building permit for the house.

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

20. The applicant stipulates to the conditions of approval.

Conclusions of Law – 70 Chambers Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 70 Chambers Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the north from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit. No building permits shall be issued until all utilities are proven that they can be extended to the site.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition

precedent to building permit issuance.

5. Because of the proximity to the intersection of Marsac and Chambers the driveway must be located in a manner to not encroach on the intersection site triangles.

6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.

7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.

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

9. Soil shall be tested and if required, a soil remediation shall be complete prior to issuance of a building permit for the house.

10. This approval will expire on September 25, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

12. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade, except that retaining walls in the front yard shall not exceed four (4') feet in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

13. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

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

15. The fireplace will meet the 10-foot setback.

**6. Land Management Code – Amendments to Chapter 2.4 (HRM)
(Application PL-12-02070)**

Planner Francisco Astorga reported that this was a legislative item regarding LMC amendments to the HRM District, specifically for the open space requirement for multi-unit dwellings, as well as the current exception for historic sites through a conditional use permit, and the Sullivan Access Road criteria. The Planning Commission held a public hearing and discussed these amendments on September 11th, at which time the Planning Commission directed the Staff to prepare a two-dimensional diagram showing the specifics of the HRM District. The Commissioners were provided with 11" x 17" copies of the diagram.

Planner Astorga handed out an email he received from Clark Baron for the record. Mr. Baron was out of the Country and could not attend this evening.

Planner Astorga stated that the HRM District consists of 73 sites. He noted that Condos were identified as one site. Planner Astorga reported that of the 73 sites 27 are historic, four sites are vacant, and 19 of the sites have current access to Sullivan Road. Two historic sites have possible access to Sullivan Road. Planner Astorga noted that the minimum lot area for a multi-unit building is 5,625 square feet. There are 35 eligible multi-unit sites, with or without a structure. Seven sites that are eligible for a multi-unit building are historic. Three historic sites eligible for a multi-unit building have possible access to Sullivan road. Only one vacant site that would be eligible for a multi-unit building would meet the criteria.

Planner Astorga stated that the first criteria for open space is to be consistent with the MPD requirement of 30%. He explained that the only reason for proposing this concept in the HRM District was due to the proximity to City Park and the park at the Library. The Staff had conducted an analysis and every lot is less than a quarter of a mile from either of the two parks. The Staff identified that the neighborhood is served by these two open spaces, which justifies the 30% requirement.

Planner Astorga was prepared to answer questions related to significant open space found within setbacks. He had prepared a few scenarios if the Planning Commission was interested in seeing them.

Planner Astorga reiterated that the first component of the LMC Amendment was to reduce the open space requirement from 60% to 30%. He pointed out that the regulation started with the amendments to the LMC in 2009. Due to the economy and other issues, the recent application for the Greenpark Co-housing located at 1450 and 1460 Park Avenue was the only request for a multi-unit building from 2009 to 2013.

Chair Worel asked Planner Astorga to review the scenarios he had prepared. Planner Astorga noted that the first scenario focused on a lot that met the minimum 5,625 square foot lot size for a multi-unit building. The lot would be exactly 75' x 75'. If only the area within the setback is counted the open space would be 56%. Planner Astorga presented a scenario of 1353 Park Avenue, which is the largest lot within the District at approximately 141' in width and 150' deep, or half an acre. He

noted that the larger the lot, the larger percentage of open space. There is no correlation between the setback and the open space requirement since open space is simply a function of a percentage, while the setbacks will always remain 10' at the front, 10' on the sides and 10' on the rear. Therefore, on the larger lot, the setback area that would count as open space would be 69%. The third scenario was a vacant lot within the District, which is approximately 6700 square feet. The open space requirement on the setback area was 49%. The last scenario was based on the average lot size eligible for the multi-unit building which equates to .24 of an acre or approximately 10,500 square feet. The open space requirement in the setback area would be approximately 43%.

Planner Astorga noted that the second proposed amendment would add language as outlined on page 207 of the Staff report. This amendment relates to the medium density district where multiple buildings are allowed within the same lot. A current provision states that the Planning Commission may reduce setbacks to additions to historic structures identified on the Historic Sites Inventory. The intent is to alleviate some of the pressures of having to meet the standard setbacks, and still achieve some type of separation of the historic structure.

Planner Astorga stated that this LMC Amendment in the HRM would affect the 27 historic sites found within the District. However, of those 27 sites only seven qualify for a multi-unit building because of the minimum lot size. Planner Astorga emphasized that the intent is to achieve greater separation between the new building and the historic structure. The Planning Commission would have to review the criteria for compatibility in terms of mass, scale, form, volume, etc. He did not believe it would be appropriate to dictate a prescriptive number on a specific separation, but instead be part of the dialogue and the discussion between the proposal and the regulation.

The third proposed amendment pertained to the Sullivan Road access, specifically for affordable housing. The intent is to come up with an incentive for creating affordable housing units within the community. The Staff recommended adding a provision indicating that whenever an application comes in that proposes 50% or more deed restricted affordable housing units per the current Code, the access of Sullivan Road may be exempt. Planner Astorga noted that 19 sites have current access to Sullivan Road. Some of those sites are currently owned by the City and would have to follow that same regulation.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

In response to the email from Clark Baron, Commissioner Thomas disclosed that he has no financial interest in any property in this neighborhood.

Chair Worel opened the public hearing.

Jane Crane, a resident in the Struggler condominiums, found it unbelievable that changes were being proposed to change the LMC for the whole lower section of Old Town Park City for the two properties next door to the Struggler. Ms. Crane believed it would change the look of the lower part of Old Town if they allow all the properties identified for multi-unit housing. Increasing the number

of people in additional units would increase the busyness of Old Town. It would decrease the parking and snow storage areas. It would not preserve or enhance Old Town Park City as it exists.

Ms. Crane referred to Planner Astorga's comments about the lack of applications due to the economy; however, when the boom comes in the future all of this property would be open to have multi-units that would decrease the flow of the town. The entire community would be adversely affected by the changes proposed to accommodate one project.

Ms. Crane asked if all the properties on Sullivan have backyards. She did not understand the backyard section of the Code if the backyard is a parking structure. The Code requires 5 feet in the backyard, but the backyard access would be the parking structure along Sullivan Avenue.

Planner Astorga stated that the minimum rear yard setback for a multi-unit building is actually 10-feet. However, the Code allows for access off Sullivan Road if specific criteria is met. Ms. Crane pointed out that if the units that were pointed out have access to Sullivan, those units have no back yard.

Dan Moss remarked that they were talking about changes and amendments, but they were really talking about compromises and exceptions to the historic Code that was put into place. Talking about things such as open space and setbacks leads to an increase in density and parking problems. Mr. Moss believed this would be a disservice to those who complied with the Code by now exempting others from the same requirements. He stated that all housing, affordable housing or otherwise, should meet the Code for the protection and greater good of all. They should not sacrifice the historic Code for the benefit of specific developments, and it would establish a dangerous precedent for years to come. He commented on the number of properties that would have the ability to latch on to these same compromises and exceptions to the rule. It would build on itself and have a gradual deteriorating effect on the fabric of Old Town.

Mr. Moss was disappointed that Commissioner Hontz was not in attendance because she had good vision on the suggestion to decrease the open space. He read from previous minutes, "Commissioner Hontz believed the points she outlined shows that the proposed change do not support any of the community ideals, and it would erode what they have worked hard to put into place. She could see this policy change causing problems for the City in terms of how the process was initiated and moved forward." He asked the Planning Commission to consider her thoughts and insights as they consider their decision this evening. Mr. Moss believed they had gone from an attitude of glaring non-compliance to an attitude of what they can do to push this along, all at a time when they have seen no changes brought to bear from any developer.

Brooks Robinson, Senior Transportation Planner for the City and formerly in the Planning Department, had read the Staff reports and the minutes from previous meetings. However, he did not recall reading any discussion about the Sullivan Road access regulations and how they came about. Mr. Robinson clarified that he was not for or against the amendment, and his intent was only to provide background information on Sullivan Road.

Mr. Robinson stated that leading up to the Olympics and in the midst of a hot real estate market the City was concerned with the increase in the development and re-development of properties that bordered both Park Avenue and Sullivan Road, particularly at a secondary or primary and sole

access coming off of Sullivan Road. Mr. Robinson remarked that the current regulations in the Code were put in place not to prevent any development, but to direct access from Park Avenue since all the properties bordered Park Avenue. The big question of why is that Sullivan services the City Park. With kids, park events and other activities, it was important to have slower speeds and less traffic. They did not want additional traffic that was serving other properties that could have access off of Park Avenue. For that reason, the criteria listed in the Code was put into place.

Mr. Robinson stated that an important consideration is that from 13th Street North Sullivan Road is a park road and not a dedicated public right-of-way. As a park road it could be closed for any number of reasons. Therefore, primary or sole access coming off of Sullivan Road was discouraged at that time. He recalled that the access needed to be pre-existing and additional public benefits needed to be met. Mr. Robinson remarked that with the current application that the LMC amendments allude to, those two properties currently have vehicular access on Park Avenue.

Assistant City Attorney McLean asked if Mr. Robinson was speaking on behalf of Public Works or as an individual. Mr. Robinson stated that he was speaking as an individual providing background information.

Craig Elliott, with the Elliott Work Group, complimented the Staff on a great report and the data that was requested was clear and easy to understand. Mr. Elliott added additional information into the data stream. He felt it was important to understand and compare two different places in town. Mr. Elliott noted that a traditional Old Town lot was 25' x 75' and 1875 square feet. A footprint is 844 square feet and a driveway is 180 square feet. The lot average is 1,024 square feet. The open space on a traditional Old Town lot is 45.4% open space, all basically being within the setbacks of the lot, and a little of that might be within the building boundary. Mr. Elliott thought it was important to understand what everyone thinks Old Town is and how it is set up. Mr. Elliott stated that he was not familiar enough with the statics of the entire HRM zone, but in the zone between 7-11 and the Miners Hospital there are five historic houses and multi-family projects with 11 buildings with over 50 units. Of those existing multi-unit structures, all of them are non-compliant structures and do not meet the criteria in the current Code. Mr. Elliott understood there was concerns about the potential of blowing out the existing multi-units projects, but it was highly unlikely because they could never be replaced with the open space that is required. The existing sites are all within the flood zone so the height of the building moves up several feet from the ground, which limits the height of the total structure to two habitable stories. Mr. Elliott believed it was very unlikely that someone would have an incentive to tear down the existing multi-unit, multi-ownership projects and rebuild them. However, if they did, they might build single family units, and the open space would still be 45% in that zone. Mr. Elliott thought it was important to understand the comparisons to the current discussion and how it would affect it.

Chair Worel closed the public hearing.

Commissioner Thomas thought it would be more palatable to reduce open space requirements and setbacks if they could ensure getting more deed restricted units in the zone. He suggested that they also tie 50% deed restricted housing to the 30% reduction in open space amendment.

Assistant City Attorney McLean suggested that the language could be revised to read, "In cases of development of existing sites where more than 50% is deed restricted affordable housing, the minimum open space shall be thirty percent (30%)."

Commissioner Thomas suggested that they also include 50% deed restricted housing to the second amendment regarding the Exception. Planner Astorga pointed out that the Planning Commission already had the ability to grant the exception for an addition to a historic structure. Planning Manager Sintz explained that the concept of the amendment is to achieve greater separation from a historic structure versus actually adding on to a historic structure. Commissioner Thomas stated that he was more comfortable with the first amendment because he was unsure how the second amendment would play out as proposed. Planner Astorga noted that the second proposed amendment would affect seven historic sites.

Director Eddington referred to page 206 and the amendment regarding open space. He asked if the opportunity to include 50% deed restricted affordable housing was the primary concern, or whether the amendment should read, "In cases of redevelopment of existing historic sites inventory properties the minimum open space could be 30%." Commissioner Thomas thought both were important.

Planning Manager Sintz clarified that two of the purpose statements for the HRM is to encourage rehabilitation of existing historic structures and encourage affordable housing. She stated that tying the exceptions back to the purpose statements strengthens the intent of the HRM zone.

In an effort to wrap historic and affordable housing into the first amendment regarding open space, Director Eddington recommended the following language, "In cases of redevelopment of existing historic sites on the historic sites inventory and contain 50% deed restricted affordable housing, the minimum open space requirement shall be 30%". The Commissioners were comfortable with the revised language.

Commissioner Gross referred to the second amendment regarding exceptions and thought it would read better if they rearranged the word to read, "For additions to historic buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards." The Commissioners were comfortable with the revision.

Planner Whetstone referred to page 209 of the Staff report, the Neighborhood Mandatory Elements Criteria. She noted that the proposed amendment states that the criteria does not apply if the development consists of at least 50% affordable housing. Planner Whetstone clarified that there was a requirement for a design review under the Historic District Design Guidelines in the RM zone. Now that the entire area is zoned HRM, she thought that saying the criteria does not apply could also be saying that the developer would not have to comply with the design guidelines.

Planner Astorga recommended that they remove Item 3 because it was no longer necessary, since the design review is required under the zoning. Planner Whetstone pointed out that Item 6 should

also be removed for the same reason. The Commissioners were comfortable striking Item 3 on page 209 and Item 6 on page 210. The remaining items would be renumbered.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation for the LMC Amendments to the HRM District as modified and edited during the discussion this evening. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Wintzer reiterated his previous request for the Staff to type the changes into a Word document as they are being discussed so the Commissioners could read it on their monitors to see exactly what they said before making a motion.

7. General Plan – Sense of Community

Commissioner Wintzer asked if there was a way for the Planning Commission to review the changes that were made during each General Plan meeting prior to the next General Plan meeting so the Planning Commission could keep current on each topic. If the Commissioners could not see the changes until the end of the document, they would have to back and read each set of minutes to piece the changes together. Director Eddington stated that the Staff would have to made the revisions within four days in order to have it in the Staff report for the next Planning Commission meeting. He suggested that the changes be included in the Staff report for the second meeting following the discussion on a specific topic.

Commissioner Gross suggested a one-page summary of the changes and discussion of the meeting.

Commissioner Thomas stated that if the Planning Commission has issues with a policy in one section that affects cascading items in the General Plan, it is important to have the ability to track those issues when they discuss the other sections. Making decisions without understanding the consequences could be difficult as it trickles through the entire document. He thought Commissioner Wintzer's request would help with that aspect.

Director Eddington believed the Staff could commit to a two week turnaround for providing the changes to the General Plan from each meeting. City Attorney Harrington thought the request was a good idea. However, the downside was unilateral document control since only a few people are skilled in the program to do the edits. It would create a prioritization crunch for the Staff and they would have to rely on their input in terms of practical turnaround. Mr. Harrington favored Commissioner Gross' suggestion to capture a quick punch list of items and have the Task Force meet within 72 hours to see where they was or was not consensus to proceed with specific redlines, as opposed to having the changes sit on someone's desk while others are trying to recollect the sentiment of the discussion.

Commissioner Wintzer recognized that the comments were open to interpretation and whether it was a suggestion by one Commissioner or a consensus of the majority. Mr. Harrington pointed out they have solid recaps at the end of each item to make that determination. He noted that the Staff

always intended an incremental review of the changes prior to bringing back the entire document. He thought it could be done through review and confirmation. If something was interpreted wrong it would come back to the Planning Commission for further discussion and clarification. Mr. Harrington suggested that they look at the first redline at the next meeting and try to prepare an action punch list from this meeting for the subcommittee.

Chair Worel asked at what point they address typos and grammatical errors. Director Eddington noted that most of those changes were identified in the Task Force meetings. He pointed out that the Commissioners did not have a corrected document.

Goal 7 – Creative Diversity of Housing Opportunities

Commissioner Thomas questioned Item 23 on page 240 of the Staff report which talks about adjusting nightly rental restrictions - eliminate or expand. Planning Manager Sintz remarked that it could also remain the same. Commissioner Gross thought the certain districts should be called out to know where nightly rentals are allowed.

Commissioner Thomas thought a diversity of housing types related more to permanent housing or work force housing. He asked how nightly rentals would equate. Planning Manager Sintz noted that Goal 7 states, "A diversity of housing opportunities to accommodate changing use of residents." She asked if there was a strong desire to maintain primary resident ownership and occupancy in the existing neighborhoods, or whether there was a desire to expand nightly rentals into other areas. She pointed out that it came up as a policy question because there was no consensus during the joint meeting with the City Council.

Commissioner Gross was concerned that nightly rentals would impact the livability of the permanent residents. Commissioner Wintzer stated that nightly rentals ruined Old Town. Commissioner Thomas believed that nightly rentals conflicted with the idea diverse housing.

City Attorney Harrington read Goal 7.4 on page 247 of the Staff report, "Focus nightly rental within Resort Neighborhoods." He interpreted that as a contraction of the current Code by saying that nightly rentals should only be allowed in Resort Neighborhoods. They would then need to define the Resort Neighborhoods. Commissioner Wintzer noted that Old Town would be defined as a Resort Neighborhood because it is currently 60% nightly rental. Mr. Harrington stated that the Planning Commission could clarify whether to stay with the status quo or make a different determination. Commissioner Wintzer was opposed to putting nightly rentals in neighborhoods, regardless of the neighborhood.

Director clarified that for Goal 7.4 the Planning Commission wanted a better understanding and definition of Resort Neighborhoods, which would include places such as Deer Valley and PCMR. The Planning Commission did not want to direct nightly rentals into Park Meadow and Old Town type neighborhoods. The Commissioners concurred. Commissioner Wintzer pointed out that this issue was a conflict between the Planning Commission and the City Council because the Council approved several nightly rental requests that were denied by the Planning Commission. He felt strongly that the two groups needed to find some agreement and be consistent.

Director Eddington understood that the Planning Commission was recommended that they contract the areas where nightly rental is allowed. He was told that this was correct. Commissioner Gross stated that the neighborhoods needed to be specified.

Commissioner Wintzer asked for clarification on Item 24 on page 240 of the Staff report. Mr. Harrington explained that often times RDA and re-development authorities are known for doing new projects on blighted vacant lots. The question for the Task Force was whether there should be some guiding language relative to the Lower Park RDA regarding incentivizing turnover and re-development in the residential area in terms of grants to redo aging existing stock without it being a complete new project. He noted that one task force member said no and others favored general flexibility.

Director Eddington referred to Item 7.7 on page 248 of the Staff report and stated that when they went to the Task Force, the idea was that if they were going to use any City or RDA funds for retrofit, it would be for new housing opportunities, which would be geared more towards affordable/medium. Commissioner Wintzer wanted to make sure that "new housing" would not preclude an existing historic structure from becoming affordable housing.

Commissioner Thomas read Item 26 on page 240 of the Staff report, "Can some opportunities in counties be win/win regarding their economic development and not just PC pushing the problem on them". Commissioner Thomas asked if they were talking about transferred density into the community from the County.

City Attorney Harrington thought the question was whether there was a way to identify guidance towards situations where they would otherwise get pushback from either Wasatch or Summit County and make them a win/win for the County. Commissioner Thomas thought the intent of the goal was clear in the win/win aspect. Chair Worel noted that opportunities were identified in Item 8.9 on page 252 of the Staff report. Commissioner Thomas asked if the policy recommended establishing more workforce housing in Wasatch and Summit County. Director Eddington did not believe it was specifically focused on work force housing, but it identifies the opportunity to collaborate with the Counties and establish the right location for both parties.

Commissioner Thomas noted that Charles Buki had said that putting workforce affordable housing within the community rather than outside of the community would reduce congestion, traffic and other issues that came out of Visioning. He questioned whether Goal 8.9 was consistent with the visioning goals. He wanted to make sure they understood the consequence of moving workforce housing out of town. Commissioner Wintzer concurred. He suggested that the Staff strengthen the language to reflect what they really want.

City Attorney Harrington preferred that they affirmatively state the priority. He recommended leaving the first sentence of Item 26, and added, "However, the primary goal shall remain to have inclusive affordable housing within the Community". Commissioner Wintzer believed the goal was to have affordable housing next to the services it needs to eliminate the use of a car. For example, Redstone might be a good fit for affordable housing, but it would not work at Jordanelle. Commissioner Thomas pointed out that the success of affordable housing would also depend on where the residents work. He thought the issue was more complex. Mr. Harrington suggested that

they articulate the goal in terms of minimizing trips. He drafted language to state, "Primary within community and in a location that minimizes trip generation." Commissioner Wintzer thought it should be clear that affordable housing would be for the local work force. Park City would not be creating affordable housing for someone who works in Salt Lake. Commissioner Thomas believed that would be difficult to control, particularly if someone working in Park City loses their job and finds work in Salt Lake.

Director Eddington stated that the Staff would expand on the language. He clarified that the primary goal was inclusive affordable housing in the community for the Park City work force. Whether in the County or the City, affordable housing should be located near commercial centers or mixed use nodes. Director Eddington stated that they would also tie this goal to the related transportation goals.

Goal 8 – Workforce Housing.

Commissioner Thomas referred to Item 8.5 on page 251 of the Staff report, "Adopt a streamlined review processes for project that contain a high percentage of affordable housing. He asked for clarification of streamlined process. Commissioner Wintzer did not understand why they would streamline the process because the same questions need to be answered on all applications. He was concerned about giving applicants the perception that if their project would be approved immediately if they provide additional affordable housing. Mr. Harrington agreed that all projects should be reviewed in the same manner, including City projects. However, the goal as written implies that high density affordable housing outweighs the full planning process. If that is not their value, it should be removed. The Commissioners did not think any project should be streamlined and that the language should be stricken.

Commissioner Wintzer referred to Item 27 on page 240 of the Staff report, "Different standards/fees for affordable housing project? If on-site?" He stated that fees could be reduced for projects that exceed the affordable housing requirement. However, fees should not be reduced for projects that meet the affordable housing requirement in the Code.

Commissioner Gross referred to the language for Goal 8 on page 249 of the Staff report and felt it was unnecessary to include that Park City ranked much worse than 237 other jurisdictions on the availability of quality affordable housing and housing options. Director Eddington stated that the National Citizens Survey was a random sampling of communities.

Commissioner Gross suggested that they leave the first sentence, "The lack of housing opportunities has a negative impact upon our sense of community", and remove the reference to the National Citizens Survey. The language would then pick up at, "When a community no longer has housing options for its core workforce such as...." He also suggested changing "and beyond" to "and others".

Director Eddington noted that National Citizens Survey is referenced in other parts of the document. He noted that typically Park City fairs well with NCS and it is used as a baseline to identify areas where issues need to be addressed. He stated that affordable housing and water quality were their worst rankings. Director Eddington clarified that the language regarding the NCS would be left in

this goal since favorable NCS rankings were included throughout the document. Commissioner Gross was comfortable with the language after hearing the explanation. The Staff would replace “and beyond” with “and others” as suggested.

Goal 9 – Parks and Recreation

Chair Worel remarked that Goals 9 and 10 were very similar and she asked if they could be combined. Commissioner Wintzer thought Goals 9 and 10 were different because one looks at local park and recreation uses and the other addresses tourist attractions. Director Eddington stated that Goal 9 was originally written as amenities for residents and Goal 10 was written as an economic recreational offering for visitors. He noted that “and visitors” was added to the end of the caption of Goal 9 at the request of the Task Force. The Staff had tried to keep the two separate. The Planning Commission could correct it. Commissioner Wintzer saw it as two revenue sources. One was a local source and the other a tourist source. He thought they should be kept separate.

Chair Worel liked the redlined language at the beginning of Goal 9 to add inclusionary text that welcomes all residents and visitors to use the facilities, regardless of population. However, she suggested that they say, “regardless of ethnicity” rather than population.

Goal 10 – Park City shall provide world-class recreation and public infrastructure to host local, regional, national and international events.

Commissioner Wintzer read the language on page 259 of the Staff report, “Park city needs to be a year-round attraction with more events and activities.” He noted that the comment was made by one resident during the 2009 Community Visioning. Since it was the sentiment of only one person he did not think it should be stated as a community goal.

Director Eddington asked if they wanted language to add more events in the shoulder seasons. Commissioner Wintzer was uncomfortable putting that type of a blanket statement in the General Plan. Commissioner Gross recalled from the conversation that the intent was to make sure Park City had the right facilities to accommodate the events and entice people to Park City.

City Attorney Harrington stated that the core issue was that the prior General Plan directed an expansion of the year-round tourist economy and the goal to have increased world-class resort activity. He believed the policy question was whether or not they had approached the threshold of carrying capacity, or if they still wanted an active goal to attract more. The choice was to contract, keep the status quo and adapt, or continue to expand. It was noted that Item 10.6 states, “To collaborate with local hosts to attract additional national and international sporting events year-round.”

Commissioner Thomas thought both the quote by the resident and 10.6 should be left in the document because both were consistent with the broader cross-section of the City Council and the Planning Commission.

Goal 11 – Tourism

Commissioner Wintzer could not see a purpose for Item 11.1 regarding MPDs within the two primary resorts. Director stated that it might be the understanding that there are two resorts with two outdated MPDs. This would allow the opportunity for the resorts to come back to readdress market issues and look at amendments to the MPD. He thought it was something the City should encourage given the change in economic cycles. Commissioner Wintzer was not opposed to the intent but he felt the language as written implies that "flexibility" means the resorts can do whatever they want.

Commissioner Gross recalled having this discussion when PCMR planned to come in at the end of the summer to possibly open up the MPD. Director Eddington stated that the Planning Commission had the discussion in November 2011 with Charles Buki and again more recently. That was the reason for including 11.1 in the General Plan.

Goal 12 – Foster diversity of jobs

Chair Worel noted that the first paragraph of the language on page 265 of the Staff report was verbatim from page 244.

Commissioner Wintzer stated that when he first read draft General Plan he had made a note that Goal 12 was about how not to keep Park City Park City. Director Eddington pointed out that this goal talks about the diversification of the economy, recognizing that the resorts "butter their bread". This was something discussed with the task force and with individuals. What is available for the children of Park City after they return from college was the issue that led to Goal 12. That type of diversity and new employment opportunities would not occur at the expense of the resorts, but should it be proactively encouraged. Commissioner Thomas felt it was already beginning to happen.

Commissioner Gross commented on Item 36 on page 240 of the Staff report, to discourage national commercial retail chains. He did not believe that national chains are bad for communities because they offer stability. He felt the bigger issue was the need for a national chain to comply with the regulations of the City. Director Eddington stated that national chains were discussed on two occasions and there was concern that allowing national chains would not be keeping Park City Park City. Commissioner Gross asked if it could legally be blanketed with that statement because national could mean many things.

City Attorney Harrington stated that they could write language in the affirmative of what they want and why to discourage it, and then articulate the activity and the presence they do not want. Most communities have done that through the size of retail space and predatory business operations. Commissioner Wintzer noted that Roots is a national chain in Park City, as well as a few others. Commissioner Gross felt the issue was that national chains have their own building design and logos for recognition and identification. Director Eddington stated that the Planning Commission already has the ability to control design. If a national chain wants to locate in Park City, they should be willing to comply with the guidelines.

Chair Worel read 12D, "Discourage national commercial retail chains on Main Street and the negative impacts of big box and national chains on the unique Park City experience."

Commissioner Wintzer named some of the national chains stores currently on Main Street that fit with the tourist industry. Director Eddington noted that Walgreens and McDonald's have expressed an interest in coming to Park City and he expected the Planning Commission would see more retail chains. Commissioner Thomas was not opposed to certain retail chains as long as the scale and the exterior elements were consistent with the historic character of Park City.

Chair Worel thought they needed to be careful to keep the national chains from pushing out the local businesses.

Commissioner Gross thought the photo of the Silver King Coffee building should be removed from page 267 because it did not represent what they expect for Park City.

Commissioner Thomas thought Item 12.3 on page 267 was too specific by naming Bonanza Park. He felt that was inappropriate in a General Plan. Director Eddington explained that the strategy was talking about taking advantage of tax increment financing and reutilizing funds back into the District. Commissioner Gross suggested replacing the word "recycle" with "utilize" increased tax revenues. Director Eddington agreed with the change. He noted that it was appropriate to identify Bonanza Park by name because Lower Park and the resorts are called out in other portions of the document.

Goal 13 – Park City continues to grow as an arts and culture hub

Commissioner Gross had concerns with Item 39 on page 240 of the Staff report, "consider food trucks and carts." Director Eddington stated that several people have asked why food carts could not be brought in late at night because all the restaurants on Main Street are closed before the bars close. Commissioner Wintzer thought they could be allowed for special events.. City Attorney Harrington stated that restricting food cars and beverage trucks to special events would be the status quo.

Goal 14 – Living within limits

Chair Worel asked for clarification on Item 14.3 on page 273 of the Staff report. Commissioner Gross agreed that it was difficult to understand the wording. Mr. Harrington recalled that 14.3 was a comment by Councilwoman Liza Simpson. Director Eddington revised the language, "Assess the impacts of additional development during the review of annexations. Public services should be...." He noted that the Staff would wordsmith the full language.

Commissioner Gross has concerns with the wording on 14.7. Commissioner Wintzer noted that the language refers to carrying capacities and every traffic study says that it works. He believed the City needed to establish the standards for carrying capacity and what level of streets. Commissioner Gross agreed.

Commissioner Thomas asked where they would address the creative aspects of sense of community as opposed to just the technical aspects. Sense of community merges the technical aspects and the creative aspects of the community. Without the creative aspects they end up with a soulless and boring community. Mr. Harrington stated that it was difficult to do in Utah because

the conditional use permit State Statute is technically driven in terms of the mitigation aspects. The burden shifts to the City to demonstrate on the record the technical components. Mr. Harrington thought the best approach was to incentive it as opposed to prohibiting fundamental rights. The fundamental fairness issue is that someone should be able to pick up the regulation and understand what they can or cannot do. The subjective component is a judgment that cannot be predicted. The skill is how to translate some of those into objective deliverables.

Commissioner Wintzer returned to 13.5 which promotes local music by encouraging the creation of music festivals. He felt they needed to specify that outside music cannot compete with quiet dining in a restaurant.

Commissioner Gross referred to page 278 and suggested that instead of spelling out Seven Eleven, that they use the chain logo 7-Eleven.

Chair Worel asked if the new General Plan would mention the award from Outside Magazine. Director Eddington thought Chair Worel made a good point and the Staff would include it.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

The Park City Planning Commission meeting adjourned at 10:35 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: General Plan
Author: Thomas Eddington, Planning Director
Kayla Sintz, Current Planning Manager
Date: October 9, 2013
Type of Item: Legislative Discussion

Background

Items discussed at the September 25th, 2013 Planning Commission meeting:

- **Task Force:**

The Task Force schedule is as follows:

<u>Item</u>	<u>PC Meeting</u>	<u>Commissioner</u>	<u>Follow-up Meeting</u>
Small Town	9/11/2013	Stewart Gross	No
Sense of Community	9/25/2013	Stewart Gross	Yes (10/2) - combined
Natural Setting	10/9/2013	Adam Strachan	
Historic Character	10/23/2013	Charlie Wintzer	
Neighborhoods	11/6/2013	Jack Thomas & Brooke Hontz	

Analysis

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 (2) Planning Commission meetings were dedicated to the Sense of Community – Goals and Strategies section and held on November 27, 2012 and December 11, 2012.

The draft document presented for discussion incorporates the input received from each of the Task Force meetings held from June - August. Individual comments provided independently and without consensus from the task force group have not been incorporated.

Discussion

Natural Setting

The Planning Commission should review the following pages of the attached redline (Exhibit B), Goals, pages 117–130 and Strategies, pages 201 – 236.

Task Force – Policy Issues List

Requested direction: discuss as appropriate and agree/reject/modify:

GOAL 4

1. Principle 4D – Minimize further land disturbance and conversion of remaining undisturbed land areas to development. Development means construction of a building, structures, or roads.

Why Planning supports this principle: Planning believes that undisturbed open spaces are unique and desirable for the fact that there are no structures located on them. Unlike parks, with associated amenities, natural open spaces should be left in their natural state.

Challenges moving forward: Discussion of how to balance the needs for parking, restrooms, shade and other recreation facilities? Planning believes that a central trailhead parking area with possible restrooms at the access point is a viable solution. Structures should not be permitted to interrupt/intrude/detract from the open space. Does the Commission believe this restriction applies to utilities or infrastructure?

PC direction: Agree Reject Modify

2. Open space and recreation areas should have different goals applied to them.

Why Planning supports this principle: Planning believes that natural open space (e.g. green, sensitive, and conservation lands) is different from useable recreation space (e.g. ski runs, golf courses, etc.). A better understanding of these types of open space and a definition for each would allow for better articulated policies and management of each.

Challenges moving forward: Defining the various types of open spaces as noted above AND creating definitions for the other types of open space relative to development proposals – open space within developments, MPD open space requirements, plazas, park lands, etc.

PC direction: Agree Reject Modify

GOAL 5

3. Should the City incorporate maximum house sizes for each zoning district?

Why Planning supports this principle: The purpose of incorporation of maximum house sizes for each zoning district is to preserve the character of the subdivision or the development by limiting the mass, volume, etc., of new construction or additions to existing houses so that development remains consistent and compatible with character of the district. If a maximum house size is incorporated for each zoning district, it would likely reduce the developable area of the structure as already defined by the LMC in terms of height, setbacks, FAR, etc.

Challenges moving forward: Should structures that comply with home efficiency standards that prevent increased emissions be allowed to exceed this maximum house size – perhaps to the square footage that is currently allowed and defined by LMC's height, setback, and FAR restrictions?

PC direction: Agree Reject Modify

4. How does the City want to weigh an increased carbon footprint as a result of day visitation and air travel for our tourism economy vs. our goal of sustainability? Can the City better define a higher obligation to mitigate the high impacts of this tourist economy?

Why Planning supports this principle: Planning believes that the City needs to do a better job outlining our commitment to sustainability while protecting the tourism economy. Mitigating measures might include an increased financial commitment to a bus transit, light rail or trolley connection our region, etc. Planning believes the City's commitment to cycling and walking trails is solid; however the commitment to alternative modes to the single-occupancy vehicle moving residents and visitors alike has not been fully vetted or committed to in terms of a financial policy or implementation policy.

Challenges moving forward: Truly considering alternative modes of transportation (to the single occupancy vehicle) for visitors and residents will require financial commitment now to begin funding needed trolley or light rail improvements for the future generations. The financial commitment must be made immediately to avoid ongoing stop-gap measures such as: unnecessary lane widening between Park City and Kimball Junction or expanded ROW within the community itself. Narrow roads, complete streets, alternative modes to address inevitable growth –that is keeping Park City Park City.

PC direction: Agree Reject Modify

GOAL 6

Policy issues generally addressed above and in prior meetings.

Exhibits

Exhibit A - Draft, with markups – *Natural Setting: Goals and Strategies*

Exhibit B – Schedule for General Plan Completion

NATURAL SETTING

Natural Setting is one of four Park City core values identified during the 2009 Community Visioning process. Park City's natural environment is ~~directly, or indirectly~~, identified as one of the main reasons most residents originally moved to town. It is at the core of who we are. The community's desire to maintain Park City's *Natural Setting* was expressed throughout the visioning. ~~through community conversations, photographs, and interviews.~~

One of the six key themes of community visioning is "Respect and conserve the natural environment." The core value of *Natural Setting* reflects not only the beauty of our natural environment, but also the important role of nature in Parkites' commitment to the environment. Residents voiced a need for firmer commitment to **open space**, sustainability, green building practices, balanced growth, ~~open space~~, and wildlife. Preserving the natural context of place within meaningful sequences of regionally distinctive landscapes reinforces the community's connection

to the *Natural Setting* while supporting natural ecosystem function and health. Planning for air quality, water quality, and wildlife is imperative to provide the quality of life for future generations that we Parkites experience today.

Residents also treasure the *Natural Setting* for its diverse recreational opportunities. Access to nature improves residents' connection to the *Natural Setting*, promotes health and well-being, and creates an abundance of recreational opportunities. The continued expansion of trails for downhill skiing, cross country skiing, hiking, and mountain biking has elevated Parkites' standards of living. Park City has become a lifestyle community in which residents make a choice to live here for the high quality of life, especially outdoor recreation. Within all the residential neighborhoods, Parkites have direct access to nature for recreation and viewing.

Natural Setting plays a key role in economic development. Park City's

visitors come here to experience the natural beauty and the many recreational amenities that our *Natural Setting* offers. From taking in the vast views of the Wasatch Mountains, to experiencing the epic dry powder on the local slopes, it is an essential part of what attracts visitors to Park City and what keeps Parkites here.

Over the past 20 years, the community has made a significant financial commitment through open space bonding to preserve the *Natural Setting*. Three separate open space bonds totaling \$40 million dollars were approved by an overwhelming majority of residents on each ballot. Acquiring open space is critical; managing this community asset is essential. Open space, without proper management, can lead to degradation of the natural system. As the City continues to preserve more open space it is essential that a natural resource management plan be adopted to balance human use of open space with ecosystem health.

Presently the City reserves a portion of the resort sales tax for the acquisition of open space.

Park City's legacy as a robust silver

Add language from sustainability plan to give a better example of alternatives to using the car

mining town at the turn of the 20th century came with a long-term cost of environmental degradation within certain areas of the City. The mine related waste continues to be a focus of Park City's environmental efforts due to the high levels of metals in the soils. The mine related waste is managed through Park City's Soil Ordinance and Environmental Management System (EMS), created in cooperation with the United States Environmental Protection Agency. Implementing best practices and clean-up efforts to reduce environmental impacts related to Park City's mining past is a focus of City Hall in the efforts to ensure the health and safety of Park City's residents.

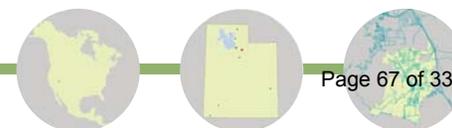
Climate change has become a great concern for our ski town. Average temperatures in the intermountain west have risen approximately 2°F over the past 100 years¹ and are projected to rise an additional 1.9°F to 3°F by 2020 and up to 8°F by 2100. The snowpack, a major contributor to the Park City economy, is projected to decrease, resulting in a shorter ski season.² Future decisions made on the neighborhood, city, and regional level must consider how they will influence climate change and resiliency.

Fortunately, mitigation strategies for climate change are in line with the vision Park City residents have for our future. For instance, complete streets with pedestrian and bicycle prioritization make the community more walkable while providing a viable alternatives to the car, therefore decreasing the community carbon footprint; a win-win for walkability, recreation, and climate change mitigation.

Park City is committed to climate change mitigation and has taken certain steps to reduce greenhouse gas emissions. The City adopted an Environmental Strategic Plan in 2009 that outlined a vision for promoting environmental sustainability within internal City operations and for the community as a whole. The goals and objectives outlined in the strategic plan have been included within this section of the General Plan. The City also previously developed a Community Carbon Footprint and Roadmap for Reduction that was complemented by a "Save Our Snow" public awareness campaign. The community footprint identified, in detail, sources of local greenhouse emissions and created a high-level roadmap for the community

to decrease emissions by 15% by 2020. Strategies that have been implemented include: green building upgrades and construction of City facilities, installation of solar panels on City buildings, launching a local car-share program, expansion of public transportation options, fee waivers for renewable energy permits, behavior change programs and such as the ParkCityGreen.org website, water efficiency programs, and ongoing support of greenhouse gas reductions through other policies and integrated programs. programmatic means.

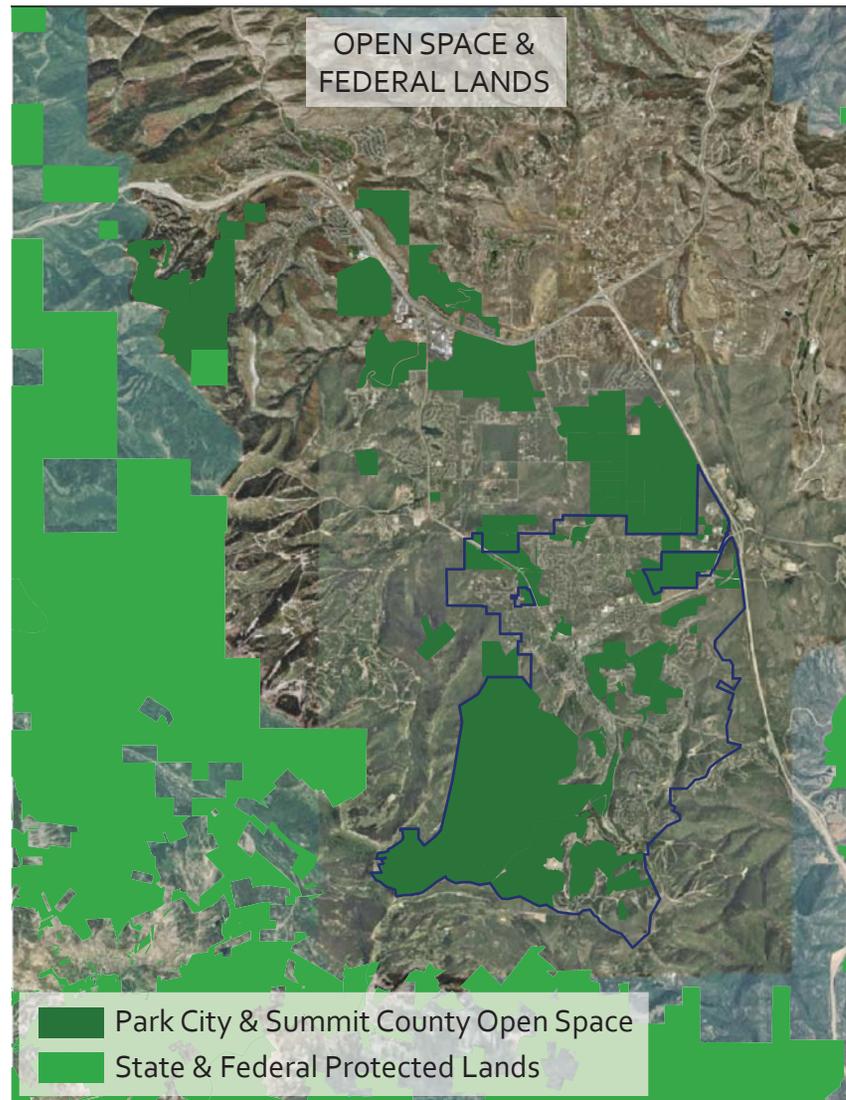
To take climate change mitigation to the next level and reverse the detrimental trends, the City and residents must work collaboratively toward a paradigm shift to create profound changes in energy generation, consumption of natural resources and fossil fuels, and waste generation. Park City has the opportunity to become the greenest ski town in the United States if the citizens and its leaders so decide. The community vision certainly sets the tone toward greater environmental stewardship locally.



GOAL 4 **Open Space:** Conserve a connected, healthy network of open space for continued access to and respect for the *Natural Setting*.

The panoramic *Natural Setting* in which Park City rests sets the City apart. Our natural setting in Park City is as important as the built environment, if not more so due to the finite opportunities for additional open space. Preserving connected open space is essential to maintaining *the Park City experience* for locals, tourists, and the diversity of species which exist along the Wasatch Back.

Ecosystem health depends on the natural system working cooperatively and in balance, including; healthy soils, microbes, water, flora and fauna, wildlife, and air (temperature and quality). In order to maintain healthy ecosystems and wildlife populations, the natural setting must remain connected. The City must take steps to prevent fragmentation, for once a portion of natural system is fragmented the negative impacts are difficult and costly to reverse. Along with ecosystem health, conserving a meaningful network of open space also supports the active lifestyle of Parkites. A win-win for all.



The map to the left shows all protected open space within Park City and the Snyderville Basin in 2012. Park City has done an exemplary job in preserving open space. Opportunities exist to ensure that the protected open space remains connected, avoiding fragmentation and maintaining safe wildlife corridors. Ecosystem health depends on the system remaining connected. This results in a win-win for recreation enthusiasts, nature lovers, and the wildlife.

Define color to make it more clear

Principles

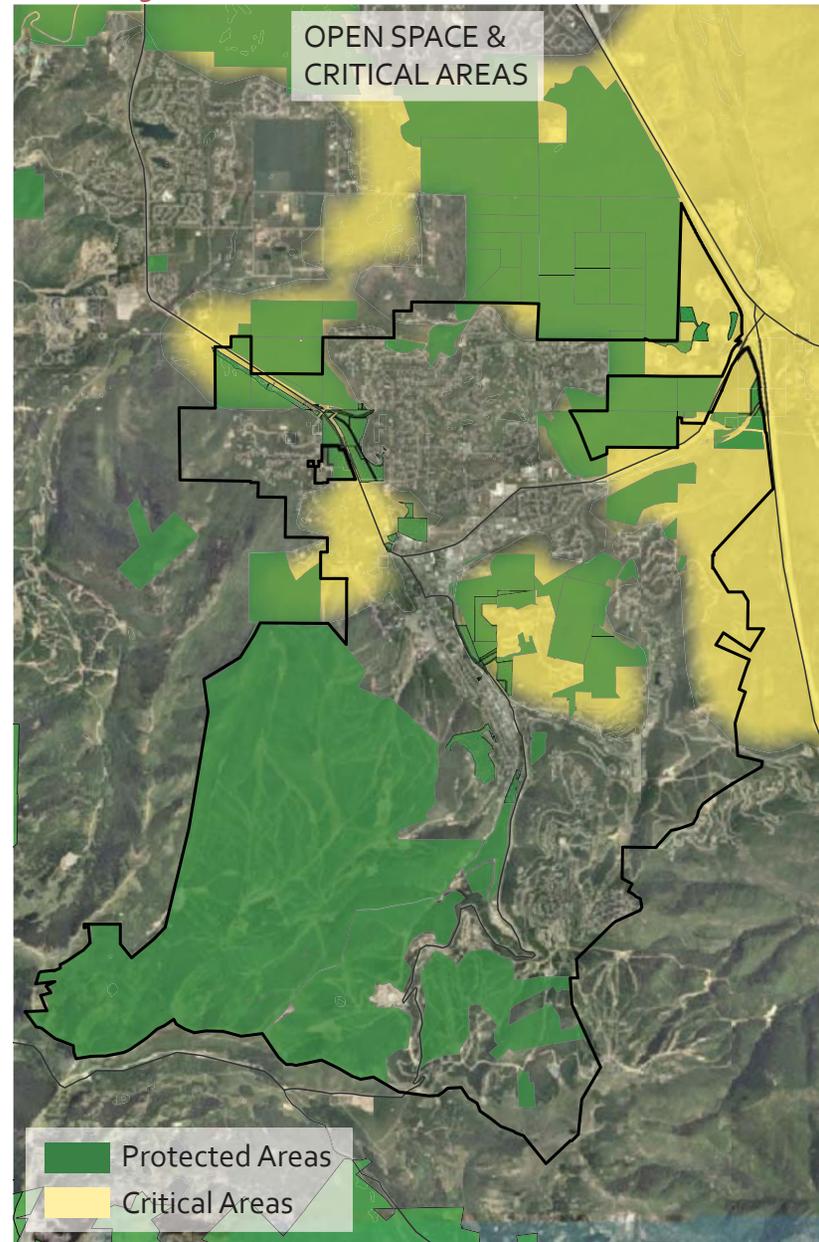
- 4A** Protect natural areas critical to biodiversity and healthy ecological function.
- 4B** Buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life, and visitor experience.
- 4C** Prevent fragmentation of open space to support ecosystem health, wildlife corridors, and recreation opportunities.
- 4D** Minimize further land disturbance and conversion of remaining undisturbed land areas to development. *Development means construction of a building, structures, or roads.*

Policy Discussion



Tom Paulson ©

Where are the critical areas defined in goals?



NATURAL SETTING

Community Planning Strategies

4.1 Identify local and regional wildlife corridors. Protect wildlife corridors through designation of open space and/or an overlay zone to ensure safe connections between natural areas for wildlife movement. Include overland wildlife corridors for SR 224, SR 248 and Route 40 to accommodate wildlife movement.

4.2 Create increased opportunities for preservation of open space through designation of TDR sending zones and identify areas appropriate for increased density ~~within existing neighborhoods~~ within TDR receiving zones.

4.3 Update the Transfer of Development Rights (TDR) system every two years to reflect market rate valuations of included properties with multipliers, to incentivize the conservation of open space.

4.4 Utilize findings of the Park City Natural Resource Inventory study to identify sensitive lands to be protected within the Sensitive Lands Overlay of the Land Management Code.

4.5 **Revise Annexation Policy and ADA boundary to establish strategies to grow inward through infill development and conserving networks of open space.**



4.6 Identify important view corridors and natural buffers that are a high priority for protection and enhancement, including the community's entryways and highway corridors. Ensure protection of the identified community assets.

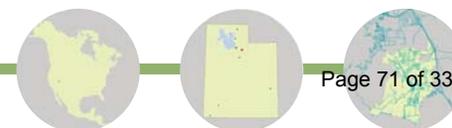
4.7 Utilize restrictive covenants such as deed restrictions and conservation easements to aid in the establishment of open space values ensuring future conservation.

City Implementation Strategies

- 4.8** Continue to allocate annual dedicated public funds to ongoing open space acquisitions.
- 4.9** Create and adopt a natural resource management plan for public open space to balance human use of public land with ecosystem health and protection of biodiversity. Natural resource plan should address best practices for wildlife management and hunting.
- 4.10** Enhance the citywide parks and recreation system with safe pedestrian and bicycle connections between public parks, recreation amenities, and neighborhoods.
- 4.11** Create a matrix to prioritize open space acquisitions based on community values, including ecosystem health, sensitive lands, wildlife corridors, view corridors, and recreation.
- 4.12** Establish land stewardship education and incentive programs for private land owners with property dedicated as open space.
- 4.13** Provide both passive and active opportunities within the Natural Setting.
- 4.14** Collaborate with Summit County, Salt Lake County, and Wasatch County to identify and protect regional wildlife corridors and sensitive lands.
- 4.15** Manage public lands for ecosystem health.

In instances where open space has ~~be been~~ fragmented, manage wildlife and recreation in an effort to restore the ecosystem to a healthy, natural state.

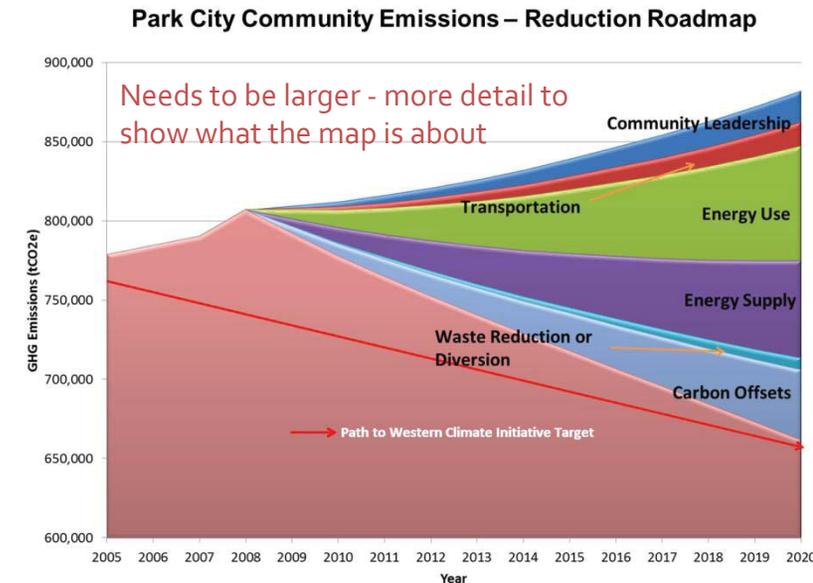
- 4.16** ~~As set forth in the Park City's Soil Ordinance and Environmental Management System,~~ Continue to maintain environmental programs that embrace the City's responsibilities to protect public health and environment ~~as set forth in the Park City's Soil Ordinance and Environmental Management System.~~
- ~~4.17~~ ~~Continue to comply with all environmental laws and regulations applicable to our utilities, property and public services.~~
- 4.18** Require City employees to keep current on training and best practices related to their functions within the City's environmental responsibilities.
- ~~4.19~~ ~~8~~ Improve and foster communication ~~and education with residents and other stakeholders, tenants, realtors, contractors, property owners, service providers, government agencies and other participants in the City's work~~ to promote sound environmental management practices and compliance requirements.
- ~~4.20~~ ~~Encourage public involvement to increase the effectiveness of City's practices supporting its mission of environmental stewardship.~~
- 4.19** Work with community partners and conservation groups... Add language



GOAL 5 Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by fifteen percent (15%) below 2005 levels in 2020.

A Native American proverb says “we do not inherit the earth from our ancestors; we borrow it from our children.” In order to ensure that future generations are able to live, work and play in Park City, there must be a community-wide commitment to transform Park City into a more sustainable community. Our dependence on fossil fuels, our growing consumption of water, and our influence on ecosystem degradation have has negative impacts on the natural system on a local and global scale. Our own health is closely linked with the health of the environment in which we live. By reducing pollution in our air, water, and soils we help to improve our quality of life. By decreasing greenhouse gas (GHG) emissions, Park City will contribute to the global efforts to curb climate change.

Park City has considered multiple goals toward the reduction of greenhouse gases. The 2009 Community Carbon Footprint and Roadmap to Reduction proposed the pursuit of an emission reduction goal of 15 percent below 2005



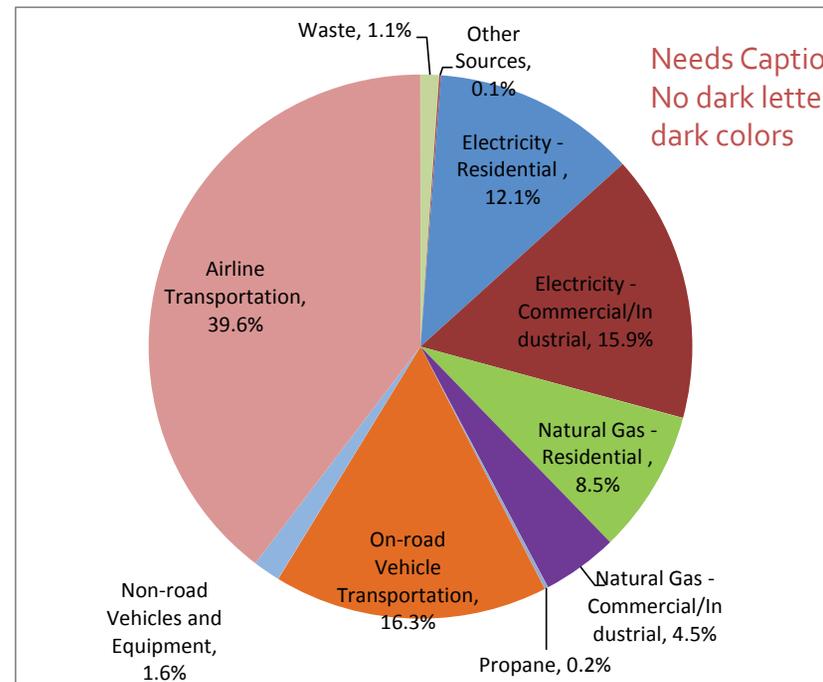
The red line represents overall decrease in greenhouse gas reduction by following the strategies outlined in the 2009 Community Carbon Footprint and Roadmap to Reduction. The roadmap strategies are included within the general plan.

levels by 2020. To achieve this reduction target, the Park City community must collaborate to reduce projected emissions in 2020 to approximately 785,000 tCO2e. The 2009 Community Carbon Footprint and Roadmap to Reduction outlined 16 objectives under six major influential categories, including: community leadership, transportation and land use, energy

use, energy supply, waste reduction or diversion, and carbon offsets. To achieve the objectives and relative reductions, 21 priority strategies were recommended within the roadmap. The 21 priority strategies have been included within the General Plan and identified with a snowflake. Multiple snowflakes represent an increase in tons of CO2 reduced by each strategy.

Principles

- 5A** Encourage development practices that decrease per capita carbon output, decrease vehicle miles traveled, increase carbon sequestration, and contribute to the community emission reduction goal.
- 5B** Encourage efficient infrastructure to include water conservation, energy conservation, renewable resource technology, decreased waste production, green public transit, and increased road and pathway connectivity.
- 5C** Park City Municipal Corporation will be a strong partner in efforts to reduce community GHG emissions, leading by example and providing policy guidance while promoting personal accountability and community responsibility.



Needs Caption
No dark letters on dark colors



Tam Pawson ©

Community Planning Strategies

- 5.1 Incorporate environmental considerations as an integral part of reviewing future development and redevelopment projects, including incorporation of **greenhouse gas (GHG)** goals into land use planning – evaluate land use impacts on GHG emissions. ❄️
- 5.2 Identify locations within existing neighborhoods in which increased density and/or mixed use are compatible, located within ¼ mile of public transit, ~~to~~ **and** would decrease trip generation.
- 5.3 Adopt new landscaping requirements (in the LMC) to decrease water utilization and preserve the native landscape.
- 5.4 Encourage implementation ~~and identify appropriate areas of town for large-scale~~ of renewable resource technology ~~through administrative review of small systems and conditional use permit review for large system.~~
- ~~5.5 Identify appropriate areas of town for large-scale renewable resource technology. Create a renewable resource overlay zoning district for large system.~~
- 5.65 Adopt requirements for new development to be oriented for passive and active solar.
- 5.76 ~~Advise~~ **Encourage** HOA ~~to allow from prohibiting~~ energy efficient practices within CC&Rs, including installation of solar on rooftops.

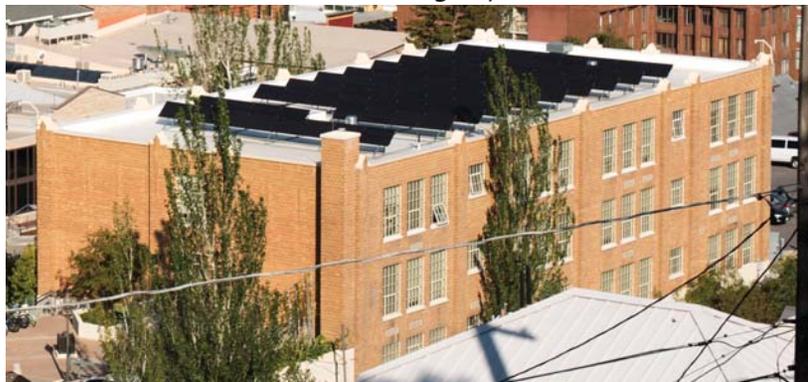


- 5.87 Require proper infrastructure, such as dedicated parking and charging stations, to support electric and alternative fuel automobiles within new development and redevelopment. ~~Encourage energy efficient construction, infill, preservation, adaptive reuse, and redevelopment.~~
- 5.8 Encourage energy efficient construction, infill, preservation, adaptive reuse, and redevelopment.
- 5.9 Consider adoption of a maximum home sizes for all neighborhoods. Allow owners to exceed maximum home size through compliance with home efficiency standards to prevent increased emissions.
- 5.10 Adopt consistent multiple-jurisdiction permit process for renewable resource technology to create a predictable, easy process. ~~Allow expedited administrative staff review for appropriate small-scale projects.~~

Planning Strategies continued

Policy Discussion

- 5.11 Require recycling and waste reduction in construction mitigation plans.
- 5.12 Encourage local agriculture through adoption of standards to allow community gardens within neighborhoods and public common areas.
- 5.13 Encourage local infrastructure for sales of regionally produced livestock and agriculture, including temporary structures and farmer’s markets.
- 5.14 Improve visibility of night sky through continued enforcement of the night sky ordinance.
- 5.15 Allow parking to be converted to a designated recycling area in existing developments challenged by site constraints., ~~allow parking to be converted to a designated recycling area.~~
- 5.16 Adopt regulations to mitigate phantom energy loads of second homes and nightly rentals.



City Implementation Strategies

- 5.17 Increase options and utilization of alternative modes of transportation including light rail, bus transit, car share, bike-share, cycling, and walking.
- 5.18 Encourage public-private partnerships to pursue large-scale renewable energy projects with the intent of reducing the CO₂ output from community’s electricity use.
- 5.19 Identify opportunities **and implimentation, where appropriate,** for micro hydropower systems in Park City’s water infrastructure.
- 5.20 Continue to review and investigate best practices that have the potential of substantially improving the environment.
- 5.21 Support community- wide recycling and composting while instituting a “pay as you throw” pricing for waste disposal. Require designated recycling areas within development and redevelopment.
- 5.22 Strengthen the State Residential Energy Code through strongly advocating for state and national policies that conserve energy, reduce carbon emissions, and conserve water.
- 5.23 Establish an ongoing funding source to provide economic assistance for residents to incentivize implementation of strategies for Goal 5.

Community (or City) Led Strategies

- 5.24** Educate public on the impacts of airline transportation on the community carbon footprint. Work with residents and local businesses to create strategies to reduce and/or offset the amount of airline travel while still retaining a vibrant economy (e.g., support jet fuel efficiency research, increase length of visitor stay, adoption of carbon -offset program).
- Policy Discussion - MH to propose language**
- 5.25** Act as an educational resource for the community on environmental initiatives, concepts, and best practices.
- 5.26** Develop community-wide climate challenge: personal, per capita GHG reduction targets, specific challenges (e.g., replace incandescent light bulbs with CFLs-LEDs). ❄️ ❄️
- 5.27** Offer free residential energy audits assessments. ❄️ ❄️
- 5.28** Provide low- or no-cost commercial building energy, water, and solid waste assessment/audits. ❄️ ❄️
- 5.29** ~~Work with Rocky Mountain Power to d~~ Develop enhanced Blue Sky program- more renewable energy generation in Park City (premium tier that brings funds back to Park City). ❄️ ❄️
- 5.30** Partner with utilities and state to offer building operator training on energy management for larger businesses. ❄️ ❄️



- 5.31** Target education and incentives at second home owners to reduce energy – e.g., improved occupancy-based controls. ❄️ ❄️
- 5.32** Expand existing utility rebates/incentives – collaborate with potential funding organizations. ❄️ ❄️
- 5.33** Increase awareness of existing utility rebate programs. ❄️
- 5.34** Encourage residential and commercial smart metering – electrical meters to provide real-time energy consumption. ❄️ ❄️
- 5.35** Use community carbon website to promote neighborhood “meet-ups” meetings to discuss ideas and challenges for reducing emissions. ❄️

- 5.36 Pursue direct power purchase options with Rocky Mountain Power for renewable energy. ❄️❄️❄️
- 5.37 Work with Rocky Mountain Power to educate and expand the benchmark program that identifies individual energy use on utility bills or carbon web site to compare neighbors within neighborhood, in an effort to encourage conservation. ❄️
- 5.38 Develop employee outreach programs focused on large employers. ❄️❄️
- 5.39 Expand and develop new tiered rates for energy use =work with Rocky Mountain Power. ❄️❄️
- 5.40 Develop community revolving grant/loan program for energy efficiency projects. ❄️
- 5.41 Engage largest employers to expand commercial recycling. ❄️
- 5.42 Encourage Rocky Mountain Power to fund local Smart Grid pilot project. ❄️
- 5.43 Provide incentives for participation in green building labeling systems for existing ,leased, and new buildings. (Energy Star, LEED, Built Green, etc.) ❄️❄️
- 5.44 Provide incentives for residential and commercial renewable energy (e.g., tax credits, rebates).❄️
- 5.45 Develop shared community teleconferencing facility to host meetings therefore encouraging reduced air travel. ❄️❄️

Policy
Discussion

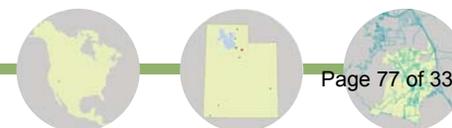


The 21 priority strategies have been included within the General Plan and identified with a snowflake. ❄️

Multiple snowflakes represent an increase in tons of CO2 reduced by each strategy. ❄️❄️

Community and Government working Together to Curb Climate Change

To reduce greenhouse gas emissions by fifteen percent (15%) below 2005 levels by 2020 it will take more than the local government. This type of change requires a community paradigm shift



GOAL 6

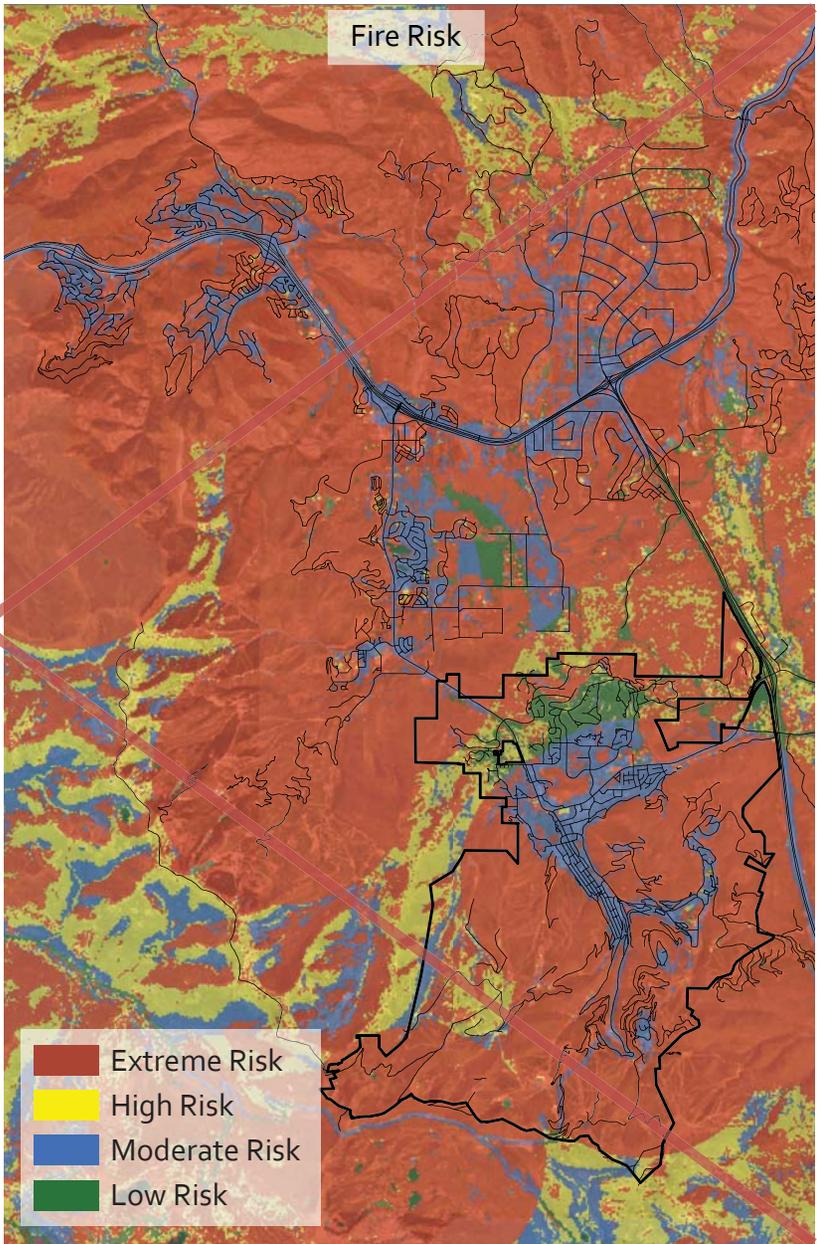
Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change.

While scientists agree that our planet's climate is changing, the effects of climate change vary from region to region. Probable scenarios for the Intermountain West include drought, heat waves, diminished mountain snowpack, earlier snowmelt, catastrophic wildfires, and other disruptions to natural processes and wildlife habitat.¹ Climate change also creates economic uncertainties for our economy which is dependent heavily on snow fall. ~~If our ski season is shortened, what would the impact on our tourism industry and economy be? Would Park City experience decline as it did in the early 20th century with the fall of silver prices? Will more people move to high elevations to escape increased temperatures in other locations thus increasing population demand in Park City?~~ By taking a proactive approach and planning for a variety of probable climate related scenarios, Park City can be well prepared to adapt to climate change, no matter what it looks like.

Principles

- 6A** ~~The City has an obligation to be p~~Prepared for probably scenarios that could threaten health, welfare, and safety of residents. Implementation of climate adaptation strategies is necessary to ~~mitigate and~~ become more resilient to wildfire, flood, and drought.
- 6B** Encourage opportunities for local food production and sales ~~if of~~ food produced regionally.
- 6C** Support ecosystem health, biodiversity, and natural buffers between development and sensitive lands.





Community Planning Strategies

- 6.1 Implement the Community Wildfire Protection Plan in cooperation with the Park City Fire District and local partners including the ski areas.
- 6.2 Adopt a natural resource management plan to manage wildfire prevention, water conservation, energy conservation, and biodiversity protection.
- 6.3 Regulate permeable surface area of lots to ensure proper drainage, hydrology, and mitigation of heat island effect.
- 6.4 Adopt standards to allow community gardens within neighborhoods and subdivisions.
- 6.5 Zone existing agricultural lands and future agricultural land within the Annexation Declaration Area as low density (1 unit per 60 acres).
- 6.6 **MH to propose language**

“We are in a unique position to lead with exposure to the nation and the world on how to incorporate sustainable values in the context of an existing historic place.”

Comment from resident during 2009 Community Visioning



City Implementation Strategies

- 6.67** Include climate change in the Hazard and Vulnerability analysis of the Natural Disaster Response Plan.
- 6.78** Utilize regional platforms for information sharing and ongoing dialogue among regional partners to continually improve understanding of shared climate risks and capitalize on regional adaptation opportunities.
- 6.89** Upgrade public infrastructure to manage water supply for extreme (high and low) water years.
- 6.910** Integrate climate adaptation policies into all aspects of public and private planning including water, sewer, and storm water management.
- 6.1011** Support innovative technology in water conservation and sustainable snow making.
- 6.1112** Explore strategies to incentivize local agriculture including local property tax abatement.



Regional Climate Adaptation Planning Alliance

Report on Climate Change and Planning Frameworks for the Intermountain West

Prepared by ICLEI
For
Members of the Urban Sustainability Directors Network
August 2011

1

In 2011, Park City participated in a regional adaptation effort that included municipalities from Tucson, Flagstaff, Las Vegas, Salt Lake City, Boulder County, Fort Collins, and Denver known as the Regional Climate Adaptation Planning Alliance. The group's networking efforts culminated in a formal report by ICLEI titled "Report on Climate Change and Planning Frameworks for the Intermountain West".

STRATEGY: Defining and Programming Open Space

Open Space... the space between... is cherished by Parkites. A fall day mountain biking over the freshly fallen mosaic of leaves up Armstrong trail, a crisp morning cross country ski taking in the views from the stage of Round Valley, or a summer afternoon in Miner's park enjoying an ice cream cone while listening to a local bluegrass band... just to name a few of the enjoyable open space experiences of Park City.

Parkites utilize the open space in town to recreate, come together, and explore. There are different types of open spaces, from a small pocket park along Main Street to the vast forests with trail systems that create an incredible backdrop to the City. The experiences of open space in Park City are drastically different due to the variety of landscapes, context within the built environment, and natural aspect of the area.

As Park City and the region continue toward build out, the space between is becoming less, narrowed by

development pressures. These spaces between the play an important role for placemaking and healthy ecosystems. By preserving open space, the community prioritizes protection of the nature while preventing undesired development.

Open space is directly related to the visitor experience and is extremely important to the long term economic viability of Park City as a world class resort town. Park City must work within the Wasatch Back region to maintain a unique place in order to stay competitive within the local and global tourism industry. Preserving the natural context of place within meaningful sequences of regionally distinctive landscapes reinforces the community's connection to the natural setting and brings delight to residents and visitors alike.

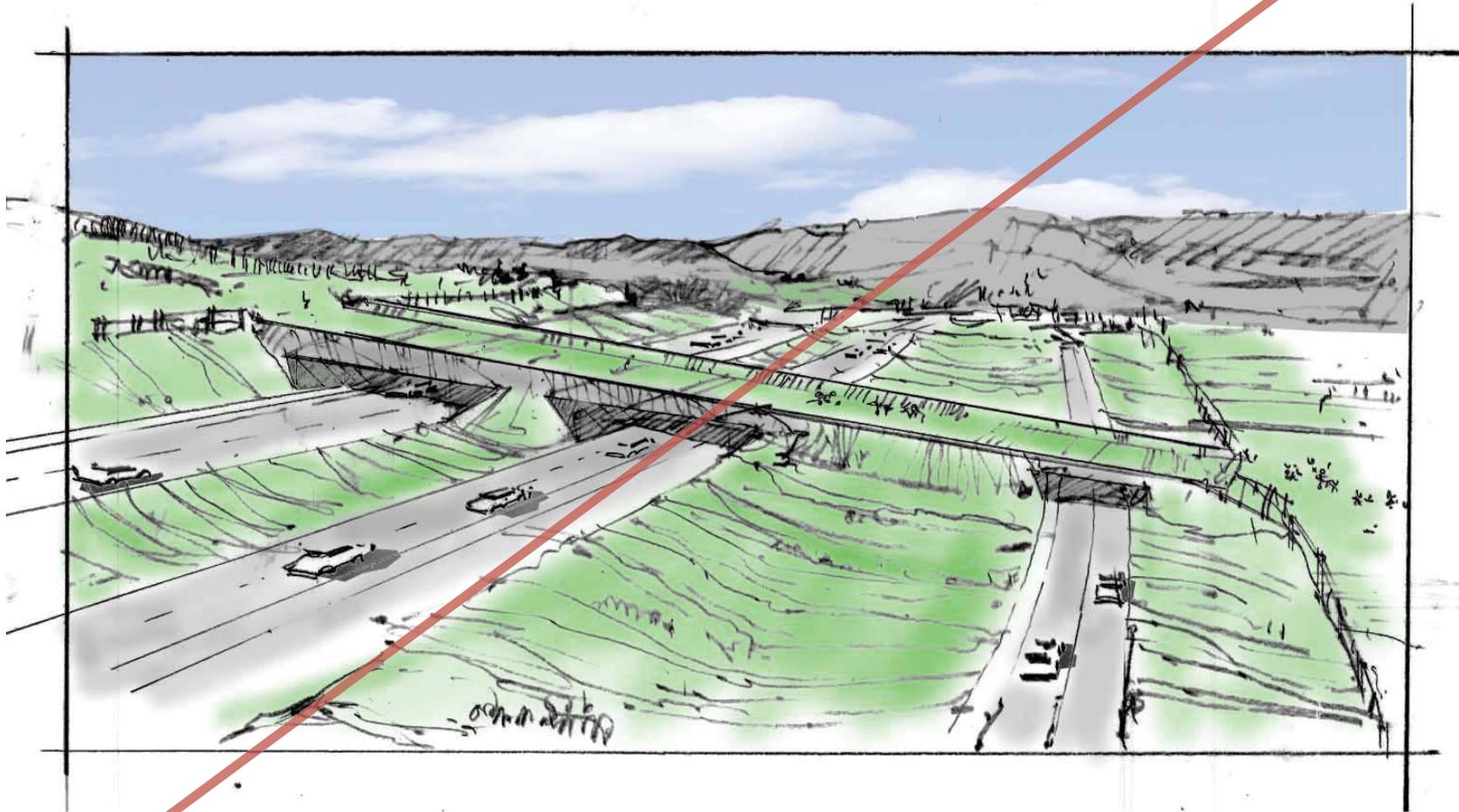
Open Space... two words, many applications

Due to the variety of amenities within open space and within different contexts, it is important that Park City define Open Space in a consistent manner that can be interpreted easily by residents and developers. The first step in defining open space is defining the primary purpose for a parcel of land. Determining primary purpose will involve consideration of existing land use and the most important traits of the land, including:

- Recreational opportunities
- Conservation of wildlife habitat and biodiversity
- Preservation of entry corridors and the community edge
- Connectivity and prevention of fragmentation
- Protection of critical view sheds and vantage points
- Offsetting density within developable areas

Doesn't relay any info of value

NATURAL
SETTING



Development and highways have constricted Wildlife Corridors in and around Park City. Future consideration to prioritizing wildlife crossing over busy roadways would compliment Parkite's concern for protecting the Natural Setting.

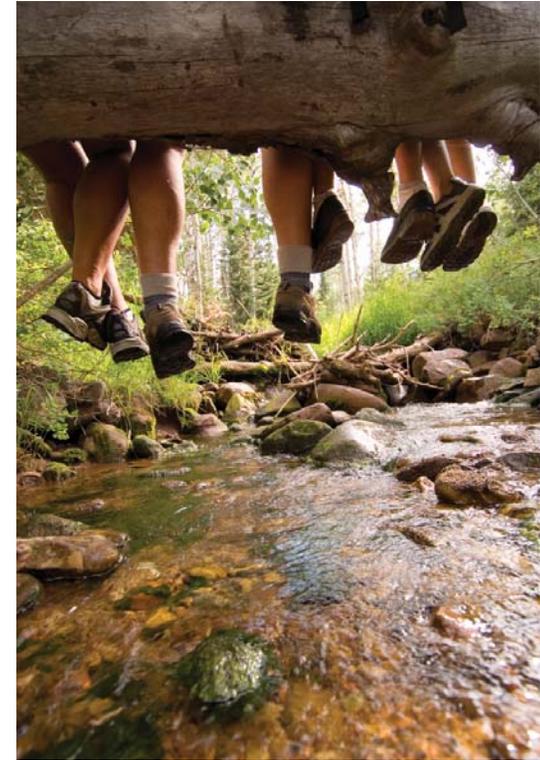
STRATEGY: Protect Biodiversity

Biodiversity is biological diversity – the diversity of living organisms. The field of study goes deeper than just an inventory of species within a set area. Biodiversity observes how the diversity of organisms in an ecosystem influence one another and the entire system. From bacteria unseen by the naked eye, to the millions of ants tunneling under the forest floor, the interaction of species shapes the overall ecosystem health. As each organism performs throughout the day, there is a cause and effect relationship that brings balance, and in some circumstances instability, to the overall ecosystem.

Biologists have been increasingly concerned with biodiversity and the impacts of species decline and extinction. As a population declines, that species' role within the natural system is not fulfilled and the system is changed. Although change and evolution are part of the natural cycle within an ecosystem, as the impacts compound, the overall health of the system is jeopardized. A stressed ecosystem is unable to perform its natural function, including water

purification, nutrient replenishment, species reproduction, carbon intake, and oxygen production, among other consequences.

One example of species decline is the decline of natural pollinators including bees, moths, flies, beetles, wasps, desert bats, hummingbirds, and butterflies within the Intermountain West. These pollinators are critical to the function of terrestrial ecosystems because they support plant reproduction. Without pollinators, plants would not provide food and cover (critical habitat), reproduce, stabilize soils, and serve as buffers to improve water quality. Many plant species depend on pollinators for reproduction (seed production). As a group, pollinators are threatened world-wide by habitat loss, habitat fragmentation, pesticides, disease and parasites.¹ As the population of native plants declines, so will the wildlife that depends on them for food. The impacts are far reaching, including impacts to local communities for agriculture, increased risk of flooding, and decreased water quality.



Humans have the ability to influence biodiversity. As stewards of the land, Parkites can collaborate to protect biodiversity of public and private lands, enhancing wildlife habitat while strengthening ecosystem health. Healthy ecosystems create healthy habitats, not only for wildlife, but for humans as well. Clean air, water, and soils, lead to a legacy of health for future generations.

Missing: Add language regarding invasive plants

STRATEGY: Greenhouse Gas Reduction

Park City is dedicated to taking large steps in the next decade toward climate change prevention. Within the 2009 Park City Community Carbon Footprint and “Road Map for Reduction” (See page 211-213, a Community Carbon Advisory Board outlined the following vision:

“The Park City community is committed to applying significant effort to combat the causes of climate change and to reduce its greenhouse gas emissions. Reducing our carbon footprint is our responsibility as citizens of the nation and the world. Working together, using our community spirit, innovation, and environmental passion, we will ensure for future generations the environmental protection, economic prosperity, and quality of life that makes Park City unique.”

The board members identified a reduction target goal to reduce Park City’s GHG emissions 15 percent (15%) below 2005 levels by 2020, mirroring the goals established by the Western Climate Initiative. Park City’s General

Strategies referenced in the Roadmap to Reduction include:

- Improving **energy efficiency** and encouraging **conservation** in homes (including second homeowners) and businesses.
- Encouraging the installation of **distributed renewable energy** systems, primarily solar panels, on homes and businesses.
- Pursuing **large-scale renewable energy** projects with the intent of reducing the CO₂ output of our electricity supply.
- Reducing and/or offsetting the amount of **airline travel** while still retaining a vibrant economy (e.g., encouraging alternative modes of travel, increasing length of visitor stay).
- Expanding **recycling** opportunities while also instituting “**Pay As You Throw**” pricing for waste disposal.
- Increase utilization and scope of **alternative transportation** options including bus transit, car sharing, biking, and walking.

Plan echoes this Goal. To achieve this reduction target, the Park City community must reduce projected emissions in 2020 to approximately 785,000 tCO₂e. This represents a reduction of 30 percent over projected emissions in 2020.¹

The Road Map to reduction outlined sixteen (16) GHG reduction objectives

under six (6) major influential categories, including: community leadership, transportation and land use, energy use, energy supply, waste reduction or diversion, and carbon offsets. To achieve the objectives and relative reductions, twenty-one (21) priority strategies were recommended within the roadmap. The sixteen (16) objectives and twenty-one (21) priority

STRATEGY: Greenhouse Gas Reduction (continued)

Who is responsible for leading community-scale CO₂ reductions?

This is among the most important environmental policy questions in Park City. The Save Our Snow Action Plan makes it clear who will need to *participate* in the process to make it successful: homeowners, renters, businesses, non-profits, utilities, and local government – essentially everyone; however, who is ultimately *responsible* for whether these efforts succeed or fail?

Beginning with the launch of Save Our Snow in 2007, there are numerous examples of citizens participation, in concert with non-profits and other organizations, to support climate change initiatives at the community level. This enthusiasm and base of support must be harnessed in recurring and tangible ways in order drive meaningful reductions of CO₂ on a community-scale.

There are numerous examples of local governments, in concert with other

organizations, investing in programs to drive residential and commercial CO₂ reductions. Park City has done this on a small and voluntary scale with

programs like the Low Carbon Diet and ParkCityGreen.org. When a supporting organization leads CO₂ reduction efforts, individual participants enjoy the near-term benefits of a smaller carbon footprint (e.g., lower utility bills) while the social and environmental benefits are spread across all citizens

Save Our Snow – Background Information

Amidst growing concerns about global climate change and its impacts on the local ski industry, community members in Park City, UT banded together to support the Save Our Snow (SOS) initiative. Over 1,500 local citizens attended the first SOS event in 2007 and hundreds more were at SOS II in September 2009 when the ParkCityGreen.org website was launched. A scientific study was conducted to assess the future impacts of climate change in Park City. Under a high emissions scenario, this study forecasted an average local temperature rise of 9 degrees F by 2075. Unabated carbon emissions were projected to cost the Park City region \$392 million in annual economic output and over 3,700 lost jobs by 2050.

Determined not to let their economic and cultural livelihoods melt away, community leaders have banded together to address the local carbon footprint. A “Save Our Snow Action Plan” was completed in April 2010 and acts as a guiding document for carbon reduction strategies. Additionally, the ParkCityGreen.org website continues to see tremendous success. In the first two years after its launch, the site received over 25,000 visits and 92,000 pageviews. The Save Our Snow initiative in Park City, UT is evidence that this community is eager to take local action on carbon emissions and mitigate its impact.

Move to Appendix section?

#	ROADMAP FOR REDUCTION Strategy Name	Category	Type	Tons CO ₂ e Reduced in 2020	Feasibility by 2020 (Political, Technical, Implementation, Financial)	General Plan Strategy #
1	Develop community-wide climate challenge: personal, per capita GHG reduction targets, specific challenges (e.g., replace incandescent light bulbs with CFLs)	Community Leadership	Incentive	Medium	Medium	5.26
2	Offer free residential energy assessments	Community Leadership	Incentive	Medium	Medium	5.27
3	Provide low- or no-cost commercial building energy, water, solid waste assessments/audits	Community Leadership	Incentive	Medium	High	5.28
4	Work with Rocky Mountain Power to develop enhanced Blue Sky program - more renewable energy generation in Park City (premium tier that brings funds back to Park City)	Energy Supply	Action	Medium	Medium	5.37
5	Partner with utilities, state to offer building operator training on energy management for larger businesses	Community Leadership	Education	Medium	High	5.30
6	Target education and incentives at second home owners to reduce energy - e.g., improved occupancy-based controls	Energy Use	Incentive	Medium	High	5.31

#	ROADMAP FOR REDUCTION Strategy Name	Category	Type	Tons CO ₂ e Reduced in 2020	Feasibility by 2020 (Political, Technical, Implementation, Financial)	General Plan Strategy #
14	Develop employee outreach program focused on large employers	Community Leadership	Incentive	Medium	Medium	5.38
15	Develop tiered rates for energy use - work with Rocky Mountain Power	Energy Use	Action	Medium	Medium	5.39
16	Develop community revolving grant/loan program for energy efficiency projects	Energy Use	Incentive	Low	Medium	5.40
17	Engage largest employers to expand commercial recycling	Waste Reduction and Diversion	Action	Low	High	5.41
18	Encourage Rocky Mountain Power to fund local Smart Grid pilot project	Energy Use	Action	Low	Medium	5.42
19	Provide incentives for participation in green building labeling system for existing, leased, and new buildings (e.g., ENERGY STAR, LEED, Built Green, NAHB, etc.)	Energy Use	Incentive	Low	High	5.43
20	Provide incentives for residential and commercial renewable energy (e.g., tax credits, rebates)	Energy Use	Incentive	Low	Medium	5.44
21	Develop shared community teleconferencing facility to host meetings, encourage reduced air travel	Transportation and Land Use	Incentive	Medium	Medium	5.45

STRATEGY: Decision Making Continuums

The following pages introduce continuums that reflect various options the City could pursue to drive greenhouse gas reductions and other community benefits. Most of the projects would require participation of

residents and businesses, in addition to support from Park City Municipal Corporation. The continuums are a subjective tool that conveys cost, complexity, and greenhouse gas factors. While these visuals can assist

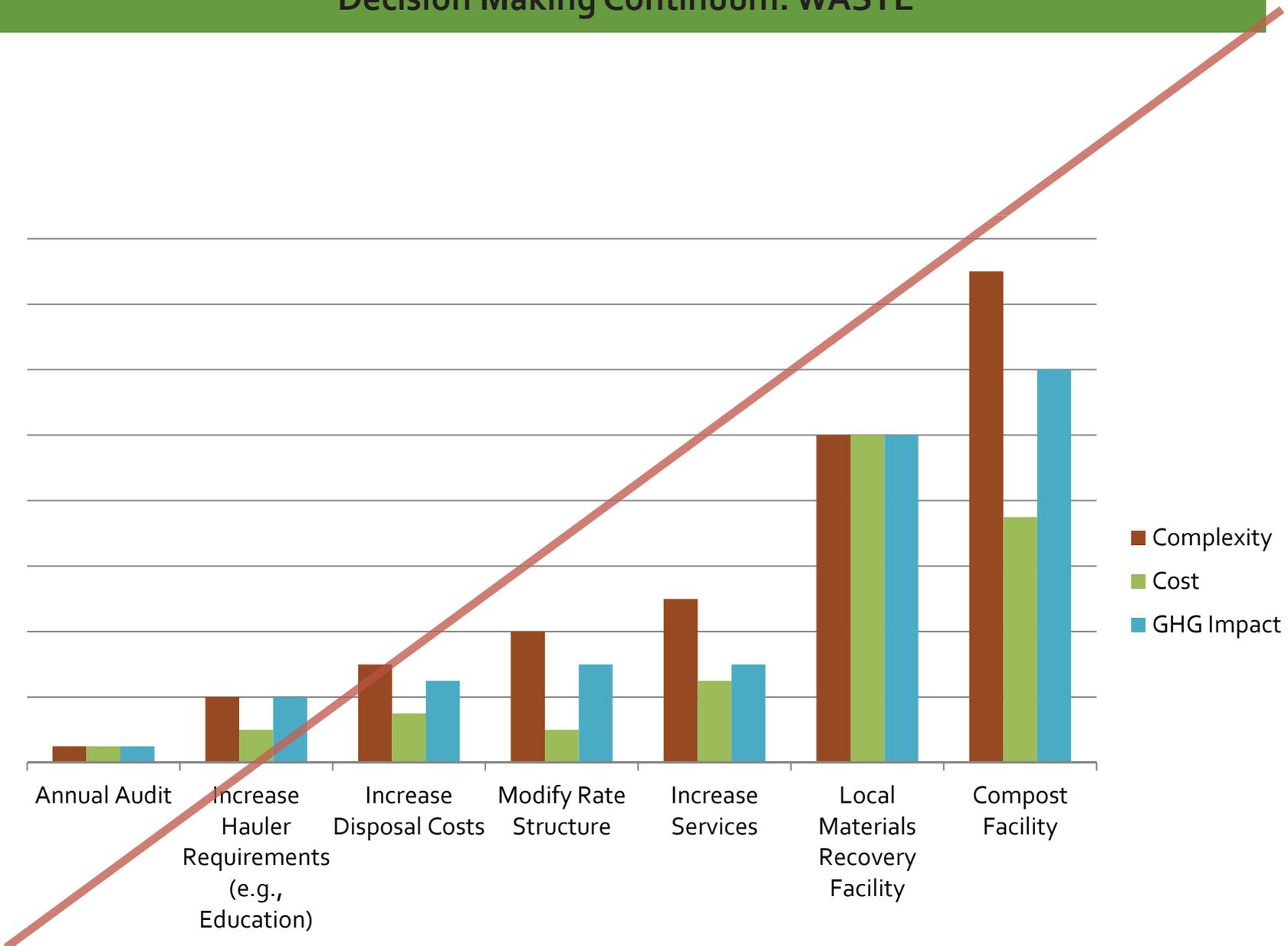
with policy-making and priorities, an in-depth analysis is recommended for any particular option prior to implementation. The continuums are reflective of information available at this time and will certainly evolve over

NATURAL SETTING



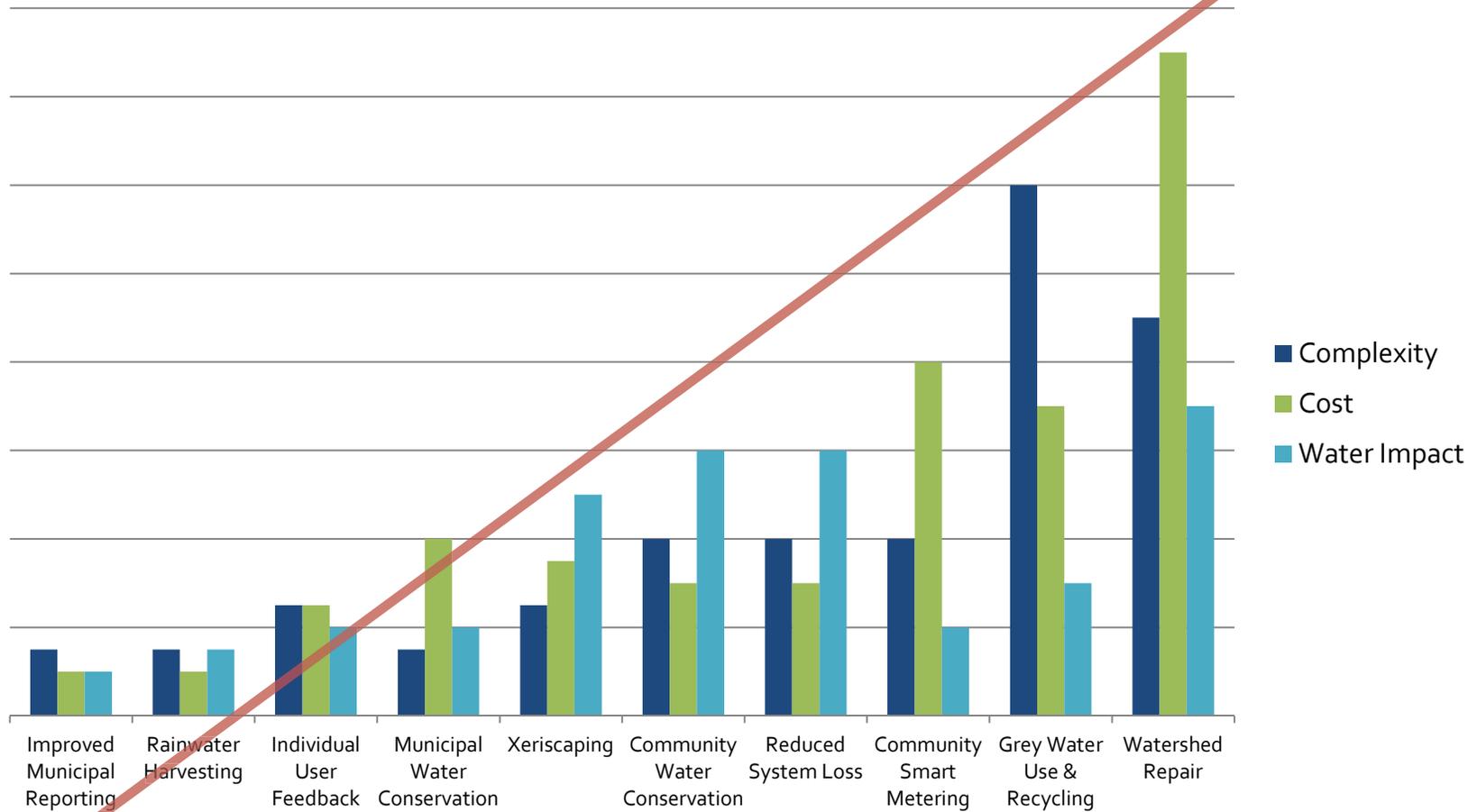
Decision Making Continuum: WASTE

NATURAL SETTING



Decision Making Continuum: WATER

NATURAL SETTING



STRATEGY: Greening the Regulations

Municipal codes which regulate building standards, energy conservation, and land use practices set the minimum standards for development. These regulations influence trends that have a collective impact on a community's carbon footprint, air quality, and conservation practices. Cities are taking a fresh look at their codes and implementing revisions to change the direction of threatening trends.

There are 4 essential steps to making a regulating code sustainable:

1. Audit the existing code and identify regulations that interfere with reaching environmental goals.
2. Measure the community carbon footprint and identifying those areas in which Park City could make the greatest strides in reduction. (This work was done in 2009.)
3. Revise the code removing obstacles and applying new strategies.
4. Measure progress through monitoring indicators for GHG

Cleaning House: Key Questions for a Climate Change Audit

Does the code allow higher density development where appropriate? Does it encourage good design in such developments so that they fit in well with surrounding neighborhoods? Does the code encourage the provision of amenities - e.g., parks, open space, landscaping, to enhance livability as well as the prospects for local acceptance of higher-density development?

Does the code allow for different housing choices, including townhouses, duplexes, triplexes, and accessory units, on smaller lots?

Does the code permit mixed land uses - e.g., upper-floor housing and/or offices above street-level shops?

Do policies support the market for, and development of, local retail and other services in "20-minute" neighborhoods?

Does the code require excessive front and side yard setbacks?

Does the code encourage well-designed, compatible infill and redevelopment in centers, such as downtowns, Main Street areas, or designated town centers? Or does it undercut the economic vitality of centers by zoning for more commercial space than the local economy can absorb - especially in outlying areas?

Do parking policies contribute to the fragmentation of an otherwise walkable, compact center? Is the parking supply well-managed? Priced Right?

Does the code encourage pedestrian-friendly development and design, such as street-level shops with display windows and buildings that come up to the sidewalk instead of standing behind an asphalt moat?

Do local policies encourage the construction of workforce housing near job centers? Is there a good jobs-to-housing ratio in the community?

Are narrower streets allowed in residential neighborhoods? Or are unnecessarily wide streets required?

Must new streets be connected to other streets? Or does the code impair connectivity by allowing too many dead ends and/or culs-de-sac?

Does the code encourage buildings in new subdivisions to be oriented to the south to capture solar heat?

Does the code encourage tree planting to reduce heat-island effect in parking lots and elsewhere?

EPA SMART CODE

STRATEGY: Climate Adaptation

Difficult to read - change shading

The Intergovernmental Panel on Climate Change (IPCC) is an international organization that was formed by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) in 1988. The IPCC studies atmospheric data, meteorological data and climate scenarios to model projections of future trends. The IPCC 2007 Summary for Policy Makers ~~made findings found~~ that there is scientific evidence that humans are the greatest contributors to recent climate change. On a global scale, the IPCC is forecasting regional disruptions including droughts, flooding, thawing permafrost, stronger storms, sea-level rise, wildfires, heat waves, and other weather and climate effects on the natural and built environments. ¹

Scientists believe that many effects of human-induced climate change are already locked in because of the volume of greenhouse gases (GHG) previously emitted into the atmosphere. The IPCC 2007 Summary for Policy Makers also noted "both past and

Impacts of Climate Change on the Intermountain West ⁵		
	Projections	Anticipated Impacts
Temperature	<ul style="list-style-type: none"> ● Projection for 2025 = + 1.5 – 3.5°F ● Projection for 2100 = +5- 8° F 	<ul style="list-style-type: none"> ● Longer growing season ● Fewer frost days ● More heat waves ● More water shortages
Precipitation	<ul style="list-style-type: none"> ● Potential decrease in annual precipitation in southern portion. ● Small increase in the northern portion. ● Shift in pattern to more frequent heavy precipitation events, separated by longer dry spells. 	<ul style="list-style-type: none"> ● Greater water shortages ● Increased flooding events ● Shifts in snow pack
Snowpack and Stream Flow	<ul style="list-style-type: none"> ● Lower and mid elevation mountains will have a reduction in natural snowpack and snowfall in the early and late winter. ● An earlier and less intense average spring runoff 	<ul style="list-style-type: none"> ● Greater water shortages ● Loss in winter recreation

future anthropogenic carbon dioxide emissions will continue to contribute to warming and sea-level rise for more than a millennium, due to the time scales required for removal of this gas

from the atmosphere." On the bright side, the rate and volume of future GHG emissions can be reduced, therefore slowing and ~~the~~ lessening the extent of dangerous impacts on ecosystems,

STRATEGY: Climate Adaptation (continued)



Adaptation strategies promote decisions and policies that decrease risk to vulnerable infrastructure and populations, including humans, wildlife and plant species. Communities have the ability to adapt by forecasting probable impacts that will occur regardless of the extent to which GHG emissions are mitigated. Park City shall implement adaptation strategies to enhance the City's resiliency to the future impacts of climate change.

In 2011, Park City participated in a regional adaptation effort that included municipalities from Tucson, Flagstaff, Las Vegas, Salt Lake City, Boulder

County, Fort Collins, and Denver known as the Regional Climate Adaptation Planning Alliance. The group's networking efforts culminated in a formal report by ICLEI titled "Report on Climate Change and Planning Frameworks for the Intermountain West". One of the key reasons to engage in climate change adaptation is the co-benefits for climate mitigation and local sustainability efforts that a local government has already adopted. One commonly cited example is water conservation activities that advance carbon mitigation activities, by saving energy and resources, but also result in a more resilient and adaptive

community.

The following are recommended strategies for climate adaptation from the 2011 ICLEI report:

- Information Sharing: Creation of a regional platform for ongoing dialogue among regional partners to continually improve understanding of shared climate change risks and capitalize on regional adaptation opportunities
- Adopt Climate Change Adaptation Plans or integrate climate change adaptation efforts into existing plans

Section doesn't need to be here (AS)

STRATEGY: Emergency Planning

Emergencies and disasters can strike at any time. In an effort to adapt to the challenges of our natural environment, Park City has a Comprehensive Emergency Management Plan (CEMP) that will help guide the City and its departments through such an event should it occur. The purpose of this plan (available at the City website or from the Emergency Management Office), which is administered by the Emergency Program Manager (EPM), is to provide a system to mitigate the effects of an emergency or disaster, preserve life, determine which departments will respond and their appropriate responses, and establish a recovery system that will return our community to its normal state of affairs. The City will be the first to respond in the event of an emergency or natural disaster, and the mayor may issue an emergency declaration that will state the nature of the emergency, the areas threatened, various conditions which cause the emergency to be declared, and the initial period of the emergency. If the City is unable to fully address the situation they may ask the help of

Summit County, then the State of Utah, and finally the federal government will assist should the State require it. The CEMP guides the City through a well-documented and timely system of mitigation, preparedness, response, and recovery steps that will permit city officials and departments to plan for all hazards, as well as, manage resources effectively at the time of an emergency.

Because of our unique location, Park City faces a number of potential hazards or risks that are unique to our region. While wildfires and extreme snow fall are of immediate concern, earthquakes and other local emergencies pose as severe of a threat. A list of these potential hazards and risks are outlined in the table below.

The City's wildlife urban interface (WUI), a transitional zone between unoccupied land and human development, is threatened by the risk of wildfire. The National Fire Protection Association (NFPA) have identified these regions based on the amount, type, and distribution of vegetation; flammability

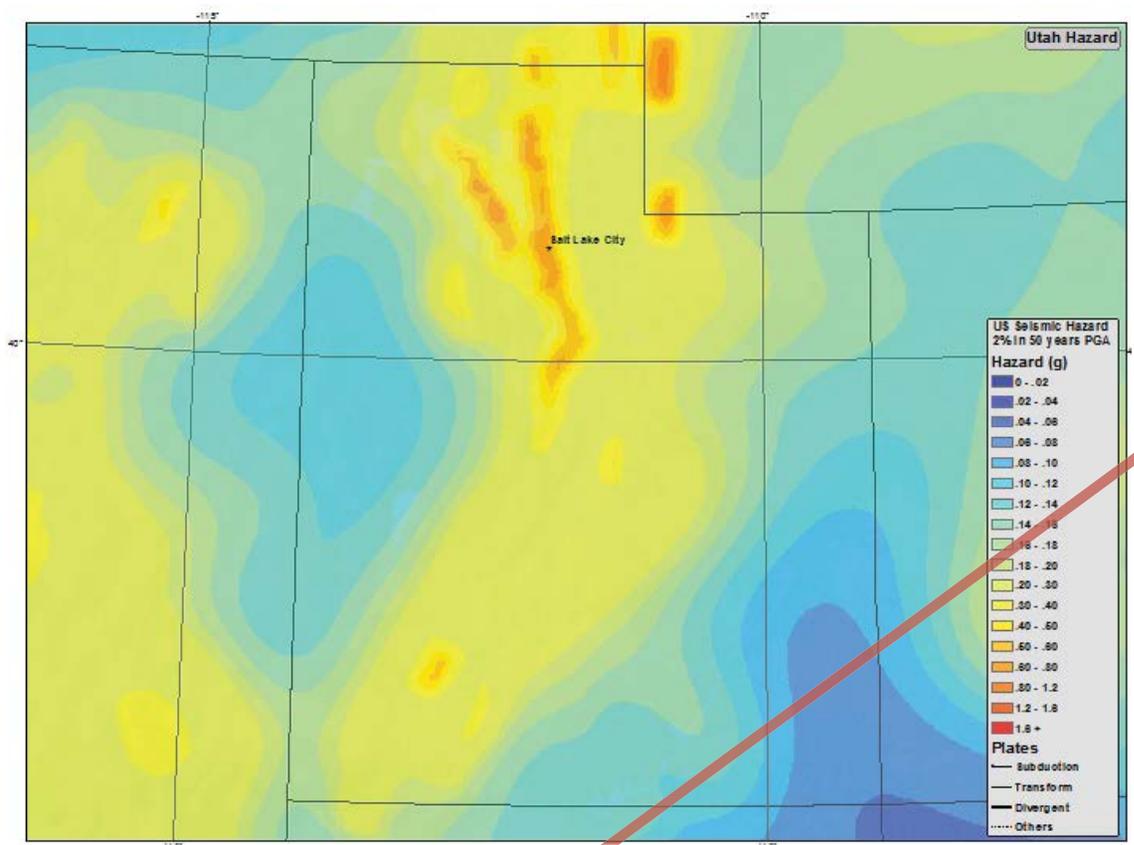


In June 2011, wildfires ten (10) miles from Park City consumed over 500 acres of land near the Jordanelle Reservoir and nearby Forest Service Land.

"Adapt or perish, now as ever, is nature's inexorable imperative."

--H.G. Wells

of structures; proximity of structures to fire prone vegetation; weather patterns; topography; hydrology; and types of road construction. Because most structures in WUIs are not destroyed from direct flames but wind-driven embers, it is crucial that property



Utah Seismic Hazard Map

our historic districts. In preparation for this, the Planning Department will work to develop a disaster plan to address historic structures and sites in the event of a natural disaster. Existing comprehensive surveys of our historic resources will be pivotal in aiding Planning Staff to prioritize saving landmark and significant structures. A building condition assessment form will be created to help volunteers and staff to evaluate the condition of historic structures following the disaster as well. This plan will also address processes following the disaster for temporary repair permits, demolition requests, zoning for new housing, and prioritizing infrastructure repair to ensure the preservation and reconstruction of our historic buildings. The Planning Department will work closely with the Emergency Program Manager (EPM) to develop and adopt this disaster plan.

initial situation or damage reports per field unit observation and in response to concerns made by the general public. Moreover, Planning Staff will establish temporary housing criteria and sunset clauses to ensure the successful and timely rebuilding of the community. After the emergency status has been

deactivated and departments and governmental agencies have returned to pre-disaster day-to-day functions, the Planning Department will be instrumental in redefining our city through its urban landscape.

In the event of a natural disaster, the greatest damage will likely occur in

STRATEGY: Local Food Production

Agricultural lands in the United States have continued to decrease over the years. From 1982 to 2007, over 23 million acres of agricultural land in the United States have been converted to developed land. Within the state of Utah, 301,300 acres of agricultural land was converted to developed land during the same period.¹ In Park City, there is a scarcity of agricultural lands. This can be attributed to the short growing season, industrial history (environmental pollution), and high land values. There are currently two farms within the City limits, the McPolin Farm and the Franklin Richards farm. Both are visible along the SR-224 Entry Corridor and primarily raise hay for feed.

On a regional scale, fruits and vegetables are primarily grown in the lower elevations, with livestock grazing and hay productions along the Wasatch Back; however, the majority of produce consumed in Utah must be imported from outside of the state. Food production on the global market requires shipping, packaging, and

refrigeration which contribute to the degradation of air quality and GHG emissions.

The following strategies may be adopted by Park City to promote sustainable food production and support the local economy:

- Encourage community gardens within subdivisions and in existing platted neighborhoods.
- Support regional agriculture by allowing farmers markets and farm stands in designated areas of the City.
- Implement a regional Transfer of Development Rights (TDR) program as a method to conserve existing agriculture within the Wasatch Back Region.
- Allow small scale livestock in residential areas with strict mitigation requirements.
- Use taxation strategies to discourage the conversion of agricultural land to other uses.
- Discourage the extension of urban services into agricultural areas.

Benefits of Community Gardens

- ✓ Provides a catalyst for neighborhood and community development.
- ✓ Stimulates social, multi-generational Interaction.
- ✓ Encourages Self-Reliance.
- ✓ Beautifies Neighborhoods.
- ✓ Produces Nutritious Food.
- ✓ Reduces Family Food Budgets.
- ✓ Conserves Resources.
- ✓ Opportunity for recreation, exercise, therapy, and education.
- ✓ Preserves Green Space.
- ✓ Creates income opportunities and economic development.

- Agricultural preservation should be separated from open space preservation to protect commercially viable farms which incidentally provide open space amenities.
- Adopt right-to-farm provisions/ protection in agricultural land preservation programs, plans and

Move to Appendix

A Citizen's Perspective: Citizens Allied for Responsible Growth (CARG) in Review by Cheryl Fox

"Forget about your liberties and they will go away."

Thomas Jefferson

In the mid 1990's Park City was just starting to come out of an economic slump that had devastated local business and many prominent individuals. During the long, slow years from 1985-1990, both Park City and Summit County had granted development approvals for massive projects that would forever change the face and makeup of our community, but these had not yet been built, and most of us had no idea that the green pastures, the open hillsides, and the quiet trails we enjoyed belonged to someone with both the plans and the rights to develop them.

This potential conflict exploded in the fight over the Flagstaff Annexation proposal. On one side, United Park City Mines was doing its best to serve its shareholders by fundamentally changing its business from mining

to luxury development. On the other side, the people who lived and worked in Park City were fighting to save the landscapes that formed the basis of our mountain lifestyle.

The community in Park City was much smaller then. Most of the members of CARG lived and worked in Park City, in Old Town. Daly Canyon, or Empire, as it is now known, was where we all walked our ill-bred dogs, learned to use our telemark gear, and found our identities as ski town locals. To find 1,376 acres of this land threatened with massive development forced all of us to sit up and take notice.

The established power in City Hall was also much more self-contained in those days. The men who had come to Park City in the 1970's as ski bums had invested their savings and built businesses. Many of them believed that the economy needed the type of luxury development that the Flagstaff Annexation promised, and the loss of Daly Canyon was worth the exchange.

As CARG members began to speak out against the development, we were often vilified, denigrated, and attacked personally. We, however, driven by idealistic principals articulated most clearly by Dana Williams to be hard on the issues and soft on the people, made a point of NEVER insulting or attacking the individuals representing the developer or the officials who seemed willing to approve things that the general plans did not permit.

This commitment to stick to issues is perhaps the reason that CARG is now seen as such a positive force in the development process. In fact, CARG's insistence on civility set an ongoing standard for all of our community's conversations. We no longer judge people by the length of time they've been in town; we now recognize that many ski bums and wait-people have advanced degrees, and we encourage newcomers to slow down, enjoy the view, and get involved with the nonprofits that support so many great community activities.

STRATEGY: Daylighting Creeks in Urban Settings

NATURAL
SETTING



From Indianapolis’s Canal Walk to Seattle’s Ravenna Creek, cities have chosen to uncover buried waterways in an effort to reintroduce natural elements into urban settings. This process, known as daylighting, diverts creeks from underground sewer systems into street-level creek beds. By doing so, the capacity of sewer draining systems improves and flood potential is reduced. Moreover, vegetation

planted adjacent to the creek bed helps absorb, filter, and cool storm water as well as provide a natural habitat for fish, birds, and other small animals. Economically, the improved aesthetics often contribute to increasing property values and commercial activity near waterways.

Berkeley, California, completed one of the first daylighting projects in the U.S.

in 1982, setting the standard for future restoration initiatives. Uncovering 200 feet of Strawberry Creek within the abandoned Santa Fe Railroad yard, the City has transformed a former industrial blight into a natural treasure.¹ Designed for a 100 year storm event, the creek is now surrounded by native trees, grassy meadows, and sports fields. Moreover, the park has revitalized the neighborhood once

Proposed General Plan Schedule			
			Reference pages
Joint PC/CC Meeting	Policy Issues	9/4/2013	
PC Public Hearing	Kick Off - Exec Summary & Small Town	9/11/2013	93-114; 175-200
PC Public Hearing	Sense of Community	9/25/2013	131-164; 237-288
PC Public Hearing	Natural Setting	10/9/2013	115-130; 201-236
PC Public Hearing	Historic Character	10/23/2013	185-174; 289-310
PC Public Hearing	Neighborhoods & Recommendation to CC	11/6/2013	312-430
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

Planning Commission Staff Report



Subject: 115 Sampson Avenue Plat
Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-13-02035
Date: October 9, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 115 Sampson Avenue Subdivision, located at the same address, 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: Silver Potato LLC (Nancy Bronstein), represented by Steve Schueler, Alliance Engineering, Inc.
Location: 115 Sampson Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Single-family residential, vacation rentals
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey.

There is an existing historic home on the property identified as Significant on the City's Historic Sites Inventory (HSI) that straddles the lot line between Lots 6, 7, 53, and 54. There are also two (2) accessory sheds that were not identified as historic on Lot 6; a third non-historic shed is located on Lot 53. The applicant wishes to combine the lots in order to sell the property upon completion of the plat amendment.

The Building Department issued a Notice and Order to Repair and Vacate the building on October 13, 2010. At that time, the Planning Department approved a plan to mothball the building. Nevertheless, the Building Department was forced to issue a second Notice and Order on the structure on April 10, 2013, due to its deteriorating and hazardous condition.

A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. At that time, the applicants expressed an interest in

reconstructing the building and adding a small addition. The Planning Department has received no further contact from the applicants or their representative since May to review these construction plans.

The historic structure is in significant disrepair and would likely qualify for panelization or reconstruction. The site may be cleared following the recording of a preservation plan and securing a financial guarantee for the reconstruction of the historic structure, which satisfies the Notice and Order; however, no reconstruction may occur prior to the recording of the plat amendment to eliminate interior lot lines.

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 the new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

The 115 Sampson Avenue property is listed on the Historic Sites Inventory (HSI) as a Significant site which includes a small Mining era home constructed in 1904. The two-story frame pyramid house has had minor alterations, including new aluminum windows and doors, and is not eligible for the National Register of Historic Places. Though the general form of the structure is intact, the house has lost much of its integrity due to the introduction of aluminum siding, faux stone veneer, and several rear additions. The changes to the exterior materials and windows are significant and diminish the site's original character.

The 2008 Historic Sites Inventory (HSI) form noted that the structure was in fair condition due to the deteriorating roof and siding materials. The 2010 Notice and Order determined that the structure suffered from water damage. Following the 2010 Notice and Order, the applicant submitted a physical conditions report documenting additional defects such as a failing retaining wall, dilapidated sheds, corroded standing seam metal roof, worn aluminum siding, a root cellar held together by railroad ties and stacked stone, failing porch, as well as outdated mechanical and electrical systems. Following the submission of the Physical Conditions Report, the Planning Department approved the mothballing of the house.

Despite securing entrances to the building through the mothballing process, the severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.

On May 1, 2013, the Design Review Team (DRT) met with the applicants' representative, to discuss the potential redevelopment of the property. At that time, the applicants expressed an interest in reconstructing the building and adding a small addition. Due to the failing condition of the historic structure, the structure would likely qualify for panelization or even reconstruction. Per LMC 15-11-14(A)(4), panelization can only be approved if the Planning Director and Chief Building Official determine that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly. Similarly, reconstruction may only occur if the Chief Building Official has found the structure to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code.

The Planning Department has received no further information from the applicants or their representative since May to review these construction plans; however, the applicants also may not move forward with an HDDR application to reconstruct the historic structure until a plat amendment has been recorded. Once a financial guarantee has been secured and the Preservation Plan has been recorded with Summit County, the applicant may clear the site. At this time, the Notice and Order is still active.

The plat application was submitted to the Planning Department on August 15, 2013. The application was deemed complete on August 28, 2013. The Planning Director made a determination as to the allowed setbacks due to the unusual lot configuration on September 16, 2013.

Analysis

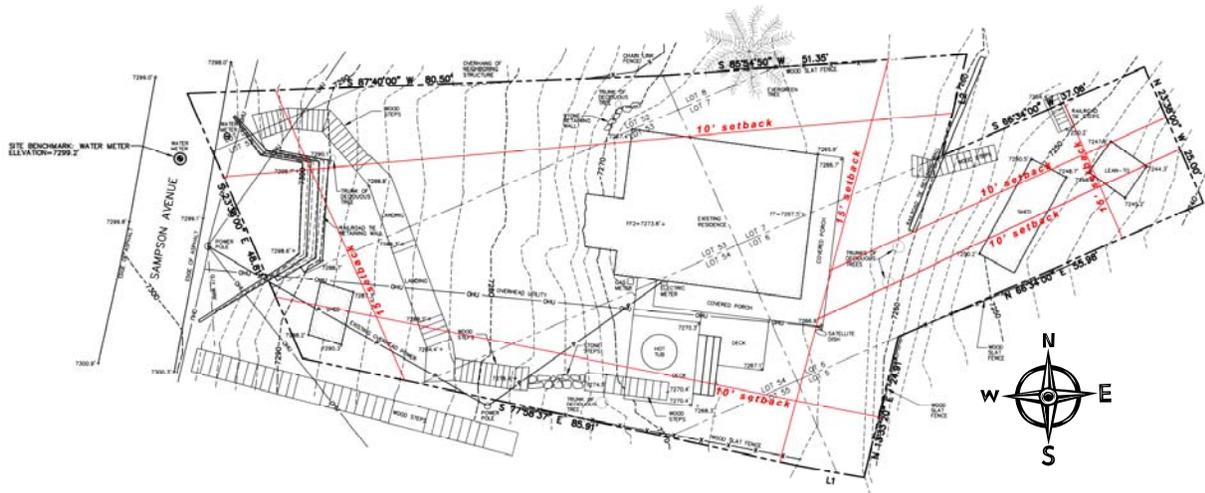
The house currently straddles the lot line between Lots 6, 7, 53, and 54 of the Park City Survey. Two (2) non-historic sheds are located within Lot 6. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which are subject to Planning Department review.

Prior to recording the plat amendment, the applicant will also be required to resolve any encroachments that currently exist on the site. At this time, a railroad tie retaining wall along Sampson Avenue encroaches approximately twelve feet (12') southwest of the west property line. A second railroad tie retaining wall runs north east along the east property line and approximately seventeen feet (17') into the neighboring property to the north. There is also a wood slat fence that sits on and over the south property line. In the northeast corner of the site, railroad tie steps lead into the neighboring property to the north as well.

Per LMC 15-2.2-3(A) In the case of unusual lot configurations, such as this, Lot width measurements shall be determined by the Planning Director. The following table shows the setbacks set by the Planning Director.

	HR-1 Zone Designations	Planning Director Determination	Existing Conditions
Lot Size	Greater than 1,875 SF	N/A	7,692 SF
Maximum Building Footprint	2,496.28 SF	N/A	1,055.7 SF = House (831.7) and 3 Sheds (53.36+48.1+122.61)
Maximum Height	27 ft/3 stories	N/A	
North Side yard Setback	10 ft	10 ft	8'9" (House), complies (historic)
South Side yard Setback	10 ft	10 ft	27'6" (House); 2'6" (Shed) does not comply; 3'9" (Shed) complies
Front Yard Setback	15 ft	15 ft	57' (House) complies, 2'6" (Shed) does not comply
Rear Yard Setback	15 ft	15 ft	17'6" (House), complies; 6'3" (Shed) complies

Because of the unusual lot configuration, the chart below shows the setbacks determined by the Planning Director for clarification:



Given the setbacks determined the Planning Director the overall building pad of the site will be approximately 3,330 square feet. Based on the building footprint formula, the allowable footprint will be 2,496.28. Given the 831.7 square feet footprint of the house, the lot could accommodate an addition of 1,664.58 square feet if the sheds were

removed. If the sheds were not removed, an addition of 1,440.58 square feet could be constructed. Additionally, the placement of the house on the lot and its orientation would limit the size of the addition given that the new structure would have to be located to the west of the historic structure. (The structure's façade faces east towards the City, rather than west towards Sampson Avenue.)

The average lot size on Sampson Avenue is 6,237.5 square feet. At 7,692 square feet, 115 Sampson is larger than the average lot size. The largest lot size is 11,444 square feet at 40 Sampson Avenue, and the smallest are 3,750 square feet at 133 and 145 Sampson. 115 Sampson would be one of the larger plat amendments in the neighborhood.

The average footprint for structures on Sampson is 2,162.29. The largest allowable footprint is 3,007.94 square feet at 40 Sampson Avenue and the smallest are 1,518.75 square feet at 133 and 145 Sampson Avenue. The allowable footprint for 115 Sampson Avenue will be 2,496.28.

Per LMC 15-2.2-4, historic structures that do not comply with Building Setbacks, Off-street parking, and driveway location standards are valid Complying Structures. Any new additions, however, will have to comply with Building Setbacks, building footprint, driveway location standards, and building height. Staff finds that the existing historic structure is a valid complying structure.

An addition would be permissible to be added to the west of the historic structure. Staff finds that traditionally the house faced town, and so the east elevation is the façade or front of the building. The rear addition would have to be added with a transition element, or connector, in order to differentiate the new from the old.

Though the size of the site would permit a sizeable addition, the placement of the historic structure on the site makes such an addition difficult due to the setback requirements. The location of the historic structure could be relocated, if the following criteria outlined in LMC 15-11-13(A) are met:

- (1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (2) The Planning Director and Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing site; or
- (3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

At this time, no determination has been made to relocate and/or re-orientate the historic structure, nor would such a determination be made to exclusively accommodate new development.

Any addition to the historic structure will need to be approved through a Historic District Design Review (HDDR) to ensure that it complies with the 2009 Design Guidelines for Historic Sites and Structures. The addition will need to be visually subordinate to the historic building as well as be visually separated from the historic building with a

transitional element. Aside from an HDDR and Building Permit, if the applicant wishes to add an addition to the house, they will likely be required to submit a Steep Slope Conditional Use Permit (CUP) due to the steepness of the existing grade.

It would be permissible to demolish the three (3) non-historic sheds located on the property; the total square footage of the sheds' footprints is roughly 224 square feet.

The southeast corner of Lot 52 contains a portion of Sampson Avenue. The portion that includes the street will be dedicated to the City during this plat amendment. The street dedication shall be noted on the recorded plat.

Good Cause

Planning Staff believes there is good cause for the application. Combining the Lots will allow the property owner to move forward with site improvements, which include stabilizing and repairing or reconstructing the historic structure. The plat amendment is necessary in order for the applicants to utilize future plans, and if left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the historic structure straddling interior lot lines. The plat amendment will utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along Sampson Avenue, as well as a street dedication for the portion of Lot 51 that contains Sampson Avenue. Furthermore, the plat amendment will resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with an addition or necessary repairs and/or reconstruction until the plat amendment has been recorded.

Process

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 additional issues were raised regarding the subdivision.

Notice

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

Public Input

No public input has been received.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 115 Sampson Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 115 Sampson Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 115 Sampson Avenue Plat Amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and fragments of eight (8) existing lots would not be adjoined. Any additions to the historic house would not be permissible as they would encroach over interior property lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 115 Sampson Avenue Subdivision, 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 Survey
- Exhibit C – Vicinity Map/Aerial Photograph
- Exhibit D – Existing Conditions Survey with setbacks
- Exhibit E – Planning Director Determination Letter

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 13-

AN ORDINANCE APPROVING THE 115 SAMPSON AVENUE SUBDIVISION LOCATED AT 115 SAMPSON AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 115 Sampson Avenue, has petitioned the City Council for approval of the plat amendment known as 115 Sampson Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 9, 2013 to receive input on the proposed subdivision;

WHEREAS, on October 9, 2013 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 24, 2013 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 115 Sampson Avenue Subdivision plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 115 Sampson Avenue 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 property is located at 115 Sampson Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine portions of eight (8) Old Town lots into one Parcel. Currently the property includes Old Town Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The amended plat will create one new 7,692 square foot lot.

5. The existing historic home is listed as “Significant” on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.
6. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure.
7. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. The rear of the structure is the west elevation, facing Sampson Avenue. The façade faces east.
9. The maximum building footprint allowed is 2,496.28 per the HR-1 LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is 224 square feet. This would allow a maximum footprint addition of 1,330.38 square feet; however, the setbacks determined by the Planning Director would limit the available buildable area.
10. Per LMC 15-2.2-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10’) side yard setback along the north property line as it is only eight feet nine inches (8’9”) from the property line.
11. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder’s office.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. One (1) 10 foot (10') wide public snow storage easements is required along the street frontage of the lot along Sampson Avenue.
6. The applicant shall dedicate the portion of Lot 51 that includes Sampson Avenue to the City as well.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

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

PASSED AND ADOPTED this ____ day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE



I, John Demonicus, certify that I am a Registered Land Surveyor and that I hold Certificate No. 15449, as prescribed by the laws of the State of Utah, and that by this certificate I am authorized to perform the duties of a land surveyor in the SAMPSON AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

ALL OF LOT 6 AND PART OF LOTS 5, 7, 8, 51, 52, 53, 54 AND 55, ALL IN BLOCK 78 OF THE MILLIEE RESERVATION TO PARK CITY, Summit County, Utah, being more particularly described as follows:

Beginning at a point which is, or which is within North 80°45'47" West 83.02 feet from the point on the common lot line of said Lot 8 and 52; thence South 85°54'56" West 51.35 feet to a point on the common lot line of said Lot 8 and 52; thence South 87°40'00" West 80.50 feet to the intersection of the northwesterly line of said Lot 6 and the northwesterly line of the common lot line of said Lot 8 and 52; thence South 87°40'00" West 48.81 feet to the intersection of the northwesterly line of said Lot 6 and the northwesterly line of the common lot line of said Lot 8 and 52; thence South 80°02'00" East 11.00 feet; thence North 23°38'00" West 25.00 feet to the northwestern corner of said Lot 6; thence South 68°34'00" West 25.00 feet to the northwestern corner of said Lot 6; thence South 13°35'20" West 51.35 feet to the northwestern corner of said Lot 6; thence North 13°35'20" East 17.29 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

NOW ALL MEN BY THESE PRESENTS that Silver Pointe, LLC, a Utah Limited Liability Company, known hereafter as SILVER POINTE, LLC, does hereby certify that she owns and has the right to convey the above described tract of land, and that she has approved and consented to the recording of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2013.

_____, Member

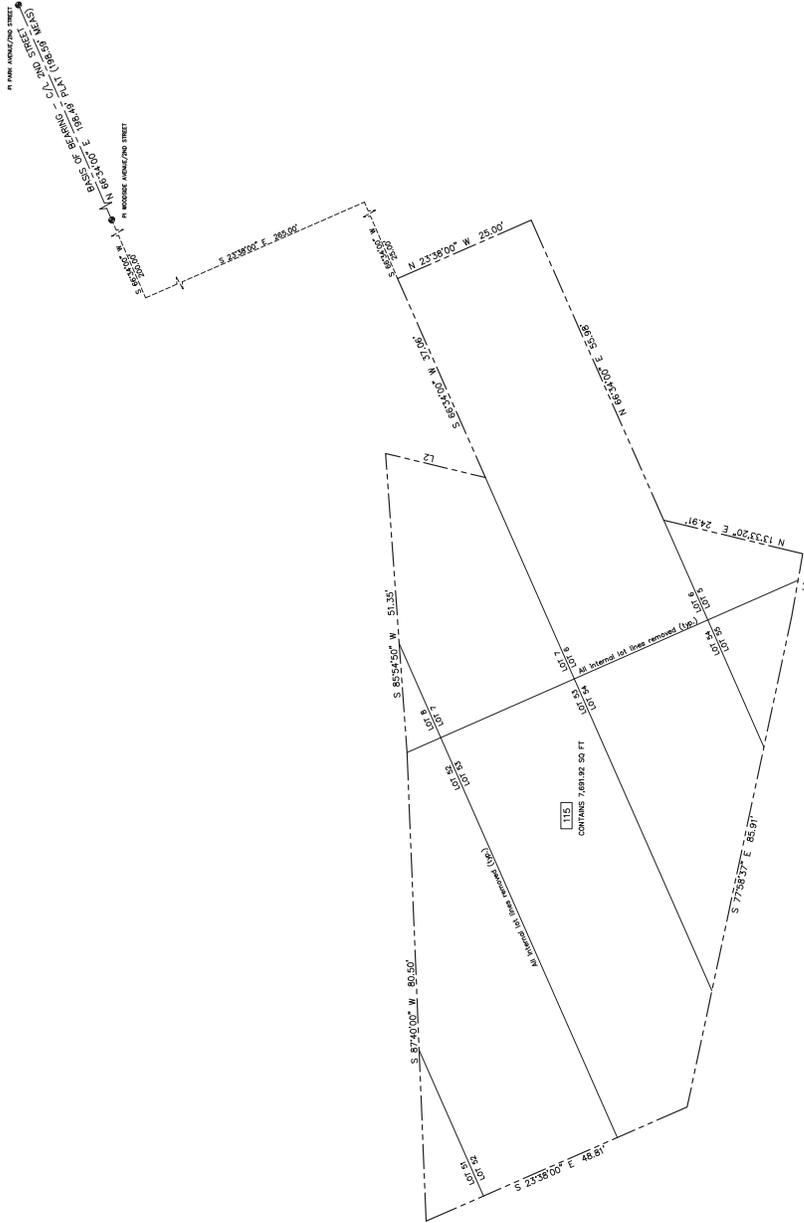
ACKNOWLEDGMENT

State of _____, County of _____, 2013.

On this _____ day of _____, 2013, _____, the undersigned Notary Public, and for said state and county. Having been duly sworn, _____ acknowledged to me that she is the 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

Printed Name _____
Residing in: _____
My commission expires: _____



- LEGEND
- Found survey monument
 - Property corners were set or found. See recorded survey # S-4746.
 - Set 5/8" iron #100, ALLIANCE ENGINEERS 15449
 - Found nails & cap

A PARCEL COMBINATION PLAT
A COMBINATION OF ALL OF LOT 6 AND PORTIONS OF LOTS 5, 7, 8, 51-55 OF BLOCK 78
115 SAMPSON AVENUE SUBDIVISION

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

FILE: \\parkcity\Survey\15449\15449\2013\020713.dwg
SHEET 1 OF 1



<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____</p> <p>ENTRY NO. _____ FEE _____ RECORDER _____</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS FILED IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY RECORDER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ATTORNEY</p>	<p>ENGINEER'S CERTIFICATE AND THIS PLAN TO BE IN ACCORDANCE WITH THE STANDARD PRACTICES AND SPECIFICATIONS FOR SURVEYING AS SET FORTH IN THE UTAH PRACTICE ACT, AS AMENDED, AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D. BY _____ CHAIR</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D. BY _____ CHAIR</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D. BY _____ S.B.W.R.D.</p>
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(435) 646-4487

 ALLIANCE ENGINEERS
 322 Main Street, P.O. Box 2088, Park City, Utah 84060-2088

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered land surveyor in the State of Utah. I have personally supervised the work of the surveyors who have prepared the map shown hereunder, and I have been made under my direction of the lands shown and described hereon. I have also personally supervised the construction of the representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmarks: Water meter in Sampson Avenue
Elevation=7299.2'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on July 24, 1998 and updated on July 28, 2006 and November 16, 2007.
4. See recorded survey S-6748.

LINE	BEARING	DISTANCE
1,2	S 103°32'00" E	17.330'
3,4	S 103°32'00" E	17.330'



CRISTINA ANDERSON LAND PLANNING SURVEYORS
227 West Street, P.O. Box 1984 Park City, Utah 84302-1984

STAFF:
MARSHALL KING
BLAKE WITERS
CRIP TONGUE

DATE: 1/17/08

EXISTING CONDITIONS
115 SAMPSON AVENUE
BLOCK 78, PARK CITY SURVEY
FOR: GERMAINE PARTNERS
JOB NO.: 3-1-08
FILE: X:\ParkCitySurvey\org\lrv\hsq2008\030108.dwg

SHEET
1
OF
1



500 FOOT EXHIBIT
100' 0 100' 200'



10 SCALE SITE PLAN
10' 0 10' 20'

115 SAMPSON AVENUE

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4, EAST SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



	STAFF: MARSHALL KING SITE SUNDLER	ORTHO-PHOTOS 115 SAMPSON AVE PARK CITY SURVEY	SHEET 1 OF 1
	DATE: 7/23/13	FOR: NANCY BRONSTEIN JOB NO.: 2-7-13 FILE: \\ParkCity\Survey\dwg\user\jacob2013\020713.dwg	

SURVEYOR'S CERTIFICATE

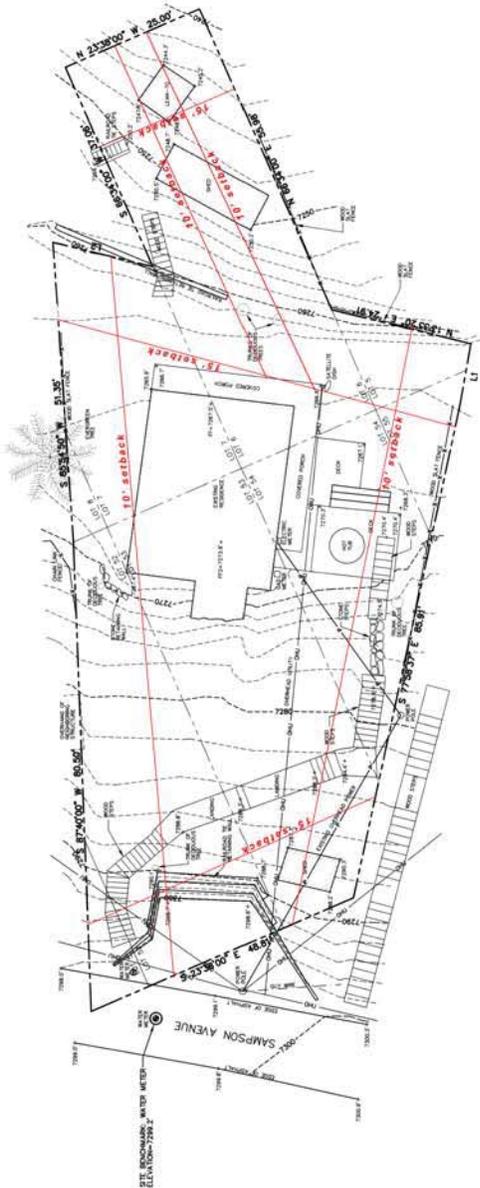
I, John Demianczak, do hereby certify that I am a registered land surveyor in the State of Utah. I have not been disbarred or suspended under the laws of the State of Utah. Further, no matter what proceedings may have been made under my direction of the lands shown and described herein, I have not been convicted of any crime involving dishonesty, fraud, or misfeasance in the performance of my duties. The accompanying map is a true and correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Water meter in Sampson Avenue
Elevation=7299.2'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
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4. See recorded survey S-8748.

LINE	BEARING	DISTANCE
1-2	N 103°32'00" E	17.330'
2-3	S 10°00'00" E	17.330'



STATE: UTAH
 SURVEYOR: MARSHALL KING
 BLAKE WITKE
 CRIP TOMMSEN
 DATE: 1/17/08

EXISTING CONDITIONS
 115 SAMPSON AVENUE
 BLOCK 78, PARK CITY SURVEY
 FOR: GERMAINE PARTNERS
 JOB NO.: 3-1-08
 FILE: K:\ParkCitySurvey\img\map2008\030108.dwg

SHEET 1 OF 1



September 16, 2013

Alliance Engineering, Inc.
C/O Steve Schueler
323 Main Street
Park City, UT 84060

Silver Potato LLC
Attn: Nancy Bronstein
25 East End Avenue
New York, NY 10025

Re: Setback Determination
Property Address: 115 Sampson Avenue
PL-13-02035

Steve:

Thank you for submitting your application for a plat amendment for the property at 115 Sampson Avenue, on behalf of property owner Silver Potato LLC. As you are aware, any lot with more than four sides is considered an "Unusual Lot Configuration" by definition of the Park City Land Management Code (LMC). As required by Section 15-4-17 (Setback Requirements for Unusual Lot Configurations) of the LMC, the Planning Director makes the determination as to the allowed setbacks for all unusual lot configurations. More specifically §15-4-17(B) "Lots with more than four (4) sides..." applies to this particular lot due to the fact that it has eight (8) sides. I have reviewed your parcel, and I have made the following determination as to the allowed setbacks for all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, and 55 of Block 78 of the Park City Survey:

1. Front Yard - 15 feet
2. Side Yard south property line (see redlines) – 10 feet
3. Side Yard north property line (see redlines)– 10 feet
4. Rear Yard – 15 feet
5. Side yard south property line, along Lot 6 (see redlines)—10 feet
6. Side yard north property line, along Lot 6 (see redlines) –10 feet
7. Rear yard east property line, along Lot 6 (see redlines)—15 feet

Attached hereto are redlined plans indicating the aforementioned setbacks.

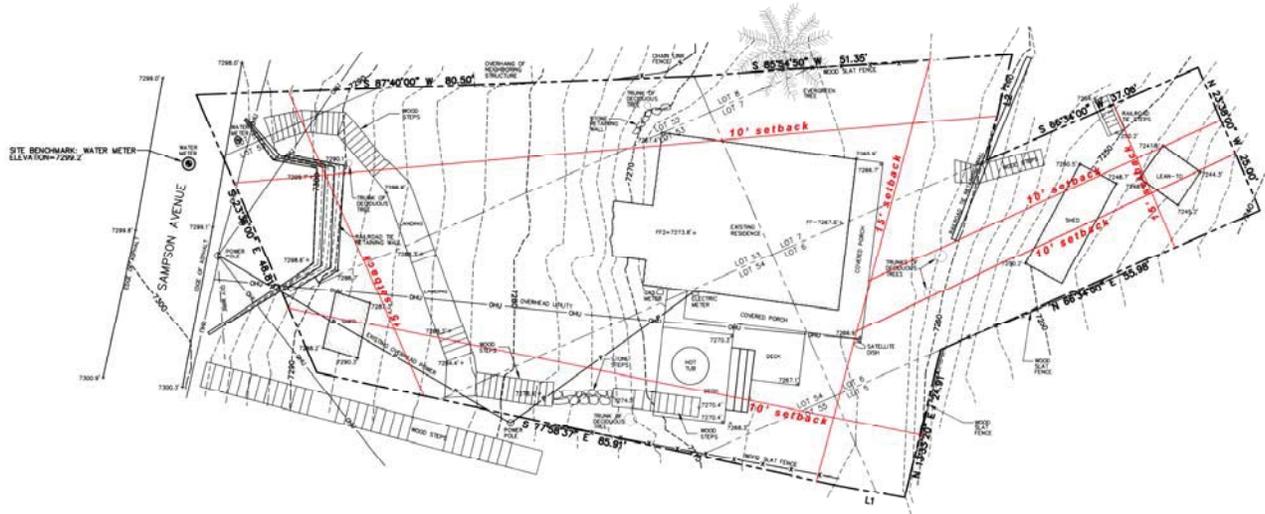


Illustration Only – Not to Scale

Please note that adherence to all other applicable regulations (steep-slope conditional use permit, design guidelines, etc.) also apply. If you have any questions regarding these setback determinations please feel free to contact me at (435) 615-5008.

Sincerely,

Thomas E. Eddington Jr., AICP, LLA
Planning Director

CC: Anya Grahn

Planning Commission Staff Report



Subject: 1134 Lowell Avenue
Project #: PL-13-02012
Author: Kirsten Whetstone, MS, AICP
Date: October 9, 2013
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 1134 Lowell Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Derek Nordeen, Owner
Architect: John Sparano, Sparano and Mooney Architect
Location: 1134 Lowell Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family and duplexes
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single family home containing 2,163 square feet (sf) (excluding the 267 sf single car garage) on a vacant 1,875 sf lot located at 1134 Lowell Avenue. The total floor area exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

Background

On August 1, 2013, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 1134 Lowell Avenue. The application was deemed complete on August 8, 2013. The property is located in the Historic Residential (HR-1) District.

This application is a request for a Conditional Use Permit for construction of a new single family dwelling on a platted lot of record. The property is described as Lot 27, Block 27 of the Snyder's Addition to the Park City Survey. The lot is a standard 25' by 75' Old Town lot and contains 1,875 sf of lot area.

Because the total proposed structure is greater than 1,000 sf, and construction is proposed on an area of the lot that has a thirty percent (30%) or greater slope, the applicant is required to file a Conditional Use Permit (CUP) application. The CUP is required to be reviewed by the Planning Commission, pursuant to LMC § 15-2.2-6, prior to issuance of a building permit.

The lot is a vacant, platted lot with existing grasses and little other vegetation. The lot is located between two existing non-historic single family homes and is located across from a large duplex on Lowell Avenue. There is also a duplex structure located on the adjacent lot to the east (rear yard), on Empire Avenue. There are no existing structures or foundations on the lot and no encroachments onto the property from adjacent properties. There are no historic structures located on Lowell Avenue. There are historic structures on Empire located within two hundred (200') feet of the property. Access to the lot is from Lowell Avenue. This is a downhill lot. Utility services are available for this lot.

A Historic District Design Review (HDDR) application was reviewed concurrently with this application and found to be in compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. Staff reviewed several iterations of the design. The final design is included as Exhibit A.

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.

Analysis

The proposed house contains a total of 2,163 sf of floor area, excluding the 267 sf single car garage proposed on the lowest level. The proposed building footprint is 840 square feet. The 1,875 sf lot size allows a building footprint of 844 sf. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of ten feet (10') from the lower façade as required by the Land Management Code. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 sf	1,875 sf, <u>complies.</u>
Building Footprint	844 square feet (based on lot area) <u>maximum</u>	833 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (20 feet total)	10 feet (front) to entry and 18 feet (front) to garage, <u>complies.</u> 10 feet (rear), <u>complies.</u>
Side Yard	3 feet minimum	3' on each side <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a single car garage on a downhill lot	27 feet at northeast corner, 25 feet or less for 75% of the roof, <u>complies.</u> 25 feet or less for the single car garage area, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	3 stories, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 48" (4 feet) with much of the difference less than 36", <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for the third story	The upper floor contains a ten (10') foot horizontal step back from the lower façade, <u>complies.</u>
Roof Pitch	Flat roofs are permitted and must be "green" planted roofs.	The roof is a flat, planted green roof. There is no access to the roof and no roof top terrace, <u>complies.</u>
Parking	Two (2) off-street parking spaces required	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions. <u>complies.</u>

LMC § 15-2.2-6 requires a Conditional Use permit for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sf) of floor area, including the garage, and stipulates that the Conditional Use permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

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

The proposed single family house is located on a platted lot of record in a manner that reduces the visual and environmental impacts of the Structure. The foundation is stepped with the grade and the amount of excavation is reduced. The proposed footprint is less than that allowed for the lot area, setbacks are complied with, and over all height is less than allowable.

Criteria 2: Visual Analysis.

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

The applicant submitted a photographic visual analysis, including a “cross canyon view”, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, smaller in scale and mass than surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated with architectural stepping, stepped retaining walls, minimized excavation, and the low profile green roof. Additionally, the garage door is located approximately 28 feet back from the edge of street.

Criteria 3: Access.

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

The proposed design incorporates a relatively level driveway from Lowell Avenue to the single car garage. Grading is minimized for both the driveway and the stepped foundation. Due to the 30% slope and narrow lot width a side access garage would not minimize grading and would require a massive retaining wall. The proposed driveway has a slope of less than 5.5%. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

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

The lot has a steeper grade at the front property line than through the central portion and also at the rear due to previous removal of material (by a previous owner) to create a more level rear yard for a neighboring house. The overall slope is 32% across the length of the lot. The foundation is terraced to regain Natural Grade without exceeding the allowed four (4') foot of difference between final and existing grade. Stepped low retaining walls are proposed on the sides at the front portion of the lot to regain Natural Grade and to create the driveway, front porch, and rear patio area. New retaining walls

will not exceed six feet (6') in height, with the majority of the walls less than four feet (4').

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide an increased front setback area in front of the garage. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. A front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants, similar to those proposed for the green roof.

Criteria 6: Building Form and Scale.

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

The house steps with the grade and is broken into a series of smaller components that are compatible and consistent with the pattern in the District and surrounding structures. The garage is subordinate in design in that it is recessed from the entry and set back beneath a second story roof element and third story deck, in addition to the use of compatible siding materials that reduce the visual impacts of the garage door. This both decreases the visibility of the garage and decreases the perceived bulk of the house. Horizontal stepping, as required by the LMC, also decreases the perceived bulk as viewed from the street. The flat roof, architectural articulation and detailing, and massing broken into smaller components, contributes to the smaller scale and bulk of the overall structure in a manner that is compatible with historic structures in the District.

Though very modern in its interpretation, staff finds that the structure complies with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture should be selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood.

Criteria 7: Setbacks.

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

Front setbacks are increased as the garage portion of the house is setback 18 feet from the property line and nearly 28 feet from the edge of the street, to accommodate the code required parking space entirely on the lot. The entry area is moved forward to the 10 foot setback area (approximately 20 feet from the edge of the street). Side setbacks are consistent with the pattern of development and separation in the neighborhood. The low profile roof and overall reduced mass of the design does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with increased setbacks from 10’ for lower level, 13’ for middle level, and 20’ for upper level.

Criteria 8: Dwelling Volume.

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

The proposed house is both horizontally and vertically articulated and broken into compatible massing components that reduce the overall bulk and volume of the structure. The design includes setback variations and a low profile green roof, as well as lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and existing historic structures. The building volume is not maxed out in terms of footprint, height, or potential floor area.

Criteria 9: Building Height (Steep Slope).

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

The proposed structure complies with the 27 feet maximum building height requirement measured from existing grade. The tallest portion of the house at the northeast corner is 27 feet with much of the house at 25 feet or less from existing grade. Overall the proposed height is less than the allowed height. While a 35 foot height is allowed for the garage on a downhill lot, this design proposes a maximum of 25 feet for the garage area, due to the flat roof.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application was noticed separately.

Department Review

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

Notice

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

Public Input

No input has been received regarding the Steep Slope CUP. Public comment was provided regarding the Design Review with comments regarding the contemporary design and flat green roofs.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 1134 Lowell Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date certain (November 6th) or a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that contains native grasses and shrubs. A storm water management plan will be required to handle storm water run-off at historic release rates.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 1134 Lowell Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact

1. The property is located at 1134 Lowell Avenue.
2. The property is described as Lot 27, Block 27 of the Snyder's Addition to the Park City Survey. The lot is a standard 25' by 75' "Old Town" lot and contains 1,875 sf of

- lot area. The allowable building footprint is 844 sf for a lot of this size.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
 4. The property is located in the HR-1 zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
 5. Access to the property is from Lowell Avenue, a public street. The lot is a downhill lot.
 6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
 7. The neighborhood is characterized by primarily non-historic single family and duplex houses. There are historic structures on Empire Avenue, the street to the east of Lowell Avenue.
 8. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.
 9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
 10. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots.
 11. The proposed design is for a three (3) story, single family dwelling consisting of 2,171 square feet of living area (excludes the 247 sf single car garage) with a proposed building footprint of 840 sf.
 12. The driveway is proposed to be a maximum of 12 feet in width and 28 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').
 13. The proposed structure complies with all setbacks.
 14. The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the three (3) story house measuring less than 25 feet in height from existing grade and the design includes a 10 foot step back on the third (3rd) story.
 15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.
 16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. Though modern, the architectural style is a contemporary interpretation and complements the scale of historic buildings in Park City. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Lowell Avenue.
 17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the

Design Guidelines and is consistent with the pattern established on the downhill side of Lowell Avenue.

18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.
19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.
20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.
22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
24. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade and the highest portion is less than 25' from existing grade. Portions of the house are less than 25' in height.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the north from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north.
7. This approval will expire on October 9, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design. The upper level rear façade shall be articulated and setback from the lower level façade by a minimum of ten feet, with a minimum setback to the rear property line of twenty feet, according requirements of the Land Management Code in effect at the time of building permit issuance.
9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
11. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.
12. The Building permit application plans shall provide complete details regarding the Green Roof, including construction, plantings, irrigation, and maintenance. Maintenance of the green roof shall be in compliance with the City's municipal weed ordinance.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

Exhibits

Exhibit A- Plans (existing conditions, site plan, elevations, floor plans)

Exhibit B- Existing Conditions

Exhibit C- Visual Analysis/Streetscape

Exhibit D- Photographs

Exhibit E- Public input from the Design Review

McNeil Engineering - Surveying, L.L.C. 2013 - 12-26

GENERAL NOTES

- 1.1 COMPLIANCE
1. ALL WORK TO CONFORM TO GOVERNING MUNICIPALITY STANDARDS, SPECIFICATIONS AND REQUIREMENTS.
2. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THESE CONTRACT DOCUMENTS AND THE MOST RECENT ADOPTED EDITIONS OF THE FOLLOWING INTERNATIONAL BUILDING CODE, IBC, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL FIRE ALARMS REGULATIONS, APFA MANUAL OF STANDARD PLANS AND SPECIFICATIONS, ADA ACCESSIBILITY GUIDELINES.
1.2 PERMITTING AND INSPECTIONS
1. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED.
1.3 COORDINATION & VERIFICATION
1. ALL UNDERGROUND UTILITIES SHOWN ON THE PLANS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
1.4 SAFETY AND PROTECTION
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION.
1.5 MATERIALS
1. SITE CONCRETE SHALL BE A MINIMUM 8 BAG MIX, 4000 P.S.I. @ 28 DAYS, 4" MAXIMUM SLUMP WITH 1" OR 1 1/2" MAXIMUM FINISH.
1.6 GRADING / SOILS
1. SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT, WHICH BY REFERENCE IS A PART OF THE CONTRACT DOCUMENTS.

GENERAL NOTES: CONTINUED

- 1.7 UTILITIES
1. THE LOCATIONS OF UNDERGROUND FACILITIES SHOWN ON THESE PLANS ARE BASED ON FIELD SURVEYS AND LOCAL UTILITY COMPANY RECORDS.
1.8 SURVEY PROTECTION
1. THE CONTRACTOR MUST PROVIDE A REGISTERED LAND SURVEYOR OR PERSONS UNDER THE SUPERVISION OF A REGISTERED LAND SURVEYOR TO SET STAKES FOR THE ALIGNMENT AND GRADE OF EACH MAIN AND/OR FACILITY AS SHOWN ON THE PLANS.
1.9 AMERICAN DISABILITIES ACT
1. PEDESTRIAN ADA ROUTES SHALL MEET THE FOLLOWING SPECIFICATIONS:
1.10 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.11 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.12 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.13 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.14 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.15 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.16 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.17 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.18 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.19 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE
1.20 CONSTRUCTION OF STORM DRAINAGE AND SEWERAGE

LEGEND

Table with columns for NEW and EXISTING symbols for various utilities and features like MONUMENT LINE, CENTER LINE, SUBJECT PROPERTY LINE, ADJACENT PROPERTY LINE, EASEMENT LINE, DITCH FLOWLINE, FENCE LINE, ALMS CABLE, CABLE TV LINE, COMMUNICATIONS LINE, FIBER OPTIC CABLE, FIRE LINE, NATURAL GAS LINE, IRRIGATION LINE, OVERHEAD POWER LINE, POWER LINE, POWER/COMMUNICATIONS LINE, POWER/TELEPHONE LINE, POWER/TELECOM LINE, ROOF DRAIN LINE, SECONDARY WATER LINE, SANITARY SEWER LINE, STEAM LINE, STORM DRAIN LINE, TELEPHONE LINE, TELEPHONE/COM LINE, UNDERGROUND POWER LINE, WATER LINE, CANTON LINE, CURB & GUTTER (STD), CURB & GUTTER (DUTY/FALL), CONCRETE PAVEMENT, STD. DUTY ASPHALT, HEAVY DUTY ASPHALT.

DRAWING INDEX table with columns SHEET and DESCRIPTION. Rows include C000 CIVIL COVER SHEET, C001 GENERAL NOTES, LEGEND, AND ABBREVIATIONS, C101 GRADING, DRAINAGE, AND UTILITY PLAN, C201 MISCELLANEOUS SITE DETAILS.

ABBREVIATIONS

Table of abbreviations for materials and construction terms. Columns include AC (ACRE), BAC (BAR & CAP), BM (BENCHMARK), CL (CENTERLINE), CONC (CONCRETE), CONC (CONSTRUCTION), COP (CORROGATED METAL PIPE), CP (CONTROL POINT), CUT/D (CUT/DIAGONAL), DIA/D (DIAMETER), E (EAST), ELEV (ELEVATION), EA (EDGE OF ASPHALT), EX (EXISTING), FFE (FINISHED FLOOR ELEVATION), FG (FINISHED GRADE), FT (FEET), GB (GRADE BREAK), HDPE (HIGH DENSITY POLYETHYLENE), HP (HIGH POINT), HW (HIGH WATER), HWY (HIGHWAY), IN (INVERT ELEVATION), IRR (IRRIGATION), LF (LINEAR FEET), LCP (LOWPOINT), MAK (MANHOLE), MAN (MANHOLE), MONT (MOUNTAIN), N (NORTH), NTS (NOT TO SCALE), OCG (ORIGINAL GROUND), OHC (OVERHEAD POWER), P (PROPERTY LINE), PC (POINT OF CURVATURE), POC (POINT OF COMPOUND CURVE), PI (POINT OF INTERSECTION), PFC (POINT OF FIDUCIARY), PFC (POINT OF COMBINATION), PWR (POWER), PVC (POLYVINYL CHLORIDE PIPE), R (RANGE), RCP (REINFORCED CONCRETE PIPE), RD (ROOF DRAIN), REV (REVISION), ROW (RIGHT-OF-WAY), SOUTH, SAD (SEE ARCHITECTURAL DRAWINGS), SW (WATER), SEC. (SECTION), SPEC (SPECIFICATIONS), SLM (SALT LAKE BASE & MERIDIAN), SQ (SQUARE), SQFT (SQUARE FEET), SQM (SQUARE METER), SS (SANITARY SEWER), STA (STATION), STD (STANDARD), STM (STORM), T (TOWNSHIP), TOP (TOP OF CURB), TOP (TOP OF ASPHALT), TOP (TOP OF CONCRETE), TOS (TOP OF SIDEWALK), TOW (TOP OF WALL TRANSFORMED), UGFP (UNDERGROUND POWER), UNL (UNLESS NOTED OTHERWISE), W (WEST), WW (WATER VOLUME).

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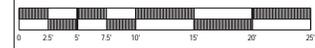
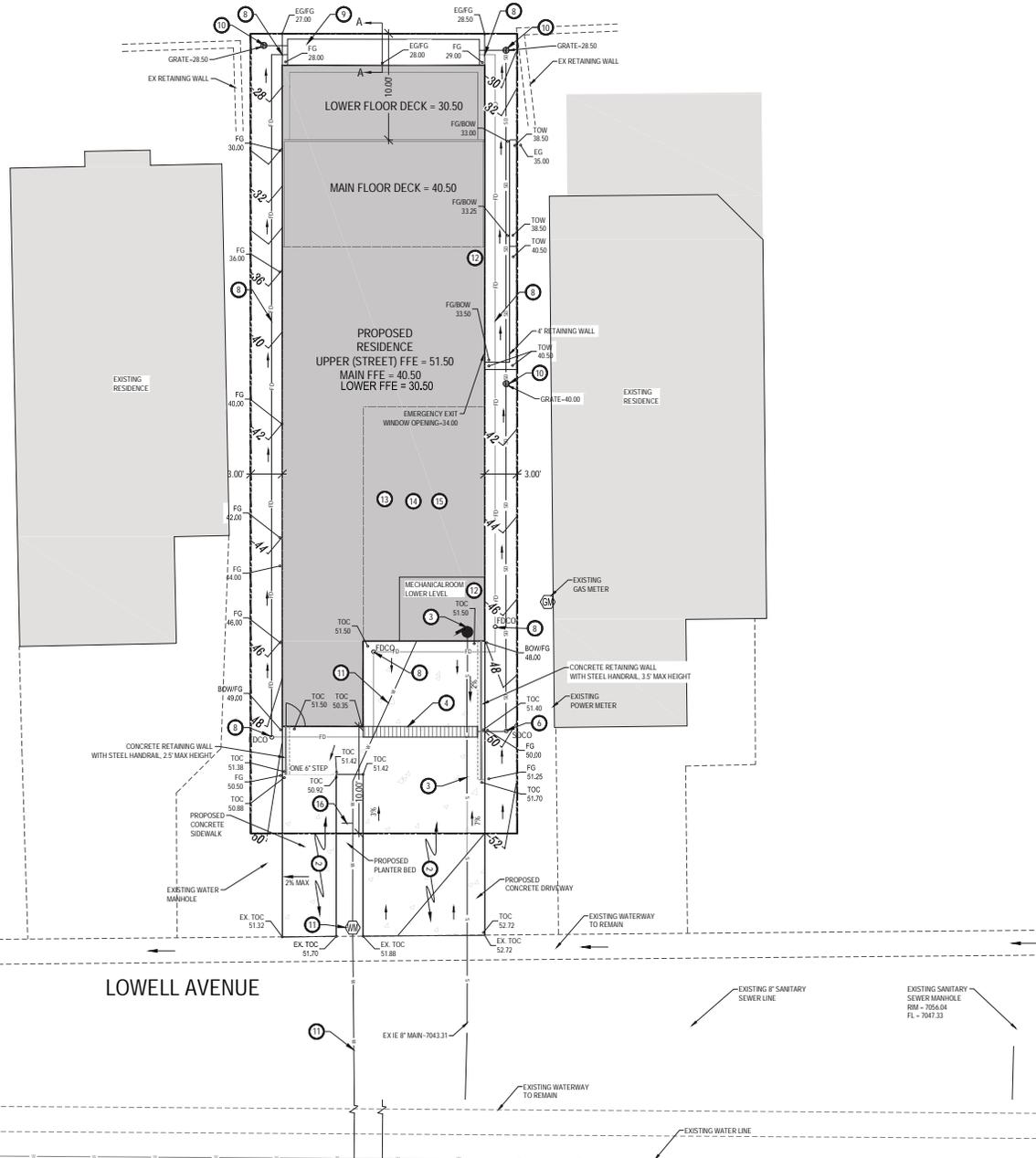
NORDEEN RESIDENCE SPARANO AND MOONEY ARCHITECTURE 1134 PARKWAY AVENUE PARK CITY, UTAH 84301 BUCKEYE, UTAH 84301

REVISIONS table with columns REV, DATE, and DESCRIPTION. Shows a series of revision marks.

PROJECT NUMBER CAD FILE: 13393-PLN DRAWN BY: RJP CHECKED BY: RJP DATE: 7-3-2013

SHEET TITLE GENERAL NOTES, LEGEND, AND ABBREVIATIONS

C0.01 sheet 1 of 3



GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING ALL SOFT, TREES OR UNDESIRABLE MATERIALS AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED IN THE SOILS REPORT. ALL EXCAVATED OR FILLED AREAS SHALL BE COMPACTED TO 90% OF MOISTURE PROCTOR MAXIMUM DENSITY PER ASTM TEST METHOD EXCEPT UNDER BUILDING FOUNDATION WHERE IT SHALL BE 90% MIN. OF MAXIMUM DENSITY. MOISTURE CONTENT AT TIME OF PLACEMENT SHALL NOT EXCEED 2% ABOVE NOR 2% BELOW OPTIMUM. CONTRACTOR SHALL SUBMIT A CONTRACTOR REPORT PREPARED BY A QUALIFIED REGISTERED SOILS ENGINEER, VERIFYING THAT ALL FILLED AREAS AND SURROUNDING AREAS WITHIN THE BUILDING FOOTPRINT AREA AND AREAS TO BE PAVED, HAVE BEEN COMPACTED IN ACCORDANCE WITH THESE PLANS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT.

2. THE CONTRACTOR IS TO USE BEST MANAGEMENT PRACTICES FOR PROVIDING EROSION CONTROL FOR CONSTRUCTION OF THIS PROJECT.

3. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THOSE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF CONTRACTORS FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT.

4. THE CONTRACTOR IS TO COORDINATE ALL UTILITIES WITH MECHANICAL DRAWINGS.

5. ALL NEW WATER CONSTRUCTION TO BE DONE IN ACCORDANCE WITH LOCAL GOVERNING MUNICIPALITY STANDARDS & SPECIFICATIONS.

6. ALL NEW SANITARY SEWER CONSTRUCTION TO BE DONE IN ACCORDANCE WITH LOCAL GOVERNING MUNICIPALITY STANDARDS & SPECIFICATIONS.

7. CONTRACTOR IS TO COORDINATE LOCATIONS OF NEW TELEPHONE SERVICE TO BUILDING WITH QWEST A P/C CONSULT. IF WORKS BACKGROUND AND GROUND WIRE IS REQUIRED FOR SERVICE THROUGH PROPERTY, COORDINATE SIZES AND LOCATION WITH QWEST.

8. CONTRACTOR IS TO SUBMIT SITE PLAN TO QUESTAR GAS FOR DESIGN OF GAS LINE SERVICE TO BUILDING. CONTRACTOR TO COORDINATE WITH QUESTAR GAS FOR CONTRACTOR LIMITS OF WORK VERSUS QUESTAR GAS LIMITS.

9. LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE LOCATIONS. CONTRACTOR IS TO VERIFY CONNECTION POINTS WITH EXISTING UTILITIES. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO EXISTING UTILITIES AND UTILITY STRUCTURE THAT ARE TO REMAIN.

10. UTILITY ASSET TAGS NUMBERS:
 WATER - PARK CITY MUNICIPAL CORPORATION
 SEWER - SMOKEY MOUNTAIN SEWER IMPROVEMENT DISTRICT
 NATURAL GAS - QUESTAR GAS
 ELECTRIC POWER - ROCKY MOUNTAIN POWER
 TELEPHONE - CENTURY LINK

KEYED NOTES:

1. REMOVE RETAIL WAREHOUSE CONNECTION THE FOLLOWING FOR THE SPECIFICATIONS GIVEN OR REFERENCED AND THE DETAILS NOTED AND AS SHOWN ON THE CONSTRUCTION DRAWINGS.

2. GRADE SITE TO ELEVATIONS AND CONTOURS SHOWN ON PLAN.

3. FINISH RE IN ENCONCRETE CONCRETE PAVEMENT WITH UNTREATED BASE COURSE PER DETAIL 'D', SHEET C201.

4. IF P/C FOR SEWER LATERAL @ 2% MIN. INSTALL CLEANOUT OUTSIDE OF BUILDING AS SHOWN, 7' OF COVER MIN. IS REQUIRED UNDER THE DRIVEWAY. SANITARY SEWER PUMP SYSTEM WILL PUMP THE LONELY FLOORS INTO THE 4" SANITARY LATERAL WITHIN THE HOUSE MECHANICAL ROOM. SEE CLEANOUT DETAIL 'D', SHEET C201.

5. 12" TRENCH DRAIN WITH TRAFFIC RATED GRATE, CONNECT TO 4" HIPS STORM DRAIN LINE TO CONDUIT RUNOUT TO GARBAGE GRATE @ 15.34 @ 40.34.

6. CONSTRUCT GREEN ROOF BLOCK SYSTEM ON BUILDING ROOFTOP. SEE ARCHITECTURAL PLANS FOR DETAILS.

7. STORM DRAIN CLEANOUT. SEE DETAIL 'D', SHEET C201.

8. IF HIPS STORM DRAIN LINE, 7' COVER MINIMUM.

9. IF FOUNDATION DRAIN WITH CLEANOUTS AS SHOWN, SEE DETAIL 'D', SHEET C201.

10. 20' DEEP STORM WATER RETENTION TANK. INSTALL 7' MINUS CLEAN WASHED GRAVEL AROUND PERIMETER OF TANK. COVER 2" MIN. BRICKS. WIRE GRATES IN 18" MIN. DRAINAGE PANS TO KEEP SURROUNDING SOIL PARTICLES FROM MIGRATING INTO THE CLEAN WASHED GRAVEL. SEE DETAIL SHEET C201.

11. AREA OF INFILTRATION, 90 S.F. REQUIRED STORAGE 207 C.F. STORAGE CAPACITY 225 C.F.

12. IF AREA DRAIN WITH DEBRIS RESISTANT DOMED GRATE, GRADE LANDSCAPE AREAS TO DRAIN TOWARDS DRAIN.

13. NEW 1 1/2" WATER METER AND TYPE K COPPER SERVICE LATERAL FOR CULINARY WATER AND FIRE SPRINKLER SYSTEM PER PARK CITY MUNICIPAL CORPORATION STANDARDS AND SPECIFICATIONS.

14. CONNECT 2 ROOF DRAIN DOWNPOUTS DIRECTLY TO 4" HIPS STORM DRAIN LINE. CONTRACTOR TO VERIFY POINTS OF CONNECTION WITH ARCHITECTURAL PLANS.

15. NATURAL GAS LINE. CONTRACTOR TO COORDINATE SIZE DESIGN AND INSTALLATION BY QUESTAR GAS WITH OTHER CONSTRUCTION.

16. TELEPHONE LINE. CONTRACTOR TO PROVIDE TRENCHING 30" DEEP X 24" WIDE FOR CENTURY LINK AND PER BACKFILL AS REQUIRED.

17. COORDINATE NEW SERVICE WITH ROCKY MOUNTAIN POWER. CONTRACTOR IS TO SUBMIT SITE PLAN TO ROCKY MOUNTAIN POWER FOR DESIGN OF POWER SERVICE TO BUILDING.

18. IF P/C SITE FOR IRRIGATION CONNECTION, INSTALL STOP AND WASTE AND BACKFLOW PREVENTERS PER PARK CITY STANDARDS AND SPECIFICATIONS.

Call Before You Dig
 1-800-642-4111

NOTICE!
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL BURIED OR ABOVE GROUND UTILITIES SHOWN OR NOT SHOWN ON THE PLANS.

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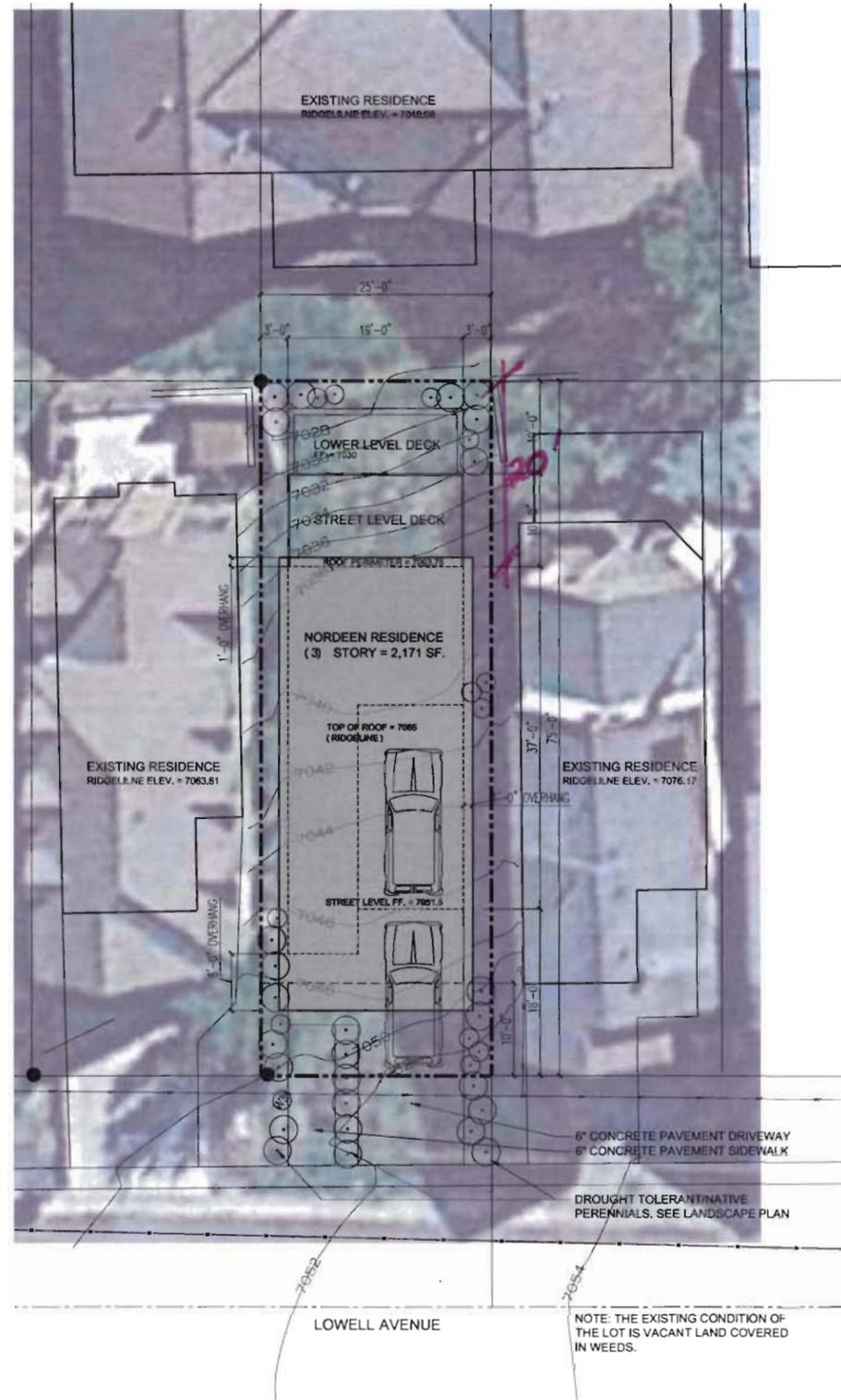
NORDEEN RESIDENCE
SPARANO AND MOONEY ARCHITECTURE
 1134 LOWELL AVENUE
 PARK CITY, UTAH 84301
 866.627.5169

REV.	DATE	DESCRIPTION

PROJECT NUMBER
 CAD DWG FILE 13393-PLN
 DRAWN BY: RJP
 DESIGNED BY: RJP
 FIELD CREW: SURVEYED
 CHECKED BY: RJP
 DATE: 7-3-2013

SHEET TITLE
GRADING, DRAINAGE, AND UTILITY PLAN

C1.01
 SHEET 2 of 3



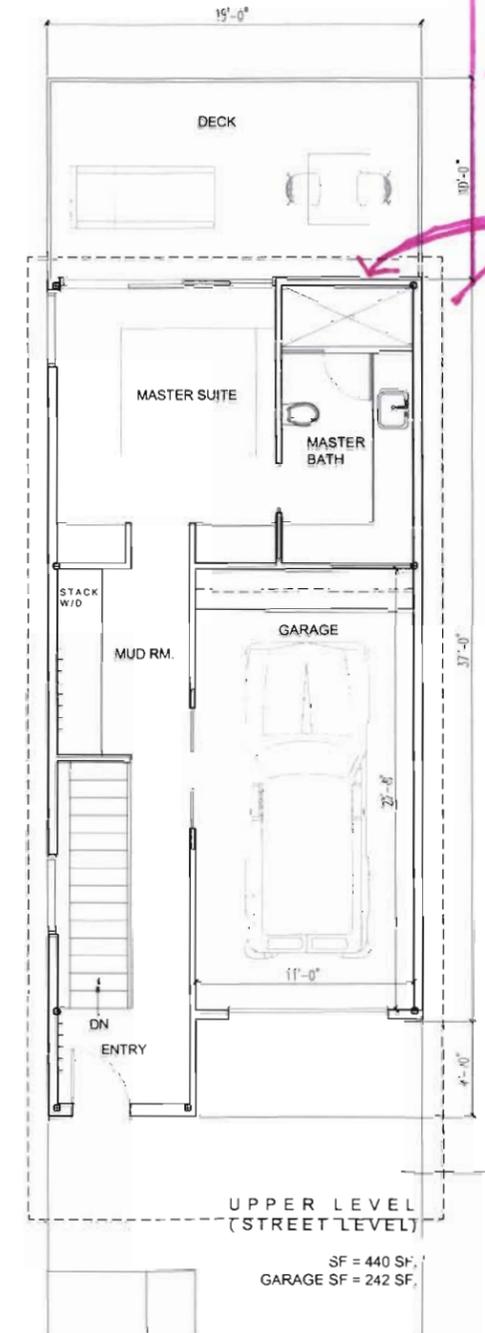
SITE PLAN
SCALE = 1" = 10'-0"



LOWER LEVEL
SF = 745 SF.



MAIN LEVEL
SF = 745 SF.



UPPER LEVEL
(STREET LEVEL)
SF = 440 SF.
GARAGE SF = 242 SF.

SUMMARY
MAX FOOTPRINT = 844 SF
ACTUAL FOOTPRINT = 833 SF

2,342 SF TOTAL MAX ALLOWABLE
ACTUAL = 2,163 SF

P/L

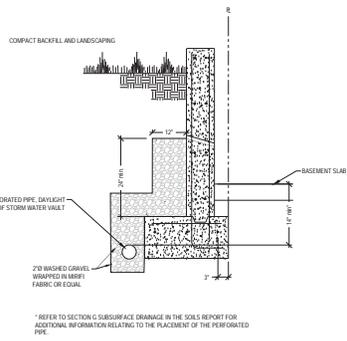
20'

this facade must step back 10' from lower facade per LMC. KAW

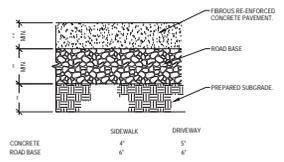
NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

A LEED™ SILVER HOME

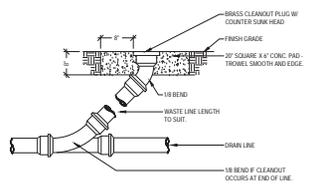




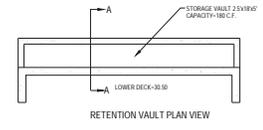
FOUNDATION DRAIN DETAIL (D1)
SCALE: N.T.S.



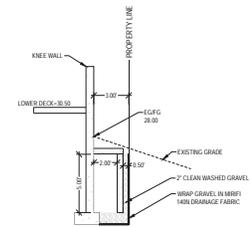
CONCRETE PAVEMENT SECTION (D2)
SCALE: N.T.S.



CLEANOUT DETAIL (D3)
SCALE: N.T.S.



RETENTION VAULT PLAN VIEW



RETENTION VAULT SECTION VIEW

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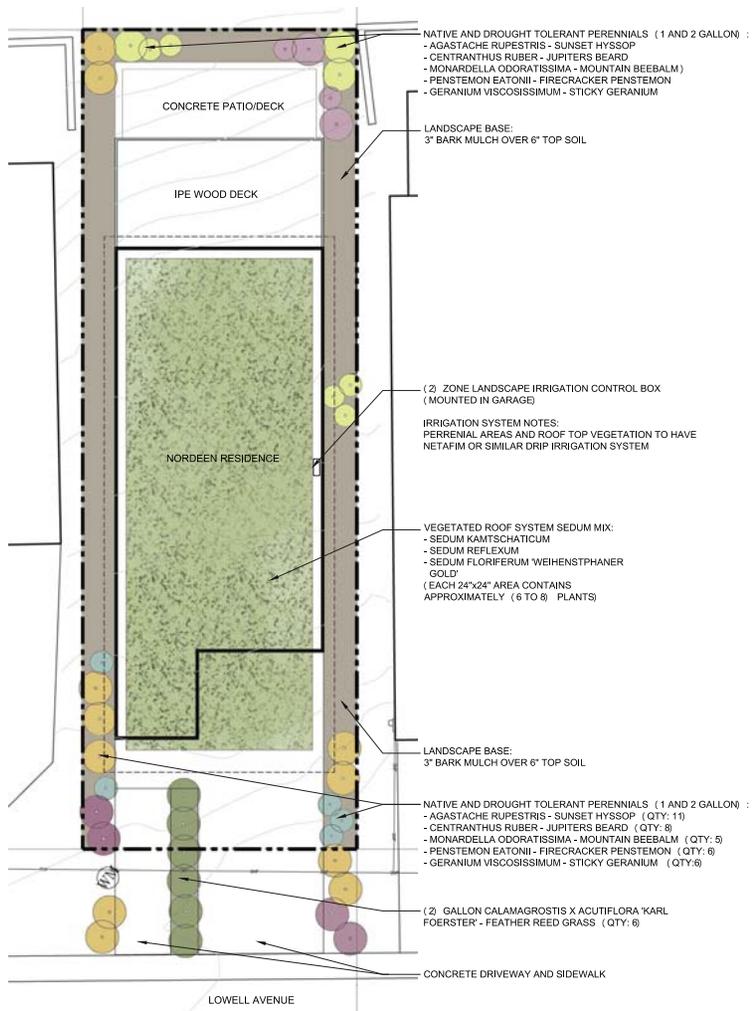
NORDEEN RESIDENCE
SPARANO AND MOONEY ARCHITECTURE
 1134 LOWELL AVENUE
 PARK CITY, UTAH 84300
 BICENTENARY BUILDERS' ASSN.

REV.	DATE	DESCRIPTION

PROJECT NO:	NUMBER
CAD DWG. FILE:	13393-PLN
DRAWN BY:	RJP
DESIGNED BY:	RJP
FIELD CREW:	SURVEYED
CHECKED BY:	RJP
DATE:	7-3-2013

SHEET TITLE
CIVIL DETAILS

C2.01
 SHEET 3 OF 3



SEDUM MIX: SEDUM KAMTSCHATICUM, SEDUM REFLEXUM, SEDUM FLORIFERUM 'WEIHENSTEPHANER GOLD'



CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' - FEATHER REED GRASS



AGASTACHE RUPESTRIS - SUNSET HYSSOP CENTRANTHUS RUBER - JUPITERS BEARD PENSTEMON EATONII - FIRECRACKER PENSTEMON MONARDELLA ODORATISSIMA - MOUNTAIN BEEBALM GERANIUM VISCOSISSIMUM - STICKY GERANIUM



LANDSCAPE PLAN
SCALE = 3/16" = 1'-0"

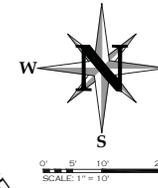
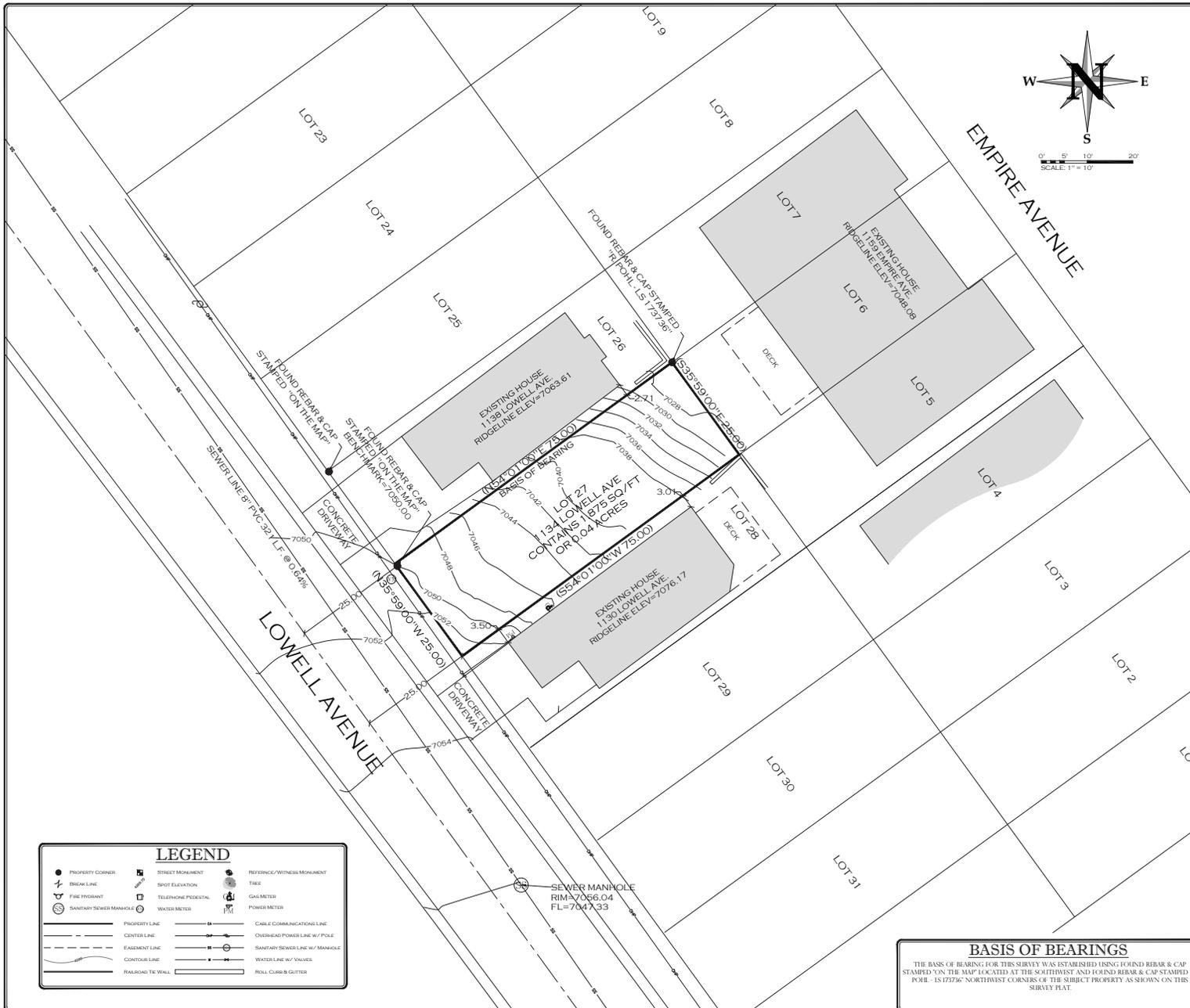
NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

SPARANO + MOONEY
ARCHITECTURE

A LEED™ SILVER HOME



EXHIBIT B



SURVEYOR'S CERTIFICATE

I, MICHAEL L. WANGEMANN, SYRACUSE, UTAH, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 6431156 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND THAT I HAVE MADE A SURVEY OF THE BOUNDARIES OF THE FOLLOWING DESCRIBED PROPERTY:

(SEE BELOW)

I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS EFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES, THAT NONE OF THE VISIBLE IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY ENCRUSH UPON ADJOINING PROPERTIES, AND THAT NO VISIBLE IMPROVEMENTS, FENCES OR EAVES OF ADJOINING PROPERTIES ENCRUSH UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

I ALSO FURTHER CERTIFY THAT THIS PLAT DOES NOT PURPORT TO DISCLOSE OVERLAPS, GAPS, OR BOUNDARY LINE DISCREPANCIES OF THE PROPERTY SURVEYED WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OF THE ADJOINING PROPERTIES, NOR DOES IT PURPORT TO DISCLOSE OWNERSHIP OF OR CLAIMS OF EASEMENTS OR ENCUMBRANCES UPON THE PROPERTY SURVEYED.

Michael L. Wangemann



Michael L. Wangemann, PLS
Date of Plat or Map: March 15, 2013
PLS# 6431156-2201

LEGAL DESCRIPTION

ALL OF LOT 27, BLOCK 27, SNYDER'S ADDITION TO THE PARK CITY SURVEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

UTILITY NOTE:
THE UTILITY INFORMATION SHOWN ON THIS PLAT IS BASED ON ABOVE-COLORED EXISTING STRUCTURES AS ORDERED AND LOCATED BY THE SURVEYOR IN THE FIELD AS WELL AS INFORMATION PROVIDED TO THE SURVEYOR. NO FURTHER INVESTIGATION OF EXISTING UTILITIES WAS PERFORMED FOR THIS SURVEY. THEREFORE, THE SURVEYOR IS NOT RESPONSIBLE FOR THE REPRESENTATION OR OMISSION OF SUCH INFORMATION ON THIS PLAT. CONTACT BLUE STAINS BEFORE ANY DRIVING, EXCAVATION OR CONSTRUCTION IS TO TAKE PLACE.



GENERAL NOTES

- ALL CORNERS SHOWN IN PARENTHESES ARE RECORDED INFORMATION TAKEN FROM DEED DESCRIPTION OR OFFICIAL MAPS OR PLATS ON RECORD. ALL OTHER CORNERS ARE THE RESULT OF ACTUAL FIELD MEASUREMENTS.
- ALL PROPERTY CORNERS ARE SET WITH 5/8" REBAR AND PLASTIC CAP STAMPED "UTAH LAND SURVEYING" OR OTHER PERMANENT MARKERS OR AS OTHERWISE STATED.

SHEET TITLE

BOUNDARY & TOPOGRAPHY SURVEY

PREPARED FOR SPARANO & MOONEY ARCHITECTURE
C/O: NORDEEN PROPERTY
511 WEST 200 SOUTH, SUITE 13
SALT LAKE CITY, UT 84101

LOCATION: BLOCK 27, SNYDER'S ADD, PARK CITY, UTAH

REV	DATE	DESCRIPTION	DATE	03/15/2013
1			SCALE:	1" = 10'
2			DRAWN:	MLW
3			CHECKED:	MLW
4				
5				

UTAH LAND SURVEYING, LLC

A PROFESSIONAL LICENSED LAND SURVEYING COMPANY

2302 WEST 2100 SOUTH
SYRACUSE, UT 84075

PHONE 801.725.8395
FAX 801.820.7775

www.utahlandsurveying.com



JOB NUMBER

0618-13

SHEET

1 OF 1

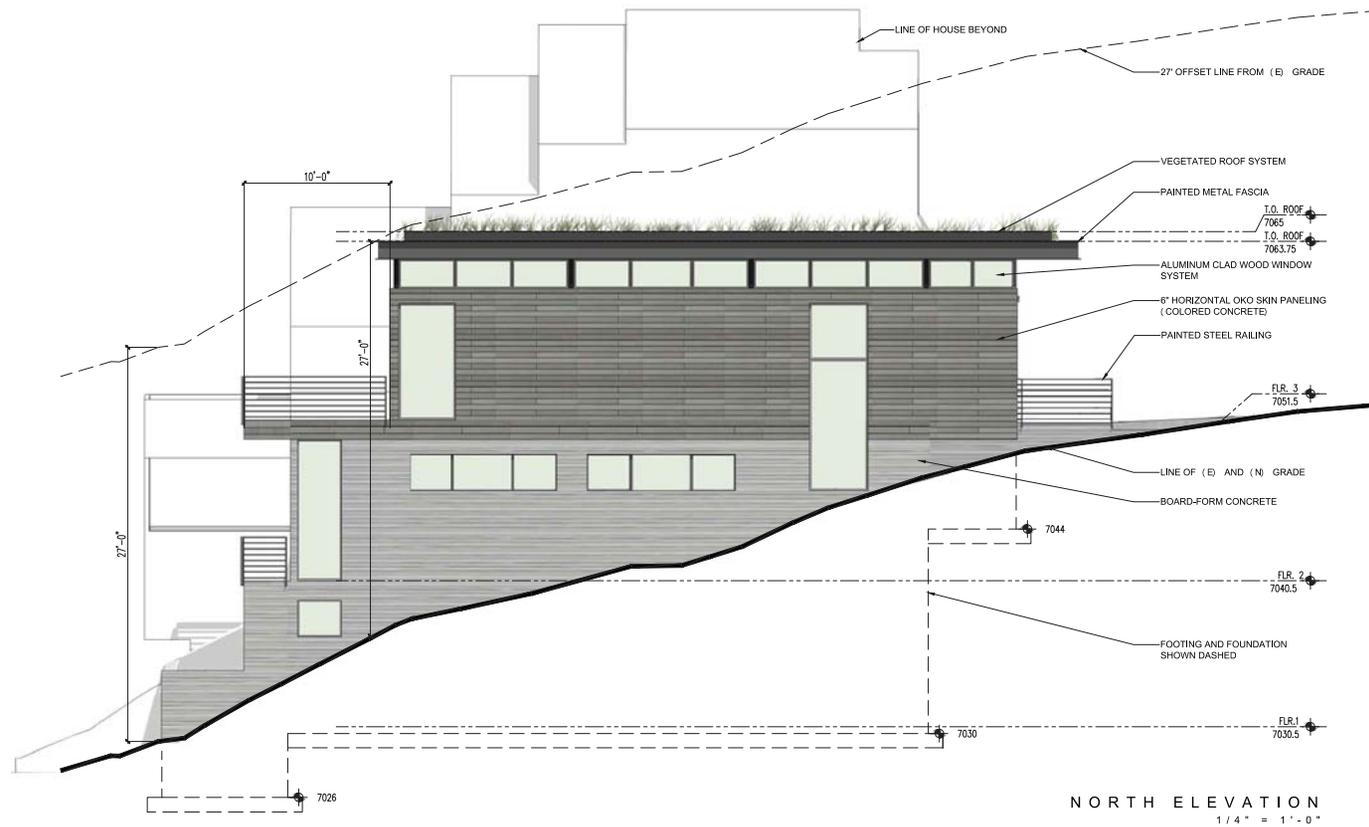
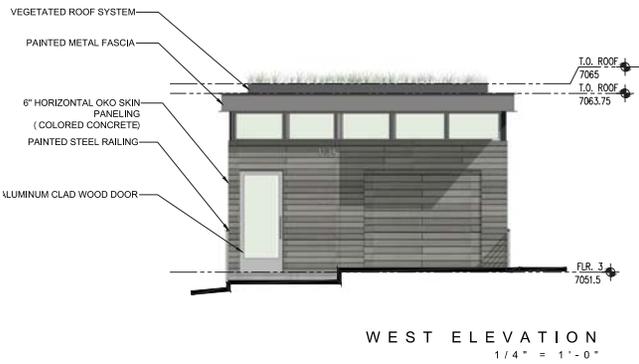
BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND REBAR & CAP STAMPED "ON THE MAP" LOCATED AT THE SOUTHWEST AND FOUND REBAR & CAP STAMPED "R. POHL - 15 173736" NORTHWEST CORNERS OF THE SUBJECT PROPERTY AS SHOWN ON THIS SURVEY PLAT.

LEGEND

	PROPERTY CORNER		STREET MONUMENT		REFERENCE/WITNESS MONUMENT
	BREAK LINE		SPOT ELEVATION		TREE
	FIRE HYDRANT		TELEPHONE PEDIESTAL		GAS METER
	SANITARY SEWER MANHOLE		WATER METER		POWER METER
	PROPERTY LINE		CABLE COMMUNICATIONS LINE		
	CENTER LINE		OVERHEAD POWER LINE W/ POLE		
	EASEMENT LINE		SANITARY SEWER LINE W/ MANHOLE		
	CONTOUR LINE		WATER LINE W/ VALVES		
	RAILROAD TIE WALL		ROLL CURB & GUTTER		

EXHIBIT C

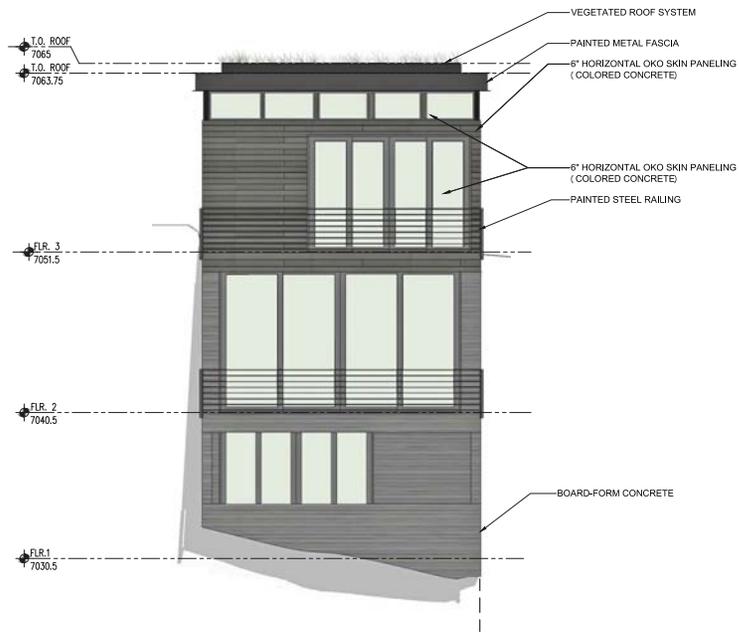


NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

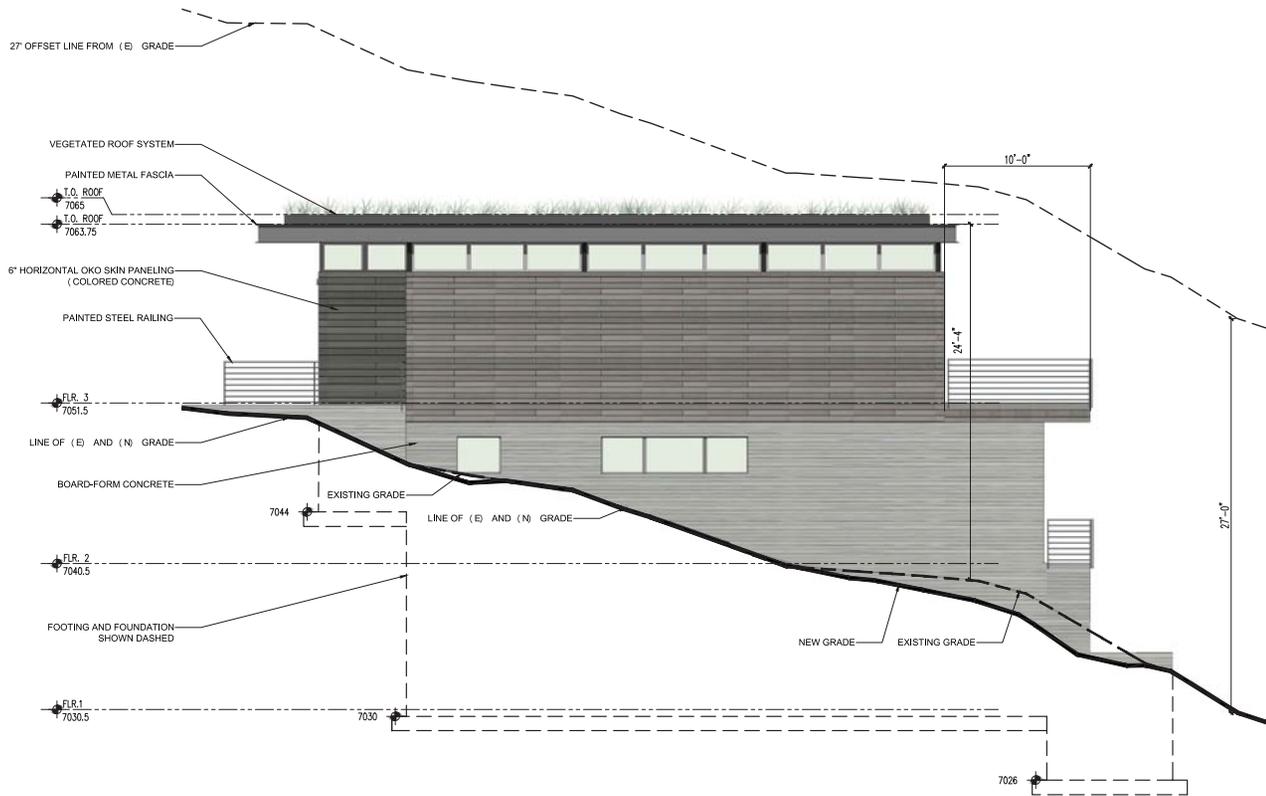
A LEED™ SILVER HOME

SPARAND + MOONEY
ARCHITECTURE





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



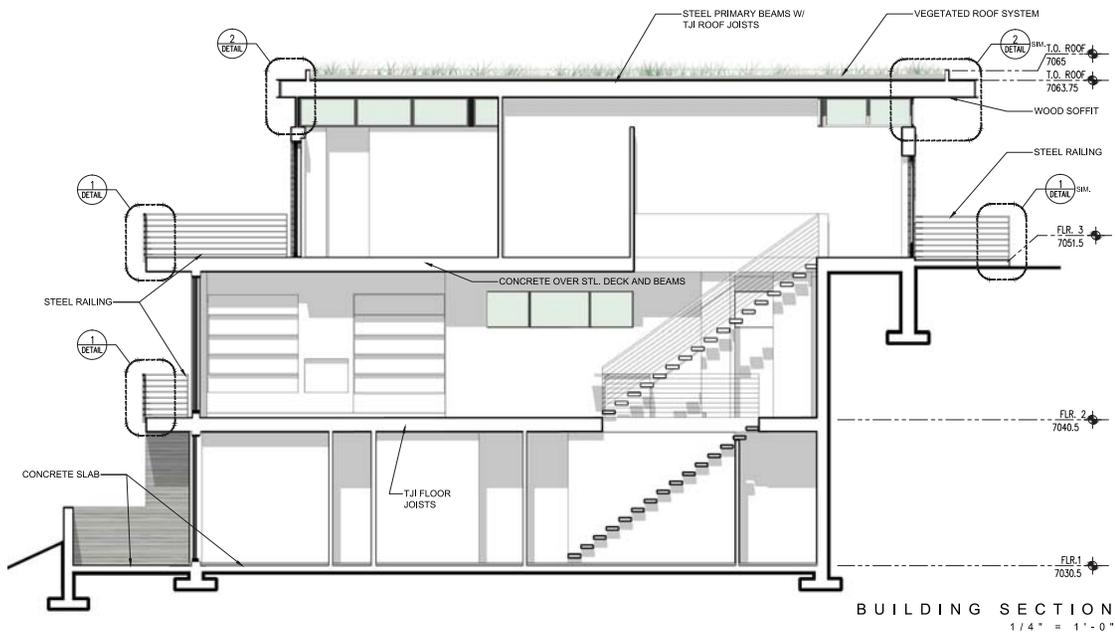
SOUTH ELEVATION
1/4" = 1'-0"

NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

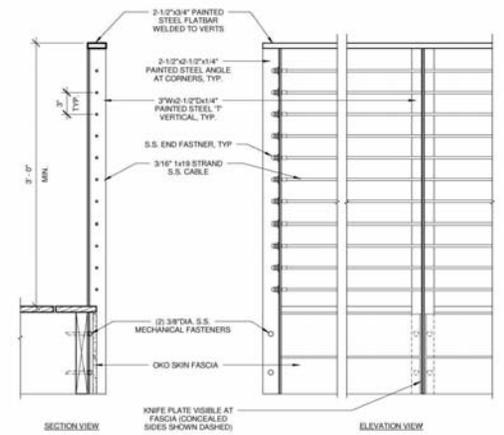
SPARANO + MOONEY
ARCHITECTURE

A LEED™ SILVER HOME

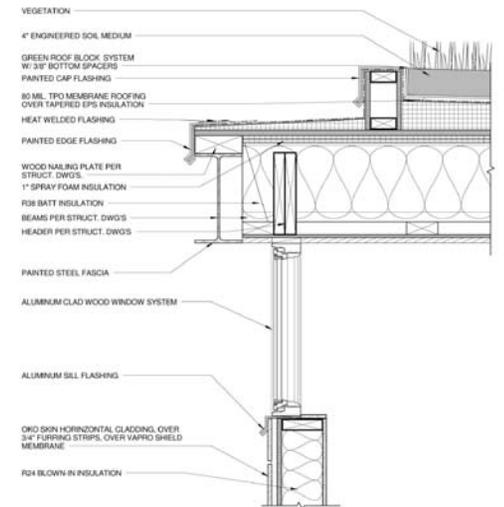




BUILDING SECTION
1/4" = 1'-0"



DETAIL 1 - STEEL HANDRAIL
1-1/2" = 1'-0"



DETAIL 2 - FASCIA/CLERESTORY WINDOW
1-1/2" = 1'-0"

NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

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ARCHITECTURE

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RENDERING - FRONT VIEW



RENDERING - BACK VIEW

MATERIAL EXAMPLES



OKOSKIN



BOARD FORM CONCRETE



VEGETATED ROOF

NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

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EXHIBIT D



NEIGHBORING STRUCTURES
& SURROUNDING CONTEXT



SUBJECT PROPERTY
NORTHEAST VIEW / LOT 27



NEIGHBORING STRUCTURES
& SURROUNDING CONTEXT



SUBJECT PROPERTY
1134 LOWELL AVENUE



NORTHEAST VIEW
REAR FACING HOUSE



SOUTHEAST VIEW
ADJACENT HOUSE



SOUTHWEST VIEW
VIEW TOWARDS STREET



NORTHWEST VIEW
ADJACENT HOUSE



NORTHEAST VIEW
BASE OF LOT



SOUTHWEST VIEW
ACROSS THE STREET

NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

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SPARANO + MOONEY
ARCHITECTURE

SUBJECT PROPERTY



CROSS CANYON RENDERING

NORDEEN RESIDENCE
1134 LOWELL AVENUE, PARK CITY

SPARANO + MOONEY
ARCHITECTURE

A LEED™ SILVER HOME



Sedum album

Botanical Name: Sedum album

Hardiness Zone: 4

Heat Zone: 3-8

Flower Color: White

Bloom Time: May-June

Foliage Color: Green

Winter Interest: No

Height: 4"

Spread: 12"

Drought Tolerance: Very High

Moisture Tolerance: No

Shade Tolerance: No

N. American Native: No



***Sedum floriferum* 'Weihenstephaner Gold'**

Botanical Name: Sedum floriferum 'Weihenstephaner Gold'

Hardiness Zone: 3

Heat Zone: 3-7

Flower Color: Yellow

Bloom Time: July-August

Foliage Color: Green

Winter Interest: Yes

Height: 4"

Spread: 10"

Drought Tolerance: Very High

Moisture Tolerance: No

Shade Tolerance: No

N. American Native: No

An excellent groundcover for roofs and for at grade landscaping known for its floriferous flower habit.



Sedum Reflexum

Botanical Name: Sea Gold

Hardiness Zone:

Heat Zone:

Flower Color:

Bloom Time:

Foliage Color: Winter Interest: yes

Height: 3"

Spread: 12"

Drought Tolerance:

Moisture Tolerant:

Shade Tolerant:

N. American Native:



Sedum kamtschaticum

Botanical Name: Sedum kamtschaticum

Hardiness Zone: 4

Heat Zone: 3-8

Flower Color: Yellow

Bloom Time: June-July

Foliage Color: Green

Winter Interest: No

Height: 6"

Spread: 10"

Drought Tolerance: Very High

Moisture Tolerance: Yes

Shade Tolerance: Yes

N. American Native: No

A somewhat taller and fleshy Sedum its remarkably tough and drought tolerant plant for its size.



Sedum reflexum

Botanical Name: Sedum reflexum

Hardiness Zone: 4

Heat Zone: 3-7

Flower Color: Yellow

Bloom Time: June-July

Foliage Color: Blue

Winter Interest: No

Height: 4"

Spread: 8"

Drought Tolerance: Very High

Moisture Tolerance: No

Shade Tolerance: No

N. American Native: No

Sedum reflexum looks like a little Blue Spruce tree. It gives a nice touch of blue/grey on the roof. Many other choices in the rupestre group can give a similar look.



Sedum sexangulare

Botanical Name: Sedum sexangulare

Hardiness Zone: 4

Heat Zone: 3-7

Flower Color: Yellow

Bloom Time: June-July

Foliage Color: Green

Winter Interest: Yes

Height: 4"

Spread: 8"

Drought Tolerance: Very High

Moisture Tolerance: No

Shade Tolerance: Yes

N. American Native: No

Very similar in appearance to Sedum acre, but a much tougher plant. Performs equally well in full sun or in shade.



Sedum spurium 'Fuldaglut'

Botanical Name: Sedum spurium 'Fuldaglut'

Hardiness Zone: 4

Heat Zone: 3-7

Flower Color: Pink

Bloom Time: September-October

Foliage Color: Green

Winter Interest: Yes

Height: 6"

Spread: 8"

Drought Tolerance: Very High

Moisture Tolerance: Yes

Shade Tolerance: Yes

N. American Native: No

One of the red foliage Sedum spuriums. The most reliable from our experience. Also give Sedum spurium 'Voodoo' a look.



***Sedum spurium* 'John Creech'**

Botanical Name: Sedum spurium 'John Creech'

Hardiness Zone: 5

Heat Zone: 3-7

Flower Color: Pink

Bloom Time: July-August

Foliage Color: Green

Winter Interest: No

Height: 4"

Spread: 10"

Drought Tolerance: Very High

Moisture Tolerance: Yes

Shade Tolerance: Yes

N. American Native: No

A nice low growing habit make this spurium a nice selection.



From: Brian Van Hecke <bvhutah@gmail.com>
Sent: Wednesday, August 21, 2013 4:30 PM
To: 'Seth Striefel'; Anya Grahn; Kirsten Whetstone
Cc: Thomas Eddington
Subject: RE: 1134 Lowell Historic Design Review plans

Very helpful Seth. Thank you! Hard to do this via email but it's an important discussion that needs to take place.

My interest is clearly trying to help protect the historical integrity of Old Town. Good to know that your design includes some elements from the historical mining era. It was not clear or evident from the renderings I saw.

Also I hope more residents are made aware of this project and hope the City can make sure to increase awareness about potential new design changes and get input prior to decisions being finalized.

From: Seth Striefel [mailto:seth@sparanomooney.com]
Sent: Wednesday, August 21, 2013 3:17 PM
To: Brian Van Hecke; Anya Grahn; Kirsten Whetstone
Cc: Thomas Eddington
Subject: RE: 1134 Lowell Historic Design Review plans

I have followed this conversation with great interest and think that it may be worth providing some background information and design parameters for the project that others may find insightful.

In our approach to the design we worked within three guiding parameters; the Design Guidelines for New Construction in Park City's Historic Districts, the need for privacy between adjacent neighbors, and the sustainable practices required to receive LEED Certification.

In terms of the Design Guidelines, we based our material selections on materials found within Park City; board form concrete and horizontal siding. The board form concrete uses the true method of construction, using rough-sawn boards to achieve the finish, typical of the Park City mining era. Horizontal siding is a standard found throughout the City.

The idea for the transom windows is a direct reference to the transom windows found on many of the historic structures, albeit many of them commercial. The use of the transom window allows us to provide daylighting within the

spaces, a prerequisite for LEED, while also providing privacy between neighbors. The simple form is proportioned and scaled to that of the original mining structures on 25' wide lots with two exceptions; first, the width is actually less than many of the historic structures as greater setbacks are now required; second, the roof is flat. The flat roof is vegetated allowing us to better mitigate heating and cooling in the space, while also providing additional LEED credits. In terms of scale, this approach allows us to maintain an almost exact height match to the ridgeline of the home directly to the north. Flat vegetated roofs are allowed within this district and meet the design guidelines.

In regard to basic planning, similar to many of the historic structures but contrary to many of the surrounding structures, we made the entry legible. The entry has been pulled forward and the garage door has been clad in the same horizontal siding as the rest of the home thus allowing it to recede. Most of the homes in this area have a prevailing garage door, and lack of entry presence.

“...simple building forms, unadorned materials, restrained ornamentation”, “...should not imitate existing historic structures.”, ...elevations of the building should be designed in a manner consistent with a contemporary interpretation of the chosen style. All words directly from the guidelines.

Although different than what others may have seen before, great effort was taken to integrate this building into its site and context, while also acknowledging and thoughtfully designing for the neighboring properties. Before blanket statements are made about the project, all of the above should be noted.

From: Brian Van Hecke [mailto:bvhutah@gmail.com]
Sent: Wednesday, August 21, 2013 3:34 PM
To: 'Anya Grahn'; 'Kirsten Whetstone'; Seth Striefel
Cc: 'Thomas Eddington'
Subject: RE: 1134 Lowell Historic Design Review plans

Thanks Anya. Will HPB be reviewing this design before any action is taken? I hope you can share this “conversation” with them.

For the record I don't believe Lowell should be treated any differently than any other street in Old Town. The HRD1 zone should not be compromised and the need to protect the historical integrity of Old Town is greater than ever. It is my understanding that we were even in possible jeopardy of losing the distinct designation. Houses are viewable from all over town and Lowell is part of Old Town.

I am not against a more modern design but I do believe that any design in Old Town (modern or not) needs to incorporate or at least compliment the historical look and feel of Park City. Otherwise why even call it Historic? The current design of 1134 does not seem to incorporate any historical elements of Park City.

Personally I think it is possible to do a more modern looking structure while maintaining a historic mining era feeling with the right materials (metals, etc.). The current design of 1134 does not appear to incorporate that historic feeling and I think it's a mistake not to treat Lowell like the rest of Old Town/HDR1.

Regards,

Brian

From: Anya Grahn [mailto:anya.grahn@parkcity.org]
Sent: Wednesday, August 21, 2013 12:51 PM
To: 'Brian Van Hecke'; Kirsten Whetstone; 'Seth Striefel'
Cc: Thomas Eddington
Subject: RE: 1134 Lowell Historic Design Review plans

Brian,

Yes. I will ask Kirsten to make sure these are submitted as part of public comment.

Thanks,

Anya

From: Brian Van Hecke [mailto:bvhutah@gmail.com]
Sent: Tuesday, August 20, 2013 9:50 PM
To: Kirsten Whetstone; Anya Grahn; 'Seth Striefel'
Cc: Thomas Eddington
Subject: RE: 1134 Lowell Historic Design Review plans

Can I ask that my and other's comments/emails be entered into public record for the planning commission when they review?

From: Kirsten Whetstone [mailto:kirsten@parkcity.org]
Sent: Tuesday, August 20, 2013 4:16 PM
To: Anya Grahn; 'Brian Van Hecke'; 'Seth Striefel'
Cc: Thomas Eddington
Subject: RE: 1134 Lowell Historic Design Review plans

Thanks

The new guidelines are more contextual than the previous ones... so there is some leeway (though not exceptions to the guidelines) for certain lots, design, etc... because the focus of the guidelines is with respect to historic structures... those are the ones that give the district it's thematic nomination... not all of the non-historic structures interspersed... but Anya is the master of historic districts, so I will let her fill in on this topic as necessary!!

Kirsten

From: Anya Grahn
Sent: Tuesday, August 20, 2013 10:41 AM
To: 'Brian Van Hecke'; 'Seth Striefel'; Kirsten Whetstone
Cc: Thomas Eddington
Subject: RE: 1134 Lowell Historic Design Review plans

Brian,

I will let Kirsten address the specifics of the design; however, we are hoping to discuss "how modern is too modern in the historic district?" sometime soon with the HPB. Please watch our agendas as I hope we can have a discussion on this prior to December. We have been reviewing a number of modern designs for the historic district that comply with the Design Guidelines, but provide an interesting contrast to historic buildings. In the case of 1134 Lowell Avenue, they have more leeway than most in that it is not directly located near any historic buildings.

Thanks,

Anya

From: Brian Van Hecke [mailto:bvhutah@gmail.com]
Sent: Monday, August 19, 2013 9:52 PM
To: 'Seth Striefel'; Kirsten Whetstone
Cc: Anya Grahn; Thomas Eddington
Subject: RE: 1134 Lowell Historic Design Review plans

Thanks for sending. Thanks also for including a streetscape – these are always very helpful.

Kirsten,

I see that plans call for a very mod looking house with a flat roof. I personally like the design but not sure if it belongs in Old Town. Is there any concern about what this might lead to in terms of rewriting the codes and/or protecting the historical integrity of Old Town? I'd like to hear the City's position and the Historical Review Board.

Also with regards to the flat roof. Will it be accessible? Concerns about noise and again the precedent that this might set?

Really appreciate your time/input.

Please advise.

Thanks,

Brian Van Hecke

435-901-1500

From: Seth Striefel [mailto:seth@sparanomooney.com]
Sent: Monday, August 19, 2013 9:29 AM
To: Kirsten Whetstone
Cc: Anya Grahn; bvhutah@gmail.com
Subject: RE: 1134 Lowell Historic Design Review plans

Kirsten,

Here are the drawings you requested. This is the same set sent previously.

Thanks,

Seth

From: Kirsten Whetstone [mailto:kirsten@parkcity.org]
Sent: Friday, August 16, 2013 6:16 PM
To: Seth Striefel
Cc: Anya Grahn; Brian Van Hecke (bvhutah@gmail.com)
Subject: 1134 Lowell Historic Design Review plans

Hi Seth,

Could you please send the revised plans to Anya and Brian Van Hecke.

He is on this email and has asked to see them!

Thanks so much... I don't have the revisions electronically yet.

As I will be out of the office until next Friday, Anya will be able to answer any questions.

Thanks

Kirsten

Planning Commission Staff Report



Subject: Park City Heights MPD
Author: Kirsten Whetstone, MS, AICP
Date: October 9, 2013
Project #: PL-13- 02009
Type of Item: Amendments to approved MPD and extension

Summary Recommendations

Staff recommends the Planning Commission discuss proposed amendments and extension to the approved Park City Heights MPD and subdivision plat, conduct a public hearing and consider approving the proposed MPD amendments and extension based on the revised Park City Heights MPD findings of fact, conclusions of law, and conditions of approval as found in the report.

Topic

Applicant: Ivory Development LLC, owner
Applicant's representative: Spencer White
Location: Richardson Flat Road, east of SR 248 and west of US 40
Zoning: Community Transition (CT)
Adjacent Land Uses: Open Space, Rail Trail, US 40, Quinn's Water Treatment Plant, and vacant land

Disclosure: The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an "applicant" and does not have any current ownership in the property.

Proposal

This is a request for amendments to the approved Park City Heights Master Planned Development (Exhibit A), as well as for corresponding amendments to the overall preliminary plat (Exhibit B) and Ordinance (Exhibit D) that was approved at the time of the Park City Heights Master Planned Development (MPD).

Due to discovery of mine waste on the property the applicant is proposing to the State, as part of the voluntary cleanup program, to remediate the soil on site by creating a lined and capped repository on eastern side of the property along the US 40 Frontage road. This repository necessitates various amendments to the approved Phase 1 subdivision plat.

These amendments also create changes to the overall preliminary plat and minor changes to the Park City Heights Design Guidelines (Exhibit I) regarding setbacks and lot sizes for the small lot detached Park Homes.

The amendments are fully described in the applicant's description of changes (Exhibits

E and F); however the major amendments can be summarized as follows:

1. Relocate lots on the eastern portion of the subdivision to accommodate a soil repository on the property near the frontage road of US 40.
2. Relocate twelve lots on the western portion to be lower and further away from the western ridge area.
3. Relocate 20 townhouses (Park Homes) to the west of main entry drive to be in closer proximity to the park. Townhouses no longer front on the main entry drive.
4. Move community gardens away from the proposed repository.
5. Neighborhood Park area is reduced from 3.55 acres to 2.70 acres. Additional park area is proposed on the east side of the main road. Redesign open space to be more useable and more integrated into the small lot residential areas.
6. Delete future neighborhood commercial parcels I and J as well as the future stacked flat pad site at the northeast entrance area and replace with 35 attainable units as “small lot Park Homes” (converting 27 cottage lots to “small lot Park Homes” and defining the 8 previously undefined attainable units for a total of 35 “small lot Park Homes” without increasing the approved density or the maximum total number of units of 239). Amend Design Guidelines accordingly.
7. Change entrance roads slightly to accommodate changed lot locations with no access proposed to the US 40 Frontage road. Access for construction however is proposed.
8. A one year extension of the MPD approval is requested to 10/26/14. Amend Development Agreement accordingly.
9. Request to change language of finding # 1e, #1o, and condition #56 regarding Green Building to be consistent with the Annexation Agreement (Staff does not recommend this change and finds the existing condition requiring LEED Silver is what the Planning Commission approved).
10. Provide for possible future access to the adjacent parcel to the south.

Background

The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT). Park City Municipal Corporation and Boyer Park City Junction were previously joint owners of the property. The property is currently owned by Ivory Development LLC.

On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units for a total of 239 units on 239 acres. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat for the Park City Heights MPD consistent with the MPD. On September 13, 2011, the City Planning Department received a complete application for the first phase subdivision plat for the Park City Heights MPD.

The first phase consists of 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. This first phase also includes four (4) [market unit] cottage home lots, a City Park parcel (to be dedicated to the City), HOA clubhouse parcel, open space parcels, parcel for future support

commercial as described in the MPD, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.

On October 26, 2011, the Planning Commission voted to forward a positive recommendation to Council on the first phase subdivision plat. At the same meeting, the Commission voted to ratify the Park City Heights Development Agreement that spells out terms, requirements, and restrictions of the Development and memorializes the conditions of approval of the Master Planned Development (Exhibit C).

On November 3, 2011, the City Council voted to approve the sale of the City's interest in the property to Ivory Development LLC.

On November 17, 2011, the City Council approved the Park City Heights Phase I subdivision plat subject to conditions of approval outlined in Ordinance 11-25.

On January 24, 2013 the City Council approved a one year extension of the approval to allow the applicant until November 17, 2013 to record the Phase 1 subdivision plat. The Phase 1 plat has not yet been recorded, due to the changes that are proposed with this application.

On June 26, 2013, the applicant presented to the Commission, at a work session, proposed changes to the plat and provided an analysis of how these changes impacted the approved overall preliminary plat and MPD concept plan and the conditions of approval. Due to the extensive review of the Park City Heights project by the Commission, staff encouraged the applicant to present these changes at a work session to allow the Commission and applicant to work collaboratively to understand the changes and to determine whether the changes can be addressed in detail with an amended subdivision plat application, or whether an amendment to the MPD would be necessary. The Planning Commission directed the applicant to submit a formal application to amend the MPD (Exhibit L).

On July 30, 2013, the applicant submitted an application requesting amendments to the MPD including an extension to the MPD and a written request and application for a second extension of the plat approval pending the outcome of the MPD amendments. The City Council will hear the plat approval extension request at the regularly scheduled meeting on October 17, 2013. Staff is recommending the Council grant a one year extension on the approved Phase 1 plat. If the MPD amendments are approved the applicant will need to submit an application for an amended Phase 1 plat consistent with the MPD amendments.

Analysis

The applicants have provided a summary of the proposed changes both in graphic form and by reviewing and annotating the approved Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Park City Heights Development Agreement (Exhibits E and F). The applicant will present the changes in further detail at the meeting. Staff has reviewed the proposed and existing subdivision plats and MPD concept plans, as well as the approved MPD findings of fact, conclusions of law, and

conditions of approval, and finds that the overall concept and density approved with the Park City Heights MPD is not significantly changed when viewed in the broader scope of the overall MPD. Key elements of the MPD, such as location of development and open space, general street pattern, location of the Public Park, trail system and connection to the Rail Trail, clubhouse and community gardens, remain essentially as approved in concept, though revised slightly in location. The affordable housing elements of the MPD continue as proposed, and enhanced by the designation of all 79 affordable units on a specific platted lot. There is no change to density proposed.

Approved MPD, Development Agreement, and extension of approval

The MPD was approved by the Planning Commission on May 11, 2011, for a mixed residential development consisting of 160 market rate dwelling units and 79 affordable dwelling units on 239 acres. The MPD is further described and conditioned as found in the Development Agreement (Exhibit C) that was ratified by the Planning Commission on October 26, 2011. The MPD will expire on October 26, 2013 (2 years from the date of ratification) and therefore Staff recommends amending the conditions to allow a one year extension to October 26, 2014. Additionally, if the Planning Commission approves MPD amendments the applicant will need to revised the Development Agreement and have the Planning Commission ratify the changes so it can be recorded as an amended Development Agreement. Staff will an amended Development Agreement to the Commission for ratification at the first meeting in November.

Site Plan

To accommodate the soil repository on the property located along the US 40 Frontage Road, approximately 35 lots have been relocated to the west away from US 40. Additionally, twelve lots on the western portion have been moved lower and further away from the western ridge. Road grades have been reduced and retaining walls have been lowered based on new surveys of the property and the revised site plan/lot layout. See Exhibits G and H for the proposed amended plat, as well as an overlay of the proposed revisions over the approved plat. See Exhibits E and F for the applicant's textual and matrix forms of analysis.

Twenty townhouses (Park Homes) have been located to the west of main entry drive to be in closer proximity to the park. A row of townhouses no longer fronts on the main entry drive. Twelve townhomes are located west of the power line easement replacing the 2 cottage homes in that location. The townhomes are located lower on the slope and no further west. The townhomes are no longer fronting the main entry road, reducing the potential for a wall effect, replaced with small lot Park Homes with front porches and rear or side garages (Exhibit J- illustrations of the small lot Park Homes).

The neighborhood park remains with public restrooms, club house, playground, open play field, and space for a smaller future daycare center and possible small retail shop within the club house. The park, while smaller on the west side of the road, is still located in close proximity to the Rail Trail and the Park Homes. A new linear park on the east side of the road is created as an open space/visual corridor connecting the neighborhood park to the community gardens and open playing field increasing the overall park area from 3.55 acres to 5.7 acres, though not all contiguous. Community

gardens have been moved away from the proposed repository. Access to the frontage road from the site has been deleted and future access to the adjacent parcel to the south has been identified on the site plan. There are no changes proposed to the two large single family lots located on Sunridge Cove, adjacent to the Hidden Oaks subdivision within the Solamere neighborhood. No access to the Solamere neighborhoods is proposed with these amendments.

Mine Soils

Due to the discovery of mine waste/contaminated soils on the property and requirements to remediate these soils the applicant has been working with the State Voluntary Cleanup Program to develop a mine soil remediation plan. According to Ivory Homes, the soil can either be removed to a regulated repository or the soil might be remediated on site by creating an on-site repository. The on-site proposal has not been fully approved by the State or EPA at this time. The applicants are proposing to the State to remediate the soil on site which in turn necessitates various amendments to the approved Phase 1 subdivision plat. These proposed changes also create changes to the overall preliminary plat and as well as minor changes to the Park City Heights Design Guidelines regarding setbacks and lot sizes for some of the Park Homes (see Exhibit I). Staff recommends an additional condition of approval to address this issue.

General Plan and Pre-MPD

Staff finds that the proposed amendments to the MPD concept plan continue to comply with the intents and purposes of the Park City General Plan, as did the final approved MPD concept plan that was revised from the initial concept plan attached to the Annexation Agreement. A complete analysis of General Plan Compliance was reviewed by the Commission and Council at the time of approval of the Annexation and reflected in the Annexation Agreement (see Exhibit K).

Because of the level of General Plan review at the time of the Annexation petition, and a finding of compliance with the General Plan in order to approve the Annexation, a separate pre-MPD hearing was not required prior to the Commission's review of the Park City Heights MPD application. In order to be consistent, Staff believes that a pre-MPD hearing is not required prior to reviewing the current proposed MPD amendments.

The overall concept of the MPD continues to comply with the goals and objectives of the General Plan, e.g. a neighborhood consisting of a mix of housing types and affordability, as well as the general location of development on the overall site, the primary access and amenities, as well as the required public benefits, are consistent with the approved MPD and consistent with the preliminary concept plan that was attached to the Annexation Agreement.

Land Management Code Section 15-6-4 (I) regarding MPD Modifications states the following:

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of an MPD will justify review of the entire Master Plan and

Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4 (B).

Thus, Staff finds that the modifications are not substantive, and therefore the project is not required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4 (B). Staff finds that the revised MPD is consistent with the approved concept plan reviewed against the General Plan and approved with the Annexation Agreement and all conditions of approval of the Annexation Agreement continue to apply.

Green Building

The applicants are requesting an amendment to Finding 1 (e) regarding Green Building Standards. The existing condition reads as follows:

#1(e) All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

The applicants are requesting that the language in the Annexation Agreement be used instead. Staff does not agree and recommends that the original MPD language remain for both Finding 1 (e) and Condition 56, as approved. LEED Silver is a known standard and it is what the Commission approved, per the Annexation Agreement. **Staff requests discussion.** Applicants request the following language replace the existing language in finding of fact #1(e):

#1(e). All units (including all deed restricted units) will be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of building permit submittal.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of The National Association of Home Builders National Green Building Standards;
- OR

- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.

Points achieved in these resource conservation categories will count towards the overall score.

Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

Parcels I and J

Parcels I and J were identified on the original preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. According to the current findings of fact #37 of the approved MPD, construction of a daycare center was not the responsibility of the applicant/developer of Park City Heights. The applicants are requesting to delete Parcels I and J and replace them with 35 small lots for attainable housing units configured as “small lot Park Homes.” The required repository does not leave sufficient room for these parcels as support commercial and/or child care center as well as the proposed 35 attainable small lot Park Homes and they have been deleted. There may be other opportunities for these support uses within the clubhouse that would be more centrally located and useable for residents of the neighborhood.

Summary

The amendments are more fully described in the applicant’s analysis of the changes (Exhibits E and F). The following is a summary of the impacts of the proposed changes:

1. Relocating lots on the eastern portion of the subdivision accommodates a soil repository on the property near the frontage road of US 40 and remediates hazardous mine soils on the property.
2. Thirty-nine lots are moved towards the west and further away from US 40.
3. Twelve lots are moved lower and further away from the western ridge area.
4. Street profiles are lower and require smaller retaining walls.
5. Twenty townhouse Park units are moved to front on the neighborhood park and off of the main entry drives, replaced with the small lot Park Homes that are lower in scale and result in less of a wall effect at the main entry.
6. The community gardens are relocated away from the repository and adjacent to the new larger open park area east of the main entry road. The dedicated park area is reduced from 3.55 acres to 2.70 acres, however 2-3 acres of additional useable park area are proposed on the east side of the main road, integrated into the smaller lot area. The revised plans achieve greater overall areas of usable open space closer to more units. The overall percentage of open space is the same at approximately 72%.
7. A large open playing field is created on the north end of the capped and landscaped repository and a wider open space corridor between the neighborhood park and the playing field, interior to the small lot Park Homes, connects the parks and open space areas.

8. A revised Park Homes concept is proposed for the northern area of the subdivision. This new Park Homes concept consists of small lot detached single family dwelling units. The homes have rear/side garages with entries and porches facing main streets. The lot and street layout better accommodates the concept of front porches and side or rear garages.
9. The entrance roads are slightly changed to accommodate changed lot locations. The change locates the fronts of the small lot Park Homes on the entry drives on the east side of the main street and the attached townhouse Park Homes (IHC affordable units) to the north of and along the neighborhood park on the west side of the main street. The grid street system and walk ability is maintained.
10. The revised plan provides platted lots for all 79 affordable units. There were eight units previously undefined, as a possible stacked flat or multi-unit building. These units are now included in the MPD site plan and preliminary plat, as part of Phase 1. There is no increase in the overall density of 239 units.
11. Amendments to finding of fact #1(e) and #1(o) and to condition of approval #56 regarding LEED Silver construction provide consistency with the Annexation Agreement. **Staff requests discussion (see Analysis section below).**
12. New lot configuration and street layout provides snow storage areas and space for utility corridors, while maintaining a grid system. This was an area of concern of the approved plan with the City Engineer and Public Works during review of the plat and utility plans.
13. Deletion of Condition #45 regarding Parcels I and J provides area for the affordable units that were conceptually proposed as possible stacked flats in the northeastern corner of the property. This area can accommodate lots displaced by the soil repository and provide certainty on what will be built along Richardson Flat Road. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites and replace with the 35 attainable, small lot Park Homes. The MPD did not require the applicant to construct these uses and there was no timeframe as to construction, but there was a requirement as to re-vegetation prior to the 28th certificate of occupancy. The clubhouse could potentially be expanded to accommodate either use at a smaller scale more feasible for the low density of the overall project. The re-vegetation requirement will remain in effect for all disturbed areas that are not landscaped with finish landscaping. **Staff requests discussion.**

In summary, these amendments do not change the overall density of 239 units on the 239 acre property. The overall concept of a mix of housing type's remains, with affordable/attainable units still integrated into the overall development. The key elements of the MPD remain, though modified in location. The Design Guidelines continue to apply for all housing types, with additional language added for the new concept housing type, known as the "small lot Park Homes".

Staff has reviewed the Park City Heights Development Agreement (Exhibit C) and will make changes to reflect the revised MPD plan for ratification by the Commission. Staff finds that the revised MPD is consistent with the Park City Heights Development Agreement as amended. Staff will bring the revised Development Agreement, including

revisions to the conditions of approval and date of expiration, back to the Commission for ratification prior to recordation of the revised Agreement.

Notice

The property was posted and notice of the public hearing was mailed to property owners within 300 feet of the property, according to requirements of the Land Management Code (LMC). Legal notice of the hearing was published in the Park Record according to requirements of the LMC.

Public Input

Staff received verbal public input regarding the two upper lots adjacent to the Royal Oaks subdivision requesting that there be language specifically prohibiting further subdivision of those lots and allowing only one single family house per lot. Staff has received numerous calls regarding the timeframe for completion of the affordable units and when they would be available for purchase and occupancy. Staff also received a call with questions regarding the soil remediation work and whether the actual work to remediate the soil would create hazardous dust in the area. Staff recommends conditions of approval that both the remediation plan and the plan to do the work be reviewed and approved by appropriate State agencies to ensure that public health and safety is not compromised.

Future Process

Approval of the MPD amendments by the Planning Commission is considered final action. Appeals of final action by the Planning Commission are heard by the City Council according to LMC Section 15-1-18.

Summary Recommendations

Staff recommends the Planning Commission discuss the applicant's proposed amendments to the approved Park City Heights MPD and subdivision plat, conduct a public hearing and consider approving the proposed MPD amendments based on the revised (marked in blue or red below) Park City Heights MPD findings of fact, conclusions of law, and conditions of approval as stated below, or as amended.

Findings of Fact

1. The Park City Heights MPD includes the following:

- a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.
- b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.

c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units. [These units will be configured as Single Family Detached Cottage Homes and dispersed throughout the cottage homes area.](#)

d. 35 additional non-required deed restricted affordable units in a mix of unit types. [These units will be configured as small lot Single Family Detached Park Homes.](#)

e. All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.

g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.

h. A dedicated 3.55 acre (155,000 sf) public neighborhood City Park with field, tot lot and playground equipment, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City. This park is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the park users.

i. A 15,000 sf (approx.) community gardens area within the PC Heights neighborhood. This area is included in the open space calculations.

j. 3 to 4 miles of soft surface trails within and around the property and additional mile or so of hard surfaced sidewalks and paths along the Project's streets.

k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connections to

the south property line for future connections to the Jordanelle area. Trail easements on north side of Richardson Flat Road from Rail Trail to east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.

l. Transit bus shelters along Richardson Flat road including “dial-a-ride signs” (City bus service expected to be extended to Park City Heights and the Park and Ride).

m. Bike racks at the club house and Public Park.

n. Cross walk across Richardson Flat road at the rail trail.

o. A 3,000 sf community center/club house area to be constructed by the developer. ~~with dedicated future ancillary support uses or possible daycare center parcels (Parcels I and J as shown on the preliminary plat).~~ Exterior access bathrooms will be available for park users. Construction of a daycare facility would be by the owner of the daycare facility and not by the Park City Heights development.

p. Water infrastructure improvements that enhance the City’s overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.

q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.

r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.

s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.

t. No sound barrier walls or structures along US 40 within or related to the MPD.

2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.

3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to

completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.

4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.

5. On June 30, 2010, the applicants submitted a complete MPD application.

6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.

7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011.

8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements.

9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. **No** access is proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement. **A new access easement is proposed to provide a possible future link for the Parcel to the south to be determined at the time of the Final plat for Phase 2. This will enable the Parcel to the south to have two (2) ingress/egress points from Richardson Flat Road.**

10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities.

11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan.

12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users.

13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and

the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design.

14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres).

15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.

16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with.

17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with.

18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife.

19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (greater to the south property line).

20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.

21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.

~~22. Structures containing more than four units and future non-residential structures on Parcels I and J will be more visible due to the location along Richardson Flat Road and the potential massing. Additional review through the conditional use process is warranted for these parcels and uses.~~

23. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.

24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in

the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department is preparing a Short Range Transit Development Plan studying demand for transit, routes, efficiency of the transit system, etc. to be completed in July of 2011. This Transit Plan will address the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City.

25. Construction traffic is required to be addressed in the Construction Mitigation Plan.

26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study.

27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site.

28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, duplexes, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be a mix of unit types as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. As part of the mix of unit types, rental housing will be considered consistent with the needs described in the September 2010 Housing Market Assessment. [Defining the configuration of units to be as follows:](#)

a. 35 Deed restricted units will be configured as small lot Single Family Detached Park Homes.

b. 28 Deed restricted townhouse units will be configured as attached Four-plex Park Homes.

c. 16 Deed restricted units will be configured as Single Family Detached Cottage Homes dispersed throughout the development.

29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.

30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.

31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance

and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.

32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues.

33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.

34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.

35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management Plan and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.

36. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance.

37. Parcels I and J were ~~are~~ identified on the original preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. Construction of a daycare center is not the responsibility of the applicant/developer of Park City Heights. The required repository does not leave sufficient room for these parcels as support commercial and/or child care center as well as the proposed 35 attainable small lot Park Homes and they have been deleted.

38. A master sign plan is required for Planning Department review and approval and all individual signs require a sign permit prior to installation.

39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.

40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.

41. The applicant stipulates to the conditions of approval.

42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein.
43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Power line setbacks as required by this Utility.
44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character".
45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City.
46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries.
47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices.
48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex.

Conclusions of Law

1. The amended MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.
2. The amended MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The amended MPD, as conditioned, is consistent with the Park City General Plan.
4. The amended MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement.
5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The amended MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The amended MPD provides amenities to the community so that there is no net loss of community amenities.
8. The amended MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The amended MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.

10. The amended MPD promotes the Use of non-vehicular forms of transportation through the site design and by providing trail connections.
11. The MPD has been noticed and public hearings held in accordance with the LMC.

Conditions of Approval

1. All standard project conditions shall apply (Attached).
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.
3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.
4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.
5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided to confirm compliance with the standards. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.
7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance.
8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(l) and 15-3-3(c) and the Park City Heights Design Guidelines.
9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.
10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging,

storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.

11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent un-necessary disturbance of native vegetation.

12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments.

13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.

14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats.

15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats.

Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground.

17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat.

18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer.

19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.

20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).

21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies.

22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system.

23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; clean up of degraded areas; and new nesting habitat/bird and small mammal boxes.

24. Lots 89 and 90 of the preliminary subdivision plat shall be shifted to match the trail phasing plan to locate the trail connection on the open space.

25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.

26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.
28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department.
29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan.
30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement.
31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.
32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD.
33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation,

and sound mitigation constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines.

36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire ~~two~~one years from the date of execution of the amended Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.

37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.

38. The Park City Soils Boundary shall be identified on the final plats (if applicable).

39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.

40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.

41. A re-vegetation plan for all disturbed areas (existing and newly disturbed) that are not landscaped with finished landscaping ~~Parcels I and J and the open space parcel at the northeast corner of the development area of Phase I~~ shall be submitted with the final road and utility plans for each phase. Re-vegetation of all disturbed areas within Phase One, that are not planned to be landscaped with finished landscaping, such as road and utility installation, soil remediation, other existing disturbed areas, ~~of these parcels~~ shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.

42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs.

43. One additional site visit is required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report shall include additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report shall be provided to the Planning Department and reviewed by the Planning Commission prior to issuance of any grading or building permits.

44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist.

~~45. As a condition precedent to building permit issuance for any structure containing more than 4 units, and for any non-residential structure proposed to be constructed on Parcels I and J of the preliminary subdivision plat, a conditional use permit shall be approved by the Planning Commission.~~

46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if proposed building heights are greater than 28 feet. Lots 23, 24, 30, 31, 66 and 67 have been moved down the hill farther away from the minor ridge as much as possible and the concern for visual exposure is lessened with the revised plan. Lots 76 and 77 remain the same.

47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location.

48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible.

49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources.

50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.

51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities.

52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD.

53. The Applicant must meet all applicable bonding requirements.

54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters.

55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance.

56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and

ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3.

Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following: (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet

Lots 130 thru 154- 4000 square feet

Lots 163 thru 164- 4000 square feet

Lots 70 thru 72- 5000 square feet

Lots 105 thru 129- 5000 square feet

Lots 155 thru 156- 5000 square feet

Lots 77 thru 98- 6000 square feet

(Will need new lot numbers from Spencer on Wednesday).

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) “best practices” in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town.

57. The Park City Heights Design Guidelines shall be approved by the Planning Commission prior to the submittal of the Development Agreement to the Planning Commission and before any activity or permits can be pulled for the MPD. No pre-development work, including grading, clearing, etc. can occur prior to approval of the Design Guidelines by the Planning Commission.

58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval.

59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City’s Public Works Director.

60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program.

61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn’s Junction region.

62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR248/Richardson

Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan.

63. A new access easement shall be provided on the Phase 2 Final plat to provide possible future access for the Parcel to the south with the exact location to be determined at the time of the Final Phase 2 plat.

64. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.

Exhibits

Exhibit A- Approved Park City Heights Phase 1 subdivision plat

Exhibit B- Approved Park City Heights Preliminary plat

Exhibit C- Park City Heights MPD Development Agreement (including the concept plan)

Exhibit D- Approved Ordinance for the Phase 1 subdivision plat

Exhibit E- Applicants letter

Exhibit F- Applicants analysis of changes

Exhibit G- Proposed Preliminary plat

Exhibit H- Proposed and Existing Preliminary plats overlay

Exhibit I- Design Guidelines amendments

Exhibit J- Small lot Park Homes illustrations

Exhibit K- Annexation Agreement

Exhibit L- Minutes of PC meeting of June 26, 2013

EXHIBIT C

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Alan Spriggs, Summit County Utah Recorder
11/23/2011 03:06:27 PM Fee \$132.00

By LANDMARK TITLE COMPANY
Electronically Recorded

When recorded, please return to:
Park City Recorder
PO Box 1480
Park City, UT 84060

DEVELOPMENT AGREEMENT FOR THE PARK CITY HEIGHTS MASTER PLANNED DEVELOPMENT PARK CITY, SUMMIT COUNTY, UTAH

This Development Agreement is entered into as of this 15th day of NOVEMBER, 2011, by and between The Boyer Company, L.L.C., a Utah limited liability company and Park City Municipal Corporation ("Developers") as the owners and developers of certain real property located in Park City, Summit County, Utah, on which Developers proposes the development of a project known as the Park City Heights Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

RECITALS

- A. Developers are the owners of approximately 239 acres of real property located in Park City, Summit County, Utah, which is more particularly described in Exhibit A, (Legal Description) which is attached hereto and incorporated herein by this reference (the "Property").
- B. Developers have obtained approval for the development of a mixed residential project consisting of 239 residential units, a public park, trails systems, open space, future support commercial uses and additional community and neighborhood amenities known as the Park City Heights Master Planned Development, as more fully described in Exhibit B (MPD Site Plan) and in the Approval Documents (hereinafter defined) as set forth below (the "Project") as described in Exhibit C (May 11, 2011 MPD Action Letter of Approval).
- C. On May 27, 2010, the City Council of Park City enacted Ordinance No. 10-24 annexing approximately 286.64 acres of the Property into Park City's municipal boundaries and authorized the Mayor to execute an Annexation Agreement between Park City and Developers (Exhibit D) (Ordinance 10-24 and Annexation Agreement).
- D. Park City requires development agreements under the requirements of the Park City Land Management Code ("LMC") for all Master Planned Developments.
- E. Developers are willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.
- F. Park City reviewed the Project in light of the LMC and determined that, subject to the terms and conditions of this Development Agreement; Developers have complied with the provisions thereof, and have found that the Project is consistent with the purpose and intent of the relevant provisions of the LMC.
- G. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made
Planning Commission - October 9, 2013

certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developers and Park City hereby agree as follows:

1. Project Conditions.

1.1. The Annexation Agreement for the Park City Heights Property, executed by the parties on July 2, 2010 and recorded at the Summit County Recorder's office on July 20, 2010/ book # 2040 page # 1107, is attached hereto and incorporated herein by this reference as Exhibit D.

1.2 The Final Site Plan reviewed and approved by the Planning Commission on May 11, 2011, attached as Exhibit B, and the Findings of Fact, Conclusions of Law and Conditions of Approval of the approval of Park City Heights Master Planned Development dated May 11, 2011, attached as Exhibit C together with related documents attached thereto, are both hereby incorporated herein by reference (the "Approval Documents") and shall govern the development of Project, subject to any modifications specifically set forth in this Development Agreement. The project is located in the Community Transition (CT) zoning district. A final subdivision plat, or phased final subdivision plats, substantially reflecting the final Master Planned Development site plan approved by the Planning Commission on May 11, 2011, will be recorded prior to issuance of any building permits.

1.3. Developers agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

1.4. Developers and their successors agree that the following are required to be entered into and approved by Park City prior to issuance of a Building Permit: (a) a construction mitigation plan, (b) a utility plan, (c) a storm water plan, (d) a grading plan, and (e) a landscape plan in compliance with the conditions of the May 11, 2011 master planned development approval.

1.5. Developers are responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developers are responsible for receiving any Army Corp of Engineer Permits required related to disturbance of streams and wetlands.

2. Vested Rights and Reserved Legislative Powers.

2.1 Subject to the provisions of this Agreement, Developers are hereby granted the vested right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, in accordance with and subject to the terms and conditions of the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 Reserved Legislative Powers. Developers acknowledge that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such

proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developers shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. Subdivision Plat Approval and Compliance with Park City Design and Construction Standards.

3.1 Developers expressly acknowledge and agree that nothing in this Development Agreement shall be deemed to relieve Developers from the obligation to comply with all applicable requirements of Park City necessary for approval and recordation of subdivision plats for the Project, including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of Park City, including but not limited to, the Park City Subdivision Ordinance as set forth in the LMC and Design and Construction Standards.

4. Successors and Assigns.

4.1 Binding Effect. This Agreement shall be binding on the successors and assigns of Developers in the ownership or development of any portion of the Project.

4.2 Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developers or their successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developers prior to construction of buildings or improvements on the parcels, with Developers retaining all rights and responsibilities under this Agreement.

5. General Terms and Conditions.

5.1 Term of Agreement. Construction, as defined by the Uniform Building Code, is required to commence within two (2) years of the date of execution of this Agreement. After Construction commences, the Park City Heights Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The Master Plan approval for the Project shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

5.2 Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of Developers in the ownership or development of any portion of the Property.

5.3 Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without prior written consent of the City directed to the City Recorder, which consent shall not unreasonably be withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to the Developers or its successors or assigns. If no response is given by the City

within 14 calendar days following Developer's delivery of a request for consent, the City consent will be deemed to have been granted. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developers prior to construction of buildings or improvements on the parcels, with Developers retaining all rights and responsibilities under this Agreement.

5.4 No Joint Venture, Partnership or Third Party Rights. This Development Agreement in and of itself does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

5.5 Integration. This Development Agreement and the Approval Documents collectively contain the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

5.6 Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

5.7 Attorney's Fees. If this Development Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

5.8 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Agreement.

5.9 No Waiver. Failure to enforce any rights under this Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

6. Phasing.

6.1 Project Phasing. The Project may be platted and constructed in phases in accordance with the phasing plan approved together with this Agreement (Exhibit E), and in accordance with the LMC. The final plat including utility plans for the last phase of the Project shall be recorded no later than ten years from the date of this Agreement. The Developers may proceed by platting and constructing the Project all at one time or by phase for portions of the Project as market conditions dictate, as long as each phase provides a logical extension of the road system, infrastructure and facilities through the Project in conformance with the requirements of this Agreement and the LMC (Exhibit E). Project platting and construction may occur in phases based upon market conditions. The final plat for the last phase of the Project shall be recorded no later than 10 years from the date of this Agreement. In the event of such phasing, the issuance of a building permit on the first such phase shall be deemed to satisfy the requirement of issuance of a building permit in Section 5.1 above. Any modifications or elaborations to the approved Phasing Plan must be approved by the Chief Building Official prior to the commencement of construction of the applicable phase. If such proposed modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the Planning Commission for approval. Project amenities including, but not limited to the Club House, Public Park, trails and community garden shall be provided in accordance with the schedule outlined in the Conditions of Approval for the Master Planned Development (Exhibit C).

6.2 Construction of Access. Developers may commence grading access to the Project as approved by the City Engineer according to the generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, The International Building and Fire Codes, and the Army Corps of Engineers. Developers shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

7. Water.

7.1 Water Agreement. Pursuant to the July 2, 2010 Water Agreement, that is Exhibit C to the July 2, 2010, Annexation Agreement (Exhibit C of this Agreement), developers are not required to dedicate water rights to City in support of this Agreement or the Project. However, Developers acknowledge that water development fees will be collected by Park City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Developers or to individual building permit applicants developing within the Project.

8. Affordable Housing.

8.1 Affordable Housing Commitments. There are three distinct affordable housing commitments within this project:

Transferred IHC Units. 44.78 Affordable Unit Equivalents (AUEs) will be constructed in fulfillment of the affordable housing obligation associated with IHC/Burbs Annexation. One AUE is 800 square feet. These AUEs will be configured as 28 townhomes on Lots T1-T28. These units will be provided in accordance with Housing Resolution 17-99.

MPD-Required Affordable Units. The CT Zone requires a residential MPD to provide an affordable housing contribution equivalent to 20 percent of the market rate residential units. The Developers will provide 32 Affordable Unit Equivalents (AUEs) configured as 16 cottage units on the following lots: C6, C15, C37, C52 – C53, C101, C104, C157, C161, H60, H152, and H168. These units will be provided in accordance with Housing Resolution 17-99.

City Attainable Units. One of the expressed public purposes for the City's participation in this development was to provide additional affordable housing in the community. In addition to the AUEs described above, an additional 35 units will be included in the subdivision. These units will be developed in accordance with Housing Resolution 2007 with the goal of creating a greater diversity of housing type and community access. These units are located on the following lots: D1-12, P 1 – P8, C27-35.

The Developers must submit a Housing Mitigation Plan to the Park City Housing Authority for approval prior to the issuance of building permits. The Housing Mitigation Plan shall address the schedule setting forth the phasing of the required AUEs, which will be in conjunction with the overall phasing and development plan of the community. A description of the marketing plan including how the Developers are addressing the City's local preference options, anticipated sale prices by unit type recognizing that the community will be developed over several years and a variety of market conditions, the method by which the units will remain affordable and the term of affordability. A deed restriction shall be recorded against the plat prior to the issuance of building permits. The Developers shall comply with the Affordable Housing requirements prior to receiving any certificates of occupancy, as detailed in the Master Planned Development conditions of approval as attached hereto as Exhibit C.

9. **Traffic Mitigation.**

9.1 **Signalized Intersection Improvements.** Developers shall provide all required improvements in the Annexation Agreement and as further specified in Exhibit C- the Park City Heights MPD approval. However, a grade- separated bike lane that connects to the rail trail shall be provided on the north side of Richardson Flat Road in lieu of striped bike lanes on Richardson Flat Road as was initially proposed in the Annexation Agreement. This change is based upon Planning Commission's recommendation to provide the bike lane as grade-separated from the travel lanes to increase safety especially for younger children who may travel to school by bicycle.

The City shall address assignment of costs of the improvements required herein or any latecomer contribution at the time of any subsequent purchase agreement or assignment of this Agreement. At a minimum, should the City retain development responsibility of the Intersection Improvements, any subsequent Developers agree to contribute 18 percent or \$350,000, whichever is less, toward the cost of the intersection improvements.

10. **Form of Ownership Anticipated for Project.**

The Project will consist of 1) 160 individually owned market rate units distributed as a mix of cottage units on 6,000 to 8,600 square foot lots and detached single family homes on 8,000 to 48,000 square foot lots; 2) Twenty-eight (28) individually owned deed restricted townhouse units; and 3) Fifty-one (51) individually owned deed restricted housing units as a mix of single family detached, cottage homes, and townhomes. All roads are to be dedicated as public roads. All common areas, with the exception of the City Park, are to be owned in common and maintained by the HOA. Any condominiumization of the Project for private ownership and common ownership of land and common ownership of land and common facilities shall be in compliance with applicable law.

11. **Physical Mine Hazards.**

There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner (see attached Exhibit F).

12. **Notices.**

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developers:

The Boyer Company
90 South 400 West, Suite 200
Salt Lake City, UT 84101-1365
Attn: Patrick Moffat

Park City
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: Phyllis Robinson

To Park City:

445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: City Attorney

Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

12. List of Exhibits.

- Exhibit A- Legal Description
- Exhibit B- MPD Site Plan
- Exhibit C- MPD Action letter
- Exhibit D- Annexation Agreement and Exhibits
- Exhibit E- Phasing Plan
- Exhibit F- Physical Mine Hazards Letter

IN WITNESS WHEREOF, this Development Agreement has been executed by The Boyer Company, L.L.C., a Utah limited liability company and Park City Municipal Corporation as Developers and Park City Municipal Corporation by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the 21 day of ~~NOVEMBER~~, 2011.

PARK CITY MUNICIPAL CORPORATION

By: *Dana Williams*
Dana Williams, Mayor

ATTEST:

By: *Janet M. Scott*
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

[Signature]
Mark D. Harrington, City Attorney

Thomas A. Dacey/SR
DEPUTY



7

DEVELOPERS:

The Boyer Company, L.C.,
A Utah limited Liability Company

[Handwritten signature]

By: ~~Patrick Moffat~~ *DAVID GLENN*

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this 18th day of ~~October~~ *November*, 2011, personally appeared before me *David Glenn* whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a member of Boyer Company, a Utah limited Liability Company by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said LLC executed the same.

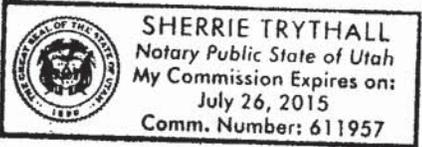
Notary Public *[Handwritten signature]*

And;

Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

[Handwritten signature]

By: Thomas B. Bakaly, City Manager



STATE OF UTAH)
 : ss
COUNTY OF SUMMIT) *November*

On this 21st day of ~~October~~ *November*, 2011, personally appeared before me *Thomas B. Bakaly* whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that ~~she~~ *he* is a member of Park City Municipal Corporation.

Notary Public *Jessica Winderl*

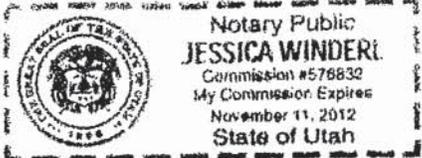


EXHIBIT A - LEGAL DESCRIPTION

BOUNDARY DESCRIPTION

A parcel of land located in the South Half of Section 2 and portions of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a Park City Boundary Aluminum Cap marking the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running

thence North 00°19'41" East 1,474.01 feet along the West Section Line of said Section 11, also being along the Easterly Boundary Line of the Hidden Meadows Subdivision Annexation Plat recorded as Entry No. 425892 in the Office of the Summit County Recorder; thence North 63°17'52" East 344.36 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 75°52'07" East 1,501.92 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 38°46'13" West 606.70 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 39°40'23" West 214.68 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat to the North Section Line of said Section 11; thence South 88°46'45" East 89.54 feet along the North Section Line of said Section 11 to the 1/16 Corner of said Section 2; thence North 00°00'41" East 1,415.34 feet along the 1/16th Section Line of said Section 2 to the Southerly Right-of-Way Line of the abandoned Union Pacific Railroad Property; thence North 68°35'10" East 611.63 feet along the Southerly Right-of-Way Line of said abandoned Union Pacific Railroad Property; thence Northeasterly 622.07 feet along the arc of a 1,532.69 foot radius curve to the left (center bears North 21°24'50" West and the chord bears North 56°57'32" East 617.81 feet with a central angle of 23°15'16") along the Southerly Right-of-Way Line of said abandoned Union Pacific Railroad Property to the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B); thence South 89°20'19" East 143.65 feet along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B); thence Southeasterly 252.20 feet along the arc of a 2,814.90 foot radius curve to the right (center bears South 00°39'41" West and the chord bears South 86°46'19" East 252.11 feet with a central angle of 05°08'00") along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B); thence South 84°12'19" East 300.22 feet along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B) to the Westerly Right-of-Way Line of State Highway 40; thence South 07°02'52" East 965.75 feet along the Westerly Right-of-Way Line of said State Highway 40; thence South 07°03'48" East 1,299.91 feet along the Westerly Right-of-Way Line of said State Highway 40; thence South 42°31'04" West 3,012.86 feet; thence South 103.66 feet to the projection of the Northerly Boundary Line of the Morning Star Estates Subdivision recorded as Entry No. 376621 in the Office of the Summit County Recorder; thence North 89°30'31" West 1,368.96 feet along the Northerly Boundary Line of said Morning Star Estates Subdivision and its projections thereof to the point of beginning.

Contains 8,518,648 Square Feet or 195.561 Acres

Tax Parcel No.s PCA-88-X, PCA-92, PCA-92-D-X, PCA-SS-122, PCA-122-B-X

PARCEL 2

Beginning South along the Quarter Section line 1834.13 feet from the North Quarter corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence South along the Section line 805.87 feet, more or less, to the Eastwest Quarter Section line of the said Section 2, thence West along the said Quarter Section line 1450.00 feet, more or less, to the Easterly line of Highway Alt 40, thence Northeasterly along the highway 880.00 feet, more or less, thence East 1100.00 feet, more or less, to the point of beginning.

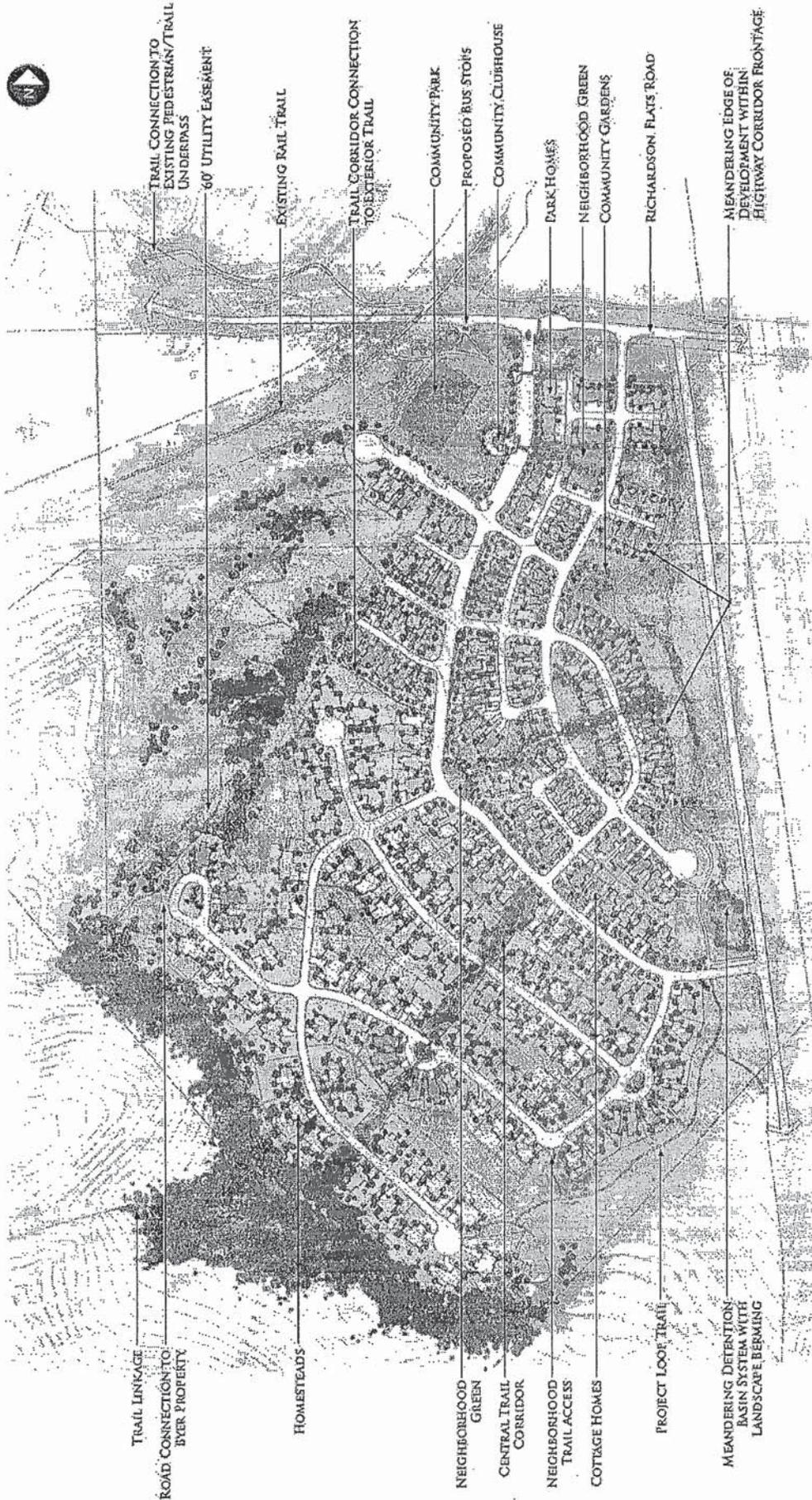
LESS THAT property taken by the United States of America by Declaration of Taking, recorded March 1, 1990, as Entry No. 327133, in Book 571, Page 595, official records of Summit County, Utah.

LESS THAT portion conveyed to the Utah Department of Transportation by Warranty Deed, recorded March 4, 1999, Entry No. 532113, in book 1235, Page 761, and more particularly described as follows:

Beginning at the Southwest corner of said entire tract, which is approximately 804.672 meters (2640.00 feet) South 0°27'25" West along the Quarter Section line to the center Quarter corner of said Section 2 and approximately 440.029 meters (1443.65 feet) North 89°49'09" West along the Quarter Section line from the North Quarter corner of said Section 2, which point is on the Easterly right of way line of said existing highway State Route 24B, and running thence North 22°01'00" East 66.512 meters (214.93 feet) along said Easterly right of way line and the Westerly boundary line of said entire tract to a point 19.405 meters (63.66 feet) perpendicularly distant Easterly from control line of said project, thence North 26°18'21" East 122.266 meters (401.14 feet) along said Easterly right of way line and said West boundary line to a point 27.659 meters (90.74 feet) perpendicularly distant Easterly from said control line, thence South 22°01'00" West 183.771 meters (602.92 feet) to the Southerly boundary line of said entire tract at a point 29.001 meters (95.15 feet) perpendicularly distant Easterly from said control line, thence North 89°49'09" West 9.851 meters (32.32 feet) along said South boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Parcel 2 contains 1,048,893 sq. ft., and 24.08 acres

FEBRUARY 9, 2010



PARK CITY HEIGHTS

NEIGHBORHOOD MASTER PLAN

Ordinance No. 11-25

AN ORDINANCE APPROVING THE PARK CITY HEIGHTS PHASE 1 SUBDIVISION LOCATED AT RICHARDSON FLAT ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Park City Heights Master Planned Development (MPD) located north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 1 subdivision; 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 according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2011, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on October 26, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 17, 2011, the City Council held a public hearing on the Park City Heights Phase 1 subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Park City Heights Phase 1 subdivision.

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

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

Findings of Fact:

1. The property is located on Richardson Flat Road east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and is zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD. The proposed plat is consistent with the preliminary subdivision plat.
5. Park City Municipal Corporation and Boyer Park City Junction are joint owners of the property. The property was not purchased with open space revenues,
6. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.

7. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. .
8. The proposed subdivision plat creates lots of record for 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes four (4) cottage home lots of record, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.
9. The townhome lots range in area from 1,898 sf to 4,779 sf for Lot T16, a corner lot with 3 front yard setbacks. The cottage lots range in area from 4,431 sf to 6,051 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD.
10. No non-conforming conditions are created by the subdivision.
11. An existing 50' wide power line easement for PacifiCorp traverses parcels G and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
12. The property is accessed from Richardson Flat Road, a public county road.
13. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets and drives are public.
14. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
15. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
16. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
17. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets; provides for future support commercial parcels; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.
18. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as conditioned.
4. The subdivision is consistent with the Park City Heights preliminary plat approved by the Planning Commission on June 22, 2011.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not

adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County 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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply.
4. Conditions of approval of the Park City Heights MPD, as memorialized in the Development Agreement, continue to apply.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets and drives, but not driveways on individual lots and parcels, within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
7. The City Park parcel shall be dedicated to the City upon recordation of the plat.
8. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved prior to building permit issuance.
12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines.
13. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.
14. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, as stated in the Annexation Agreement, MPD conditions of approval and as noted on the plat.
15. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
16. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval.

17. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals, amounting to 125% of the value of all required public improvements, including those public improvements identified in Condition #30 of the Master Planned Development (i.e. construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the MPD findings of fact, and other neighborhood amenities associated with the first phase), shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards prior to release of this guarantee. The twenty-five percent shall be held by the City through the warranty period and until such improvements are accepted by the City.
18. All standard project conditions shall apply.
19. Required street trees will be placed 30' on center along the main access road.

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

PASSED AND ADOPTED this 17th day of November, 2011.

PARK CITY MUNICIPAL CORPORATION



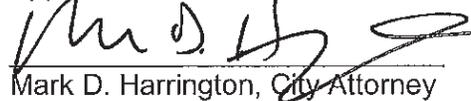
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

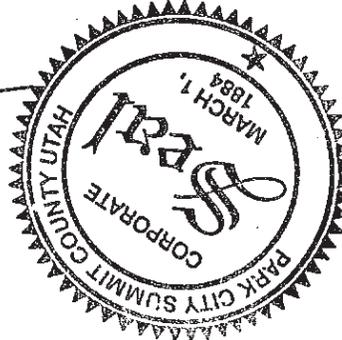


EXHIBIT E

Park City Heights

MPD Pre-Application Meeting Request

Park City Heights Master Planned Development (MPD) was approved on May 11, 2011 and the Development Agreement was ratified on October 26, 2011. In the spring of 2012, Ivory Development began the construction process of improving Phase 1. During the process it was discovered that portions of the site contain contaminated soils. Ivory Development brought this information to the attention of Park City and they have been working together to determine the best plan of action and a process for moving forward.

Ivory Development hired environmental consultants and began working with the State Department of Environmental Quality (DEQ) the Environmental Protection Agency (EPA) and Park City to mitigate the issues. The only viable option to clean the site and continue with development is to create an on-site repository for the contaminated soils. The on-site repository can only be used for soils generated from the site. No off-site soils can be placed in the repository.

The process of creating a repository and cleaning the site of contaminated soils is through the Voluntary Clean-up Process (VCP) with the DEQ. The amount of contaminated soils will require a repository and buffer area of approximately 7-8 acres. The repository area needs to be upland as far away from the Silver Creek stream corridor as possible. Ivory Development began to look at the approved master plan and start looking at conceptual plans that would accommodate the repository.

A work session was held with the Park City Planning Commission on June 26, 2013 in which a determination was made that the proposed changes will require an amendment process. The LMC requires that an application for MPD Pre-Application Meeting be completed.

Modifications will consist of site plan, phasing, unit type designation/clarification, lot numbering and changes to the Park City Heights Neighborhood Design Guide. These items have been completed and turned in with the MPD Amendment Application.

Park City Heights
Request for MPD Amendment

Park City Heights Master Planned Development (MPD) was approved on May 11, 2011 and the Development Agreement was ratified on October 26, 2011. In the spring of 2012, Ivory Development began the construction process of improving Phase 1. During the process it was discovered that portions of the site contain contaminated soils. Ivory Development brought this information to the attention of Park City and they have been working together to determine the best plan of action and a process for moving forward.

Ivory Development hired environmental consultants and began working with the State Department of Environmental Quality (DEQ) the Environmental Protection Agency (EPA) and Park City to mitigate the issues. The only viable option to clean the site and continue with development is to create an on-site repository for the contaminated soils. The on-site repository can only be used for soils generated from the site. No off-site soils can be placed in the repository.

The process of creating a repository and cleaning the site of contaminated soils is through the Voluntary Clean-up Process (VCP) with the DEQ. The amount of contaminated soils will require a repository and buffer area of approximately 7-8 acres. The repository area needs to be upland as far away from the Silver Creek stream corridor as possible. Ivory Development began to look at the approved master plan and start looking at conceptual plans that would accommodate the repository.

A work session was held with the Park City Planning Commission on June 26, 2013 in which a determination was made that the proposed changes will require an amendment process.

In light of this information and the need to modify the site plan and other items, we request an amendment to the approved MPD. In addition to the amended MPD, we also request an extension of approval. We request that an extension be granted for one (1) year from the date of the recorded MPD amendment. Modifications will consist of site plan, phasing, unit type designation/clarification, lot numbering and changes to the Park City Heights Neighborhood Design Guide. These items have been attached for your review.

EXHIBIT F

Park City Heights Proposed Changes to Findings of Fact & Conditions of Approval

Findings of Fact

1. The Park City Heights MPD includes the following:

- a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single-family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines. - No change
- b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes. - No change
- c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units.
- Units will be configured as Single Family Detached Cottage Homes and dispersed throughout the cottage homes area.
- d. 35 additional non-required deed restricted affordable units in a mix of unit types.
- Units will be configured as small lot Single Family Detached Park Homes.
- e. All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
- Change the finding of fact to be the same as stated in the Annexation Agreement, which is: "All units (including all deed restricted units) will be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of building permit submittal.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either:
 - Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
 - Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.Points achieved in these resource conservation categories will count towards the overall score. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance."
- f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.
- Open space will remain the same. With the contaminated soils discovered on the property, the only viable option is to create an on-site repository of approximately 7-8 acres. The open space and lot layouts will be reconfigured, but the open space percentage will remain the same.
- g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements. - No change
- h. A dedicated 3.55 acre (155,000 sf) public neighborhood City Park with field, tot lot and playground equipment, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City. This park is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the park users.

- No change to the type of amenity, because of the area required for the repository there is an adjustment in their locations. The tot lot and playground equipment, shade structure, natural area, and clubhouse will remain in the same locations (with some minor adjustments). The area has been reduced from 3.55 acres to approximately 2.70 acres. However, a 1.00 acre linear park and another 2.00 acre open park area are being proposed to offset this change. With the repository and other modifications, the total amount of public neighborhood City Park will increase to approximately 9-10 acres.
- i. A 15,000 sf (approx.) community gardens area within the PC Heights neighborhood. This area is included in the open space calculations.
 - Propose to change the location slightly to the northeast, but still remain adjacent to open space.
 - j. 3 to 4 miles of soft surface trails within and around the property and additional mile or so of hard surfaced sidewalks and paths along the Project's streets. - No change
 - k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connection to the south property line for future connections to the Jordanelle area. Trail easement on north side of Richardson Flat Road from Rail Trail to east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11. - No change
 - l. Transit bus shelters along Richardson Flat road including "dial-a-ride signs" (City bus service expected to be extended to Park City Heights and the Park and Ride). - No change
 - m. Bike racks at the club house and public park. - No change
 - n. Cross walk across Richardson Flat road at the rail trail. - No change
 - o. A 3,000 sf community center/club house area to be constructed by the developer with dedicated future ancillary support uses or possible daycare center parcels (Parcels I and J as shown on the preliminary plat). Exterior access bathrooms will be available for park users. Construction of a daycare facility would be by the owner of the daycare facility and not by the Park City Heights development. - No change
 - p. Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement. - No change
 - q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement. - No change
 - r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011. - No change
 - s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.
 - Will require changes to the Design Guidelines. All other requirements will remain the same.
 - Proposed changes to the Design Guidelines are attached.
 - t. No sound barrier walls or structures along US 40 within or related to the MPD. - No change
2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement. - No change
 3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement. - No change
 4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan. - No change
 5. On June 30, 2010, the applicants submitted a complete MPD application. - No change
 6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code. - No change
 7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011. - No change

8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements. - [No change](#)
9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. Access is also proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
- [Propose to eliminate access to the unimproved US 40 frontage road and provide an access easement for the Parcel to the south. This access was proposed to be eliminated in Phase 3 of the original plan and was discussed with Planning Staff and PC Fire Service District. A new access easement is proposed to provide a possible future link for the Parcel to the south. This will enable the Parcel to the south to have 2 ingress/egress points from Richardson Flat Road.](#)
10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities. - [No change](#)
11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan. - [No change](#)
12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users. - [No change](#)
13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design. - [No change](#)
14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres). - [No change](#)
15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis. - [No change](#)
16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with. - [No change](#)
17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with. - [No change](#)
18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife. - [No change](#)
19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (and greater to the south property line). - [No change](#)
20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria. - [No change](#)
21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.
- [Proposed lot layout brings the configuration of the lots further down the hill and less prominent from SR 248. A great deal of effort has been given to move the units as far away from the minor ridge as possible. No change is proposed to the requirement to obtain an Administrative Conditional Use Permit.](#)

22. Structures containing more than four units and future non-residential structures on Parcels I and J will be more visible due to the location along Richardson Flat Road and the potential massing. Additional review through the conditional use process is warranted for these parcels and uses.
 - No change to the requirement for structures containing more than four units (it is not contemplated to have buildings containing more than four units). It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the future commercial parcels. Massing along Richardson Flat Road will be small lot Single Family Detached Park Homes with a focus on front doors and front porches.
23. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.
 - Will require changes to the Design Guidelines. All other requirements will remain the same. Proposed changes to the Design Guidelines are attached.
24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department is preparing a Short range Transit Development Plan studying demand for transit, routes, efficiency of the transit system, etc to be completed in July of 2011. This Transit Plan will address the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City. - No change
25. Construction traffic is required to be addressed in the Construction Mitigation Plan. - No change
26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study. - No change
27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site. - No change
28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, duplexes, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be a mix of unit types as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. As part of the mix of unit types, rental housing will be considered consistent with the needs described in the September 2010 Housing Market Assessment. Defining the configuration of units to be:
 - 35 Deed restricted units will be configured as small lot Single Family Detached Park Homes
 - 28 Deed restricted townhouse units will remain the same
 - 16 Deed restricted units will be configured as Single Family Detached Cottage Homes
29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone. - No change
30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines. - No change
31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities. - No change
32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues. - No change

33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management. - No change
34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development. - No change
35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management Plan and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site. - No change
36. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance. - No change
37. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. Construction of a daycare center is not the responsibility of the applicant/developer of Park City Heights. - It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the commercial parcels.
38. A master sign plan is required for Planning Department review and approval and all individual signs require a sign permit prior to installation. - No change
39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units. - No change
40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. - No change
41. The applicant stipulates to the conditions of approval. - No change
42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein. - No change
43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Powerline setbacks as required by this Utility. - No change
44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character". - No change
45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City. - No change
46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries. - No change
47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices. - No change
48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex. - No change

Conclusions of Law

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City

6. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The MPD provides amenities to the community so that there is no net loss of community amenities.
8. The MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
10. The MPD promotes the Use of non-vehicular forms of transportation through the site design and by providing trail connections.
11. The MPD has been noticed and public hearings held in accordance with the LMC.

Conditions of Approval

1. All standard project conditions shall apply (Attached). - No Change
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats. - No Change
3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines. - No Change
4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot. - No Change
5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided to confirm compliance with the standards. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
- Change the finding of fact to be the same as stated in the Annexation Agreement, which is: "All units (including all deed restricted units) will be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of building permit submittal.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.

Points achieved in these resource conservation categories will count towards the overall score. Third party inspection will be provided to confirm compliance with the standards. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance."

6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines. - No Change
7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance. - No Change
8. All exterior lighting, including any street and/or path lighting shall designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(I) and 15-3-3(c) and the Park City Heights Design Guidelines. - No Change
9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained. - No Change
10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall

- address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. - [No Change](#)
11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent un-necessary disturbance of native vegetation. - [No Change](#)
 12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies to a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments. - [No Change](#)
 13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site. - [No Change](#)
 14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the public park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats. - [No Change](#)
 15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee. - [No Change](#)
 16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground. - [No Change](#)
 17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat. - [No Change](#)
 18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer. - [No Change](#)
 19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance. - [No Change](#)
 20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15). - [No Change](#)
 21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies. - [No Change](#)

22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system. - No Change
23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to: educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; clean up of degraded areas; and new nesting habitat/bird and small mammal boxes. - No Change
24. Lots 89 and 90 of the preliminary subdivision plat shall be shifted to match the trail phasing plan to locate the trail connection on the open space. - This condition has been shown on the new plan. The lot lines have been adjusted to accommodate the trail and trail connection for those lots.
25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures. - No Change
26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit. - No Change
27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development. - No Change
28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department. - No Change
29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan. - No Change
30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement. - No Change
31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.
- No change to the type of amenity, because of the area required for the repository there is an adjustment in their locations. The tot lot and playground equipment, shade structure, natural area, and clubhouse will remain in the same location. The area has been reduced from 3.55 acres to approximately 2.70 acres. However, a 1.00 acre linear park and another 2.00 acre open park area are being proposed to offset this change. The total amount of public neighborhood City Park will increase to approximately 9-10 acres.
32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD. - No Change
33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan. - No Change
34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits. - No Change
35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation constructed as part of the design of the dwelling

- units and shall be reviewed by the Planning Department for compliance with the Design Guidelines. - [No Change](#)
36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project. - [No Change](#)
 37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder. - [No Change](#)
 38. The Park City Soils Boundary shall be identified on the final plats (if applicable). - [No Change](#)
 39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement. - [No Change](#)
 40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions. - [No Change](#)
 41. A re-vegetation plan for Parcels I and J and the open space parcel at the northeast corner of the development area of Phase I shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.
- [It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the commercial parcels. The re-vegetation requirement will remain in effect.](#)
 42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs. - [No Change](#)
 43. One additional site visit is required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report shall include additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report shall be provided to the Planning Department and reviewed by the Planning Commission prior to issuance of any grading or building permits. - [No Change](#)
 44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist. - [No Change](#)
 45. As a condition precedent to building permit issuance for any structure containing more than 4 units, and for any non-residential structure proposed to be constructed on Parcels I and J of the preliminary subdivision plat, a conditional use permit shall be approved by the Planning Commission.
- [No change to the requirement for structures containing more than four units \(it is not contemplated to have buildings containing more than four units\). It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the future commercial parcels.](#)
 46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if the proposed building height is greater than 28 feet.
- [Lots 23, 24, 30, 31, 66 and 67 have been moved down the hill farther away from the minor ridge as much as possible \(the concern for visual exposure is negligible\). Lots 76 and 77 remain the same. This condition shall remain for any proposed structure on the western perimeter lots that are deemed to be exposed visually. Lot numbers will need to be changed per the proposed plan.](#)
 47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location. - [No Change](#)
 48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible. - [No Change](#)
 49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources. - [No Change](#)

50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD. - No Change
51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities. - No Change
52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD. - No Change
53. The Applicant must meet all applicable bonding requirements. - No Change
54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters. - No Change
55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance. - No Change
56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3. Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet
 Lots 130 thru 154- 4000 square feet
 Lots 163 thru 164- 4000 square feet
 Lots 70 thru 72- 5000 square feet
 Lots 105 thru 129- 5000 square feet
 Lots 155 thru 156- 5000 square feet
 Lots 77 thru 98- 6000 square feet

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) "best practices" in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town.

- Change condition to read: "...to achieve National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) OR reach LEED for Homes Silver Rating to meet..."

- Lot numbers will need to be changed with relation to house sizes per the proposed plan.

- Will require changes to the Design Guidelines. All other requirements will remain the same. Proposed changes to the Design Guidelines are attached.

57. The Park City Heights Design Guidelines shall be approved by the Planning Commission prior to the submittal of the Development Agreement to the Planning Commission and before any activity or permits can be pulled for the MPD. No pre-development work, including grading, clearing, etc. can occur prior to approval of the Design Guidelines by the Planning Commission. - No Change
58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval. - No Change
59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City's Public Works Director.
- New lot configuration and street layout provides snow storage areas and space for utility corridors. This was an area of concern on the approved plan with the City Engineer and Public Works. It is proposed to increase the R.O.W. on some of the roads from 30' to 40' for snow storage and utility placement. The 'local drive' and

R.O.W. are not adequate to accommodate utilities and snow storage. For this reason most of the 'local drives' have been removed from the land plan.

60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program. - No Change
61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn's Junction region. - No Change
62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR 248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan. - No Change

Park City Heights Proposed Changes to Findings of Fact

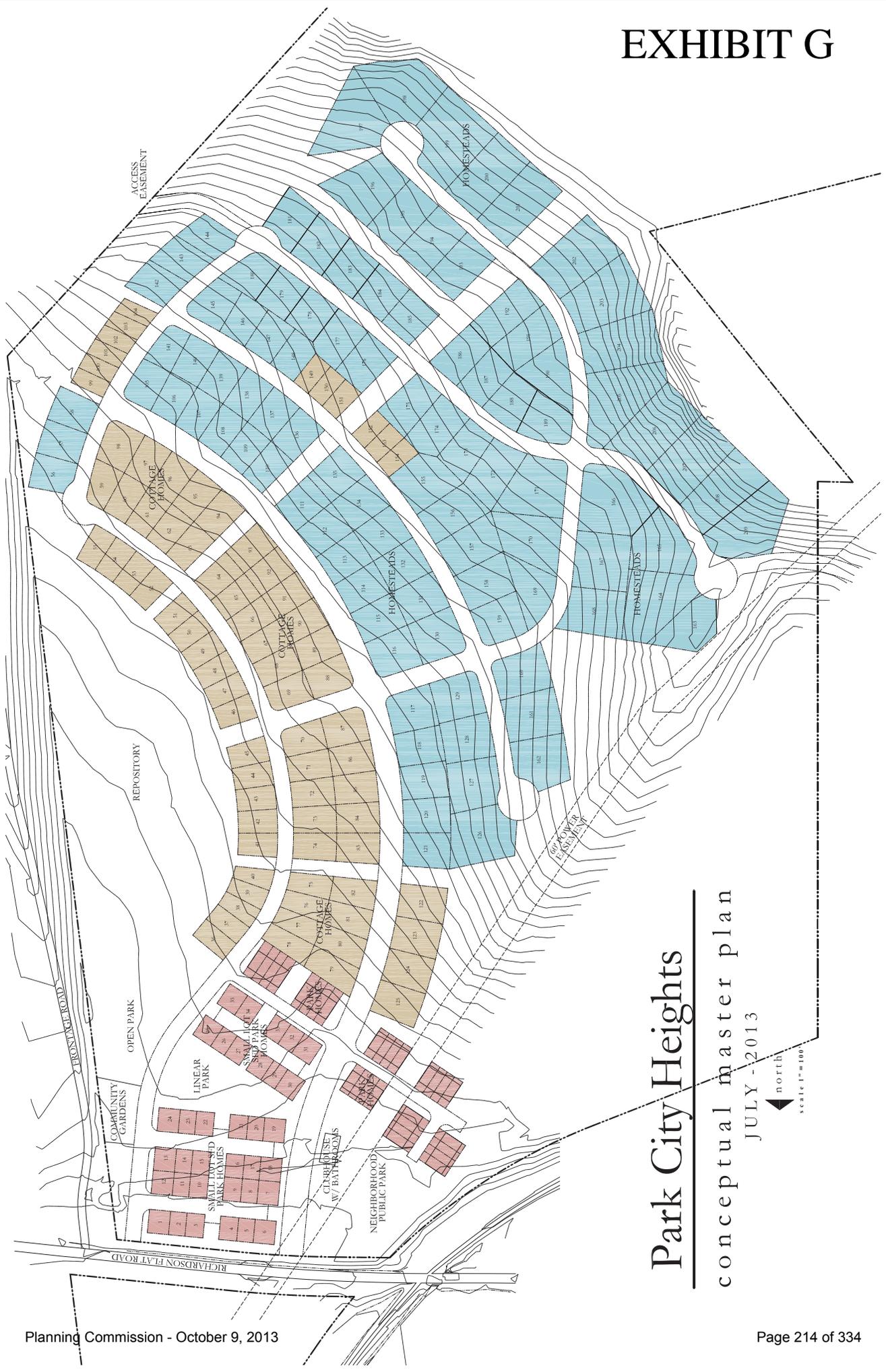
<p>1 (e). 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units.</p>	<p>Units will be configured as Single Family Detached Cottage Homes and dispersed throughout the cottage homes area.</p>
<p>1 (g). 35 additional non-required deed restricted affordable units in a mix of unit types.</p>	<p>Units will be configured as small lot Single Family Detached Park Homes. * See Conceptual Elevations</p>
<p>1 (e). All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.</p>	<p>Change the finding of fact to be the same as stated in the Annexation Agreement, which is: "All units (including all deed restricted units) will be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of building permit submittal. In addition to the builder achieving the forementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either: Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance."</p>
<p>1 (f). A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.</p>	<p>Open space will remain the same. With the contaminated soils discovered on the property, the only viable option is to create an on-site repository of approximately 7-8 acres. The open space and lot layouts will be reconfigured, but the open space percentage will remain the same. * See Proposed Park & Trail Plan</p>
<p>1 (h). A dedicated 3.55 acre (155,000 sf) public neighborhood City Park with field, tot lot and playground equipment, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City. This park is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the park users.</p>	<p>No change to the type of amenity, because of the area required for the repository there is an adjustment in their locations. The tot lot and playground equipment, shade structure, natural area, and clubhouse will remain in the same locations (with some minor adjustments). The area has been reduced from 3.55 acres to approximately 2.70 acres. However, a 1.00 acre linear park and another 2.00 acre open park area are being proposed to offset this change. With the repository and other modifications, the total amount of public neighborhood City Park will increase to approximately 9-10 acres. * See Proposed Park & Trail Plan</p>
<p>1 (g). A 15,000 sf (approx.) community gardens area within the PC Heights neighborhood. This area is included in the open space calculations.</p>	<p>Propose to change the location slightly to the northeast, but still remain adjacent to open space. * See Old & New Comparison Plan</p>
<p>1 (g). Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.</p>	<p>Will require changes to the Design Guidelines. All other requirements will remain the same. * See proposed changes to the Design Guidelines</p>

<p>9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. Access is also proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.</p>	<p>Propose to eliminate access to the unimproved US 40 frontage road and provide an access easement for the Parcel to the south. This access was proposed to be eliminated in Phase 3 of the original plan and was discussed with Planning Staff and PC Fire Service District. A new access easement is proposed to provide a possible future link for the Parcel to the south. This will enable the Parcel to the south to have 2 ingress/egress points from Richardson Flat Road. * See Old & New Comparison Plan</p>
<p>21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.</p>	<p>Proposed lot layout brings the configuration of the lots further down the hill and less prominent from SR 248. A great deal of effort has been given to move the units as far away from the minor ridge as possible. No change is proposed to the requirement to obtain an Administrative Conditional Use Permit. * See Minor Ridge Comparison Plan</p>
<p>22. Structures containing more than four units and future non-residential structures on Parcels I and J will be more visible due to the location along Richardson Flat Road and the potential massing. Additional review through the conditional use process is warranted for these parcels and uses.</p>	<p>No change to the requirement for structures containing more than four units (it is not contemplated to have buildings containing more than four units). It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the future commercial parcels. Massing along Richardson Flat Road will be small lot Single Family Detached Park Homes with a focus on front doors and front porches. * See Old & New Comparison Plan</p>
<p>23. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.</p>	<p>Will require changes to the Design Guidelines. All other requirements will remain the same. * See proposed changes to the Design Guidelines</p>
<p>28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, duplexes, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be a mix of unit types as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. As part of the mix of unit types, rental housing will be considered consistent with the needs described in the September 2010 Housing Market Assessment.</p>	<p>Defining the configuration of units to be: 35 Deed restricted units will be configured as small lot Single Family Detached Park Homes. 28 Deed restricted townhouse units will remain the same. 16 Deed restricted units will be configured as Single Family Detached Cottage Homes.</p>
<p>37. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. Construction of a daycare center is not the responsibility of the applicant/developer of Park City Heights.</p>	<p>It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the commercial parcels. * See Old & New Comparison Plan</p>

Park City Heights Proposed Changes to Conditions of Approval

<p>5. A note shall be added to the final plats stating that all units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.</p>	<p>Change the finding of fact to be the same as stated in the Annexation Agreement, which is: "All units (including all deed restricted units) will be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of building permit submittal. In addition to the builder achieving the forementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either: Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance."</p>
<p>24. Lots 89 and 90 of the preliminary subdivision plat shall be shifted to match the trail phasing plan to locate the trail connection on the open space.</p>	<p>This condition has been shown on the new plan. The lot lines have been adjusted to accommodate the trail. * See Old & New Comparison Plan</p>
<p>31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.</p>	<p>No change to the type of amenity, because of the area required for the repository there is an adjustment in their locations. The tot lot and playground equipment, shade structure, natural area, and clubhouse will remain in the same location (with some minor adjustments). The area has been reduced from 3.55 acres to approximately 2.70 acres. However, a 1.00 acre linear park and another 2.00 acre open park area are being proposed to offset this change. The total amount of public neighborhood City Park will increase to approximately 9-10 acres. * See Proposed Park & Trail Plan</p>
<p>41. A re-vegetation plan for Parcels I and J and the open space parcel at the northeast corner of the development area of Phase I shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.</p>	<p>It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the commercial parcels. The re-vegetation requirement will remain in effect. * See Old & New Comparison Plan</p>
<p>Page 45 of 103 As a condition precedent to building permit issuance for any structure containing more than 4 units, and for any non-residential structure proposed to be constructed on Parcels I and J of the preliminary subdivision plat, a conditional use permit shall be approved by the Planning Commission.</p>	<p>No change to the requirement for structures containing more than four units (it is not contemplated to have buildings containing more than four units). It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the future commercial parcels. * See Old & New Comparison Plan</p>

<p>46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if the proposed building height is greater than 28 feet.</p>	<p>Lots 23, 24, 30, 31, 66 and 67 have been moved down the hill farther away from the minor ridge as much as possible (the concern for visual exposure is negligible). Lots 76 and 77 remain the same. This condition shall remain for any proposed structure on the western perimeter lots that are deemed to be exposed visually. Lot numbers will need to be changed per the proposed plan. * See Minor Ridge Comparison Plan</p>
<p>56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3. Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)</p> <ul style="list-style-type: none"> Lot 58 thru 66- 4000 square feet Lots 130 thru 154- 4000 square feet Lots 163 thru 164- 4000 square feet Lots 70 thru 72- 5000 square feet Lots 105 thru 129- 5000 square feet Lots 155 thru 156- 5000 square feet Lots 77 thru 98- 6000 square feet <p>The Design Guidelines shall reflect a preference for smaller homes consistent with (a) "best practices" in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town.</p>	<p>Change condition to read: "...to achieve National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) OR reach LEED for Homes Silver Rating to meet..."</p> <p>Lot numbers will need to be changed with relation to house sizes per the proposed plan. * See Proposed Conceptual Master Plan</p> <p>Will require changes to the Design Guidelines. All other requirements will remain the same. * See proposed changes to the Design Guidelines</p>
<p>59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City's Public Works Director.</p>	<p>New lot configuration and street layout provides snow storage areas and space for utility corridors. This was an area of concern on the approved plan with the City Engineer and Public Works. It is proposed to increase the R.O.W. on some of the roads from 30' to 40' for snow storage and utility placement. The 'local drive' and R.O.W. easement are not adequate to accommodate utilities and snow storage. For this reason most of the 'local drives' have been removed from the land plan. *See Old & New Comparison Plan</p>



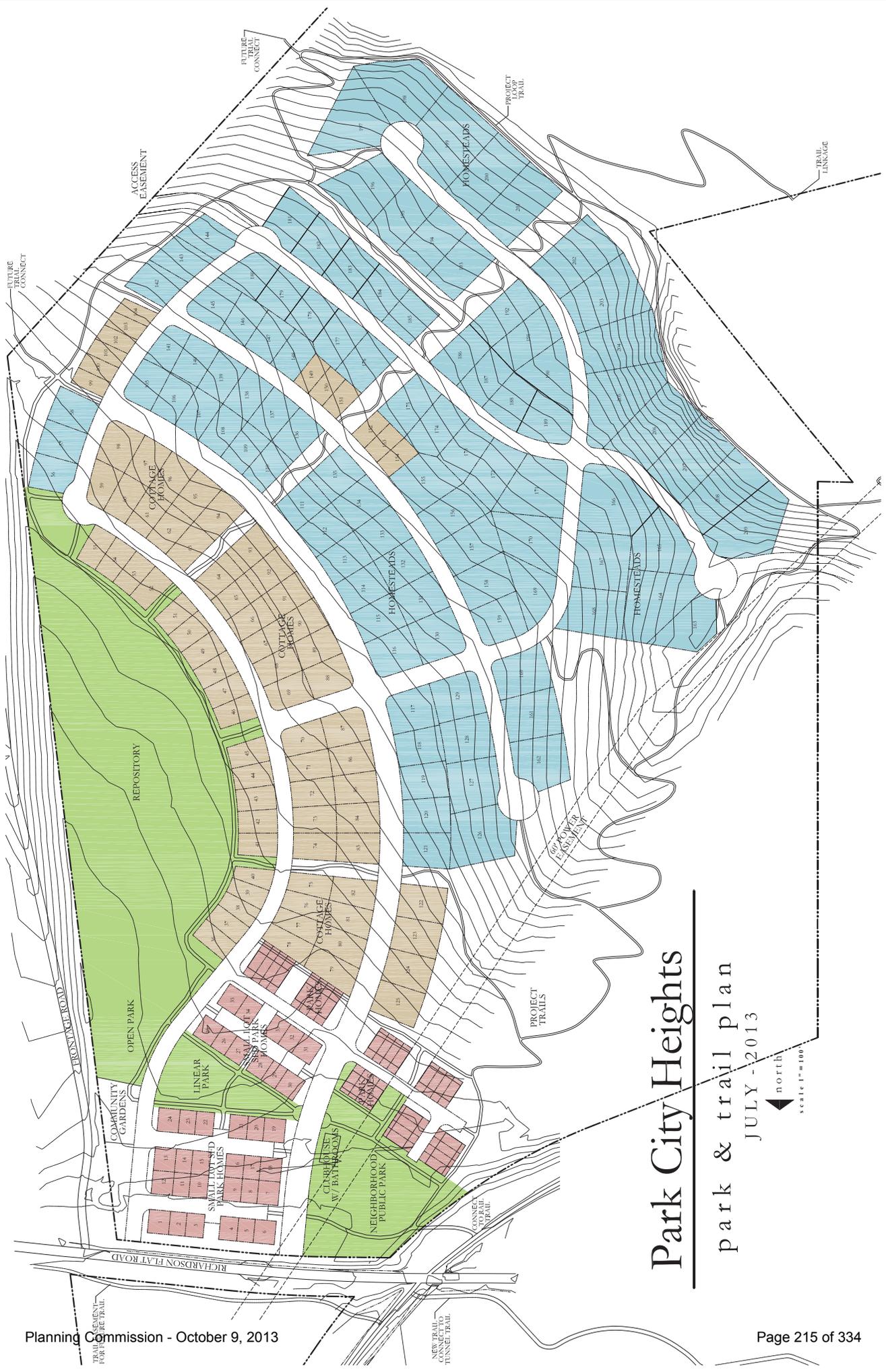
Park City Heights

conceptual master plan

JULY -2013



scale 1"=100'



Park City Heights

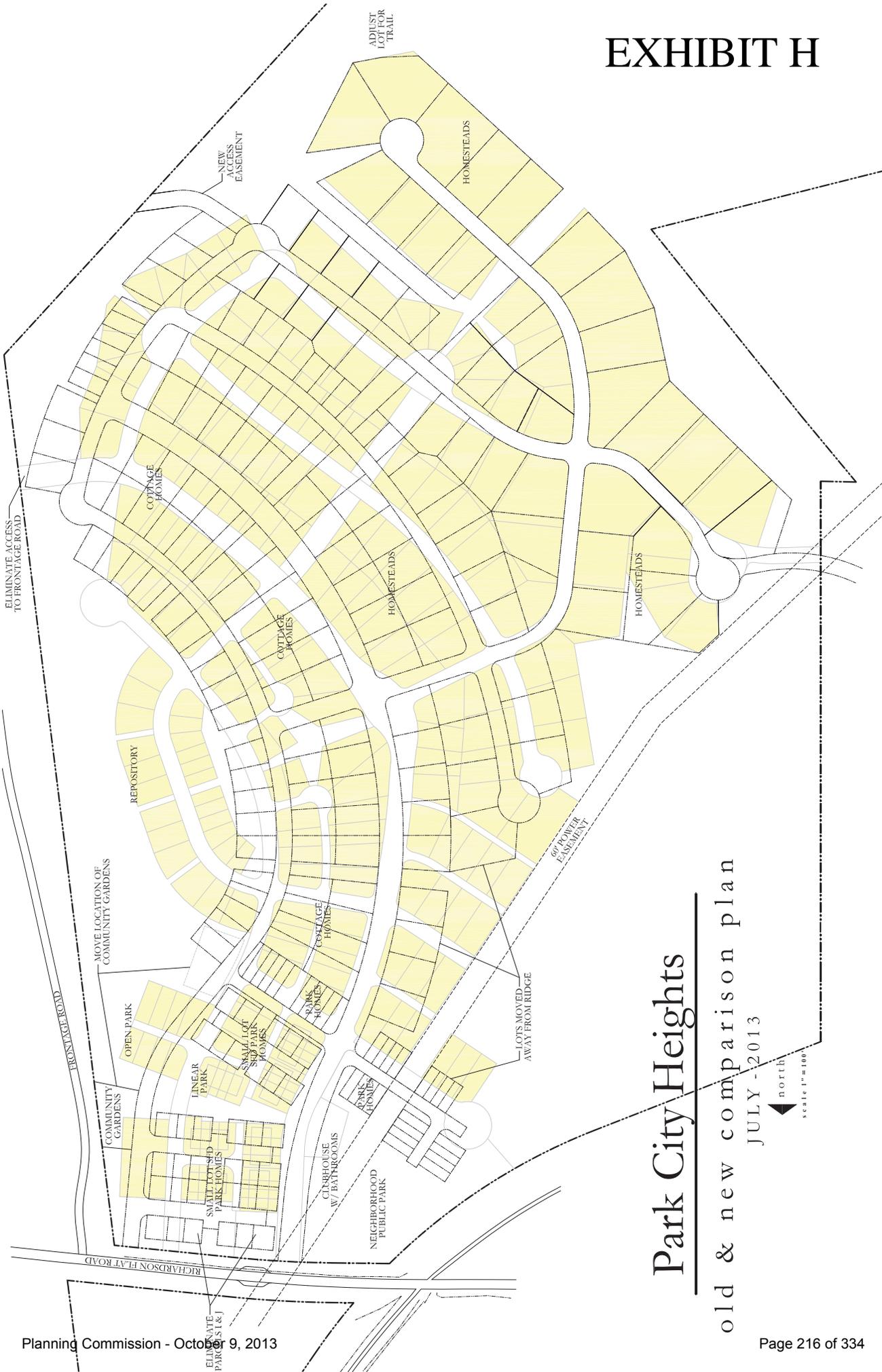
park & trail plan

JULY -2013



scale 1"=100'

EXHIBIT H



Park City Heights old & new comparison plan

JULY - 2013



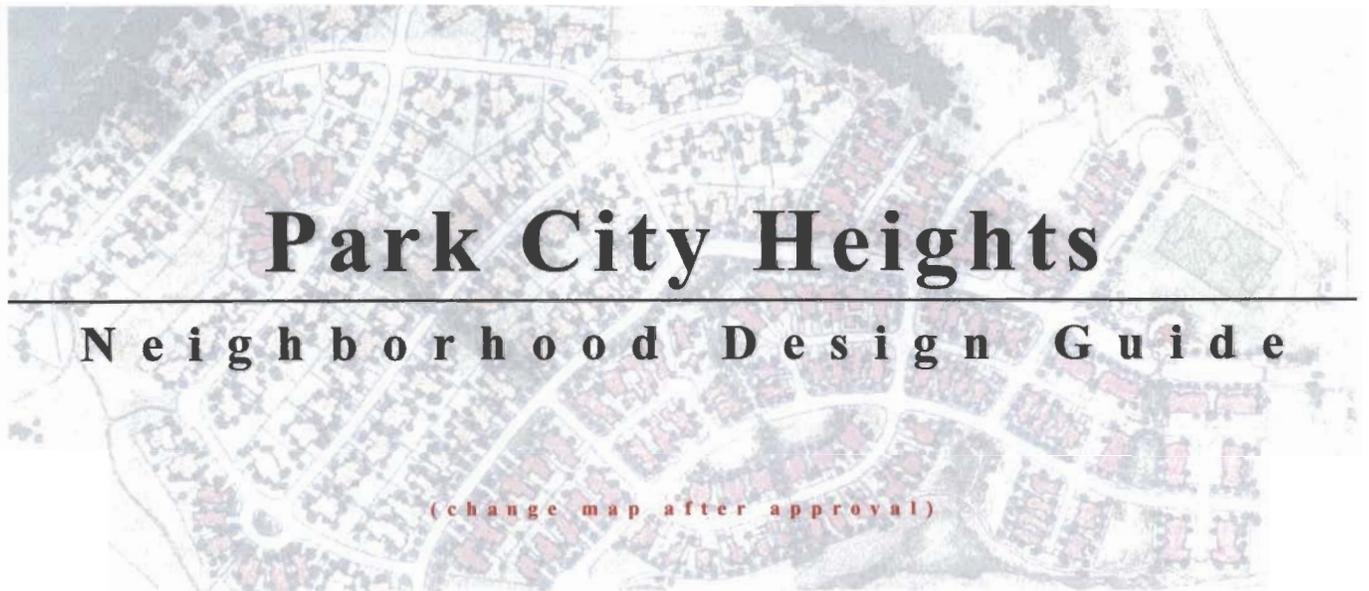


Park City Heights

minor ridge - comparison plan

JULY - 2013





~~July, 2011~~

August, 2013

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PARK CITY
PLANNING DEPT.

Lot Types

Park City Heights is comprised of a variety of architectural styles found within three (3) unique and diverse Lot types: Park Homes, Cottage Homes and Homesteads.



Park Homes

Park Homes consist of ~~various attached housing types with varying lot sizes to accommodate these home types~~ **small lot single family homes and 4-unit multi family buildings**. All Park Homes front **or are adjacent to** a park or open space and are accessed by rear lanes and rear garages providing a focus on the front doors and front porches.



Cottage Homes

Cottage Homes consist of smaller single family homes on lots that range in size from ~~40' to 70' in width and 90' to 120' in depth~~ **4,200 square feet to 10,500 square feet**. The majority of Cottage Homes are accessed from local drives at the rear of the homes with ~~an emphasis on orienting front doors and porches to the residential street or open space.~~ **Prominent street oriented entry's and front porches along with semi-recessed or detached garages are used to provide an emphasis on placing people near the street.**



Homesteads

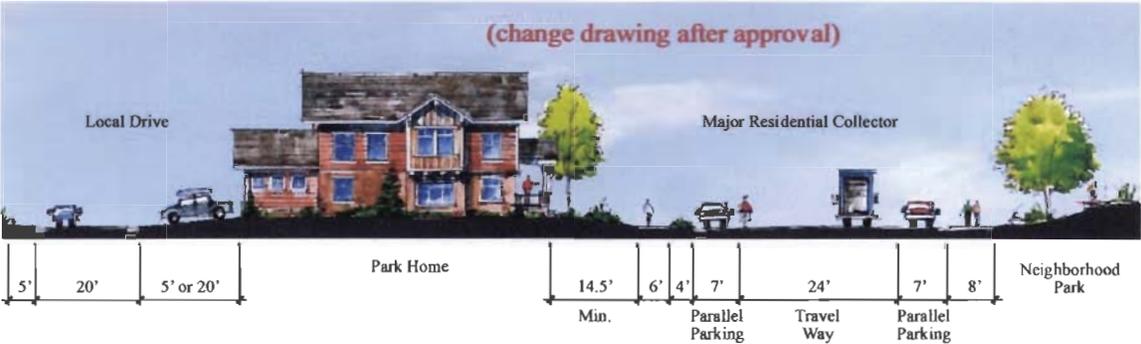
Homesteads consist of larger single family homes generally on lots ranging in size from ~~6,500~~ **8,000** square feet to 25,000 square feet. Homesteads are located across the upper slopes of the development and these lots will form the visual transition to the surrounding open space and will require the most sensitive placement to respect and respond to the existing terrain.



Street Patterns

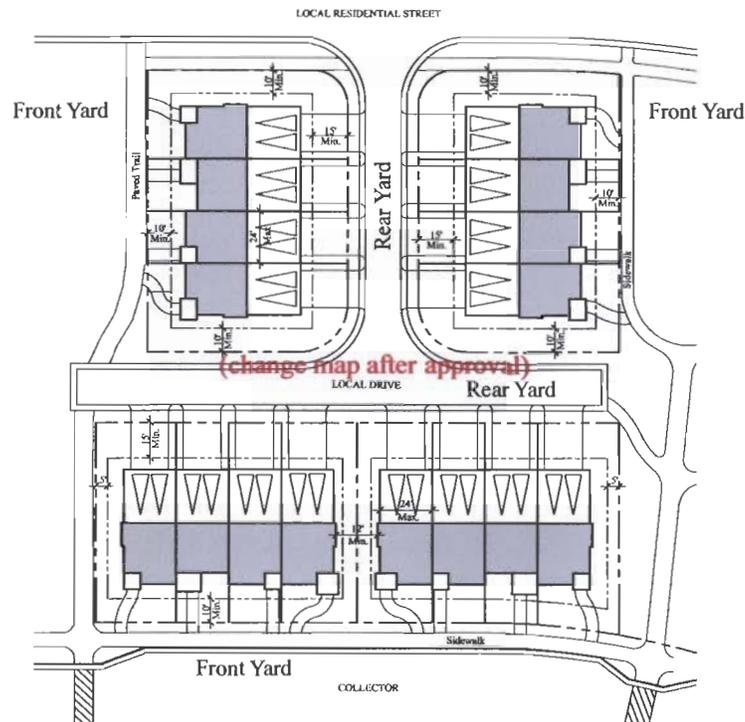


All Park Homes front **or are adjacent to** a park or open space and have **garages or structured parking** behind the homes. The front facades of these homes are oriented to walkways and trails providing great access to the neighborhood amenities surrounding them. Front porches are critical elements of these **typically larger buildings—homes**, helping to reduce the impacts of the mass on the streetscape and surrounding views into the project. Park Homes also utilize on-street parking to provide varied and shared parking alternatives minimizing the impact of the automobile within this neighborhood.



Park Homes

Building Placement



Park Homes **consist of small lot single family homes and vary from 2-unit to 15-unit 4-unit Multi-Family buildings.**

Front Yard Setback: Minimum 10' 5' to Main Structure or Front Porches.

Side Setback: Minimum side separation to any adjacent Structure shall be 12' 10'.

Side Street Setback (Corner Lot): 10' to all structures.

Side Open Space Setback (Lot adjacent to Open Space): 5' to all structures.

Rear Yard Setback: Minimum setback to Main structure shall be 15' 6'.

Front Facade: At least 40% of the Primary Facade must be placed within 10' of the required minimum Front Yard Setback.

Local Drive Accessed Garages: Shall be a maximum of 24' wide. Garage doors must be placed at either 5' 7' from the edge of the Local Drive Right-of-way or a minimum of 20' 18' from the edge of the Local Drive Right-of-way.

~~**Local Residential Street Accessed Garages:** Shall be a maximum of 24' wide.~~

~~**Garage Doors:** Must be oriented to the Local Drive. Two (2) car garage doors may be a maximum 18' wide. Single doors may be a maximum of 10' wide.~~

~~**Parking:** Owner and guest parking located to the rear of homes is to be screened from off-site views, to the extent possible, through the use of proper placement, architectural screens and/or landscape planting. No enclosed structures for the storage of boats and/or motor homes are permitted.~~

Park Homes

Massing & Composition

Scale of Buildings

It is important that the massing of the buildings be scaled in such a way that it relates to the people living there and harmonizes with the area and its natural features. This is especially true in the Park Home area where some of the buildings may be larger than in other areas of the development. Park Homes range in size from ~~two (2) small lot single family units~~ to ~~fifteen (15) four (4) unit multi family buildings~~.

To avoid building forms that are boxy in massing the following criteria should be met.

~~a. Buildings with between two and four units must comply with the following requirement:~~

- ~~• No unbroken expanse of building mass may exceed 25'. If the 25' is reached the wall line must step a minimum of 3'.~~

~~b. Buildings housing more than four (4) units must meet the following requirements:~~

- ~~• No unbroken expanse of building mass may exceed 35'. If the 35' is reached the wall line must step a minimum of 3' and one of the following must occur:

 - ~~• The building mass should bend~~
 - ~~• The roof line should shift up or down at least 3' or take on a different ridge alignment.~~
 - ~~• Roof areas must provide variation in roof shape. No single roof shape may cover more than 2/3 the total roof area.~~~~



Horizontal & vertical variation must occur

Repetition

Buildings of similar plans must offer up differentiation in elevation. Repetition of like elevations will not be permitted. The Design Review Board shall approve exterior elevations of multi family buildings and require variation between building facades to ensure diversity within the development. These requirements are applied so that the building mass does not become overpowering. Changing the planes of walls, changing direction, and providing some variety in the roof form yields diversity and visual interest.



Repetition of like elevations is prohibited

Unit Size

Units in the Park Homes area will have a minimum square footage of 800 sq ft. The first floor area shall not be less than ~~800~~ **470** sq. ft. for two story units. The maximum square footage for any unit is ~~2,500~~ **2,700** sq. ft.

Note: All areas noted are gross living areas and exclude porches, decks, garages and uninhabitable basements as defined by Park City Municipal Code.

Building Height

The intent of the height guideline is to present an appropriately scaled roofscape that is compatible with its use and placement.

Allowable building heights are limited by Park City Municipal Code. Generally building heights cannot exceed 28' as measured from existing natural grade at any point, excluding chimneys.

Park Homes

Porches

Porches

A core ideal of the development is the use of covered front porches to promote a human scale, sense of entry and emphasize relationship to the street. Massing of porch elements also can help to further ground the building by forming a base from which the building mass can grow. To this end, porches should be made to convey a sense of human scale and are limited to one-story in height.

Integration of the front porch is required in the Park Homes area.

- Porches are usually located at the front setback line, **but may also be located at the side setback line.**
- Porches often will have deep eaves repeating the same rafter treatment as the main roof.
- Porch roof forms shall be consistent with the architectural style of the home.
- Porches must be a minimum of **18" 8"** above finished grade unless ADA access is required to the home. The front porch steps must be designed as an integral element to the design and style of the home and not just "stuck on" the front of the home.
- Porches can be used to wrap the corner of a house or fill the void created by an "L" shaped plan. Wrapped porches are strongly recommended for Corner Lots.
- Creativity consistent with the architectural style of the house shall be used in designing columns, posts, brackets, railing, trim and molding.
- Columns, where provided, must terminate at the porch deck or extend to within 4" of finished grade.
- Minimum porch depth is **6'-5"** with a minimum of **48 40** square feet.

- All porches shall be properly detailed with authentic porch edge conditions, including a cantilevered "lip" or edge. If the porch surface is left as natural or colored concrete the face of the cantilevered lip must also remain as natural or colored concrete. If the porch surface is finished with another material, then that material should wrap the face of the porch lip.

Appropriate Porch flooring surfaces include:

- Wood or Composite Decking
- Natural or Approved Colored Concrete
- Tile or Concrete Pavers



Porches located at front setback



Properly detailed porch elements



Porch reduces impact of building mass to street



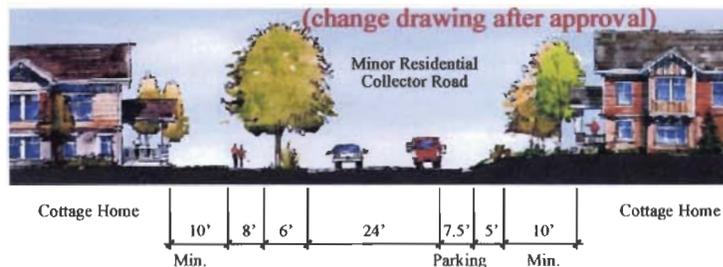
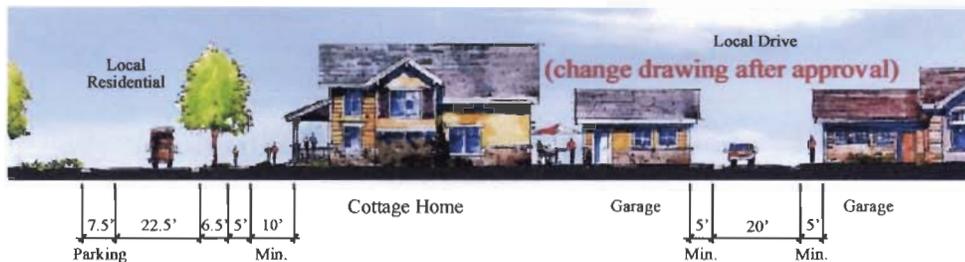
Porches 18" 8" above grade

Park Homes

Street Patterns



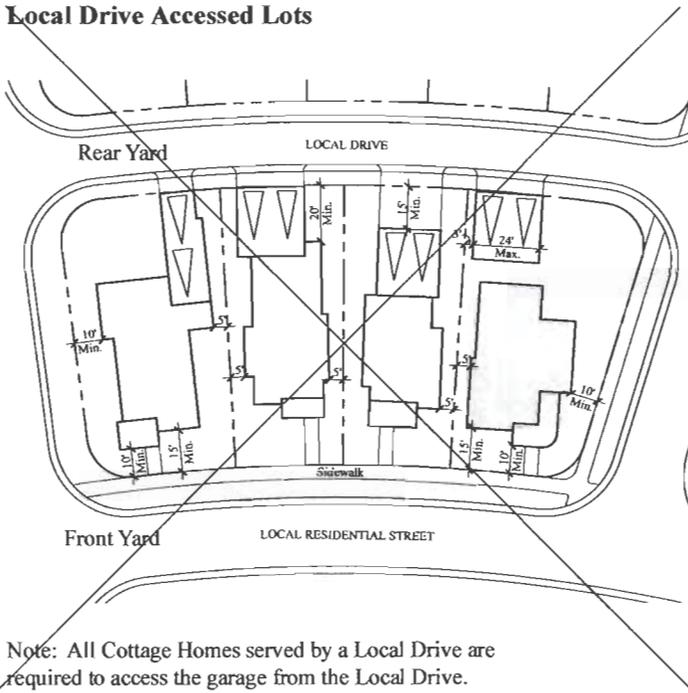
Typical Cottage Homes are single story, story and a half and two story homes placed on small traditional lots located in the heart of the neighborhood. The Cottage Homes are primarily accessed from Local Streets placing an emphasis on the homes front facade with prominent street oriented entry's and front porches and de-emphasizing garages by incorporating semi-recessed or detached garages. The Cottage Homes are placed close to the Street and Sidewalks creating an intimate setting that should include appropriate front yard landscaping and garden fencing common to traditional neighborhoods while still providing on street parking and sufficient snow storage areas.



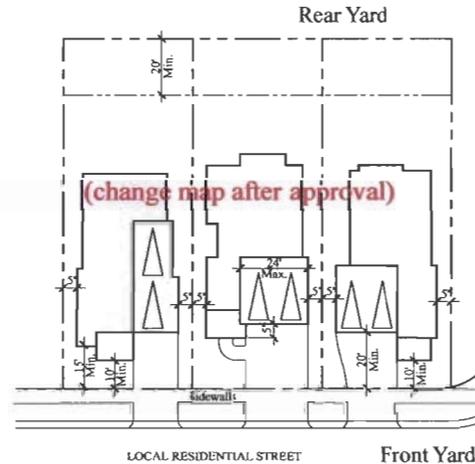
Cottage Homes

Building Placement

Local Drive Accessed Lots



Local Minor & Major Residential Street Accessed Lots



Cottage Homes Lots are typically 35 feet to 60 feet wide by 85 feet to 130 feet deep consist of smaller single family homes on lots that range in size from 4,200 square feet to 10,500 square feet.

- Front Yard Setback:** 15' to Main House. Front Porches or Single Story Bays may extend to within 10' of the Sidewalk or Street ROW.
- Side Yard Setback:** Minimum setback for all homes is 5'.
- Side Street Setback (Corner Lot):** 10' for all structures.
- Rear Yard Setback:** 20' to Main House.

Front Facade: At least 40% of the Primary Facade must be within 5' of the required minimum Front Yard Setback.

Local Drive Accessed Detached Garages: Shall be a maximum of 24' wide. Garages must be placed at either 5' from the edge of the Local Drive or a minimum of 20' from the edge of the Local Drive but must be placed within the Lot.

Cottage Homes

Single Story Detached Garages with Local Drive access— May be placed at 3' from the side property line. **Two Story or attached Local Drive accessed Garages must be placed** at 5 feet from the side property line. **Shall be a maximum of 17' in height.**

Local Residential Street Accessed Attached Garages: **Garage width must not exceed 55% of the width of the front facade of the house.** Shall be a maximum of 24' wide. Garages at front or side yard shall be setback 20' or 5' behind front or side Facade (Whichever is greater). Garages must be placed a minimum of 5' from the Side Property Line.

Garage Doors: May be oriented perpendicular to the Local Drive. On Corner Lots with Local Drive access provided, garage doors shall not face Local Streets. Two (2) car wide garage doors may be a maximum 18' wide. Single doors may be a maximum of 10' wide.

Parking: Owner and guest parking located to the rear of homesites are to be screened from off-site views, to the extent possible, through proper placement, the use of architectural screens and/or landscape planting. No enclosed structures for the storage of boats and/or motor homes are permitted.

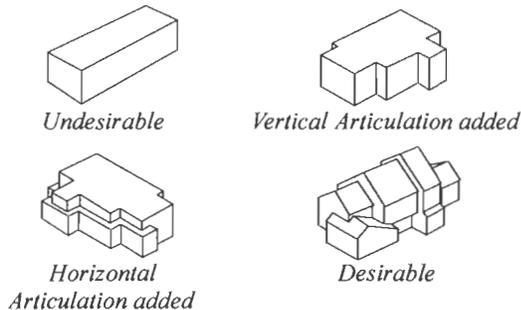
Massing & Composition

Built Forms Follow Contours

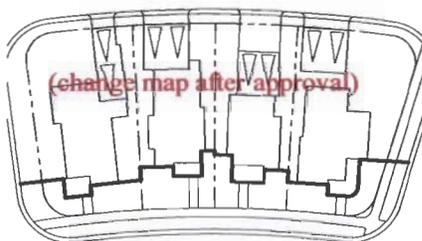
Building placement should respect existing land forms. Structures should follow contours and fit into existing land massing, rather than ignore or dominate these forms.

Scale of Buildings

It is important that the massing of the buildings be scaled in such a way that it relates to the people living there and harmonizes with the area and its natural features. No unbroken expanse of building mass may exceed 35' in length on all side elevations and 25' on all front and rear elevations. If the maximum length is reached the wall line must step a minimum of 4'.



This requirement is applied to ensure that building mass does not become overpowering. Changing the planes of walls, changing direction, and providing some variety in the roof form yields diversity and visual interest. Additive building volumes give the home an appearance that it was built over time.



Variation in individual structures contribute to a varied streetscape.

Repetition

Repetitive massing is prohibited. There should be substantial variation in individual building forms. Homes with similar heights may only occur consecutively along a street three times before a change in massing is required. For example, three adjacent two-story homes must be followed by a one and a half story or one-story home. Also, no more than 2 similar floor plans may occur consecutively along a street. The Design Review Board shall review these requirements on a case-by-case basis per specific site conditions.



Avoid Consecutive Massing

Residence Size

Residences in the Cottage Homes area will have a minimum square footage of 900 sq ft for single story structures. The first floor area (defined as that floor that is accessed by the front door) shall not be less than ~~800~~ 600 sq. ft. for two-story structures. The maximum square footage for any residence is 3,500 sq. ft.

Note: All areas noted are gross living areas and exclude porches, decks, garages and uninhabitable basements as defined by Park City Municipal Code.

Building Height

The intent of the height guideline is to present a human-scale roofscape, one that steps with the contours of the terrain and recalls the natural setting.

Allowable building heights are limited by Park City Municipal Code. Generally building heights can not exceed 28' as measured from existing natural grade at any point, excluding chimneys.

Side Elevations

All Cottage units with side elevations exposed or clearly visible from a public road shall pay special attention to the massing and composition to ensure appropriate scale and form to fit visually into the landscape and windows should occur in these visible end walls. Additional landscape measures may be required to achieve this requirement.

Cottage Homes

Porches

Porches

A core ideal of the development is the use of covered front porches to promote a human scale, sense of entry and emphasize relationship to the street.

Massing of porch elements also can help to further ground the building by forming a base from which the building mass can grow. To this end porches should be made to convey a sense of human scale and are limited to one story in height. *Integration of the front porch is required in the Cottage Homes area.*

- Porches are usually located at the front setback line.
- Porches will often have deep eaves repeating the same rafter treatment as the main roof.
- Porch roof forms shall be consistent with the architectural style of the home.
- Porches must be a minimum of 18" 8" above finished grade unless ADA access is required to the home. The front porch steps must be designed as an integral element to the design and style of the home and not just "stuck on" the front of the home.
- Porches can be used to wrap the corner of a house or fill the void created by an "L" shaped plan. Wrapped porches are strongly recommended for Corner Lots.
- Creativity consistent with the architectural style of the house shall be used in designing columns, posts, brackets, railing, trim and molding.
- Columns, where provided, must terminate at the porch deck or extend to within 4" of finished grade.
- Minimum porch depth is 6' with a minimum of 60 square feet.

- All porches shall be properly detailed with authentic porch edge conditions, including a cantilevered "lip" or edge. If the porch surface is left as natural or colored concrete the face of the cantilevered lip must also remain as natural or colored concrete. If the porch surface is finished with another material, then that material should wrap the face of the porch lip.

Appropriate Porch flooring surfaces include:

- Wood or Composite Decking
- Natural or Approved Colored Concrete
- Tile or Concrete Pavers



Appropriate porch detailing



Authentic flooring materials



Porch roof forms are consistent with home



Porches are elevated 18" 8" above finished grade

Cottage Homes

Garages & Garage Doors

Garages

Garages are required in the Cottage Homes area of the development. They can be attached or detached and must accommodate at least one car. Garages must not dominate the residence when viewed from the street, especially in areas visible from right-of-ways, common areas and adjacent home sites. All garages accessed from the street must either be side entry designs or if parallel to the street, setback a minimum of 5' from the front entry elevation of the main structure. ~~Alley loaded garages may face the alleyway and must meet all site design standards.~~

The use of overhangs and significant architectural details are encouraged to visually lessen the impact of the garage entrance.

Garage Doors

Garage doors must be provided with detailing that is tied to the homes overall design themes. Garage doors must appear as traditional swinging, folding or sliding doors. Segmented doors are only permitted if they are constructed to appear to be one of these traditional door types and are subject to Design Review Board approval.

- Doors should be vertical paneled or planked and may incorporate glass.
- Doors may not include Diagonal, X-Bracing or Z-Braced Planks or Panels.
- Doors should be painted or stained colors similar to the body of the home to lessen their visual impact.
- Single car garage doors are preferred. The use of single doors allows for more variety in the garage elevation.
- Three car garages are permitted in the Cottage Homes area but must incorporate a tandem garage **or a front and side entry garage combination** to do so. ~~Garages may only have a maximum of 2 garage doors.~~
- No garage door over 9' high will be approved.



Single garage doors are preferred



Front loaded garage is secondary to the home



Not this - door dominates visually



Paneled door incorporates glass

Driveways

Shared Driveways are allowed and encouraged but their width at the curb must be minimized. Driveways are encouraged to be concrete, colored concrete, stamped colored concrete, unit pavers turf block or other permeable pavers or other pattern and texture methods approved by the Design Review Board. Asphalt drives will be permitted but must be maintained properly.

Cottage Homes

Street Patterns

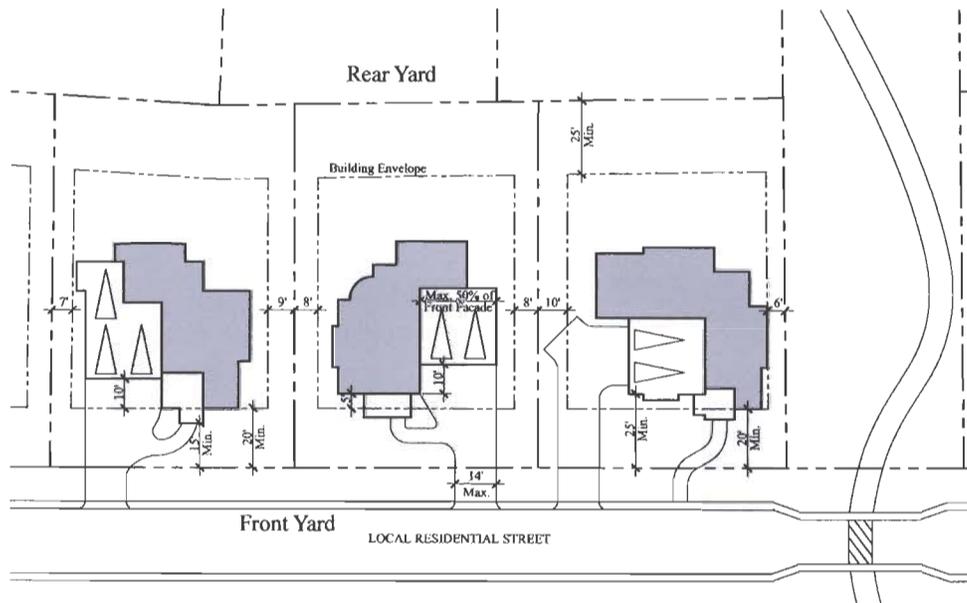


Homesteads are typically one and one-half to two story homes on the largest lots within the neighborhood providing for a varied streetscape. All Homestead lots are accessed from the Street creating a need to vary driveway alignments and garage orientations. Homestead streetscapes must provide for a variety of landscapes while also providing adequate snow storage opportunities. Emphasis should remain on the front facades and the front doors and porches for all Homesteads maintaining a consistency within the project across all product types.



Homesteads

Building Placement



Homesteads Lots consist of larger single family homes on lots that range in size from 60' to 195' wide by 110' to 200' deep-8,000 square feet to 25,000 square feet.

Front Yard Setback: 20' to Main House. Front Porches or Single Story Bays may extend to within 15' of the Sidewalk or Street ROW.

Side Yard Setback: Total side setbacks shall equal 16' with a minimum setback for all homes is 6'.

Side Street Setback (Corner Lot): 15' for all structures.

Rear Yard Setback: 25' to Main House.

Front Facade: Where possible it is encouraged to place the Primary Facade within 5' of the required minimum Front Yard Setback.

Street Accessed Garages: Garage width must not exceed 50% of the width of the front facade of the house. Front-loaded garages at front yard shall be setback 25' from the property line or 10' behind the Home Facade at the front setback, whichever is greater. Side loaded garages may be placed at the 25' setback.

Garage Doors: Two-Car Garage doors may be 18' wide. Individual Garage Doors are encouraged and may be a maximum of 10' wide.

Homesteads

Porches

Porches

A core ideal of the development is the use of covered front porches to promote a human scale, sense of entry and emphasize relationship to the street. Massing of porch elements can also help to further ground the building by forming a base from which the building mass can grow. To this end porches should be made to convey a sense of human scale and are limited to one story in height. The use of porch elements in the Homestead area is highly encouraged.

- Porches shall usually be located at the front setback line.
- Porches will often have deep eaves repeating the same rafter treatment as the main roof.
- Porch roof forms shall be consistent with the architectural style of the home.
- Porches must be a minimum of 18" 8" above finished grade unless ADA access is required to the home. The front porch steps must be designed as an integral element to the design and style of the home and not just "stuck on" the front of the home.
- Porches can be used to wrap the corner of a house or fill the void created by an "L" shaped plan. Wrapped porches are strongly recommended for Corner Lots.
- Creativity consistent with the architectural style of the house shall be used in designing columns, posts, brackets, railing, trim and molding.
- Columns, where provided, must terminate at the porch deck or extend to within 4" of finished grade.
- Minimum porch depth is 8' with a minimum of 80 square feet.

- All porches shall be properly detailed with authentic porch edge conditions, including a cantilevered "lip" or edge. If the porch surface is left as natural or colored concrete the face of the cantilevered lip must also remain as natural or colored concrete. If the porch surface is finished with another material, then that material should wrap the face of the porch lip.

Appropriate Porch flooring surfaces include:

- Wood or Composite Decking
- Natural or Approved Colored Concrete
- Tile or Concrete Pavers
- Natural Stone



Columns and posts are an integral part of architectural style



Front steps are integral part of home



Porch roof breaks up two story element



Porch raised a minimum of 18" 8" above finished grade

Homesteads

Building Sustainability

Home Size

All homes within Park City Heights should strive to be “modest” in scale and reflect historical development patterns of Old Town. LEED for Homes requirements provide incentives for smaller, more efficiently designed homes and may be the single most important component of attaining a home’s LEED rating. The size of a home is directly related to the short and long term material and energy consumption and should be carefully analyzed early in this process.

Building Materials

Encourage the use of sustainable construction materials and products, including recycled content, salvaged, and FSC-certified materials. Promote sustainability through building practices that reduce energy consumption, as well as through the continued review of viable alternative energy sources.

Alternative (Renewable) Energy Sources

Alternative energy should be used where physically viable and economically feasible. As financing options for alternative energy systems continue to evolve it may be necessary to amend the Park City Heights Design Guides to accommodate alternative methods for employing these systems into the Park City Heights development, e.g. creation of a solar garden. While energy conservation is an integral component of sustainability, alternative energy sources may provide a more effective solution to reducing the impact and consumption of fossil fuel energy.

Solar

The use of solar equipment (e.g. panels, shingles & cells) is strongly encouraged and can be used as a Solar Electric or Solar Water Heat System. Solar Electric Systems, also known as photovoltaic (PV) systems, use solar panels to convert sunlight into electricity. Federal and State incentive programs are often available, depending on the system type and size. Systems can be roof-mounted, wall-mounted or site-mounted subject to compliance with required health and safety standards and provided that the Solar Electric System is not installed in a manner that will interfere with the solar access of an adjacent property owner. “Building integrated” photovoltaic (PV) systems are also increasingly available. PV and solar thermal systems require direct solar access for extended periods thus, careful planning is required to ensure installations are properly oriented and are not compromised by shading from adjacent buildings or vegetation.

Geothermal

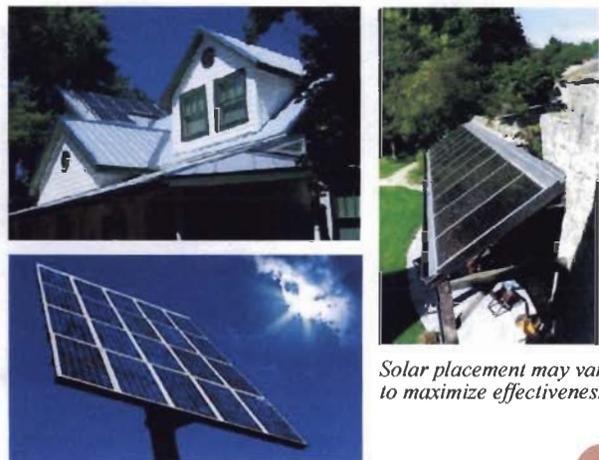
Ground Source Heat Pumps or Geoexchange systems may be allowed where feasible but in no way may it interfere with adjacent properties. Solar Heating and a Ground Source Heat Pump may be combined to form a geosolar system for even greater efficiency. Any above grade equipment must be incorporated into the landscaping and be of similar color.

Wind

Wind energy systems may be allowed but must conform to the Park City Municipal Corporation Land Management Code.

Construction Waste Mitigation & Recycling

Builders are required to reduce, reuse and recycle construction waste to include wood, drywall, metals, concrete, dirt and cardboard. A project construction recycling center will be established on ~~Parcels I or J~~ **site**. Separate recycling bins will be provided for different materials and it will be the responsibility of each contractor to ensure that jobsite material is recycled to the greatest extent possible. Builders are to incorporate strategies such as “efficient framing” techniques and “optimum value engineering” that reduces the amount of wood used in the framing process without compromising structural integrity. Framing with engineered lumber rather than dimensional lumber is encouraged. Engineered lumber makes good use of small trees and wood chips, where dimensional lumber comes from big trees and represent more raw material than alternatives such as roof trusses, I-joists (floor trusses), laminated veneer lumber (LVL), and structural insulated panels (SIPs).



Solar placement may vary to maximize effectiveness



STREET SCENE "A"
conceptual FRONT elevations

HIGH DENSITY DETACHED
IVORY HOMES



3C

1C

2C

STREET SCENE "B"
conceptual FRONT elevations

HIGH DENSITY DETACHED
Ivory homes

06 19 2013
Ivory Homes
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STREET SCENE "C"
conceptual FRONT elevations

HIGH DENSITY DETACHED
FACTORY HOUSES

06 19 2013

EXHIBIT K



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P. O. Box 1480, Park City, UT 84060

Fee Exempt per Utah Code
Annotated 1953 21-7-2

OFFICE OF THE LIEUTENANT GOVERNOR
CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,
HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from
PARK CITY, dated July 2nd, 2010, complying with Section 10-2-425, Utah Code
Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the
attached is a true and correct copy of the notice of annexation, referred to above, on file
with the Office of the Lieutenant Governor pertaining to PARK CITY, located in Summit
County, State of Utah.



IN TESTIMONY WHEREOF, I have
hereunto set my hand, and affixed the Great
Seal of the State of Utah this 12th day of
July, 2010 at Salt Lake City, Utah.

GREG BELL
Lieutenant Governor

ENTRY NO. 00903152

07/20/2010 02:53:39 PM B: 2040 P: 1107

Certificate PAGE 1/33
ALAN SPRIGGS, SUMMIT COUNTY RECORDER Page 236 of 334
FEE 0.00 BY PARK CITY MUNICIPAL CORP





Office of The Mayor and City Council

July 8, 2010

Lieutenant Governor Greg Bell
Utah Lt. Governor's Office
Utah State Capitol Complex
Post Office Box 142325
Salt Lake City, UT 84114-2325

RE: Notice of Impending Boundary Action – Park City Heights Annexation to Park City

Effective June 9, 2010, Ordinance 10-24 (see attached) approved an annexation of approximately 286.64 acres located entirely within unincorporated Summit County. The ordinance was enacted on May 27, 2010 by the City Council and published on June 9, 2010. The property is fully described in the legal description attached as Exhibit B to the attached Ordinance.

With this notice of impending boundary action, the Park City Council certifies that all requirements applicable to this annexation have been met. Please find attached a copy of the final annexation plat, as approved and stamped by the Summit County surveyor per Utah Code Section 17-23-20.

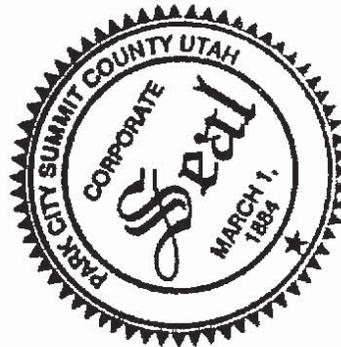
Park City respectfully requests a Certificate of Annexation for the Park City Heights Annexation plat.

Should you require additional information or have any questions regarding this matter you may contact Kirsten Whetstone, Senior Planner (435) 615-5066 or by email at kirsten@parkcity.org. Thank you for your attention to this matter.

Sincerely,

Mayor Dana Williams
Dana Williams

- Attachments
1. Ordinance 10-24 with Exhibits
2 Annexation plat



Received

JUL 12 2010

Greg Bell
Lieutenant Governor

Ordinance 10-24

AN ORDINANCE ANNEXING APPROXIMATELY 286.64 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE SR248 AND US40 INTERCHANGE IN THE QUINN'S JUNCTION AREA, KNOWN AS THE PARK CITY HEIGHTS ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH, AND APPROVING AN ANNEXATION AGREEMENT AND A WATER AGREEMENT, AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO ZONE THE PROPERTY COMMUNITY TRANSITION (CT)

WHEREAS, on January 28, 2005, the majority property owner of the property known as the Park City Heights Annexation, as shown on the attached Annexation Plat (Exhibit A, the "Property"), petitioned the City Council for approval of an annexation into the Park City limits; and

WHEREAS, the Property is approximately 286.64 acres in size and is located southwest of the intersection of State Road 248 and US-40 as described in the attached Legal Description (Exhibit B); and

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, on February 16, 2005, additional information was included in the annexation submittal and the submittal was deemed complete; and

WHEREAS, the Park City Council accepted the Park City Heights petition for annexation on March 10, 2005; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, On April 8, 2005, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on May 11, 2005; and

WHEREAS, the City Council established the Park City Heights Annexation Task Force (Resolution No. 13-06) on May 4, 2006, for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, density, land uses, affordable housing, transportation, and community economic/fiscal impacts; and

WHEREAS, the Task Force, on July 10, 2007, forwarded a unanimous positive recommendation to the Planning Commission to, among other things, zone the annexation area Community Transition (CT) and recommend a conceptual site layout; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on February 27, 2008. The public hearing was continued to March 26, 2008, where additional input was received; and

WHEREAS, on April 9, 2008, the Planning Commission conducted a public hearing and voted to forward to City Council a recommendation on the proposed annexation and also recommended that the property be zoned Community Transition (CT); and

WHEREAS, on April 24; May 22; June 5, 19, and 17; July 17; August 28; September 11 and 18; October 16, and December 18, 2008 the City Council conducted public hearings and discussed the annexation proposal; and

WHEREAS, on April 30, 2009, the City Council further discussed outstanding issues regarding conceptual site planning, density, affordable housing, and infrastructure cost sharing.

WHEREAS, on May 6, 2009, the property was re-posted and properly noticed for a public hearing on May 21, 2009, and the City Council conducted the public hearing and continued the hearing to June 4, 2009. Additional public hearings were held on June 25, July 9 and 30, August 20, September 3, and October 8, 2009, when the item was continued to a date uncertain.

WHEREAS, on May 12, 2010, the property was re-posted and properly noticed for a public hearing on May 27, 2010.

WHEREAS, on May 27, 2010, the City Council conducted a public hearing and took public testimony on the matter, as required by law; and

WHEREAS, the Council finds that the requested Community Transition (CT) zoning, is consistent with the Park City General Plan and Quinn's Junction Joint Planning Principles; and

WHEREAS, the requested CT zoning allows for residential density of up to one unit per acre subject to compliance with 1) Master Planned Development (MPD) requirements described in Section 15-6 of the Land Management Code (LMC) and 2) CT-MPD requirements described in Section 15-2.23-4 of the LMC; and

WHEREAS, an application for a Master Planned Development (the "Proposed MPD") on 239.58 acres of the annexation Property was submitted with the complete annexation petition; and

WHEREAS, an Annexation Agreement, between the City and Petitioner pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and Master Planned Development, including a Water Agreement, is herein included as Exhibit D;

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached hereto as Exhibit A and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit D and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit D and as approved by the City Attorney. The Annexation Agreement shall include an executed Water Agreement (as an attachment) between the City and Applicant to be recorded concurrently with the Annexation Agreement.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation. The CT zoning designation is consistent with the Park City General Plan and Annexation Policy Plan.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Property in the CT zoning district, as shown in Exhibit C.

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 17-99. One Affordable Unit Equivalent equals 800 square feet.
2. Land uses proposed in the Proposed MPD include market rate residential units, affordable units, and required affordable housing units, as described in the Annexation Agreement. It is anticipated that the Petitioner will submit a revised MPD application to the Planning Commission for review and final action. Other support uses, as approved by the Planning Commission during the Master Planned Development review, consistent with the CT zone and Land Management Code, may be allowed. Final configuration and integration of the market rate and affordable units will be determined at the time of MPD review.
3. The proposed land uses are consistent with the purpose statement of the CT zone and shall be presented in the revised MPD as a clustered development preserving the natural setting and scenic entry corridor by providing significant open space and landscape buffers between the development and highway corridor.
4. The revised MPD, when approved, shall substantially comply with the Annexation Agreement.
5. Parcel SS-92, a 24 acre parcel within the annexation area, is donated to the City for open space, public recreation and utility uses.
6. The annexation complies with the Quinn's Junction Joint Planning Principles in that the proposal results in significant public benefits due to the inclusion of a significant amount of affordable housing in a residential community with a range of housing types, and the proposed affordable housing relates to Park City's recreation and tourism industry.
7. The recitals above and findings of the Technical Committee dated July 10, 2007, are incorporated herein.
8. The requirement for 44.78 Affordable Unit Equivalents (AUEs) associated with the IHC Hospital, as described in the Intermountain Healthcare/USSA/Burbidge Annexation Agreement, will be transferred to and satisfied by the construction of said AUEs within the Property.

Conclusions of Law

1. The Annexation and Zoning Map amendment are consistent with the Park City Land Management Code and General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to include the Park City Heights Annexation property in the Community Transition (CT) Zoning District.
2. The Annexation Agreement shall be fully executed and recorded with the Annexation Plat.

3. The affordable housing density transferred from the IHC parcel is hereby permanently removed from within the IHC MPD and no affordable density shall be allowed on City-owned 5 acre parcel known as Lot 4 of the Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Annexation Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 27th day of May, 2010.

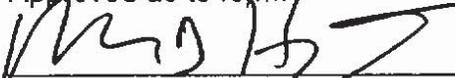
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Sharon Bauman, Deputy City Recorder

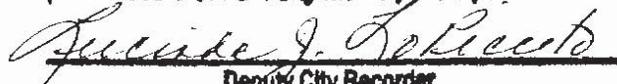
Approved as to form:

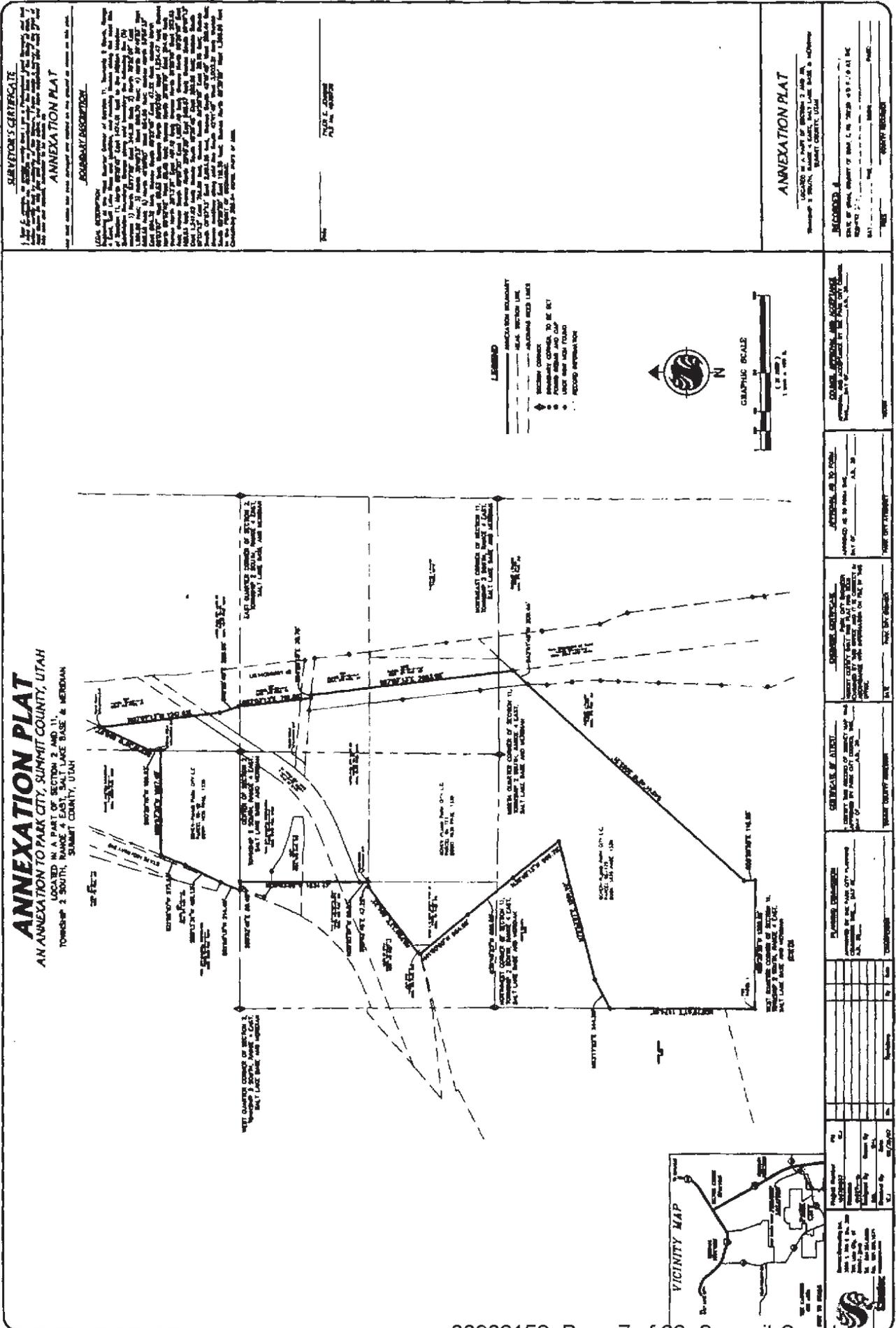

Mark D. Harrington, City Attorney



Exhibits

- Exhibit A- Annexation Plat
- Exhibit B- Legal Description
- Exhibit C- Zoning Map amendment
- Exhibit D- Annexation Agreement

On this 2nd day of July, 2010, I certify
that the foregoing document is a true copy of the original
public record of Park City Municipal Corporation. *Ord 10-24*

Deputy City Recorder



SURVEYOR'S CERTIFICATE
I, the undersigned, being duly sworn, depose and say that I am the holder of the Surveyor's License No. 12345, State of Utah, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original as the same appears on my records.

ANNEXATION PLAT
SUBJECT: ANNEXATION

RECORDING INFORMATION
This plat is a part of Section 2 and 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, Utah. It is recorded in accordance with the provisions of the Utah Public Lands Act, Chapter 10, Title 17, Utah Code Annotated, 1953, and the provisions of the Utah Surveyors' Act, Chapter 10, Title 48, Utah Code Annotated, 1953.

RECORDED
This plat is a part of Section 2 and 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, Utah. It is recorded in accordance with the provisions of the Utah Public Lands Act, Chapter 10, Title 17, Utah Code Annotated, 1953, and the provisions of the Utah Surveyors' Act, Chapter 10, Title 48, Utah Code Annotated, 1953.

ANNEXATION PLAT

When recorded, please return to:
PARK CITY MUNICIPAL CORPORATION
City Recorder
P O Box 1480
Park City UT 84060

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement") is made by and between Park City Municipal Corporation (hereinafter, "Park City" or the "City") and Boyer Park City Junction, L.C. , a Utah liability company (hereinafter, "Boyer" or "Petitioner") to set forth the terms and conditions under which Park City will annex certain land owned by Petitioner as Tenants In Common with Park City, consisting of approximately 286.64 acres (which includes land owned by other landowners, as set forth in the next paragraph) and located in unincorporated Summit County, Utah, at the southwest corner of State Route 248 and Highway 40 (as further defined below, the "Petitioner's Property"), and known as Park City Heights Annexation, into the corporate limits of Park City and extend municipal services to the Property. The City and Boyer are sometimes collectively referred to in this Agreement as the "Parties" or individually as a "Party". This Agreement is made under authority of §§ 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended "MLUDMA").

WHEREAS, included in the 286.64 acre annexation Property are the following parcels: parcel 1- M. Bayer/J. Bayer (SS-89-A); parcel 2- Boyer/Park City Municipal Corporation (PCMC) (SS-122); parcels 3, 7, and 8- Park City Municipal Corporation (PCMC) (SS-88); parcel 4- Utah Department of Transportation (UDOT) (SS-92-A-2-X); parcel 5- Park City Municipal Corporation (PCMC) (SS-92-A-X-X); and parcel 6- Boyer/Park City Municipal Corporation (PCMC) (SS-92). The annexation Property also includes the right-of-way of Old Dump Road through the Property and the State of Utah Parks and Recreation Rail Trail right-of-way through the Property.

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Property into the corporate limits of the City and, to that end, an annexation petition (the "Annexation Petition") for the Property was filed with the City on January 28, 2005. Additional information was included in the annexation petition and on February 16, 2005, the City deemed the application complete. The petition was accepted by the City on March 10, 2005.

WHEREAS, in connection with any such annexation (the "Annexation"), the Property is proposed to be zoned Community Transition ("CT Zone"), a City zoning district that allows for low density, clustered development as part of a Master Planned Development as more fully described in the City's Land Management Code. The zoning district allows uses including, but not limited to, public/quasi-public institutional uses, public recreation uses, affordable/employee housing, residential, and open space land uses on the Property.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of Park City's agreement to annex Petitioner's property and in consideration of the mutual promises contained herein,

as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of Annexation shall be as follows:

1. **Property.** The property to be annexed is approximately 286.64 acres in size, as depicted on the annexation plat attached as Exhibit A (the "**Annexation Plat**") and as more fully described in the legal description attached as Exhibit B (hereafter referred to as the "**Property**").

2. **Zoning.** Upon Annexation, the Petitioner's Property will be zoned Community Transition District (CT).

3. **Master Plan Approval; Phasing.** Pursuant to Land Management Code Section 15-8-3 (D), on July 5, 2007, a complete revised application for a Master Planned Development on 239.58 acres of the Property (as submitted, the "**MPD**") was filed with the City. Concept Site Plan is attached as Exhibit D. Annexation parcels 1, 4, 5 as described above are not included in the MPD. The Petitioner plans to submit a revised MPD application. The allowable residential density of the MPD project area is 239 units. Of those 239 units, no more than 160 units shall be market residential units. This allowable density does include all required affordable housing units as specified in Paragraph 10 below. This Agreement does not represent approval or vesting of the submitted MPD or any subsequent MPD proposal. Rather, the MPD and the land use development of the Property shall be governed by the zoning designations provided herein and, shall be finalized (and, as necessary, amended) as soon as reasonably practicable following completion of the Annexation process pursuant to Utah Code Annotated § 10-2-425(5) (the "**Final MPD**"). Moreover, any substantive amendments to the MPD or this Agreement shall be processed in accordance with the Park City Land Management Code in effect at the time. Further, as part of the Final MPD and subdivision approval process, the phasing of the development of the Property shall be determined, to ensure the adequacy of public facilities that may be required to support any such development.

4. **Trails.** A condition precedent to subdivision approvals for the Property is the grant to the City of non-exclusive, public easements across the Petitioner's Property, and the construction of non-vehicular pedestrian trails as determined by the Planning Commission during the Final MPD and Subdivision Plat review process (collectively, the "**Trails**"). In any event, the trail easements shall include, but are not limited to, existing trails and those easements necessary to extend and/or relocate existing non-vehicular pedestrian trails to connect to other public trail easements existing or planned for the future on adjacent developed or undeveloped properties. Any obligations with respect to the construction of any such trails shall be governed by the terms and conditions of the Final MPD for the Property.

5. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

6. **Roads and Road Design.** All streets and roads within and to the Property, which are to be dedicated to the City, shall be designed according to the City's road design standards or retained as private roads. The roads in the affordable housing area are anticipated to be public and shall be granted,

conveyed and/or dedicated to the City for purposes of a public thoroughfare and, upon acceptance thereof by the City, the maintenance and repair thereof shall be by the City. Unless bond funds are used in connection with the construction of the roads in the market rate housing area, such portion of the roads shall remain private and maintenance and repair of all such streets and roads shall remain with the Petitioner (or its assigns) including any Owner's Association, until such time as any such streets and roads shall be accepted by Park City pursuant to the City's applicable ordinances governing any such dedication (the "Subdivision Ordinance"). All roadways within the Property and subject to the Subdivision Ordinance (the "Subdivision") shall be not less than thirty (30) feet wide, back of curb to back of curb. The final determination of which roadways, or portions thereof, are to be publicly dedicated shall be made during the Subdivision Plat review process; provided that the terms and conditions of grading and constructing roadway access across any City property shall be agreed to as part of any Development Agreement approval process.

Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location is approved by the Planning Commission. Non-motorized paths separate from the road right-of-way may be preferable and determined by the Planning Commission.

The Development Agreement shall not propose a road or street connection from Park City Heights to The Oaks at Deer Valley Subdivision, Hidden Meadows Subdivision, or to the Morning Star Estates Subdivision. The two proposed single family lots with access onto Sunridge Cove shall be restricted at the time of the Final MPD to single family uses, consistent with the uses allowed in the Oaks at Deer Valley Subdivision. These lots may, if approved by the Oaks at Deer Valley Subdivision, be included in the Oaks at Deer Valley HOA at the time of the Final Subdivision Plat approval.

7. **Sanitary Sewer, Line Extensions and Related Matters.** Construction and alignment of the sanitary sewer shall be established as part of the Final MPD and the Final Subdivision Plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "Subdivision Plat"). The preferred alignment of the sanitary sewer shall be that alignment which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District. Further, as part of the Development Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall enter into a latecomer's agreement to reimburse the City for a portion of its costs in extending sewer facilities adjacent to the Property.

8. **Water Rights and Water Source Capacity.** The 1992 Pre-Annexation and Settlement Agreement conveyed 235.5 acre-feet of water rights to the City for the Park City Heights property and memorialized the fact that development on that property would be treated as if it had dedicated water rights to the City. Accordingly, the LMC Section 15-8-5 (C) (1) requirement to dedicate paper water rights is satisfied by Boyer.

9. **Water Impact Fees and Other Water Facilities and Systems Costs.** Certain water facilities and systems internal to Petitioner's Property shall be required to be constructed and, to the extent to be dedicated to the City, easements therefore granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the Final Development Agreement and final Subdivision review process (the "Water Facilities and Systems"). Any and all such Water Facilities and Systems shall be constructed to not less than the specifications reasonably required by the

City Engineer. A Water Agreement, between the City and the Petitioner substantially in the form attached hereto as Exhibit C, shall be executed pursuant to this Annexation Agreement, to be recorded concurrently.

In connection with the Development Agreement and subdivision approval process, on-site storm runoff detention facilities, or approved alternatives, as approved by the Park City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined at the time of final Subdivision Plat and Final Development Agreement approval (the "**Storm Detention Facilities**").

10. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the conditions of the Final MPD, with the understanding and agreement of the parties that:

- a. The base Employee/Affordable Housing requirement for the development associated with the Park City Heights Annexation and Final MPD will be determined as defined in the City's Land Management Code and in a manner consistent with Affordable Housing Resolution 17-99 and the CT Zone. This requirement shall be satisfied by the construction of said AUEs within the Property. These AUEs do not count towards the 160 unit maximum residential market rate unit density.
- b. The requirement for 44.78 Affordable Unit Equivalents (AUE's) associated with the IHC Hospital, as described in the Intermountain Healthcare/USSA/Burbidge Annexation Agreement, will be transferred to and satisfied by the construction of said AUEs within the Property. These AUEs, currently configured in 17.91 Unit Equivalents, do not count towards the 160 unit maximum residential market rate unit density as set forth above.
- c. Park City may elect to build additional affordable housing units beyond those described above. These units do not count toward the 160 unit maximum residential market rate density as set forth above, but shall be included in the overall density calculation for the Community Transition Zone.
- d. Affordable units shall be made available for occupancy on approximately the same schedule as or prior to a project's market rate units or lots; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units (subparagraph (a) above). A schedule setting forth the phasing of the total number of market units in the proposed MPD, along with a schedule setting forth the phasing of the required inclusionary units (subparagraph (a) above) shall be approved as part of the Final MPD prior to the issuance of a building permit for either the affordable or market rate units.

11. **Sustainable Development requirements.** All construction within the Final MPD shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the CT Zone. Unless otherwise approved in the final MPD in compliance with the current Environmental/ Sustainability Element of the General Plan, each home in the development must

receive National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) **OR** reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification and LEED rating criteria to be used shall be those applicable at the time of building permit submittal.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.

Points achieved in these resource conservation categories will count towards the overall score.

12. **Planning Review Fees.** Owner, as to its development portion of the annexed Property, shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Land Management Code.

13. **Impact and Building Fees.** All property owners within the annexed property shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits. In the event that additional inspections of roads and structures are required, based on the Geotechnical report prepared by GHS Geotechnical Consultants, Inc. dated June 9, 2006 and supplemental report dated March, 2008, these additional fees shall be borne by the Petitioner.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by Parties in connection with the Final MPD and Subdivision Plat review and approval process (the "**Public Improvements**"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, Park City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as may be necessary or appropriate for the Trails, Park City shall not be obligated to remove snow from private roads, streets or similar improvements within the Property, until acceptance of the dedication thereof to the City pursuant to the City's Subdivision Ordinance. Park City shall not be obligated to remove snow from private roads, streets, or other similar private improvements to be further identified on the final subdivision plat.

16. **Fiscal Impact Analysis.** The Fiscal Impact Analysis, prepared for the Petitioner by Lodestar West, Inc. and dated June 6, 2007, was reviewed by the Park City Heights Annexation Task

Force and forwarded to the Planning Commission for further review. The Fiscal Impact Analysis concludes that the Annexation will result in an overall positive impact on the City. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property, concludes that there will be a net fiscal gain to the School District for the market rate units and a net fiscal loss to the School District for the affordable housing portion of the development, however, if aggregate property taxes to the District generated from local sources are not adequate to cover the expenditures required for the budget, then additional State funds would be redistributed per the State Code, to compensate for the shortfall. The fiscal Impact Analysis is hereby accepted and approved by the City as part of this Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by Petitioner's traffic consultant, Hales Engineering, dated June 7, 2007 on file at the Park City Planning Department. The mitigation measures (including traffic calming) outlined in the Hales Engineering, June 7, 2007, Park City Heights Traffic Impact Study shall be implemented in a manner consistent with the Final MPD. The Parties anticipate that the Petitioner (or, as specified in connection with any such assignment, its assigns) shall bear all financial costs, except land acquisition costs, for the construction of a signalized intersection on State Road 248 and the connection of that intersection with a roadway to the Property, as shown in the Traffic Impact Study. Construction of this intersection and its connection with Richardson Flat Road shall meet all applicable Utah Department of Transportation and Park City Municipal Corporation standards and, at a minimum, shall include the improvements detailed in a-d below:

a. A southbound left turn lane, deceleration lane and taper shall be constructed on SR-248 to accommodate more than 10 vehicles per hour making left-hand turning movements.

b. A northbound right turn pocket, deceleration lane and taper shall be constructed on SR-248 to accommodate more than 10 vehicles per hour making right-hand turning movements.

c. A westbound to northbound right turn acceleration lane and taper shall be constructed on SR-248 to accommodate more than 50 vehicles per hour. When the intersection is signalized, this improvement would not be necessary.

d. The Old Dump Road (Richardson Flat Road) shall be built to Park City Municipal Corp. standards at a minimum width of 39 feet back-of-gutter to back of gutter within a 66 foot right-of-way. This width is not inclusive of turn pockets or the improvements described in 1-3 below) to the easternmost Park City Heights intersection at the expense of the Petitioner. Turn pockets shall be constructed on Richardson Flat Road at each of the Property's intersections with the Richardson Flat Road. These turn pockets will be constructed per standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) and/or by the American Association of Highway Transportation Officials (AASHTO). The Richardson Flat Road at its intersection with SR-248 will be of sufficient paved width to accommodate (at the stop bar):

i. 18" wide eastbound lane tapered per standards set forth in the MUTCD and/or by the AASHTO.

ii. 12' wide westbound left-hand/thru traffic lane (with adjoining right turn lane) for a minimum of 150', then tapered per standards set forth in the MUTCD and/or by the AASHTO.

iii. 5' wide bike lanes.

e. The cost sharing methodology (between Petitioner and any assigns) for the above projects shall be agreed to by the Petitioner and assigns prior to Final MPD approval. The cost sharing formula and timing for construction of the above improvements shall be detailed in the Final MPD document.

18. **Effective Date.** This Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance.

19. **Governing Law: Jurisdiction and Venue.** The laws of the State of Utah shall govern this Agreement. The City and Boyer agree that jurisdiction and venue are proper in Summit County.

20. **Real Covenant, Equitable Servitude.** This Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation, and the Annexation Plat shall be recorded in the County Recorder's Office of Summit County, Utah.

21. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, to Boyer upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioner shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment.

22. **Compliance with City Code.** Notwithstanding Paragraph 17 of this Agreement, from the time the Park City Council (the "**City Council**") formally approves this Agreement and upon completion of the Annexation by recordation of the annexation plat, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

23. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Property into the City and there are no other agreements in regard to the

Annexation of the Property. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Agreement.

24. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

25. **Vested Rights.** Subject to the provisions of this Agreement, Petitioner (or its assigns) shall have the right to develop and construct the proposed Project in accordance with the uses, densities, intensities, and configuration of development approved in the Final MPD when approved, subject to and in compliance with other applicable ordinances and regulations of Park City.

26. **Nature of Obligations of Petitioner.** Boyer is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the other Party. Boyer agrees to cooperate with each other to coordinate performance of all of their respective obligations under this Agreement. Park City as Co-Tenant has authorized Boyer to petition and execute this Agreement on its behalf and is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the other Party.

(Signatures begin on following page)

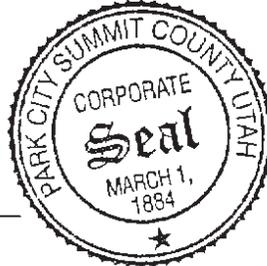
PARK CITY MUNICIPAL CORPORATION,
a political subdivision of the State of Utah

By: *Dana Williams*
Dana Williams, Mayor

Dated this 2 day of July, 2010.

ATTEST:

Sharon Bauman
Sharon Bauman, Deputy City Recorder



Dated this 2 day of July, 2010.

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

Dated this 2 day of July, 2010.

BOYER PARK CITY JUNCTION, L.C.,
A Utah liability company, by its manager

The Boyer Company, L.C.,
a Utah limited liability company

By: _____
Name: _____
Its: _____

Dated this _____ day of _____, 2010

- Exhibits
- A. Annexation Plat
 - B. Legal Description
 - C. Water Agreement
 - D. Concept Site Plan

PARK CITY MUNICIPAL CORPORATION,
a political subdivision of the State of Utah

By: _____
Dana Williams, Mayor

Dated this _____ day of _____, 2010.

ATTEST:

Sharon Bauman, Deputy City Recorder

Dated this _____ day of _____, 2010.

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Dated this _____ day of _____, 2010.

BOYER PARK CITY JUNCTION, L.C.,
A Utah liability company, by its manager

The Boyer Company, L.C.,
a Utah limited liability company

By: _____
Name: David Olden
Its: Manager

Dated this 2 day of July, 2010

- Exhibits
- A. Annexation Plat
 - B. Legal Description
 - C. Water Agreement
 - D. Concept Site Plan

EXHIBIT L

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Chair Worel explained that her comments was that she would like to see more seamless from Park Avenue so it flows with the historic structures as one property.

Ms. Preston pointed out that another person had said that the building looked too modern and it was not compatible with the surrounding structures. She asked what age they wanted the building to look like.

Commissioner Strachan noted that he had made the statement about being too modern. He could not define compatibility but he knows it when he sees it. Commissioner Savage told Ms. Preston that their comments addressed compatibility with the façade of the two historic buildings from Park Avenue. They were asking the applicant to find a way to make the façade of the new construction look harmonious and compatible with the look of the historic homes. He clarified that the Planning Commission was not recommending 1970 architecture.

Park City Heights – Possible amendments to Subdivision Plat (Application PL-11-01355)

Planner Whetstone reported that the purpose of the work session was to review contemplated changes to the subdivision plat for the Park City Heights Master Planned Development. The Master Planned Development was approved in 2011, along with a preliminary plat. The preliminary plat and the master planned development went through an extensive review over an extended period of time.

It was a concept plan with a master plan, and a lot of details were discussed before the master plan was approved with a series of conditions. Planner Whetstone noted that a number of different elements of the master plan and the preliminary plat were reviewed at the same time.

Planner Whetstone explained that due to the discovery of mine/waste and contaminated soils, the applicant felt it was necessary to create an area for an on-site repository for soils. It would require changing the configuration of the lots, but not the density. The density would remain at 239 units on 239 acres. The number of affordable housing units and market rate units would remain the same. Planner Whetstone recalled that there were eight affordable units that were not required but were being provided in the mix of 79 affordable units that were undefined. Those units have now been defined. She noted that the original neighborhood would be little smaller, but additional park areas were added.

Planner Whetstone stated that the applicant was working with the State on the Voluntary Cleanup Program; however, the remediation plan has not been approved. She had met with the applicant's representative to plan out a strategy and they felt that it was best to come back to the Planning Commission as a work session to determine the required process to address the issues. Planner Whetstone noted that the applicants would have to do a new preliminary plat for Phase 1 if the repository is approved to remedy the soils issues. The question was whether the applicants could come back to the Planning Commission with a new subdivision plat without re-opening the MPD.

Spencer White, representing the applicant, reiterated that the Park City Heights project went through a lengthy approval process and there was a significant amount of discussion between the Planning Commission and the applicants. They knew they would be coming back at each phase and they did not want to surprise the Planning Commission with a different layout. Mr. Spencer noted that they tried to keep everything as close to the original plan as possible. He not believe anything substantial

had changed, but they wanted the Planning Commission had a say in the process.

Mr. White stated that because of the contaminated soil and the amount of contaminated soil, they need to find a solution to clean it up and mitigate the issue. He explained that the best option is to create an on-site repository. In order to do that, they need seven to eight acres of area. Mr. White requested feedback from the Planning Commission to help address the situation.

Mr. White stated that in the original MPD there are 79 affordable/attainable units, and some of the units were not defined. He noted this current proposal defines those units. There are still 28 attached units, which are the IHC affordable units that were brought into the property. The 35 units that were affordable/attainable units from the City are now defined as small lots, single-family detached, high-density. The 16 units from the market rate units would be disbursed through the cottage homes as planned in the original MPD.

Mr. White remarked that they would prefer not to amend the MPD, and they do not believe it is necessary.

Mr. White outlined other changes that were different than the original MPD. Two parcels of commercial were never defined and they were left for someone in the future to potentially develop. With the space required for the repository, those two parcels were eliminated. Commissioner Strachan recalled that those were Parcels I and J. Mr. Spencer replied that this was correct. Mr. White noted that the two parcels were located along Richardson Flat Road and conditional use permits were attached to them in the future.

Mr. White commented on the positive aspects of the plan. He indicated the power corridor that runs up the property and noted that in the original MPD some lots were adjacent to the power corridor. During the planning process a visual analysis was done and those were of concern. Mr. White stated that all but the two highest lots were brought down further and some of the visual concerns were addressed.

Mr. White stated that the small lot, single-family detached units are an alley-loaded product. Some of the alley-loaded cottage homes were eliminated. Going through the Phase I approval process with Engineering and Public Works, they eliminated some of the alley-loaded product to address snow storage and similar issues. Mr. White noted that the design guidelines would stay the same, with the exception of minor modifications for the small single-family detached units.

Commissioner Hontz stated that if the Planning Commission determined that it needed to follow the MPD process based on Code, she wanted to know how that would be different from just amending the subdivision. Planner Whetstone replied that it was two phases. Based on Code, if there is a substantive change that would be considered a change in concept, density, unit type or configuration of any portion, the MPD would be reviewed. Otherwise, the applicants would have to start with a pre-application conference against the General Plan review.

Commissioner Hontz referred to the LMC language and felt strongly that this request met the first sentence, which states that if there is a change to the unit type or configuration, the entire master plan and development agreement is reviewed by the Planning Commission. The sentence did not say anything about a "substantive" change. Commissioner Hontz assumed that the MPD process

would lead to the subdivision replat, and it would only require one or two additional meetings.

Commissioner Hontz recalled that the Planning Commission had concerns relative to soils issues from the beginning and they asked the developer and the City to add language in the development agreement to indicate that there were concerns about soils issues. Mr. White replied that those were two different soils. Commissioner Hontz recalled specifically mentioning the issues on the soils across the street that had to be capped and mitigated. She pointed out that the issues were public safety, health and welfare. She was sympathetic to the problem, but the Code clearly states what they are obligated to do and she believed the applicant needed to come back for an MPD review.

Assistant City Attorney McLean stated that from a legal perspective, different interpretation was one reason why this was scheduled for a work session. She stated that when there is an MPD, minor changes are often done that do not come back to the Planning Commission because it was viewed as non-substantive. Commissioner Hontz stated that she would agree if it related to a window type or moving a house on a lot. However, the language clearly says unit type and configuration, and both of those things occur in this request. She felt they were fully within their rights to require a review of the MPD.

Commissioner Wintzer thought it would be helpful to see a list of everything that was approved and another list of everything they were changing so they could easily compare and determine which changes are substantive and which are not. He was concerned about the same issues in terms of number of units, the amount of open space, and the ridges along the edges. He suggested that the developer pull out the original visual analysis and show that it has not changed. Commissioner Wintzer was not interested in starting the process over, but he would like to compare it to what was already approved. He thought it would also help the new Commissioners understand what was approved and what was being changed.

Chris Gamvroulas with Ivory Development, noted that the Staff report contained 63 conditions of approval and possibly five would have a slight change. He noted that in an effort to make it easy for the Planning Commission visually, they had juxtaposed the plans. Mr. Gamvroulas explained that the previous plan was shown in yellow.

Mr. Gamvroulas stated that the topographical map that everyone was working off of had busts in it, and approximately 13' of issues within the topographical map were not accurate. They now have a very accurate topographical map. He pointed out that the low area by the frontage road is the area that would be filled in with remediated soils. Mr. Gamvroulas stated that they had a letter from DEQ moving them forward in the process of the Voluntary Cleanup Process through the State.

Mr. White clarified that the Voluntary Cleanup Program is State run through the Department of Environmental Quality. Some of the other sites are governed by the EPA. Mr. White pointed out that the DEQ has oversight by the EPA and they are aware of it as well. Mr. Gamvroulas stated that the State and the EPA were encouraging Park City Heights to put in the repository because there are many issues involved with truck the soils off-site. He pointed out that they were trying to resolve the problem as landowners and as citizens.

Mr. Gamvroulas reviewed the changes on the plan and identified the areas that were being

reconfigured. He noted that they were days away from recording the first plat when the soils issue was discovered.

Commissioner Savage understood that there was a discrepancy in opinions related to the nature of the direction going forward, and whether this would open the MPD to a complete review or if they could take a more simple approach. He thought they should address that issue before they spend time on the points outlined in the Staff report.

Director Eddington stated that the question was whether the MPD should be opened for an amendment review, or if they should take it forward as a plat review subdivision, conditioning that review with design guidelines. Commissioner Savage thought it was a question of what they are required to do, rather than what they want to do.

Commissioner Savage stated that if the Planning Commission conducted their review in the format suggested by Commissioner Wintzer, and as a result of that review did not identify any issues that would negatively impact the previously approved plat, he would support a simple modification rather than re-opening the entire MPD. However, he respected Commissioner Hontz's opinion regarding the Code language and he was interested in hearing the opinions of the other Commissioners.

Commissioner Hontz clarified that her concern was about setting precedent because the Code is very clear. She was comfortable with the review level, but she felt they were obligated to follow the Code. Commissioner Hontz stated that on a first glance she thought the changes proposed were good and she did not anticipate a difficult process. However, she would be uncomfortable if another MPD came forward with changes and they had already set the precedent.

Commissioner Strachan thought the applicant needed to go through the pre-application public hearing as required in LMC Section 15-6-4. He noted that the applicant had to go through the hoops before they could get to the discussion that they hoped to have this evening. Commissioner Wintzer thought they could review the changes and have the discussion quickly. Commissioner Strachan agreed that it could be done quickly, but just because it could be done fast, he did not think the applicants should be able to skip the steps to get there. Commissioner Wintzer shared the concern of setting a precedent; however, he thought all the steps could be accomplished in two or three meetings.

Commissioner Thomas was not ready to say that the changes were not substantive, and that still needed to be determined. He supported Commissioners Hontz, Strachan and Wintzer in terms of process and understanding the depth of the changes. If it takes the full process by Code interpretation, that is what they should do.

Commissioner Gross stated that he was not on the Planning Commission at the time of the original approval; however, at first glance he did not think the changes looked that significant. Chair Worel agreed that the request needed to go through the full review process.

Commissioner Savage recommended that in the course of initiating the process, that the Planning Commission achieve the objectives that Commissioner Wintzer recommended as early in the process as possible, so anything substantive would come forth very quickly.

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Mr. White expressed his hope that they would not have to start at the beginning and that the review of the MPD could begin from where they left off. Commissioner Strachan pointed out that it was a different Planning Commission and the vote may be the same or it may be different.

The Commissioners and the applicant reviewed the process and what they hoped to accomplish. Commissioner Wintzer requested to see the views on the ridge, a section through the area they intend to fill and what it is and what it is going to be, and what they plan to do on top of the disturbed area.

Chair Worel called for public input.

There were no comments.

The Work Session was adjourned.

Planning Commission Staff Report



Application No: PL-13-01889
Subject: LMC Amendments
Author: Francisco Astorga, Planner
Date: October 9, 2013
Type of Item: Legislative – LMC Amendments Height in the Historic Residential and the RC Districts.

Summary Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Description

Project Name: LMC Amendments – Regarding development in the HRL, HR-1, HR-2, and RC Districts
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Background

The Planning Commission originally discussed the definition of story during a work session discussion on August 22, 2012. Then during a Planning Commission work session discussion held on September 12, 2012 staff recommended reviewing the interpretation of a “story” as currently defined in the Land Management Code (LMC). During this meeting, the Commission showed concerns regarding the current Building Height parameters and how they applied to split-level concepts. It was interpreted that a three (3) story split-level per the current LMC definition of a story would qualify as multiple stories adding up to six (6). Staff introduced an additional regulation which was based on the internal height of a structure measured from the lowest floor level to the highest roof form. Planning Director Eddington indicated that the Planning Staff would work with different scenarios and come back with alternatives.

During a regular meeting dated September 26, 2012, Staff introduced amendments to the LMC to address planning and zoning issues that came up in the past year. The proposed amendments provided clarification and streamlining of processes, procedures, and definitions, etc. During this meeting the same maximum internal height measurement provision was drafted.

During the September 26, 2012 Planning Commission meeting, many items were forwarded to the City Council for review and possible adoption. Regarding Building Height measurement and story definition, the Commission continued the proposed amendments to a later date. The Planning Commission found the exhibits in the Staff

report to be helpful, but expected additional information based on the discussion at the last meeting. The Commission requested to see an exercise on a variety of un-built lots in Old Town, both downhill and uphill, that maximizes the heights using stories as an example to see what the mass and scale and height would do. The Commission requested to see an idea of “worst case” scenarios. The Planning Department committed to provide a variety of examples on un-built lots, however, it was recognized that many lots do not have historic structures on them which can be demolished through an administrative building permit. The Planning Department proposed to come back with the information requested as well as other scenarios they had created for massing and volume on various slopes. The Planning Commission would be able to see how different aspects of the LMC work in each scenario depending on the slope.

During the November 28, 2012 Planning Commission meeting many other items were forwarded to the City Council for review and possible adoption including the new Building Height parameter to limit the maximum internal height of a building. Because of the amount of LMC amendments, staff was unable to deliver the prepared presentation on stories as the Planning Commission requested to continue the presentation to December 12, 2012.

On December 12, 2012 the Planning Department prepared the different scenarios and requested to hear as much input as possible from the Planning Commission. Due to the late hour that evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. Staff briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

On January 9, 2013 the Planning Department discussed with the Planning Commission specific scenarios regarding Building Height in the Historic Residential Districts (HRL, HR-1, & HR-2) through a hands-on exercise relating to **downhill** lots.

On February 13, 2013 the Planning Department discussed with the Planning Commission specific scenarios regarding Building Height in the Historic Residential Districts (HRL, HR-1, & HR-2) through a hands-on exercise relating to **uphill** lots.

These last two Planning Commission work session discussions were based on the current Building Height parameters which include the following:

- No structure shall be erected to a height greater than twenty-seven feet (27') from existing grade.
- Final grade must be within four (4) vertical feet of existing grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and garage entrance.
- A structure may have a maximum of three (3) stories. A basement counts as a first story.

- A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) story of a structure unless the first story is located completely under the finish grade on all sides of the structure.
- Roof pitch must be between 7:12 and 12:12. A green roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.
- Garage on Downhill Lot building height exception: The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

The direction received from the Planning Commission, which resulted from the many different meetings shown herein, was to replace the current requirement of a maximum of three (3) stories with an internal maximum height provision. The Planning Commission did not feel inclined to amend the other Building Height parameters such as the maximum building height of twenty-seven feet (27') measured from existing grade, the required roof pitch, etc.

In response to that direction, on May 8, 2013 the Planning Department proposed adding a new parameter to the Building Height. This parameter was to replace the maximum number of stories by adding a provision which indicated a maximum height measured from the lowest floor level to the highest roof form. The actual maximum number proposed was based on a scale factor depending on the roof pitch of said structure. See attached Planning Commission minutes, Exhibit H – Planning Commission regular meeting minutes 05.08.2013. The Planning Commission expressed concerns with how the new provision would relate to the ten foot (10') horizontal step as it was discussed that it may need to have a numeric value other than saying that it would occur on the third floor. The Commission was not comfortable forwarding a recommendation to the City Council without seeing the drafted language regarding the roof pitch exception.

Public comment was also made during this time which focused on the 3-story versus internal height issue, structures with exposed foundations below the first floor, roof pitch options, different ways of controlling visual height and mass. The Planning Commission continued this item to May 22, 2013 to allow staff to address the comments from the Planning Commission and the public. On May 22, 2013 this item was continued to June 26, 2013. On June 26, 2013 this item was continued to July 10, 2013.

During the July 10, 2013 Planning Commission meeting Staff introduced proposed language clarified throughout the subsequent meetings. During this meeting the Planning Commission discussed various items such as the maximum slope for driveways (14%), excavation impacts, window wells, flat roofs, and the specific parameters introduced as recommended height amendments. The Planning Commission continued this item to a date uncertain to allow staff to tidy up the recommendation and to further analyze the proposed height amendments.

The Recreation Commercial District (RC) District has specific requirements for single family dwellings and duplexes under LMC § 15-2.16-5. Subsection L & M refers to Building Height which mirrors the same language for the HRL, HR-1, and HR-2. If the Building Height is amendment for these three (3) Historic Residential Districts, this same language should also be amended in the RC District to reflect the same standard for consistency.

Building Height Analysis

Existing height provisions:

- **No structure shall be erected to a height greater than twenty-seven feet (27') from existing grade.** *(Staff does not recommend amending this provision).*
- **Final grade must be within four (4) vertical feet of existing grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and garage entrance.** *(Staff does not recommend amending this provision).*
- **A structure may have a maximum of three (3) stories. A basement counts as a first story.** *(Staff recommends amending this provision).*
- **A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) story of a structure unless the first story is located completely under the finish grade on all sides of the structure.** *(Staff recommends amending this provision).*
- **Roof pitch must be between 7:12 and 12:12. A green roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.** *(Staff recommends amending this provision).*
- **Garage on Downhill Lot building height exception: The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.** *(Staff does not recommend amending this provision).*

Currently, the specific height of a story is not codified. The LMC defines a story as:

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

There is no maximum or minimum number of feet for a story or a wall plate. The height of a structure is simply measured from existing grade, not to exceed twenty-seven feet (27'), this is known as the *roof over topo* analysis. After analyzing the impacts of the “split-levels” and more specifically “multiple split-levels” concept on a standard lot of record and possibly over longer lots, staff recommends adding provisions to the LMC related to Building Height. By regulating the maximum height measured from the first

story floor plane to the point of the highest wall top plate that supports the ceiling joints/roof rafters, the mass, volume, and scale of the “split-level” concept can be limited so that the proposal does not contain multiple numbers of splits stepping up or down the hillside. Staff recommends that the Commission forward a positive recommendation to the City Council by adding the following provisions to the Building Height regulation:

~~A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone.~~ A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. ~~Attics that are not Habitable do not count as a Story.~~

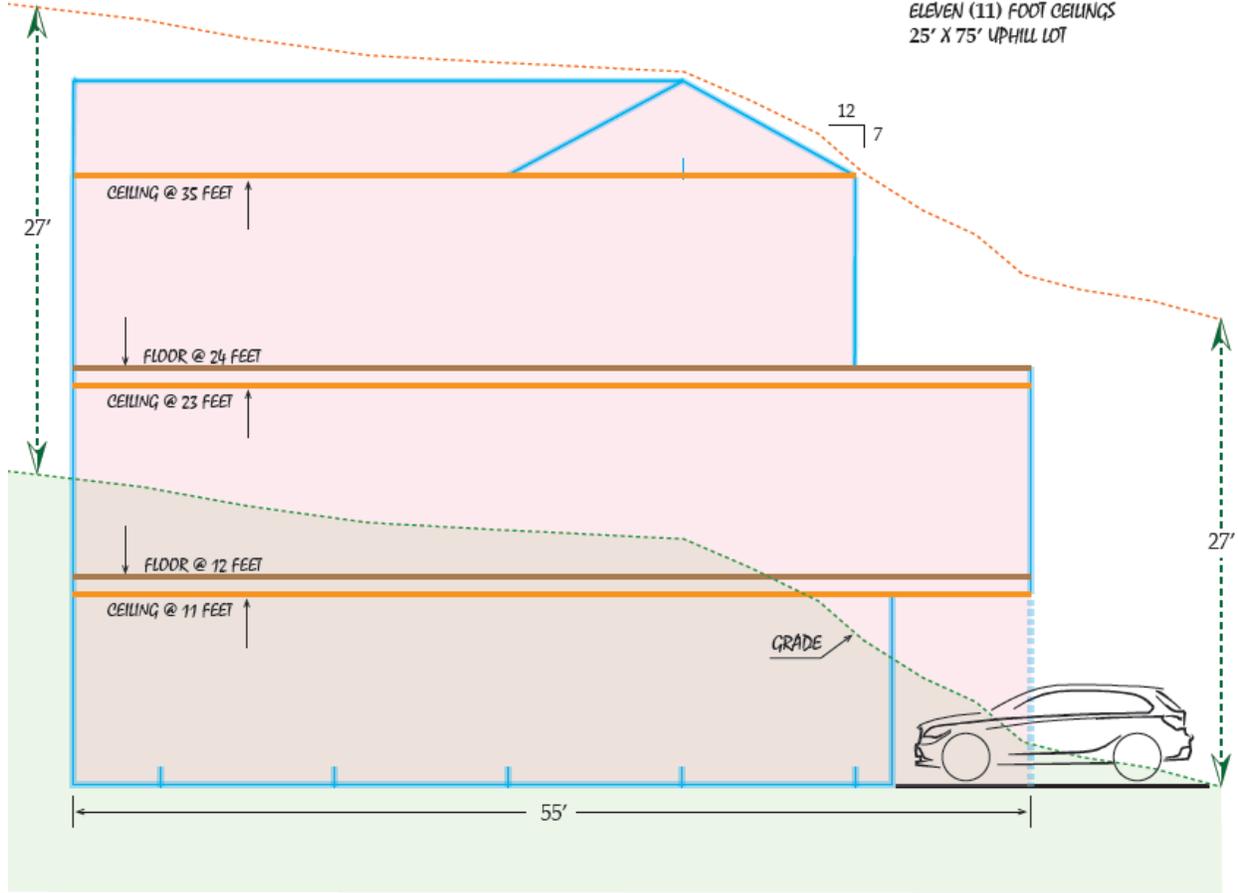
Please note that this amendment deals with the alternate language to replace the maximum three (3) stories and does not replace the maximum height of twenty-seven feet (27') measured from existing grade, *roof over topo* height review.

At this time the Planning Department also recommends adding clarifying language to the ten foot (10') minimum horizontal step. The current code does not indicate where the step back takes place on a vertical plane. Staff finds that the added language in red below clarifies where the horizontal step should occur. Staff has seen projects that have extended ceilings from the mid-level to the top level that technically removes the required horizontal step as this portion of the structure does not provide a third (3rd) story. The clarifying language requires that projects that have the same massing of a three (3) story building to have such horizontal step. See language to be added:

~~A ten foot (10') minimum horizontal step in the downhill façade is required for the third (3rd) Story of a Structure, unless the First Story is located completely under the finish Grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right of Way is allowed.~~ The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

ALLOWED:

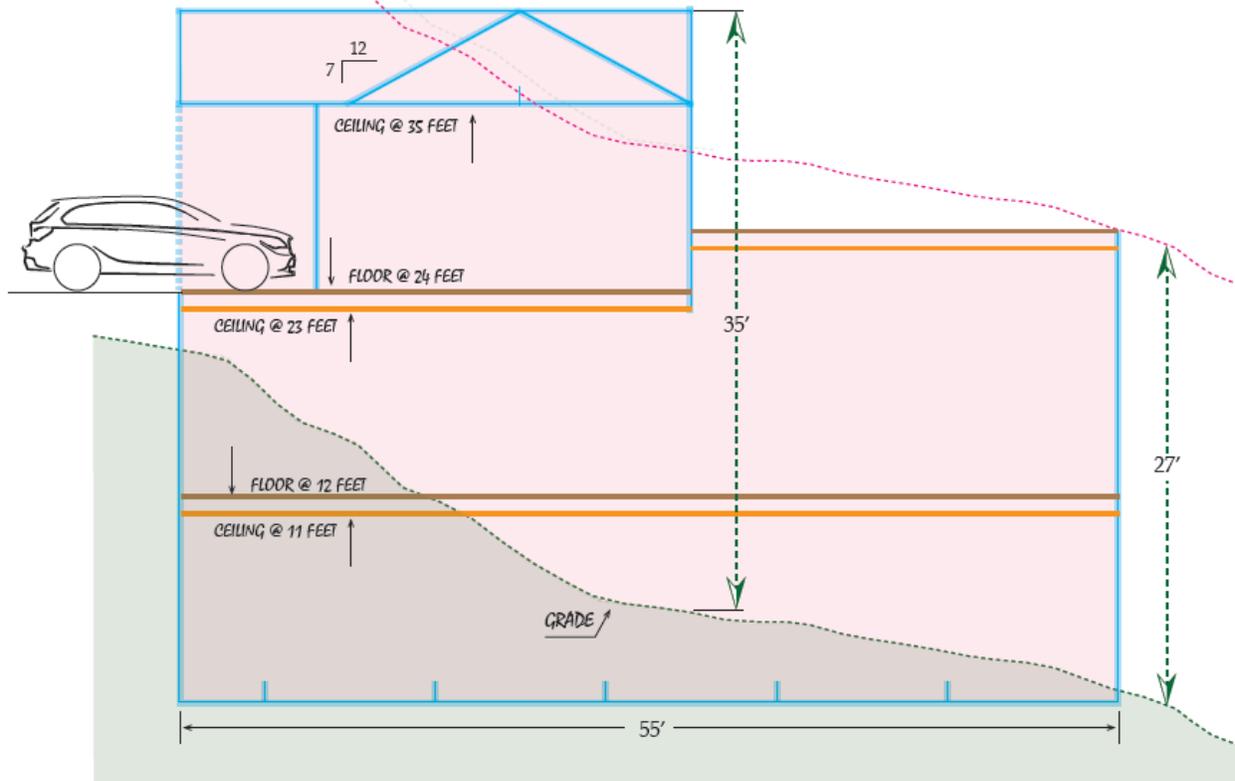
THREE (3) STORIES
THIRD STORY TEN (10) FOOT HORIZONTAL STEP
ELEVEN (11) FOOT CEILINGS
25' X 75' UPHILL LOT



Above: diagram showing uphill lot scenario

ALLOWED:

THREE (3) STORIES
THIRD STORY "TEN (10)' FOOT HORIZONTAL STEP
ELEVEN (11) FOOT CEILINGS
25' X 75' DOWNHILL LOT



Above: diagram showing downhill lot scenario

Staff finds that the roof pitch also needs to be clarified to reflect the following:

ROOF PITCH. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure. A Structure containing a flat roof shall have a maximum height of thirty feet (30') measured from the lowest floor plane to the highest point of the roof including parapets, railings, or similar features.

The above provision clarifies the required roof pitch for green roofs as well as it adds a specific parameter of measurement which is not any additional height that what would be required for a standard Old Town roof form. Again, please note that this amendment deals with the alternate language to replace the maximum three (3) stories and does not

replace the maximum height of twenty-seven feet (27') measured from existing grade, roof over topo height review.

The LMC defines a Green Roof as:

A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles.

This regulation allows the “split-level” concept (internally) but regulates the vertical area that can be used to accommodate such concept. These figures were derived from having three (3) stories (or levels) measuring a maximum ten feet (10') wall height and one foot (1') floor joists.

During the work session discussions and regular Planning Commission meetings regarding the LMC annual review, the Planning Department also discussed adding an exception to the required roof pitch for additions to Historic Structures if they can be found in compliance with the Design Guidelines for Historic Districts and Historic Sites. Staff recommends adding the following language to the exception section of each one of the Historic Residential Districts (HRL, HR-1 & HR-2), as well as the Recreation Commercial District (RC) specifically for single family dwellings and duplexes:

ROOF PITCH. Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture.

Existing Historic Structures Analysis

Staff recognizes that the three (3) Historic Residential Districts and the RC District contain the following language related to 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 Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

[...]

Staff recommends adding language that includes Building Footprint and Building Height to the provision that would indicate that Historic Structures that do not comply with these

additional parameters are also considered valid Non-Complying Structures. The proposed language would read as follows:

Structures that do not comply with Building Setbacks, Building Footprint, Building Height, 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 Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

[...]

Please note that additions must comply with all existing parameters.

On July 10, 2013 the Planning Commission showed concerns with the maximum driveway slope, window wells, and excavation.

Grading and Drainage

The LMC indicates the following language regarding Grading and Drainage for off-street parking on § 15-3-3(A):

- (1) *Parking Areas must be Graded for proper drainage with surface water diverted to a specified Area approved by the City Engineer, to keep the Parking Area free of accumulated water and ice.*
- (2) *Adequate control curbs must be installed to control drainage and direct vehicle movement.*
- (3) *Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.*
- (4) *Driveways must not exceed a fourteen percent (14%) Slope.*
- (5) *Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements.*

These existing provisions are not specific to Old Town but apply to the entire City. At this time staff does not recommend amending these regulations as staff has identified that they are appropriate for development throughout the City including Old Town. The City Engineer has further clarified that these grading and drainage parameters allow flexibility while at the same time provide for safe development. Several years ago the City Engineer evaluated the maximum driveway slope of fourteen percent (14%). It was determined that the current maximum standard is appropriate.

Window wells

The LMC currently indicates that no Side/Rear Yards must be open and free of any Structure except window wells or light wells projecting not more than four feet (4') into the Side Yard. This side yard exception provisions applies only to Lots with a minimum Side Yard of five feet (5').

The 2012 International Residential Code (IRC) indicates that the minimum horizontal area of the window well shall be nine (9) square feet, with a minimum horizontal projection and width of three feet (3'). The area of the window well shall allow the emergency escape and rescue opening to be fully opened. Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position.

As a response to the July 10, 2013 Planning Commission comments and direction provided, Staff recommends adding and internal policy to the window well exceptions under the setback encroachment that indicates that when reviewing window wells, minimum standards are to be utilized per current and applicable Building Codes. When working in Old Town applications are required to go through a Historic District Design Review (HDDR) pre-application conference. This conference is attended by our Preservation Consultant, Planning Department, and the Building Department. During this early stage Staff can make note to the applicant that the minimum Building Code requirements will be used in determining the window well exceptions within the setback. Also all development applications go through an internal review meeting which is also attended by the Building Department. Staff does not recommend adding set parameter as the minimum window well areas are specifically for emergency access as Building Codes are usually amended, updated, and clarified, etc., every three (3) years.

Excavation

Purpose statement F of the HR-1 and HRL indicates that it is a district purpose to establish review criteria for new Development on Steep Slopes with mitigate impacts to mass and scale and the environment. Furthermore, the steep slope CUP language indicates that development on steep slope must be environmentally sensitive to hillside areas and carefully planned to mitigate adverse effects on neighboring land and improvements. Criterion 1 indicates that development is to be located and designed to reduce visual and environmental impacts of the structure. The LMC, however, does not indicate any specific standards for appropriate excavation.

Given our current local economy and extraordinary topography, specifically within Old Town, there are certain expected pressures from property owners and investors that may request to maximize their buildable area which often clashes with the protection of the environment specifically dealing with excavation.

At this time, Staff does not recommend amending the LMC to further review, adopt, and implement specific excavation provisions. Staff recommends that the Steep Slope Criteria remain from the current 2009 amendment and once the General Plan is

updated the Planning Department can work with the Planning Commission to amend the LMC to be able to support and implement the goals and policies of the General Plan, specific purposes related to promoting the health, safety, and welfare, as well as allowing development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, historic structures, the integrity of historic districts, and the unique urban scale of original Park City.

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 was properly and legally noticed as required by the Land Management Code. Ruth Meintsma shared public comment during the May 8, 2013 and the July 10, 2013 public hearings. Ms. Meintsma focused on several items found in Exhibit H & I.

Significant Impacts

The proposed amendments provide clarification of the Building Height and Existing Historic Structures as currently outlined in the LMC. The amendments address the mass and scale of new construction as it relates to residential development in the Historic District. Existing structures which do not conform to these regulations will be treated as non-complying Structures and regulated under LMC § 15-9-6.

Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – Planning Commission work session discussion minutes 8.22.2012
- Exhibit C – Planning Commission work session discussion minutes 9.12.2012
- Exhibit D – Planning Commission regular meeting minutes 9.26.2012
- Exhibit E – Planning Commission regular meeting minutes 11.28.2012
- Exhibit F – Planning Commission work session discussion minutes 1.09.2013
- Exhibit G – Planning Commission work session discussion minutes 2.13.2013
- Exhibit H – Planning Commission regular meeting minutes 05.08.2013

Exhibit I – Planning Commission regular meeting minutes 7.10.2013

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTIONS 15-2.1-4, 15-2.1-5, 15-2.2-4, 15-2.2-5, 15-2.3-5, 15-2.3-6, 15-2.16-5(L), 15-2.16-5(M), & 15-2.16-6 REGARDING EXISTING HISTORIC STRUCTURES AND BUILDING HEIGHT IN THE HRL, HR-1, HR-2, & RC DISTRICTS.

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 an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, 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 preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, the City's goals include maintaining effective transportation and parking, maintaining the resort community regarding architectural consistency and excellent design and enhancing the economic viability of Park City's Main Street Business Districts; and

WHEREAS, Chapters 2.1, 2.2, and 2.3 Historic Residential Districts (HRL, HR-1, and HR-2) and Chapter 2.16 Recreation Commercial (RC) District, provide a description of requirements, provisions and procedures specific to these zoning districts that the City desires to clarify and revise. These revisions concern existing historic structures and building height; and

WHEREAS, the Planning Commission held work session discussions on August 22, 2012, September 12, 2012, January 9, 2013, and February 13, 2013 and provided input and direction during their regular meetings on September 26, 2012, November 28, 2012, and May 8, 2013 and discussed the proposed LMC amendments as outlined in this report; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on June 26, 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 15-2.1, 15-2.2, 15-2.3, and 15-2.16. The recitals above are incorporated herein as findings of fact. Chapter 15-2.1, 15-2.2, 15-2.3, and 15-2.16 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:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

Chapter 2.1 - Historic Residential-Low Density (HRL) District

15-2.1-4. EXISTING HISTORIC STRUCTURES.

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

- (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.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) ~~A Structure may have a maximum of three (3) stories. A basement counts as a Story within this zone. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Attics that are not Habitable Space do not count as a Story.~~

(B) A ten foot (10') minimum horizontal step in the downhill façade is required ~~for a third (3rd) Story of a Structure~~ unless the First Story is located completely under the finish grade on all sides of the Structure. ~~On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent~~

(25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

(C) **ROOF PITCH.** The primary Rroof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure. A Structure contain a flat roof shall have a maximum height of thirty feet (30') measured from the lowest floor plane to the highest point of the for including parapets, railings, or similar features.

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

(1) Antennas, chimneys, flues, vents, or 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) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic

Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture.

Chapter 2.2 - Historic Residential (HR-1) District

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. 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. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(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:

- (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.

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

~~(A) — A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Attics that are not Habitable Space do not count as a Story.~~

(B) A ten foot (10') minimum horizontal step in the downhill façade is required ~~for a third (3rd) Story of a Structure~~ unless the First Story is located completely under the finish Grade on all sides of the Structure. ~~On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.~~

(C) **ROOF PITCH.** The primary Rroof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure. A Structure contain a flat roof shall have a maximum height of thirty feet (30') measured from the lowest floor plane to the highest point of the for including parapets, railings, or similar features.

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

(1) Antennas, chimneys, flues, vents, or 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) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed .height exception is only for the Area of the elevator. No increase in square footage is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof

forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture.

Chapter 2.3 - Historic Residential (HR-2) District

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid 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 Design Guidelines for Park City's Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings, including detached single car Garages:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition, Garage, and/or driveway location is Compatible with the historic character of the surrounding residential neighborhood and the existing Historic Structure,
- (3) When the new Construction complies with all other provisions of this Chapter, and
- (4) When the new Construction complies with the Uniform Building and Fire Codes and snow shedding and snow storage issues are mitigated.

15-2.3-6 BUILDING HEIGHT.

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

Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

(A) ~~A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Attics that are not Habitable Space do not count as a Story.~~ The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

(B) A ten foot (10') minimum horizontal step in the downhill façade is ~~required for a third (3rd) Story of a Structure~~ unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). ~~On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.~~

(C) **ROOF PITCH.** ~~The primary R~~roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). ~~A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.~~

(1) ~~A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure. A Structure contain a flat roof shall have a maximum height of thirty feet (30') measured from the lowest floor plane to the highest point of the for including parapets, railings, or similar features.~~

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

(1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture.

Chapter 2.16 – Recreation Commercial (RC) District.

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

[...]

(L) **BUILDING HEIGHT.** No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(1) ~~A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Atties that are not Habitable Space do not count as a Story.~~

(2) A ten foot (10') minimum horizontal step in the downhill façade is ~~required for a third (3rd) Story of a Structure~~ unless the First Story is located completely under the finished Grade on all sides of the Structure. ~~On a structure in which the first Story is located completely under finished Grade, a side or rear entrance into a garage which is not visible from the front façade of Street Right of Way is allowed. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.~~

(3) Roof Pitch. ~~The primary R~~roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). ~~A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.~~

(a) ~~A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure. A Structure contain a flat roof shall have a maximum height of thirty feet (30') measured from the lowest floor plane to the highest point of the for including parapets, railings, or similar features.~~

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

- (1) Antennas, chimneys, 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) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
- (3) Elevator access. The Planning Director may allow additional height to allow for an elevator compliant with the American Disability Acts standards. The Applicant must verify the following:
 - (a) The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
 - (b) The proposed option is the only feasible option for the elevator on the site.
 - (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
- (4) Garage on Downhill Lot. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.
- (5) ROOF PITCH. Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture.

15-2.16-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with [Building Footprint](#), [Building Height](#), Building Setbacks, Off-Street parking, and driveway location standards are valid 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. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

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

- (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.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
AUGUST 22, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Katie Cattan, Mathew Evans, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code Amendments – General Discussion

Planner Kirsten Whetstone reported that the Staff was doing an annual update of the Land Management Code. She handed out a Staff report that outlined a few of the major changes for consideration. Additional minor changes were not included in the Staff report. Planner Whetstone pointed out that four pages of the Staff report was a pending ordinance for these various amendments.

Planner Whetstone reviewed the redlined packet of amendments. The first was Review Procedure under the Code and addressed different sections of the Code related to review procedures, primarily the appeal process. Planner Whetstone explained that the primary reason for the change was that an applicant could not go through two appeals with the City. It has to move on to a court jurisdiction. She noted that it applied to design reviews, administrative reviews and final actions that get appealed to the Planning Commission and then to the Board of Adjustment.

Planner Whetstone acknowledged that the Planning Commission had only been given the material this evening. She recommended that the Planning Commission read the material and the pending ordinance and come prepared to discuss it at the next meeting on September 12, 2012.

Chair Wintzer asked if the next meeting would be a work session discussion or whether the Planning Commission would be asked to take action. Planner Whetstone stated that the LMC amendments would be noticed for public hearing and discussion, but no action would be requested.

Planner Whetstone referred to the redlined amendment addressing changes to roof pitch, patios and the proposal to require a building permit for certain impervious surfaces in the Historic District.

Planner Whetstone noted that the section titled Master Planned Developments was a relook at various items and issues raised over the past year regarding master planned developments in Old Town and criteria that should be looked at in Master Planned Developments.

Planner Whetstone referred to Chapter 10 – Board of Adjustment and noted that that redlined version removes the Special Exception. The Board of Adjustment is allowed to grant variances and various things, and they can also act on a Special Exception, which is no longer in the State Code. The Staff proposed to delete the Special Exception, but they had not decided what to replace it with. Some of their ideas would be presented to the Planning Commission at the next meeting for discussion.

Planner Whetstone commented on the Definitions Section and the proposal to add definitions for green roofs, impervious surface, split level, story, half-story, and a zero net energy building.

In response to a question of whether or not the Planning Commission would take public input on the proposed amendments, Chair Wintzer believed it was best to hold public comment until the next meeting to give the Planning Commission the opportunity to review the material handed out this evening. Chair Wintzer encouraged the Commissioners to carefully read the proposed amendments and contact the Planning Department with any questions prior to the next meeting. Director Eddington stated that Planner Whetstone was the lead planner on the amendments; however, other Staff members would also be involved. He encouraged the Commissioners to contact Planner Whetstone to schedule a time to meet with her or another Staff person.

Assistant City Attorney McLean commented on the review process for Historic District Design Review, as well as Administrative Conditional Use Permits. She explained that the proposed change came out of litigation involving 811 Norfolk, in which the court ruled that the City process applied in that case had excessive appeals, which is not allowed by State Code. However, Section 302 of the State Code allows for an application process that allows designation of routine land use matters. An application of proper notice will receive informal streamlined review and action if the application is uncontested, and shall protect the right of each applicant and third party to require formal consideration of any application by a land use authority; and that that decision can be appealed. Ms. McLean stated that that portion of State Code reflects the process the City has where the Staff review is a streamlined review that can be taken to the HPB and further appealed to the Board of Adjustment. Ms. McLean remarked that the amendment tailors the language to more closely reflect the State Code language to make clear that their intent is to follow the State Code.

Commissioner Strachan asked for the impetus behind the changes to the MPD portion of the Code, Chapter 6. Director Eddington explained that the Master Planned Development process began in 1994 and at that time it was allowed in most of the zones. It has morphed over the years and MPDs are allowed in some zones and disallowed in others. The language has been altered and it is now at a point where MPDs are allowed in the Main Street zone if it crosses over into another zone. The intent is to clean up the language and make it more applicable.

Director Eddington noted that a related discussion on the Kimball Arts Center was scheduled before the City Council to consider the opportunity to have that project go through an MPD. Projects on infill lots are challenging and currently there is no opportunity to look at an MPD. Director Eddington clarified that the City Council would not take action on the Kimball Arts Center. It would simply be a policy discussion on whether to allow an MPD to be applied in that situation. Director Eddington invited the Commissioners to attend the City Council meeting to hear that discussion. He clarified that it would be a general policy discussion and not specific to the Kimball Arts Center.

Commissioner Strachan pointed out that the information handed out this evening had a definition of story and split level. Therefore, when the Planning Commission provides the Staff direction for the next work session on the story issue, they should not ask for those definitions because they have already been provided.

Commissioner Savage noted that the applicants who had their projects continued this evening had stayed for the work session because the Planning Commission committed to have a discussion regarding the interpretation of story, independent of the proposed amendments. He pointed out

that whatever changes are made to the LMC would not apply to these applications. Commissioner Savage believed the Planning Commission needed to discuss the interpretation question in an effort to provide those applicants some guidelines related to their projects as a consequence of the continuation.

Planner Whetstone agreed that it was a two-prong discussion. One was an interpretation of the current Code and the other would be the LMC amendment that addresses potential reasons for different interpretations.

Commissioner Thomas was unsure if they could resolve both issues this evening without first seeing the minutes from the Planning Commission and City Council meetings when the Steep Slope criteria was established. He vaguely recalled talking about stories and heights and he would like to have those documents to clarify some of the issues.

Assistant City Attorney McLean recalled, and as reflected in the Code, that the three stories was under the Historic District height limitations for each zone; and not part of the Steep Slope CUP. Commissioner Thomas concurred, but he still felt that the previous minutes were important because it pertained to the discussion.

Planner Katie Cattan provided a brief history of the process. She explained that when the Planning Commission went through the Steep Slope process there was a 10 foot limit per story. It was quantifiable for Staff to enforce the 10-foot story limit. However, when the process reached the City Council level, the 10-foot limit per story was removed. That changed the clarity because people could expand the stories and work up the hill.

Planner Cattan recalled that the reason for removing the 10-foot limit was based on construction issues on some of the challenging slopes, particularly for the garage. The City Council decided to take out the 10-foot limit for the garage level to create a garage entrance on grade.

Planner Whetstone remarked that the current definition of story in the LMC does not make sense because the City Council took out the vertical measurement. Commissioner Thomas thought it still made sense, but it changed the definition. Planner Whetstone pointed out that the LMC does not address how the stories should be added up.

Commissioner Savage asked Commissioner Thomas to explain his perspective on the story issue and his concerns.

Commissioner Thomas stated that the issue evolves from the beginning of the Steep Slope criteria. The intent was to reduce the mass and scale of projects that were coming before the Planning Commission. They were seeing projects that cascaded up as high as eight stories. Therefore, size, visual impact, and commonality with other projects in the neighborhood became a primary concern. Steep Slope criteria was established to reduce the mass and scale. Commissioner Thomas believed the Planning Commission clearly intended to have a Code that created buildings that had more commonality with the historic character of the community. He noted that the Steep Slope process included discussions about number of stories, modifying grade, maximum heights, and shifts in building. It was not isolated to the number of stories inside the volume. It was also the impact from across the canyon.

Commissioner Thomas recalled the 10-foot per story limit and he thanked Planner Cattan for reminding him that the City Council had made that modification. Commissioner Thomas stated that the floor to ceiling issue was still defined in the definition. He believed the issues have been clarified and defined, but they need to see the minutes and come together on the interpretation.

Commissioner Savage believed there was a clear misunderstanding on the definitions since three applications came from the Planning Commission with a recommendation to approve, and the Planning Commission would not move forward on those applications based on interpretation. If the Planning Commission thinks the Staff misinterpreted the definition, he wanted like to hear the Staff's reasoning.

Director Eddington stated that part of the challenge was the vertical measurement between finished floor to finished floor. What is not addressed in the definition is the issue of a half floor and/or a split level. Depending on where they take a section drawing, a project could end up with three or six levels if they are split levels. Director Eddington remarked that finished floor to finished floor was ill-defined in the definition section of the Code.

Commissioner Strachan believe there were two separate issues. The first is from which point inside the structure to take the vertical measurement. The second is the issue of getting around the story requirement by creating separate accessory structures. There may not be three stories in one structure, but cumulatively there could be several. Commissioner Savage agreed, and felt they could have divided the applications this evening into those two different parts. Commissioner Savage concurred; however, those projects were still tied to the definition of a story and different interpretations.

Planner Whetstone read the definition of a half-story taken from the Webster definitions. "A half story is an uppermost story, which is usually lighted by dormer windows in which a sloping roof replaces the upper part of the front wall". She clarified that the definition only talks about half stories on the upper portion.

Commissioner Strachan stated that he attended the City Council meeting when they approved the LMC amendments proposed by the Planning Commission. He recalled from the discussion that the Council took the position that what happens inside the structure does not matter if the applicant is bound by the 27 foot requirement. The City Council was not concerned with how large the story could get, which is the problem they have today.

Commissioner Thomas pointed out that the Code does not say you can have 3.5 or 3.25 stories. It specifically says three stories, whether the stories are 10 feet floor to floor, 9 feet floor to floor, or 12 feet. Using an example similar to a plan they saw this evening, Commissioner Savage thought they could keep the outside looking exactly the same and reconfigure the inside to where it would adhere to the three story rule. If applicants have that ability they would be compliant. Beyond that he did not understand why they should care how the inside is configured.

Planner Whetstone explained that the Staff interpreted some projects as three stories because it had a mezzanine or landing. She asked if they should count a landing that gives character inside a

house as a story. Planner Whetstone felt that was the issue that needed clarification.

Chair Wintzer stated that the mistake they continually make is that they write the Code with words and not with pictures. He suggested that the Staff prepare drawings that clarify and interpret the definition of a story. Commissioner Strachan noted that the definition of a basement in the LMC does show a drawing.

Commissioner Hontz stated that she attended the same City Council meeting that Commissioner Strachan had referenced, and the entire reason for removing the 10-foot limitation was to create flexibility between the three stories and the height. The City Council felt that defining 10-feet per story would limit flexibility. Commissioner Hontz thought they were where they were supposed to be based on the idea of flexibility. She understood that the Planning Commission needed to come to some consensus, and believed the City Council had set them up for this.

Commissioner Thomas stated that not allowing the additional half level above three stories reduces the mass of the building. In effect, that is working according to the initial intent of the Code. Commissioner Savage argued from the perspective that if someone presents a plan that is compliant with Code, it is no one's business what it looks like inside. Chair Wintzer and Commissioner Thomas explained why they disagreed with Commissioner Savage. Commissioner Savage thought the criteria should be based upon whether it is consistent with the objectives about how it looks from across the valley. The valley does not know how many stories are in the building. Commissioner Thomas pointed out that if a limit is not set on the number of stories it can cascade up the hill. That was the reason for having the criteria. Commissioner Savage believed that could be constrained by footprint, setbacks and other constraints from the outside.

Chair Wintzer clarified that the Planning Commission could not move forward on any applications as long as they are in conflict with Staff on the definition of story.

Planner Cattan suggested that they talk about whether a story that goes up 5 feet in elevation is considered a half story or one story. She stated that if the Planning Commission agrees that the three applications seen this evening were 3-1/2 stories, then the Staff interpreted the Code wrong by saying that the level of a story could be split.

Planner Whetstone referred to a house on Park Avenue that has a door, two windows, a roof and dormers. The structure is a simple box without a basement. It has a 9 foot ceiling because of the roof pitch. Based on her research, that structure is a 1-1/2 story house.

Chair Wintzer called for public input on the issue of a story. Speakers were advised to keep their comments general and not related to a specific project.

Craig Elliott with the Elliott Work Group asked the Commissioners to clear their minds of their own opinions and listen to his comments. Mr. Elliott regretted that he had not come before the Planning Commission to argue the three-story issue during the amendment process. At the time he thought it dealt primarily with Ridge Avenue and 75' lots that had 50 feet of grade change. Mr. Elliott stated that the interpretation had become such that it was changing the way he thinks about what they were doing in town. Mr. Elliott remarked that the Code definition is nearly identical to the definition

in the International Residential Code and the International Building Code. It talks about a story being vetted from a floor level to the floor level next above. That means perpendicular to the floor or the roof; and not to the side. Mr. Elliott noted that the Building Code never addresses a shift in floor plane. He pointed out that the discussion is about a shift in floor plane and not different floors or different stories. It is all one floor that shifts. He stated that being able to shift the floor plane is a fantastic tool for an architect because it provides variety, the opportunity for interest, and delight. It is something that is valuable and can add interest to the town and the community, and not just the interior of a space.

Mr. Elliott stated that he lives in a split level house in Thaynes. He designed it, built it and has lived there for 18 years. He has been in Park City for 19 years and he never thought they would be having this discussion.

Mr. Elliott stated that an interpretation like this is not going to protect neighboring property owners or Park City. It is not going to provide additional value to the community. It will not reduce the densities in these houses because they will design them differently. Instead of having a garage with a level above it and three stories, the garage will be the top floor with two floors below it, just like all the houses on the east side of Lowell. Mr. Elliott remarked that the solutions they have seen through the shift in the floor plane gives variety and building mass above a garage. It is an opportunity to do something good. Mr. Elliott stated that if everything is pushed down to the same floor, they would be digging a deeper hole. They would be trucking more dirt out of town and driving more dump trucks. It would require more shoring and more concrete to support and retain the earth around it. The result will be more dangerous to the adjacent house than what already exists. Mr. Elliott reiterated that changing the interpretation will not change the amount of square footage that people build, and it will not improve the character of the architecture on the street. It will not change how things look from across the valley.

Mr. Elliott commented on issues that deal with the depth of a lot. Discussions over the past year with Staff have been about building multiple buildings on a lot and the story definition made by individual buildings. Mr. Elliott stated that a story is defined across the entire lot. A 140 feet deep lot is typical of what is going on. Different colors, forms and shapes are unique to Park City and the goal is not to put everything into the same box.

Mr. Elliott stated that he was not interested in doing any more houses on a steep slope in town. He has three under contract that he intends to finish. If the interpretation goes in the direction of their discussion it will not benefit the town and it will not benefit the people who own the property.

Commissioner Thomas stated that Mr. Elliott's interpretation of story and that a story is relative to the immediate space below, goes back to the notion of stepping a house completely up the hillside. He noted that the Code was created to put a limitation on that.

Mr. Elliott drew a sketch of a storied house to make his point.

Commissioner Strachan asked Mr. Elliott for his opinion on how the definition of a story applies to a structure that has a number of detached accessory structures, but has the appearance cross-canyon of seven or eight stories. Mr. Elliott replied that on a lot deeper than 75', separate buildings

in a surrounding context was not a bad thing. Commissioner Strachan asked Mr. Elliott's opinion if the compatibility requirement was the only regulation and there was no objective limitation. Mr. Elliott stated that as some who does design work, he believed the context of the site and where you build is the most important element in any design.

Commissioner Thomas thought Mr. Elliott would agree as a professional that they also have the responsibility to look at how a structure fits into the compatibility of a community and its impact on the historic character of the community in terms of mass, scale and size. He remarked that the Code originated with trying to create a Code that resulted in more commonality with the historic character of the community. Commissioner Thomas stated that the building could still be stepped in the process Mr. Elliott identified in his diagram, but only three stories were allowed.

Chair Wintzer suggested that the Staff schedule this as a work session item and come back with a series of drawings that show different scenarios to help define the definition of a story.

Commissioner Hontz stated that the Code change was precipitated by multiple structures that came in. She was not on the Planning Commission at the time and she opposed one of the structures. She came in a demonstrated that it did not meet the Code. Commissioner Hontz stated that when she came to the Planning Commission with her concerns they agreed with her but could not make that finding, and it went to the City Council. She believed it would have been a better design had it done what they were trying accomplish this evening. That era is the reason why they got to three stories. She did not want to turn back the clock. Commissioner Hontz stated that she lives in a two-story house; however by Staff interpretation, it is actually one story. There are many consequences to contemplate and she thought the Planning Commission should refine what they wanted to see come back. She needed time to read and digest the definitions and personally did not want more input before they had the conversation.

Director Eddington suggested that the Staff come back with a set of clear drawings to help the Planning Commission understand and aid in their discussion. Chair Wintzer noted that the Planning Commission had three applications that were waiting on an answer to the question. He thought the Staff should come back with a professional opinion on the definition of story.

Commissioner Savage acknowledged that he was not on the Planning Commission when the definition was written. However, speaking from logic, he believed the constraint that was applied related to the mass, scale and appearance from the exterior. In his opinion, a story is what is directly above and not what is on the other end of the building.

Director Eddington pointed out that the definition as written talks about the interior and floor plane to floor plane; and that is the challenge. He agreed that the intent may have been misguided in the definition, but they have to work within the definition. Commissioner Savage stated that if floor plane to floor plane is a vertical measurement, he would argue that at least one structure they saw this evening was never more than three stories at any point.

Planner Evans noted that not all development in Old Town require a Steep Slope CUP. Therefore, some structures with the same scenario may have been approved by various Staff members under

the HDDR process and never came before the Planning Commission. Commissioner Savage stated that if that did occur, it would be valid precedence independent of the CUP requirements. Planner Evans noted that he currently has two applications that do not require a Steep Slope CUP that do exactly what they were talking about. Commissioner Thomas felt that was another reason to come to some agreement on interpretation.

Assistant City Attorney McLean explained that the definitions were in the Code. In thinking about this issue, she directed them to the definitions in the last chapter and the key words, 1st story, story and structure. They should also look in the H Districts for guidance on what constitutes a story. Commissioner Savage requested that the Staff email a document to the Planning Commission that includes all the components of the Code that would help prepare them for the next meeting. Director Eddington offered to provide that documentation and include images.

Jonathan DeGray was not opposed to the Planning Commission discussing heights and levels and amending the Code for future projects. However, he agreed with Ms. McLean about looking at the Code as written because the projects currently before them were based on that Code. It was important for the Planning Commission to come back with a solid interpretation on what is written.

Chuck Heath asked about process and the time frame for taking action on the projects that were continued this evening. His project was continued once for additional information and when the information was provided, it was continued again because there was a question about interpretation. He felt it was important for the Planning Commission to define the interpretation of a story so these projects could move forward or go away. Chair Wintzer stated that the issue should be resolved at the next meeting. Once they have that resolution, they could begin discussing projects that were continued for that reason.

Assistant City Attorney McLean pointed out that the applications this evening were continued to a date uncertain. To be fair to the applicants, the Planning Commission should resolve the issue at the September 12th meeting and the items could be re-noticed for the meeting on September 26th.

Commissioner Thomas clarified that he raised the issue because he had heard three different interpretations of a story and he felt it was important to have a consistent interpretation that benefits the community.

The Work Session was adjourned.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
SEPTEMBER 12, 2012**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Jack Thomas, Thomas Eddington, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of Story & Height

The Staff recommended that the Planning Commission discuss the interpretation of story as currently defined in the LMC.

Planner Astorga stated that in 2009 the Planning Commission and City Council held several meetings to discuss amending the Land Management Code. At that time the Steep Slope Conditional Use permit criteria was updated, as well as the overall height and how height is measured. It also addressed specific regulations related to the HR-1, HR-2 and the HRL District. Planner Astorga reviewed the existing regulations using a hand-drawn illustration.

Planner Astorga remarked that the major change in 2009 was the requirement to add a 10 foot setback for the third story. Another regulation indicated that final grade had to be within 4 feet of existing grade. The maximum number of stories was limited to three, and the basement counts as a first story. Planner Astorga pointed out that on a 30% lot and with the 27' height regulation, the numbers for a 10' setback do not work. If the entire lot is 30%, the minimum setback has to be 18 feet. Planner Astorga noted that another item added to the LMC in 2009 was that the roof pitch had to be between 7:12 and 12:12.

On a downhill lot, if the applicant wanted to accommodate a tandem two-car garage, an exception could be authorized for up to 35' instead of 27' to accommodate tandem garages. The Code indicates that a single family dwelling must have at least two parking spaces.

Planner Astorga noted that items were also removed from the LMC in 2009. The Planning Commission had the ability to allow a maximum height of up to 45 feet on lots with slopes 30% or greater, and that was removed.

Planner Astorga read the definition of a story per the current Land Management Code. "The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall pate for the roof structure." Planner Astorga stated that the Staff has recently received several applications on downhill lots, where different architects have introduced a split level concept. He requested that the Planning Commission discuss split level this evening.

Planner Astorga reviewed a diagram to show the shift in levels and the staircases dividing the structure. He noted that the application would meet all the requirements of the LMC, with the exception of the number of stories based on interpretation of the definition.

Commissioner Thomas believed the present interpretation is the same interpretation the Planning Commission has given in the last two meetings. According to the strict definition of the Code as written, the diagram shown exceeds the three-story limit. Commissioner Thomas agreed that the

definition needed to be modified and corrected, and he thought the Planning Commission should consider the modification as suggested by Staff. He favored the idea of varying the floor plates as long as they stay within the maximum height. The Staff had suggested 37-1/2 feet as a discussion point, and Commissioner Thomas thought it was an appropriate height and closer to the intent.

Commissioner Thomas pointed out that when the Code first came before the Planning Commission there was a 10-foot story criteria that would have allowed more flexibility. When it went to the City Council, that criteria was modified and changed and the result affected the process. The Commissioners concurred.

Planner Astorga stated that the Staff understood the concerns and was prepared to introduce a solution, which would add a regulation to the Land Management Code. The measurement would be the vertical distance between the lowest finished floor towards the highest point on the highest ridge. The Staff believes that if they could implement that specific regulation, it would stop the terracing affect that could take place on a longer than usual lot.

Planner Astorga presented a diagram to show how the Staff reached the 37-1/2 feet height recommendation.

Commission Thomas felt that the overall maximum height made the story discussion less significant. Director Eddington felt it was best to define a story as one above the other and add a vertical maximum measurement. Planner Astorga pointed out that the intent for the 7:12 to 12:12 range was to encourage variety and avoid every building having the same pitch. Director Eddington remarked that the steeper the slope, the more impacted the project would be by the vertical measurement.

Planner Astorga stated that the Planning Commission researched the definition of story in other ski resort town. Based on that research, The Staff recommended changing the definition of story to, "That portion of a building included between the upper surface of a floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above." He asked for feedback from the Planning Commission on the proposed definition. Planner Astorga noted that the difference between the existing language and the proposed language is the reference to the floor next above it. He remarked that the language mirrors the definition of a story per the International Residential Code.

Commissioner Thomas stated that if they remove the three story restriction and add a new height restriction, the definition of a story has less meaning. However, he liked having some commonality with other communities on what is logical in the building world. Commissioner Thomas thought that cleaning up the story definition was a good idea.

Director Eddington clarified that the Staff had not considered completely removing the three-story issue. They had talked about giving better definition and parameters to a mezzanine or a split level. Commissioner Thomas thought they needed to think of the effects of half-story. Under the current definition, some of the cross sections are six stories. He felt the definition was too restrictive.

Commissioner Gross thought the 25% limitation on the intermediate floor seemed reasonable. Commissioner Thomas wanted to see diagrams of how that would work before making a decision. He suggested taking input from the design community to see if there were other conditions they had not thought about. The idea sounded good and he would like to support it, but he wanted to understand the fallout and what situations could occur under different scenarios. He felt the discussion was going in the right direction, but it needed to come back for further consideration.

Director Eddington stated that the Staff would work with different scenarios and come back with alternatives.

Commissioner Hontz was leaning towards the revised definition of a story because the new language clarifies that it has to be above. She favored keeping the 3-story limitation and the additional height limitation. She agreed with Commission Thomas about looking for unintended consequence.

Commissioner Thomas believed the intent of the Code is to reduce the mass and scale of houses in the Historic District, but there should be some flexibility in doing that.

Commissioner Strachan asked if the definition of mezzanine floor or loft had been pulled from somewhere. Planner Astorga recalled that it was a combination from Crested Butte and other towns. The language was not pulled word for word and the Staff tweaked it specific to Park City. Commissioner Strachan thought it set up inconsistent and vague language in the Code. He felt the revised definition of a story and the 37-1/2 overall height limitation was sufficient. The architects would have the ability to do what they wanted inside those parameters. He believed the mezzanine, loft, or intermediate floor definition was unnecessary and would only create problems. Director Eddington clarified that Commissioner Strachan was not concerned about split levels or mezzanines. Commissioner Strachan replied that this was correct. He thought it everything could be accomplished by the stepping requirement, setbacks, and a change to the height requirement. He was concerned that the 25% floor area calculation would be hard to do because the total floor area of the story in which it is placed would not be calculable. There would be so many half stories and steps that they would never reach the 25% point. Commissioner Thomas agreed.

Commissioner Thomas believed a critical step was the addition of the 37-1/2 foot height limitation, because it restricts the height of the building without being concerned about the stories inside. However, he still wanted time to think it through to make sure they were not opening Pandora's box.

Director Eddington stated that the Staff would come back with code definitions that address that issue, as well as definitions that would address keeping in the story and mezzanine.

Commissioner Hontz suggested keeping the story definition as revised and the 37-1/2-foot height limitation, and not the mezzanine definition. From her reading, when it is stepped, there would never be a loft or a split level. Commissioner Strachan asked if Commissioner Hontz was suggesting that a story is the portion of the building included between the upper surface of any floor and the upper surface of the next floor above, and that measurement could be taken from anywhere in the home. Commissioner Strachan provided a scenario based on Commissioner Hontz's interpretation. He noted that not all the floors in the diagram may expand the width of the home.

Director Eddington stated that it would be the entire width of the home depending on where the sections are drawn.

Commissioner Strachan was concerned about a building cascading up the hillside on a long lot. Director Eddington explained how the 37-1/2 overall height limitation would address that issue. Commissioner Strachan felt the explanation made it more certain that the mezzanine definition and the three story definition were not needed, as long as the height controls the cascade effect up the hillside and the concern for the cross canyon view.

Commissioner Thomas pointed out that the cross sections, like the example they were looking at, was consistent with the Code, as long as it remains under the 37-1/2 foot limit. However, under the current definition, the cross section would show six stories. Commissioner Strachan stated that without a cross canyon view, it would be difficult to know if that home would present the cascade problem. Commissioner Thomas replied that it has a footprint restriction and a maximum height from one point to another point.

Chair Worel thanked Planner Astorga for the background information he provided. It was helpful to see how other communities address these issues. Chair Worel opened the public hearing.

Craig Elliott, an architect with Elliott Work Group, felt the Planning Commission was headed in the right direction as far as capping maximum height and removing the requirements for floors. He noted that most sites have cross slope in addition to the slopes front and back. Removing the discussion about stories and maximizing the height and using the 27 foot grade makes a lot of sense with respect to a 75-foot deep lot. Mr. Elliott presented an image of homes in Park City that was taken from the Marsac parking lot. He noted that the majority of buildings in the photograph do not meet the existing current Code for various reasons, but it is a great depiction of what Park City is and can be. He chose that photograph because it is one of the steepest sections in Old Town. Mr. Elliott would like to have the discussion on lots greater than 75 feet deep and breaking the building into separate buildings or structures that are not connected. He believed there was an opportunity to maintain the existing character and scale, and still give people with larger lots the ability to create diverse and interesting projects. Mr. Elliott agreed with the discussion about removing the floor definition. He liked the cap of the building and the maximum height and following the 27 foot grade, as long as it pertains to a typical lot depth. Variations in lot depth and shape becomes a separate issue.

Joe Tesch disagreed with Commissioner Thomas' comment that the idea of the Code was to reduce massing and height. That was the case in 2009, but additional suggestions were made in 2011. There were joint meetings with the Planning Commission, Planning Staff and City Council and the idea of reducing height and size further was rejected. Mr. Tesch remarked that they were dealing with what occurred in 2009, but the idea is to not go smaller. Operating today under the impression of a mandate to reduce what has been occurring is a mistake. Mr. Tesch stated that another thing that came out of those joint discussions was that Park City is different neighborhoods and one size does not fit all. His recollection for those discussions was that there was no mandate for any neighborhood to attempt to reduce height or massing.

Chuck Heath, the applicant for 916 Empire, understood that there were recommendations to change the Code and possibly the rules. He wanted to know how this would affect his application, since his application was submitted under the current Code.

Assistant City Attorney McLean explained that Mr. Heath was vested under the Code in place at the time his application was submitted, and the interpretation of that Code. If the changes are less restrictive Mr. Heath could avail himself of that, but if they are more restrictive, he was still vested under the current application.

Mr. Heath asked how the new interpretation would differ from the current Code and how it would affect his application.

Commissioner Thomas clarified that the Planning Commission was talking about general amendments to the LMC with regard to stories, and not specific to any project. He recommended that Mr. Heath talk with the Staff regarding the interpretation to evaluate whether it would be more beneficial to move forward with his current application or wait until the changes are made and adopted and then resubmit his application.

Mary Wintzer commented on Mr. Tesch's remarks about there not being a mandate. She thought the visioning result had brought this to the forefront. Over 400 people responded and the City spent \$60,000 to do a survey. People overwhelmingly talked about scale and wanting to keep the small town feel and the historic nature. Ms. Wintzer believed the home on Ontario was the poster child for loopholes and being able to build a house far out of scale of the adjacent historic home. Ms. Wintzer believed there was wide sentiment among many people in Old Town to look at mass and scale to keep with natural setting, historic character and the small town feel.

The Work Session was adjourned.

Exhibit D

Planning Commission Meeting
September 26, 2012
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changes would not permit that. The reason for a master planned development does not match the construction of one building in one zone on one lot. He was unsure what changes were being proposed, but he hoped they could prevent that from occurring.

Coleen Webb an owner in the Town Lift condos stated that her building is next to the Kimball Arts Center. She is a part-time resident in Park City and it is difficult to always attend meetings when a subject of interest is being discussed. She tries to attend as often as she can. Ms. Webb stated that she would not be in town on October 24th. She is on the Board of the Town Lift Condominiums HOA. Last week the Board members and residents met with Robin and others from the Kimball Arts Center to express their concerns and the impacts that would be created for the residents living next to the Kimball Arts Center, and what an expansion under an MPD would do to their property. Ms. Webb also had concerns with how a project that size would affect the look and feel of Old Town if the MPD goes through. Ms. Webb was comforted when she saw the concern the Planning Commission had for the neighbors when discussing the Stein Eriksen project and the Richards annexation. As a neighbor to the Kimball and a resident of Old Town, she hoped the Planning Commission continues to be that detailed and that interested in what the change of allowing an MPD could do on Main Street. It is more than a white fence or one house in your face impact. It impacts the Historic District and those who live there and abide by the 84 page guidelines of the Historic Preservation Board. Ms. Webb was not opposed to amending the LMC to make them better over time, but it is important to understand the circumstances as to why they were put in place to protect the Historic District. Ms. Webb stated that everyone respects the Kimball and the HOA and owners want the Kimball Arts Center to expand. They would like the property improved and the programs expanded. They have been great neighbors and have worked together many times with the Kimball Arts Center; but the issues that an MPD would allow has caused them great concern. She asked the Planning Commission to consider the impacts that would be created by allowing MPDs in a community that is so dedicated to keeping the District historic. Changing the LMC for a one-time project would hurt what the rest have tried to maintain and the rules they have lived by in Old Town.

Chair Worel closed the public hearing.

Commissioner Hontz thought the Planning Commission should discuss some of the issues in the Chapters that would be continued to give the Staff direction for the next meeting.

Building Height Measurement and Story Definition

Commissioner Hontz found the exhibits in the Staff report to be helpful, but she had expected additional information based on the discussion at the last meeting. She wanted to see an exercise on a variety of unbuilt lots in Old Town, both downhill and uphill, that maxes out the heights using stories as an example to see what the mass and scale and height would do. She wanted an idea of worst case scenario. Commissioner Hontz remarked that they look at the existing built environment in analyzing the definition and the application. They overlook what type of development could occur on the existing vacant lots. She recalled a recent application where the applicant was asked to do that exercise and he was unable to show that he could build a house on the lot. Commissioner Hontz pointed out that based on the proposed language a house could not be built on a 40% slope.

She believed the analysis was important to make sure they would not make all the vacant lots in Old Town undevelopable.

Planner Francisco Astorga stated that the Staff could provide the variety of examples on unbuilt lots. However, there are a number of lots that are not listed as Landmark or Significant status, and could potentially be demolished and rebuilt. Planner Astorga proposed to come back with the information requested as well as other scenarios he had created for massing and volume on various slopes. He believed they could create specific worst case scenarios. Director Eddington thought that the Planning Commission would be able to see how different aspects of the Code work in each scenario depending on the location of the slope.

MOTION: Commissioner Hontz moved to CONTINUE the LMC amendments for Chapter 2-Zoning Districts; Chapter 6-MPDs; Chapter 7-Subdivisions; and Chapter 15-Definitions as identified in the Staff report to October 24, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission discussed the remaining LMC amendments outlined in the Staff report.

Amendment to require a building permit for driveways, parking areas, patios and other non-bearing construction that create impervious areas.

Planner Whetstone noted that the Planning Commission discussed this change at the last meeting. The Staff had recommended a building permit for all flat work in all zones. Requiring a building permit would ensure that all LMC requirements are met. Currently a building permit is not required and it is difficult to know when flat work is being done and whether it meets the requirements.

City Engineer, Matt Cassel, stated that the amendment allows the City to be proactive on an issue they have struggled with for years. When someone calls to ask if his neighbor has a permit for a patio or driveway, they have to inform that person that a permit was not required. The City then has to follow up to make sure the work was done within the requirements and many times they find Code violations. The intent is to communicate with people before work is started. He used 170 Daly Avenue as an example. They were fortunate enough to catch it before the driveway was poured; otherwise, the owner would have a new driveway that accessed at the intersection. Mr. Cassel explained that it would be a simple permitting process. The owner would be required to pay a minimal fee and have their plans reviewed for Code compliance before starting any work.

Chief Building Official, Chad Root, stated that another factor is to provide guidance for the homeowners who do the work themselves in an effort to reduce the number of neighbor issues. If a permit is required City-wide, the City has control over types of materials, size, and encroachment issues. Mr. Root pointed out that most jurisdictions outside of Utah regulate all flatwork and driveway work. Utah has a State Adopted Code that adopts the minimum standards, and the minimum standards cannot be exceeded. The proposed LMC amendment would provide a mechanism around the provision in the State Building Code and allow the ability to regulate driveways and flatwork in Park City.

Exhibit E

Planning Commission Meeting
November 28, 2012
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by a private, non-private, educational, religious, recreational, charitable, or philanthropic institution serving the general public”.

Commissioner Strachan thought Public and Quasi-Public should be capitalized in the definitions, and should say “Public Uses” with “Use” capitalized and “Quasi-Public Use” capitalized.

Commissioner Strachan asked if there was a definition for Industrial, and if so, that should also be capitalized. Director Eddington stated that there was not a definition for Industrial, and the Staff would write one. Commissioner Strachan thought “Commercial and Industrial” was redundant language. Planner Whetstone pointed out that it was actually Light Industrial (LI). Park City does not have a zone that allows straight Industrial business. Planner Whetstone thought that they should also define a “lodging project”.

The Planning Commission moved on to the remaining LMC Amendments.

Chair Worel stated that due to the late hour and the number of amendments that still needed to be discussed, Planner Francisco Astorga would give a presentation on Stories and the Planning Commission would discuss the proposed changes at a work session on December 12th.

Planner Astorga referred to page 164 of the Staff report, and an added regulation related to the split level concept. He had failed to put the language in the ordinance and he wanted that mistake clarified. He noted that the regulation language should be added between bullets C and D on pages 198, 200 and 201. The regulation read, “The overall height of a structure measured from the lowest point of the finished floor to the highest exterior ridge point shall not exceed thirty-seven and a half feet (37.5’). Planner Astorga noted that the language was introduced to the Planning Commission on September 12th, at which time the Commissioners had issues with the language and wanted to explore specific scenarios.

Planner Astorga stated that the Staff had prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. However, due to the late hour this evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. He noted that the regulation was applied to scenarios on a flat lot in the worst case scenario. The same was done on uphill lots at 15% grade, 30% grade, 45% grade and 60% grade. Consideration was given to the fact that many buildings are not historic and could be demolished for brand new construction.

Planner Astorga noted that Commissioner Thomas was absent this evening and his input on the regulation would be valuable based on his professional expertise. Planner Astorga apologized if any members of the public had waited for this discussion, but he felt it was better to wait and give the issue the time it needs to make sure everyone is on the same page and that they fully understand what was adopted in 2009.

Planner Astorga briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

Commissioner Hontz was unsure if she could support the regulation because the historic portion of the structure could be on the bottom. She would like to see the step on new construction. Director Eddington stated that the Staff would have drawings to present at the next meeting to help address her concern. Commissioner Hontz felt that by now the Planning Commission should have a good understanding of the changes made in 2009, but it would be important to understand the effects of applying the new definitions. At this point, she was not comfortable with half stories and split levels shown in the scenarios provided. Commissioner Strachan agreed. He suggested that Planner Astorga redraft a couple of options because the ones shown were difficult to understand.

Planner Astorga clarified that he was not speaking about stories at this point. His comments related to the regulation regarding overall height on page 164 of the Staff report. Commissioner Strachan requested that Planner Astorga re-draft the definition of split level and story. Commissioner Wintzer suggested that the Staff draft two or three definitions to give the Planning Commission a choice.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, addressed the overall height of 37.5 feet. She assumed the language, "...from the lowest point of the finished floor..." probably means from the lowest point of the lowest finished floor. Ms. Meintsma thought better language would be, "from the lowest point where grade meets footprint", because often the lowest floor is quite a bit above grade and sometimes on piers. She requested that the Planning Commission consider her suggested revision because where the grade meets footprint is where the massing begins visually.

Commissioner Hontz thought Ms. Meintsma made a good point, however, under the current Code you could not build on piers because of the four-foot return to grade regulation. Planner Astorga noted that it would also not be approved through the design guidelines.

Director Eddington agreed that Ms. Meintsma made a good point and the Staff would discuss her revision.

Craig Elliott commented on the Story issue. He was generally comfortable with the resolution, but he wanted to confirm his understanding of how the zone works. On a very large parcel with multiple structures the height resets with each structure. He wanted to make sure that was still the case.

Commissioner Strachan replied that it was subject to discussion at the work session on December 12th.

Mr. Elliott felt it was important to keep because otherwise the Code, particularly in the HR1 addresses designers to create smaller buildings in scale and mass. If they do not allow that to happen in this form, they would encourage larger buildings in scale and mass on those types of properties. The unintended consequence of trying to limit something would only create what they do not want. Mr. Elliott wanted to make sure this issue was addressed in the process so they get the right things in the historic district.

Commissioner Wintzer asked Mr. Elliott to give an example. Mr. Elliott stated that he has worked on several properties, but he was hesitant to give an example because those projects may come back to the Planning Commission. Mr. Elliott provided a hypothetical example to explain the importance of keeping with what the Code currently allows to keep structures smaller in the historic district. Chair Wintzer was concerned about the cross canyon views. Mr. Elliott stated that the nature of Park City is that looking across the canyon you see a series of buildings that march up and have different colors, shapes and forms. That was the intent of his comments at a previous meeting when he talked about the quality of design and the ability to solve those issues as designers.

Chair Worel closed the public hearing.

Planner Astorga remarked that interpretation of story was the reason why they were having this story discussion. Based on discussions in July and August the height did not reset. Commissioner Strachan believed there was a difference of opinion as to how to read the Code based on Mr. Elliott's comments. The purpose of the work session is to determine what they uniformly believe the Code says.

Planner Whetstone reviewed the list of topics for discussion on page 154 of the Staff report and identified the ones that were time sensitive for recommendations to the City Council.

1. Pre-application process, review process for Historic District Design Review and revisions to the notice Matrix (Chapters 1 and 11).

Planner Whetstone referred to page 157 and noted that language was added to Strongly recommend that the Owners and/or Owner's representative attend a pre-application conference with the Planning and Building Departments. She clarified that the existing language requires a pre-application conference. She explained that if a pre-application conference is required it becomes an application and can be vested. The Staff felt that changing the language to "strongly recommended" resolved many of the issues. A pre-application conference benefits the applicant and the Staff believed the applicants would still request one.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the amendment to Item 1 as written. Commissioner Hontz seconded the motion.

VOTE: The motion passed by all Commissioners present.

Planner Whetstone stated that (B) on page 157 address proposed language to the Appeals process for administrative applications (HDDR and Administrative CUPS) including revisions to the Notice

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JANUARY 9, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Matt Cassel, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of height/story in Chapter 2 and 15

Commissioner Wintzer provided a topo map of Old Town showing every ridge. He requested that the Staff use the map to prepare for a future discussion regarding ridges.

Planner Astorga remarked that the objective this evening was to make sure the Staff and the Planning Commission were correctly interpreting building height in the Historic Residential Districts; the HR-1, HR-2 and the HRL. He noted that some of the Commissioners have been on the Planning Commission long enough to understand heights in Old Town; while others have only been on the Planning Commission a short time. The Staff believed this work session would be a good exercise for everyone.

Planner Astorga explained that the Staff chose scenarios of different slopes starting at 15%, 30%, 45% and 60% for uphill and downhill lots. The structures were designed to the highest maximums allowed by Code in terms of height and footprint and the setbacks were minimized to create the worst case scenario. Planner Astorga wanted this exercise to be a true discussion and he wanted the Commissioners to ask questions and critique the individual scenarios.

Planner Astorga reviewed the LMC Height Restrictions as outlined in the Staff report. The allowed height is 27-foot maximum from existing grade. Final grade shall be within four-feet of the existing grade around the periphery. A structure may have a maximum of three stories. A ten-foot minimum horizontal setback is required. The roof pitch must be between 7:12 and 12:12. The downhill lot has an exception for the tandem garage. Planner Astorga recalled previous discussions regarding exceptions to roof pitch; however, until that was adopted he preferred to focus on the existing Code.

Commissioner Savage asked for clarification on how existing grade is defined. Planner Astorga replied that existing grade is the existing topography. Commissioner Savage wanted to know how they could be certain that the grade was not changed. Commissioner Thomas explained that the topo is examined at the beginning of the project and the grade is examined at the end of the project. The Building Department should be able to confirm whether the grade has been manipulated. Commissioner Hontz thought Commissioner Savage made a good point because there are situations where the previous owner changed the grade of the site. She recalled a project where Planner Astorga realized that the grade had been change and suggested that the Planning Commission add a condition that the structure should be built from the previous existing grade and not the current existing grade. Commissioner Hontz stated that if someone moves the dirt now and calls it existing grade ten years later, they would probably get away with it. Commissioner Thomas pointed out that it is supposed to be natural existing grade.

Commissioner Savage asked if there was a way to make a definite determination on grade. Commissioner Thomas replied that if there is an interpolation to be made between the existing grade and the natural grade, the Planning Director has the purview to make that decision. Planner Astorga recalled that when the Code was amended in 2009, a specific definition of existing grade was added. Planning Director stated that existing grade is defined as the grade of a property prior to any proposed development or construction and activity. Therefore, it is the grade prior to any altering of the site. Commissioner Savage pointed out that the language states, "prior to any proposed" altering of the site. Commissioner Hontz agreed. She may not be proposing to do anything, but that would not keep her from moving dirt on the site. Commissioner Savage thought it was important to find a way to tighten the definition with respect to interpolation of some extension of natural topological grade.

Director Eddington explained that the Staff visits the site and assesses the grade. If the existing grade appears to be different than what is shown on the topo, the Staff assesses the natural grade which, by definition, is "The grade of the surface of the land prior to any development activity or any other manmade disturbance or grading. The Planning Department shall estimate the natural grade not readily apparent by reference".

Commissioner Savage was satisfied that the existing definition addressed his concern. Commissioner Thomas remarked that grade is a game that had been played and he expected it to continue.

Planner Astorga reviewed the first scenario, Scenario A, on a downhill lot. A blue line represented the property lines. The lot is 75' in length. The first scenario had the requirement of one exterior and one interior parking space. He noted that the property could be designed with two interior parking spaces. The structure was three stories. In this particular scenario the lot was accessed from the left-hand side. Planner Astorga reminded the Commissioners that these examples were worst case scenarios. Based on the access in this scenario, the front yard setback increased from 10-feet to 18-feet because of the minimum standard of the parking pad. He indicated the 10' setback on the downhill façade. This scenario was drafted at a 15% grade and it would not require a review by the Planning Commission because it does not reach the 30% or greater requirement. The project could be three stories, meet the 10-foot setback and still meet the height requirement. Planner Astorga pointed to the line indicating existing grade. Two other redlines showed 4' up or down from grade. This scenario had a one-car garage. The second required parking space was outside.

Commissioner Strachan noted that the basement was almost totally submerged, and he asked how low it could go. Planner Astorga replied that the basement could be completely submerged. Director Eddington referred to the heavy red line indicating existing natural grade, and noted that it could go 4' down from there and expose more light in the basement. Commissioner Strachan pointed out that someone could also make the floor 25' feet high and dig down further. It would provide very little light but they might not care. If someone wanted to excavate more dirt to increase the square footage of the overall home, they could do that. Commissioner Thomas commented on the ramifications that would occur with over-excavation. He questioned whether it was unrealistic to define a basement depth. Commissioner Wintzer thought the control would be shoring engineering to address the issue of digging a large hole three feet away from the neighbor.

Commissioner Strachan remarked that larger basements have been the trend in more recent applications and the amount of excavation continues to grow. Because the lots are so steep, the portion that daylights gets bigger with the slope and results in significantly more excavation in the back. He understood that the LMC states that the effects of excavation must be mitigated, but he believed it was a very loose standard.

Commissioner Thomas was unsure about placing a restriction on the depth of the lowest level. Commissioner Hontz suggested that they continue with the presentation before discussing specific restrictions, since the other scenarios may help provide the answers.

Planner Astorga presented the second scenario, Scenario B, which was also a 15% slope. The difference between this scenario and the previous scenario is that scenario two has two interior parking spaces. The setback was only 10' feet from the front. Planner Astorga noted that in the second scenario, the third floor was completely buried. The Code indicates that window wells could be approved, however, the setbacks must be at least 5' and the window wells could encroach 4' onto the side yard setback. Planner Astorga stated that some of the basement space could be used for mechanical equipment, but he did not believe anyone would use an entire floor for that purpose.

Commissioner Strachan asked why there was not a 10-foot setback. Planner Astorga replied that the basement was buried completely. The setback is only required for the third floor above grade.

Planner Astorga presented the third scenario, Scenario C. It was still a 15% slope, however, the difference between the first two scenarios and the next two was that the building would go down the slope. In scenarios one and two the driveway went up 14% positive grade. In the next two scenarios, the driveway goes down 14% negative grade. Planner Astorga noted that the roof pitches in all the scenarios were designed at 7:12 pitch, to again create the worst case scenario.

Commissioner Savage commented on the tendency towards thinking that taking a structure to the maximum allowed by Code is negative. He did not believe the end result was always negative, and sometimes it could be positive. Commissioner Savage stated that maximum utilization of a lot is within the rights of the applicant, and the Planning Commission should not consider that to be a negative independent of subsequent analysis.

Planner Astorga reviewed the scenario, which showed one interior and exterior parking space. Because the grade goes down 14%, the vehicle is stored on the main floor. Due to setbacks and the roof pitch, the third story is smaller than in the first two scenarios, which affects overall square footage. Planner Astorga stated that the floor area in this structure was 2100 square feet. The floor area in the first scenario was 2400 square feet, and 2500 square feet in the second scenario. He noted that the third scenario would have a walkout level on the lower basement.

Commissioner Thomas noted that most cars are fairly long and the larger vehicles can exceed 18' long. He pointed out that the bumper on larger vehicles touch the front of the house on one end and the property line at the other end. He was not in favor of adding to the front yard setback, but there is a challenge with larger vehicles. Director Eddington stated that if someone has that large of

a vehicle, they would probably reduce the square footage of the house to make the garage larger. Commissioner Hontz remarked that instead of reducing the house size, people build the minimum size garage and park on the street. Either that or they park one car in the garage but leave the door open because the vehicle extends out, and then park their other cars in the street. Commissioner Hontz believed that the standards were not working and there were many questions on how to resolve the garage issue.

Commissioner Savage asked who was responsible for making decisions regarding parking and parking density on the streets. Director Eddington replied that Public Works handles parking issues. Since this was an issue with respect to car length, Commissioner Savage thought it would be appropriate to have Public Works look at a regulation that would prohibit cars greater than a certain length from parking in the driveway unless the driveway is a certain length. Commissioner Thomas pointed out that such a regulation would create an enforcement issue. Commissioner Hontz noted that enforcement is contracted out; therefore, Public Works would not be the enforcers. She believed it was a larger problem than just trying to solve it on paper. Commissioner Hontz thought they needed to look at places with 14% uphill and 14% downhill. She could not think of too many with 14% uphill; and the downhill ones were disasters.

Commissioner Wintzer indicated the potential for a green roof in one area, and noted that it could create living space per the Code. In that situation, the green roof was an issue of increasing square footage, not being compatible with the house. Commissioner Thomas stated that in Park Meadows, for a flat roof less than 4:12, the maximum height is reduced from 33' to 28'. Director Eddington replied that the rule did not apply in Old Town. Commissioner Thomas thought it might be worth considering that for Old Town. If they could encourage green roofs and reduce the heights, the visual impact of the volumetric would be overwhelming. If they allow flat roofs they should have a reduced height below 27'. Commissioner Wintzer thought the green roof issue in Old Town should be revisited because allowing green roofs was passed without any input from the Planning Commission. The language basically allows green roofs in Park City without consideration for compatibility with historic structures or other related issues. Commissioner Wintzer agreed that flat roofs were better in Park City's climate than pitched roofs, but he thought the green roof scenario should be revisited for Old Town.

Planner Astorga reviewed scenario four, Scenario D, which was still at 15% grade. This scenario had two interior parking spaces. The basement was exposed with a rear walkout. The garage was tandem. The house size was 2050 square feet, which was slightly decreased from the previous scenario at 2100 square feet.

Planner Astorga presented scenario five, Scenario E, which was on 30% grade and would require Planning Commission review. It was a downhill scenario because at 30% there was no way to go up. The driveway was 14% grade with one exterior and one interior parking space. The lower level had a rear walkout. Planner Astorga noted that the lot would meet the height requirement and the 10' foot stepback would become 20 feet. The house size at 2200 square feet was slightly larger than some of the 15% grade lots.

Planner Astorga noted that the black lines in all the scenarios indicated the story. The stories in all the scenarios were designed at 10' each.

The sixth scenario, Scenario F, was also 30% grade. There were two interior cars. This scenario breaks the maximum height of 27'; however, the Code states that for a two-car garage in tandem configuration, a height of 35' would be allowed. This scenario would meet the Code.

Commissioner Thomas asked for the allowed length of a tandem garage. Planner Astorga replied that the Staff capped the length at 37 feet. The Code does not indicate the length of a two-car garage in tandem configuration. It only specifies that the garage must be 11' x 20' for a single car and 20' x 20' for a double car garage not in tandem. Commissioner Strachan asked if the garage could be larger than 400 square feet but not smaller. Planner Astorga replied that it could be larger. The 400 square feet is the standard used for allowances. Commissioner Thomas pointed out that the impact of having a tandem garage on a downhill lot over 30% was dramatic. He has a tandem garage on his home and it is less than 32 feet long. He parks two smaller cars in tandem and the larger car on the other side. Commissioner Thomas believed it was realistic to have an 18' car on one side and a 13' car on the other side, parked 16" apart. He expressed concerns about designing to the maximum and suggested that they design for the minimum.

Planner Astorga stated that for consistency with the LMC, the Staff decided to cap the garage length at 37' to achieve a 400 square foot garage. Commissioner Thomas stated that a 400 square foot garage could still be accomplished with a 34' length. Director Eddington stated that the downside of a shorter garage is the inability to park two larger cars, which puts one on the street. Another downside is lack of space to store skis.

Commissioner Hontz remarked that a current problem in Old Town is that people were not using their tandem garages. Rather than focusing on the dimensions of the garage, a better idea might be to have the square footage of the garage count against the overall square footage of the house. If someone wants a larger garage it would reduce the size of their house. Commissioner Thomas stated that his concern was the visual impact of the overall mass. Commissioner Hontz was not opposed to having tandem garages as an option, but they continue to see repercussions resulting from tandem garages. To address Commissioner Thomas' concern, Commissioner Hontz suggested resolving the problem from a height standpoint rather than square footage. Commissioner Thomas asked if the Code currently has a depth limit for tandem garages. Director Eddington replied that the Code did not specify a depth limit; however, the depth would be defined and limited by the 35' foot height limitation. Commissioner Thomas agreed with Commissioner Hontz's suggestion to stay within the height limitation and not allow height exceptions for tandem garages.

The Commissioners discussed flat roofs on tandem garages. Commissioner Savage asked what advantage that would be for Park City. Commissioner Thomas replied that aesthetically it demasses the volumetrics and it allows the second space in the garage to get a car off the street.

Planner Astorga offered to consider their suggestions to see what would work. He asked if the Commissioners would be more comfortable if the height exception was closer to 32' rather than 35'. Commissioner Savage preferred to leave it alone. Commissioner Thomas outlined the worst that could be done on the premise of a worst case scenario. Director Eddington pointed out that the depth of the garage could not exceed the minimum depth for an internal parking space within the Code, which is 40 feet.

Commissioner Hontz pointed out that Scenario F was on a 30% grade and would require a Steep Slope CUP. She clarified that the Planning Commission currently has the ability under the Steep Slope CUP to deny a height exception. The purpose of this discussion was to codify certain requirements so applicants would know upfront that a height exception would not be granted.

Commissioner Savage understood that the height exception was in place to encourage tandem parking, but now they were concerned that people would use the tandem garage for storage and not cars. Commissioner Strachan stated that whether the garage is used for storage or cars, it would still have the visual impact Commissioner Thomas had mentioned.

Planner Astorga presented the seventh scenario, Scenario G, which was on a 45% grade. He noted that development on steeper slopes was unusual, but it does occur and it was worth the discussion. This scenario was allowed one exterior and one interior parking space. The garage was 11'x 20' and it would meet the exception. The only issue was the 10' setback at the end of the structure. A portion of the house would have to be shaved, otherwise it would be on stilts. Planner Astorga noted that the structure could not accommodate any type of walkout because it would not meet the 4-foot grade provision. Commissioner Gross pointed out that they could build a deck to level it out.

Commissioner Strachan wanted to know why living space could not be stilted. Commissioner Hontz stated that it would violate the 4-foot return to grade requirement. Commissioner Thomas did not believe the Code addressed stilt houses. Planner Astorga believed it was a question for the Historic District Design Review analysis.

Director Eddington noted that a deck could not exceed the setback because it would exceed 30" above final grade. Planner Astorga pointed out that a workable deck in this scenario would require a very creative solution. Commissioner Thomas thought this scenario demonstrated that the steeper the slope, the more difficult it was to build a house. Commissioner Strachan agreed, however, he used the drawing to show how the livable space could be increased. In his opinion, a deck is usable space, even if it is not technically considered livable space. The Commissioners discussed additional issues related to building on the steepest slopes. Commissioner Hontz believed the Code was written on the idea of 15-30% slopes. Planner Astorga noted that steeper slopes push the designers to move forward on a split level. Commissioner Thomas stated that the discussion had focused on stepping the exterior of the facade and the massing of the building. However, in terms of impact to the community and over-excavating the site, he wondered whether they should begin thinking about stepping the foundation to create a reasonable depth and maximum excavation requirement.

Commissioner Hontz referred to scenarios on extremely steep slopes and asked what happens when the driveway exceeds 14%. The average slope may be 45% or 60%, but the initial portion of the slope is 80% or 100% and a 14% driveway could not be reached within the setbacks. Commissioner Gross assumed that the percentage was calculated from the edge of the right-of-way to the building envelope. Planner Astorga stated that in his analysis he found that one thing affected another thing in the Code. In his experience, nothing could be built on a slope greater than 30% without a variance. However, Park City is different because of its historic character and

topography and someone could apply for a variance. The 14% grade is a standard in the LMC, which the Board of Adjustment has the ability to override with appropriate findings. Commissioner Hontz pointed out that someone could ask for that variance or a six or four foot front yard setback variance. Commissioner Wintzer stated that a variance request typically goes to hardship. In most cases, the hardship is that the person could not build as large they would like. In his opinion, that hardship could be mitigated by building a smaller house and shifting it on the lot; however, the Board of Adjustment does not take that fact into consideration when reviewing the variance request. Commissioner Wintzer did not believe hardship was valid in those cases.

Commissioner Savage asked how often hardship cases go before the Board of Adjustment and how often they get approved. He questioned whether the Board of Adjustment would actually grant a variance if the only hardship was the inability to build a larger home. Commissioner Strachan pointed out that most people do not give home size as the hardship. Instead, they make the case that their lot is difficult to build on.

Commissioner Thomas asked if a tandem garage could be done on a very steep uphill lot. Director Eddington stated that it would exceed the 35 feet before the second car, and there is no exception on an uphill lot. Commissioner Thomas clarified that he was talking about the impact to grade below ground. He asked them to imagine an uphill lot with a tandem garage on a 100% slope. If the garage depth is 35 feet, there would be a 35' retaining wall on the backsides of that garage, which creates a significant impact. He thought consideration should be given to discouraging tandem garages on super steep slopes. Director Eddington asked if someone should be allowed to put a theater room underground if they chose not do a tandem garage. Commissioner Strachan felt the problem was the requirement for two parking spaces. If the lot is steep enough, it would be impossible to have two cars on site. He stated that one option would be to combine two or three 25' x 75' lots so they could access the driveway on an angle. He believed the issue was how deep to excavate and whether they could step back the problem, similar to stepping back the height problem.

Planner Astorga presented Scenario H, which was at 45% grade and two interior parking spaces. The driveway was 14%. This scenario would require an exception. Mandatory increased setbacks were placed on the rear because of the grade provision. Planner Astorga believed they would most likely see a split level with this scenario.

Commissioner Strachan asked why they were looking at the exceptions assumed. Planner Astorga replied that it was due to the requirement for two interior spaces. Commissioner Thomas clarified that there was an exception in the Code that allows the Staff to make the ratio determination. Commissioner Gross pointed out that they could also apply the green roof scenario that was discussed earlier. Planner Astorga recalled from the Code that a garage in tandem configuration could be as much as 35-feet. Commissioner Strachan stated that going to 35-feet would require an exception. It is not entitled. Planner Astorga read from the Code, "The Planning Director may allow additional height on a downhill lot to accommodate a single-car garage in tandem configuration." Commissioner Thomas pointed out that the tandem configuration could still be achieved by going to a green roof for the other segment and stay within 27-feet. Commissioner Wintzer stated that if half of the roof was a green roof, he was unsure how that could be considered historically compatible. Commissioner Thomas believed that should be a separate discussion. Planner Astorga stated that the Staff was in the process of drafting specific language for the LMC as an

exception to the 7:12, 12:12 provision, if it complies with the guidelines and is granted by the Planning Director. The Commissioners discussed possible alternatives for meeting the requirements in Scenario H without an exception.

Commissioner Thomas recalled that the 7:12, 12:12 provision was established in an effort to find compatibility with the historic character of Old Town. Before the Code change people were flattening out the roof and making the volumetric as large as possible. If they decide to allow green roofs, they need to think it through and define the specifics.

Planner Astorga reviewed Scenarios I and J together. Both were on 60% grade. Scenario I has one exterior parking space, and Scenario J has two interior parking spaces. Planner Astorga noted that there were major issues with variances in both scenarios. If such a lot existed with 60% grade, it would again make sense to try and do a split level concept.

Commissioner Hontz pointed out that in addition to not meeting the height due to the garage, it also would not meet Code because the driveway could not be returned to within 4-feet of natural grade. The bottom two floors would also have to be on stilts. Scenarios I and J could not be built based on all three reasons.

Planner Astorga had prepared another packet of scenarios on uphill lots that he would present at a work session on February 13th.

**496 McHenry Avenue, McHenry Subdivision Replat – Plat Amendment.
(Application #PL-12-01717)**

Due to a conflict, Commissioner Thomas recused himself from this discussion and left the room.

Planner Astorga reviewed the application for the proposed McHenry subdivision replat. Sean Kelleher was the property owner. Planner Astorga reported that Mr. Kelleher owns approximately 12 lots of record. Three do not meet the minimum lot size; therefore, the lot lines would need to be shifted for development.

Planner Astorga reported that the current plan is to construct seven single-family houses that would be accessed from an underground, shared parking garage. The Staff report outlined specific points for discussion, and Planner Astorga requested that the Planning Commission provide direction to the Staff and the applicant on how to proceed. As part of the discussion, the Staff report also included the minutes from the December 12th meeting, at which time the Planning Commission held a site visit and a work session discussion on the three lots down the street from Mr. Kelleher's property.

Mr. Kelleher provided a power point presentation reviewing the history and background of the property. He has been in the periphery of Rossi Hill for a long time, but he has never come before the Planning Commission. Mr. Kelleher stated that when he first became involved with the property in 2006, he was a tenant in common with Mr. Bilbrey, a former owner. Mr. Bilbrey retained all the development rights for the property and Mr. Kelleher was the traditional silent partner. Mr. Kelleher remarked that his only involvement regarding plat applications that came forth since 2007 was to sign the plat as a co-owner of the property. All discussions and decisions made on the property

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
February 13, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Katie Cattan, Kirsten Whetstone, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of height/story in Chapters 2 and Chapter 15.

On January 9, 2013 the Planning Commission discussed a number of scenarios prepared by the Staff that could occur on downhill lots. The Commissioners would review scenarios for uphill lots for discussion this evening. Planner Astorga had prepared specific scenarios for 50%, 30%, 45% and 60% slopes. He wanted to make sure the Staff and Commissioners had the same understanding regarding the current Land Management Code height provisions in the HR-1, HR-2 and HR-L zones.

Planner Astorga noted that the blue lines on the drawings in the packet represented the property lines on 75' lots. The red line on the bottom represented the grade. The bold red line was the existing regulation that indicates that the final grade shall be within four feet of existing grade on the periphery of each structure. The red line on top was the maximum height, which was capped at 27'. Planner Astorga noted that the Staff had designed what they considered to be worst case scenarios.

Planner Astorga presented Scenario A at 15% grade. The scenario has one exterior and one interior parking space, which pushed the front yard setback to 18 feet; the minimum area required for the exterior parking. This scenario has a mid-level access and a top level rear walk-out. It would be impossible to have a walk-out on the mid-level because it would not be within four feet of existing grade. Director Eddington pointed out that there could be windows on the mid-level. Planner Astorga agreed, noting that there could also be window wells on the basement level. Commissioner Gross asked about cathedral windows. Planner Astorga replied that cathedral windows would be allowed as long as they comply with the Historic District Design Guidelines. It would be challenging but good designers could make it work. The driveway in this first scenario was the 14% maximum.

Commissioner Thomas pointed out that if the driveway is 14% off the edge of the road and there is no transition, you would hit your bumper before you started driving up the hill. He suggested that practical and logical may be less than 14%.

Planner Astorga noted that Scenario A did not include the 10-foot stepback on the front because the basement is completely buried and stepback is not required. Commissioner Strachan asked if the stepback would be required if the basement was not completely

buried and was within four feet of existing grade. Planner Astorga answered yes because a portion of the basement would be exposed.

Planner Astorga presented Scenario B at 15% grade with two interior parking spaces. The driveway is 14%. The house is slightly larger than Scenario A. Commissioner Savage asked why the front distance in Scenario B was shorter than in Scenario A. Commissioner Gross assumed it was because Scenario B had two interior parking spaces and Scenario A parks one car outside. Planner Astorga replied that this was correct.

The Commissioners discussed house size and footprint. Craig Kitterman, a member of the public, remarked that there is a maximum footprint which determines the size of the house. Planner Astorga agreed. He noted that all the scenarios were governed by the maximum building footprint.

Commissioner Strachan had questions regarding the stepback. Chair Worel asked if a stepback would be required if any part of the bottom level was exposed. Planner Astorga answered yes, except for a window well. He read from Page 3 of the Staff report, second bullet point, "Final grade must be within four vertical feet of existing grade around the periphery of the structure except for the placement of approved window well, emergency egress, and garage entrances". He noted that the basement could still be buried and have a window well, but it would not require the stepback.

Commissioner Thomas noted that emergency egress can be any window or door out of a bedroom, and he found that to be problematic.

NOTE: Due to equipment problems, a portion of the meeting was not recorded. The problem was discovered and resolved.

During the non-recorded portion, Planner Astorga had continued his presentation and the Commissioners discussed the remaining scenarios.

Craig Elliott, as a member of the public, questioned why they were having this discussion. He passed around photos that were taken in 2003 and in 2013. From the standpoint of a big picture for the City, he was trying to figure out whether anything was really causing a problem. Mr. Elliott presented boards illustrating various built structures and noted that the majority of the buildings were over 27 feet tall. He stated that in the last ten years there has not been a significant change in Old Town that has created a negative impact to the visual. Mr. Elliott pointed out that with every application the Commissioners want to see a cross-canyon view, but in looking at the illustrations, there has been no changes over the years, other than the trees grew larger.

Commissioner Thomas remarked that the boards Mr. Elliott presented showed the

perspective from a distance, and it did not take into consideration the streetscape and the visual impact walking down the street. He believed the purpose of the Steep Slope CUP is to bring down the scale.

Mr. Elliott understood that the neighbors complain whenever the Planning Commission reviews a Steep Slope project, but that just happens. Neighbors always fight new development because they want to keep the land next door vacant. However, people have the right to build. Mr. Elliott stated that the difference is minimal between what was there and what changed in ten years through the largest building boom. He realized that the LMC changes in 2009 were in response to specific projects, and in hindsight he should have attended the public hearings to argue about the 3-story limitation. It was a mistake on his part and he was attending now to have this discussion. Mr. Elliott noted that there were nine statements of purpose in the LMC. They might be accurately discussing one, but the rest were going the wrong way. Applicants are always asked whether they read the purpose statement. He was now asking the Planning Commission if the discussion they were having meets the purpose statement. He could not understand the purpose of their discussion and he did not believe anything in their discussions would improve things through the Land Management Code. Mr. Elliott stated that restricting height on a 75' lot to 35' to 37-1/2' might make sense; but he could not understand it for a lot over 75'. The nature of Park City is that it keeps stepping up the mountain.

Commissioner Strachan asked if there would be a difference if Mr. Elliott had taken the picture 25 years ago. Mr. Elliott believed that most of the structures shown were built before the 1980's. Commissioner Strachan believed that most of the larger houses Mr. Elliot was showing were not built 25 years ago. Mr. Elliot pointed out that the larger houses would never go away. If they were to burn down they would be replaced with the same size structure in the same place. He felt that the Planning Commission has spent the last few months talking about heights and squares and angles, when they should be talking about the big picture and why they were having these discussions. If the discussion is that they want to limit the ability to develop, they were moving in the wrong direction.

Commissioner Savage stated that Mr. Elliott is a professional who presented visuals to support his position. He believed Mr. Elliott had a valid point. They can look at the various scenarios presented, but the reality of importance is the sense from the perspective of where these developments will take place and whether something is or is not consistent with that particular location and a particular set of visuals. Commissioner Savage thought that should be their guiding parameters more than trying to create a formula for calculating volume as a function of lot size.

Mr. Elliott stated that he works in Old Town every day. He experiences the streets every day and he walks to most of his projects. He was confident that the things that have happened over the past ten years have not negatively impacted the quality of the town.

Changes are made and it does not make any difference in the overall impact. These discussions have kept people from building houses for the last six months and will cause them to miss two seasons of construction. Mr. Elliott believed the major question was why they were having these discussions and what it would accomplish.

Commissioner Thomas stated that prior to creating the 2009 LMC, they were seeing buildings stepping up the mountainside to maximize the volumetric. That had a dramatic visual impact on the neighbors, the street and the scale of the community. The reason for these discussions is to have a sense of scale to the historic fabric of the community at the street level. He did not think some of the images Mr. Elliott presented was a fair comparison of what this town is about or the character of the town. Mr. Elliott disagreed. Commissioner Thomas stated that the image does not represent what the neighbors experience when someone builds an enormous house next to an historic house. The purpose of the 2009 changes was to respect the neighbors and what was left of the historic fabric that was being whittled away by these monstrous structures.

Mr. Elliott reiterated that the Planning Commission should address the real question of “why” and if whether the “why” fits within the Land Management Code purpose statement. In his opinion it did not.

Commissioner Strachan asked if Mr. Elliott had any recommendations on how they could bring more families and primary homeowners back into Old Town. Mr. Elliott felt that would be driven by a number of different things. He suggested that current projects would bring people into town. He thought they would be fighting the issue of value for a long time because of its proximity to Main Street.

Ruth Meintsma stated that she lives on a street that is primarily second homes and nightly rentals. She does not mind nightly rentals in her neighborhood because it works. However, the houses in-between where people live are very important and adds cohesion to the neighborhood. Ms. Meintsma understood the reasons for limitations. A house across the street from hers is nightly rental. People come in and out and you never talk to them. The number of cars is astounding and the amount of trash in one weekend is more than she creates in two months. Ms. Meintsma believes there needs to be a balance. In talking about limitations, she understood the three stories limit and size reduction for second homes and nightly rentals because extra space is not needed for that type of living. However, when someone has a family they need to think about a new way of living. They need to think about space for storage, tools, food storage, etc. She believes that if there could be a second criteria of house building where a home or a residence is signed in perpetuity to no nightly rental, it would add to affordable housing because people could come in a rent for a minimum of one year. With larger structures people would create a home and it would allow for families. Sometimes the fourth story is necessary for a family. If someone wants to build a home for their family and wants extra space, the City should

hold them to the family home use by having them sign in perpetuity to no nightly rental.

Planner Cattan stated that limiting nightly rental was not necessarily limiting second homes. Ms. Meintsma agreed, but it would still be someone's home. Commissioner Savage commented on the economic impact. If someone did not have the ability for nightly rental they possibly could not afford the home. In other cases, some people buy second homes on the fact that they can enjoy it themselves and offset some of their expenses by renting when they are not there. Ms. Meintsma understood the concern, but if someone was willing to sign their home into perpetuity from nightly rentals, they should be given some incentive such as extra space in their home.

Mary Wintzer stated that when side yard setbacks were reduced years ago, they saw huge impacts with snow shedding and people began to maximize their houses. The lifestyle of those living in Old Town has been drastically affected. Her neighbors raised four kids in a three-story house. When she was growing up people shared bedrooms. Ms. Wintzer was not totally opposed to the incentive of a fourth story, but if they return to what used to be they would not need monstrous homes.

Ms. Meintsma pointed out that lifestyles are completely different than how they used to live. She clarified that she was not talking about greater height or greater mass. She was only talking about an additional story. She understood that excavation was a major concern, but she believed that could be mitigated.

Ms. Wintzer remarked that several years ago four owners on Rossi Hill imposed a house size restriction on themselves. They realized that it would limit their profit when they decide to sell because the lots could not be maximized, but they did it because they value their neighborhood. Ms. Wintzer stated that they love Old Town, they love the mountain and they love what the community has given them. It is the neighborhood, the people and the land, and they are building up every square inch of the earth in Town. She believed they would pay a price some day. The old timers talk about the years when they had bad spring runoff and mud slides on this side of the Canyon. They have not seen that yet, but it is possible. If it occurs, there is no earth left to absorb it because it is all developed.

Commissioner Hontz felt good about this exercise because it was based on the purpose statements and it came out of the realization and the factual evidence of how many undeveloped lots are left and how tightly constrained they are. In her mind this was an exercise of education, but it also explored whether what they have meets what they want to do, how they need to tweak it, if at all, and if the scenarios were representative of what they thought they were trying to achieve. The discrepancy on the definition of story was another reason that prompted the exercise. Without those reasons they would have never done this and nothing would change. Instead, they went through this very thorough discussion to possibly visit some potential changes. Commissioner Hontz thought this was a useful

experience. She was unsure what the result would be based on all their opinions, but this was instrumental in educating the Planning Commission to be able to move forward.

Planner Astorga noted that page 2 of the Staff report contained language from the current Code. He asked if the Planning Commission had issues with any of the regulations and whether it needed to be strengthened or rewritten. He believed there was some consensus for spending more time and resources on adding internal maximum height. He asked if any of the other height parameters needed to be fine tuned. Commissioner Strachan felt it was sufficient to have the internal height limitation.

Commissioner Savage had issues with the third bullet point and the definition of three stories, and whether three stories was measured from a vertical point or by some other metric. Commissioner Strachan thought the three story restriction could be eliminated if they use the internal height restriction. Commissioner Thomas agreed. The internal height gives the designers more flexibility with the floor plan.

Director Eddington understood that the Planning Commission would not have as much consternation with regard to split levels and partial stories inside the building. He was told that this was correct. Commissioner Strachan clarified that applicant could do whatever he wanted within his own box as long as it meets the internal height limit.

Commissioner Thomas suggested a site visit to several sites that reflect the conditions discussed on uphill and downhill lots so they could see them in the field.

General Plan – Discussion and Overview of neighborhoods – the neighborhoods to be discussed include: Thaynes Canyon, Park Meadows, and Bonanza Park/Prospector

Nightly Rentals

Planner Cattan reported that the Staff had prepared a discussion on nightly rental because it was one of the more controversial topics to be discussed neighborhood by neighborhood as they decide to rezone and talk about residential neighborhood versus resort neighborhood. She preferred to start with nightly rentals before moving into the neighborhoods discussion.

Planner Astorga read that the current Land Management Code definition of a nightly rental. “The rental of a dwelling unit for less than 30 days.” Another clause states, “Nightly rentals do not include the use of dwelling units for commercial uses.” Commissioner Savage asked for clarification on the language regarding the use of dwelling units for commercial uses. Assistant City Attorney McLean explained that as an example, gifting parties cannot be held in a home that is a nightly rental.

Exhibit H

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Said landscape plan shall incorporate the reintroduction of native landscape materials within this area, and reduce the amount of sod-grass, especially near the creek.

9. No pesticides, herbicides, or other non-organic fertilizers shall be applied to this landscape area.

2. 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)

Planner Francisco Astorga noted that this item addressed LMC amendments to change some of the parameters of the building height in the HRL, HR1, HR2 and RC Districts. The Planning Commission has had significant work session discussions as reflected in the Minutes from those meetings and included in the Staff report. The Staff was before the Planning Commission this evening with recommended proposed changes for review and a possible recommendation to the City Council.

Planner Astorga reviewed the current height provisions: 1) The height must be within 27 feet of existing grade. This provision was unchanged. 2) Final grade must be within four (4) vertical feet of existing grade around the peripheral of the structure except for approved window wells and access to the structure. Planner Astorga reviewed highlighted changes to this provision. The current language addressing a maximum of three stories would be replaced with an internal height parameter. The 10-foot minimum horizontal step on the downhill façade would remain. The mandated roof pitch would also remain based on direction from the Planning Commission during the February work session. The height exception would also remain.

Planner Astorga noted that the 3-story language would be replaced with language regarding internal height that would vary on a specific roof pitch on the roof form, as indicated in the table on page 230 of the Staff report. The language was revised to read, "The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table". Planner Astorga explained that they would still achieve the mass and scale of three stories, without saying that the maximum is 3-stories. The Staff thought it was better to use a scale because otherwise people would try to capitalize on their wall height for their stories and then give the lowest roof pitch each time. Therefore, the Staff created an incentive of 1' foot of step per higher roof.

Planner Astorga explained that the logic for the internal height was wall height plus the roof height. The wall height was derived from 3-stories. A ten-foot story including a floor joist may not be doable, and that number was increased to 11 feet for a wall height of 33 feet. The Staff calculated what each roof height might be depending on the pitch of the roof to determine the varying height.

Commissioner Wintzer was unclear why the Staff thought a 9-foot or 10-foot story was not doable. Planner Astorga stated that the scenarios the Staff presented in January and February were based on 10-foot stories, which included a floor joist. The intent was to be more consistent with what the market might drive. He pointed out that the proposed change does not dictate how tall the story might be. It could be less or more and the applicant has the ability to work with the design. Planner

Astorga understood from previous comments that the Planning Commission thought the 10-foot story maximum was too small.

Commissioner Hontz thought believed that 10-feet was adequate and that 11-feet was a gift. However, she recognized that it did allow more flexibility. Commissioner Thomas was not concerned with whether it is 9, 10 or 11 feet on the interior. Commissioner Hontz was concerned that if someone takes the maximum internal height of 43', they would need to grub out again. She pointed out that the 27' would only keep it with the slope. However, internally, the house could continue to go further down. Planner Astorga noted that the internal measurement creates a split level. Commissioner Hontz was comfortable with split levels, but the question is how many splits. They were keeping down the height, but they also wanted to keep the structure from growing bigger side to side. She preferred the ten-foot story because it keeps the building from creeping down the slope too far.

Planner Astorga stated that based on the methodology selected for the scale, if they use the 10-foot measurement it would drop 3-feet from each internal height. Therefore, the internal height would range from 35' to 40'. Commissioner Hontz was more comfortable with those numbers. Commissioner Hontz stated that because the current Code does not allow stepping within the house, the current three-story solution works because it limits how far people are willing to go out and down the hill. Commissioner Hontz wanted to make sure that by allowing more flexibility in terms of steps within the interior, that they were not allowing creep up or down the hill.

Director Eddington asked if the Commissioners wanted to go to 10-foot floor plates and reduce the internal height by 3-feet each. Commissioners Hontz and Wintzer answered yes.

Commissioner Thomas was more concerned with the impact on footprint. They would still have the 27' maximum height from existing grade, but he was interested in knowing the relative difference in footprint between a 10-foot floor plate and an 11-foot floor plate.

Director Eddington did not believe the footprint would change either way because most people max out their footprint. He noted that the City has a formula for footprint for all of the historic zones. Commissioner Thomas stated that he was very comfortable with the 11-foot for interpretation as long as people are held to the 27' maximum height and the footprint could not creep up or down the hillside. Director Eddington clarified that it was a formula of lot size.

Commissioner Savage thought they should stay with the 11-foot floor plate as proposed. Chair Worel was comfortable with 11-feet as long as the footprint could be limited. Commissioner Wintzer was not opposed to 11-feet because people do build to the maximum. Commissioner Wintzer suggested that Planner Astorga include an illustration for clarification to show how it should be interpreted.

Commissioner Hontz asked for the definition of finished floor level? Commissioner Savage suggested that it could be defined as, the lowest point of the lowest finished floor level to the maximum vertical height of the structure. The Commissioners supported that definition. Commissioner Savage wanted to know how the number relates to not counting a basement if it is totally subterranean. Planner Astorga clarified that subterranean basements are counted. Commissioner

Savage clarified that regardless of whether or not the basement is buried, the lowest level of the lowest floor is Point A, and Point B is the highest point of the exterior.

Director Eddington clarified that the language indicates the lowest point of the finished floor level and/or any structural element is the lowest point. Commissioner Thomas gave a scenario to show how talking about structure complicates the issue. Commissioner Savage thought the confusing word was internal.

Planner Astorga remarked that the next proposed change was to add two provisions to the Existing Historic Structures. This portion of the Code states that historic structures are valid complying structures in terms of parking and other issues. Planner Astorga noted that the LMC defines a Historic Structure, but it does not include any additions to the structure. The Staff wanted to keep the regulation for valid complying and added Footprint and Height to the existing Code language for the three Historic Residential Districts and the RC District.

Director Eddington clarified that it was already understood that if a structure exists with an existing footprint or building height, it is existing non-complying. Planner Astorga believed that most of the historic structures comply with the building footprint.

Commissioner Hontz noted that someone could take away some of the property associated historically with the historic structure that makes it complying currently. Director Eddington clarified that a building could not violate the Code and be taken into non-compliance. However, he understood Commissioner Hontz's concern. If someone had more than a single Old Town lot they could split a portion of the land and put it on another property. He pointed out that the footprint would be limited to the 844 square feet or whatever it exists as and the building would never get bigger. Commissioner Hontz agreed that the structure could not be bigger, but splitting a portion of the property would allow a larger structure next door.

Planner Astorga stated that the Staff also tried to clean up the section regarding Building Height. A number of historic structures do not comply with the existing heights. One of the parameters is a 7:12 to 12:12 roof pitch. The Staff did not think it was appropriate to do a complete analysis on how a structure is legal non-conforming, when a similar clause in the Code addresses setbacks.

Commissioner Savage asked if complying and conforming were synonyms for purposes of the Code. Director Eddington explained that conforming is for a use and complying is for a structure. Commissioner Savage understood that a valid complying structure could be legal non-conforming.

Planner Astorga noted that the final proposed change was a roof pitch exception. He explained that periodically the Staff encounters a historic structure that may have a 5:12 or 4:12 roof pitch. The Staff felt it would be more appropriate if the addition that comes in for that structure would be held to the same type of roof pitch or possibly lower. Planner Astorga noted that currently the Code would not allow that because it specifies 7:12 to 12:12 roof pitch.

Planner Astorga stated that the Staff was proposing to add language for additions to historic structures, stating that through an HDDR review and compliance with the Historic District

Guidelines, the Planning Director has the ability to approve a roof pitch lesser than the one required in the Code.

Planner Astorga stated that the next question was how that would apply in the case of a split level and the maximum height. He noted that a secondary table was added for these types of exceptions.

Planner Astorga asked if the Planning Commission was comfortable adding the roof exception for additions to historic structures; and whether it would be appropriate to add the same type of scale for the maximum building height. Commissioner Thomas liked the idea because it would allow for a more appropriate design and more flexibility. The Commissioners concurred.

Commissioner Wintzer referred to the table on page 231 of the Staff report and corrected the 5:15 roof pitch to be a 5:12 roof pitch. Commissioner Thomas noted that 5:15 appears several times in the Staff report and it should be corrected throughout.

Commissioner Hontz referred to page 244 of the Staff report and asked what they would do about the 10-foot horizontal step that is referenced in conjunction with a third story, because people would now be able to have three stories. Planner Astorga replied that the provision is based on a 3-story building and it is mathematically impossible to have more than three stories. Commissioner Hontz did not believe it referenced what they were trying to accomplish now. She thought the language should be re-written relevant to where they want the 10-foot horizontal step to occur. Commissioner Thomas agreed that it was no longer clearly defined as the third story. Director Eddington suggested that it may need to be a numeric value.

The Commissioners were not comfortable forwarding a recommendation to the City Council without seeing the drafted verbiage regarding the roof pitch exception and associated illustrations.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 505 Woodside, commented on the 3-story versus internal height issue and did not believe they were accomplishing what they intend to accomplish. Ms. Meintsma understood that they were first trying to accomplish visual height and mass from the exterior, and secondly to control the height and mass from stepping up the side of the hill with a 3-story limit. She thought the height limitation seemed complicated and she believed they would cause other issues. Ms. Meintsma presented a visual to support her concerns. Regarding the discussion about the lowest point of the lowest floor to the highest exterior to limit crawling up the hill, Ms. Meintsma pointed out that many houses in town have an exposed foundation way below the first floor. If they do not consider the exposed foundation and start from the bottom first floor and limit the interior, people will lift their house out of the ground and have an exposed foundation, which will significantly increase the visual mass. Ms. Meintsma stated that the interior measurement from the lowest floor was not accomplishing what they wanted. She believed that starting from grade would accomplish their goal and keep the structure from creeping up the hillside.

Ms. Meintsma commented on the different roof pitch options with different heights. She pointed out that a green roof is 33 feet and a 12:12 is 43 feet. No one will choose a green roof unless they are very environmentally conscientious, because people prefer an open ceiling roof. She believed the

proposed formula would discourage green roofs. Ms. Meintsma also thought it discourages a steeper pitch because with a 27' height limitation a steeper pitch would move the structure further underground. She noted that most people want to be above ground as much as possible for light and windows.

Ms. Meintsma suggested that there were different ways of controlling visual height and mass. She thought it would be better to control the height and visual and put a limitation on cubic dirt moved under the house. That would address both issues separately and in a more appropriate way than the interior number of floors. Ms. Meintsma was pleased that Commissioner Hontz mentioned the third floor, because in her opinion the 3-story step back did not work. She provided different scenarios to explain her point.

Ms. Meintsma thought there needed to be some way to encourage green roofs through some type of height limitation. She asked if a conditional use for a higher height could be used as a negotiating tool for green roofs. Ms. Meintsma pointed out that the advantages of a green roof. She believed everything needed to be thought through to be productive and to have the control the Commissioners wanted.

Commissioner Wintzer asked the Staff to consider Ms. Meintsma's comments and work it through a number of drawings.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC Amendments regarding Building Height to May 22, 2013. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously. Commissioners Gross and Thomas were not present for the vote.

3. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, and Chapter 2.3 and Chapter 2.16 regarding underground parking structures. Amendments to Chapter 2.18 regarding Prospector Overlay. Amendments to Chapter 6 regarding Master Planned Developments. (Application PL-1301888)

Planner Whetstone stated that these were the remaining amendments of the 2012 annual update of the Land Management Code. This agenda item addressed three amendments. The first was to clarify the purpose and the applicability of the Master Planned Development review process throughout Park City. It was not specific to any one area, but it clarifies the language. The second was to clarify and add additional review criteria to the Master Planned Development Review process. This would apply to any Master Planned Development. The review criteria were clarified and updated to make references that are specific to the Code. The third amendment was to clarify the lots within the Prospector Square overlay in the General Commercial (GC zone) that are subject to zero lot line development. Planner Whetstone noted that added language clarifies the lots subject to exceptions in the overlay. One of those exceptions is to have a zero lot line development. Planner Whetstone stated that when the Prospector Square subdivision was amended, the Code was not also amended to identify that those lots are also allowed zero lot line development.

Planner Whetstone referred to the General Commercial Zones, Section 15-2.18-3 of the LMC, Lot and Site Requirements. This section addresses lot and site requirements and several changes were

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 – 305 Park Avenue

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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work that expands the footprint of the home or would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.

4. Modified 13-D sprinklers may be required by the Building Official for renovation of the existing structure.

5. A ten foot (10') foot wide public snow storage easement will be provided along the frontage of the property.

2. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3 and Chapter 2.6 regarding Building Height. (Application PL-13-01889)

Planner Francisco Astorga remarked that the proposed amendments address development in the HRL, HR-1, HR-2 and the RC zones. The RC zone was included because specific

standards for single-family dwellings and duplexes mirror the same standards that apply for the Historic Residential Districts.

Planner Astorga requested that the Planning Commission discuss the proposed language shown on Attachment 1. If the language needed to be amended, the changes would be included in a recommendation to the City Council in an effort to move forward.

Planner Astorga reported that the proposed amendments were two-fold. The first one related to the Building Height analysis on pages 66-71 of the Staff report. The second amendment related to the Existing Historic Structures Analysis on pages 71-72.

The Staff recommended that the Planning Commission review the proposed amendments to the Land Management Code for Chapter 2 as described in the Staff report, conduct a public hearing, and forward a positive recommendation to the City Council to adopt the ordinance in Exhibit A with any further changes resulting from the discussion.

Vice-Chair Thomas opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, had prepared a presentation showing various heights, stories and roof shapes. She recalled that stepping was an issue because the Code did not read as stepping three stories, and the Planning Commission wanted the ability to apply the Code in a way that stepping would work.

Ms. Meintsma had prepared a series of drawings. The first one had a third story, ten-foot horizontal step at a 27' foot height which was allowed under the current Code. A second drawing presented was not allowed under the current Code. A third visual showed the same mass in the third story and the fourth story, except there was more mass with the allowed structure versus the structure that is currently not allowed.

Commissioner Savage asked if the difference was attributed to the setback requirements in the front. Ms. Meintsma answered yes, because the only way to fit four stories in the 35' interior top plate ceiling height would be if the four stories had 8' ceilings. Vice-Chair Thomas clarified that the floor to floor heights were 9' floor to floor with an 8' ceiling. Ms. Meintsma believed it was in the best interest of the City to allow a structure that would actually have less mass.

Ms. Meintsma had prepared additional drawings to explain what she believed were the positives for allowing stepping and four stories and why the building would have a smaller appearance. She stated that the horizontal lines on four stories has a tendency to chop up the visual and makes it more attractive. Ms. Meintsma remarked that because the height

would be 35' on top plate, it would possibly allow steeper roof pitches, which everyone would like to see, and still maintain the 27' height. She was working on language regarding a half-story to encourage steeper roof lines and more variety in roof pitches.

Ms. Meintsma stated that if stepping is allowed because it remains under the 35' height, the unintended negative of a split level is that the roof tends to create a roller coaster roof that is reminiscent of the ski slope roof. Ms. Meintsma presented a photograph of the structure that triggered the discussion and explained how the roller coaster roof could be mitigated. Ms. Meintsma believed that stepping could create a smaller structure.

Ms. Meintsma outlined the unintended negative flaws in the language proposed for height and roof pitch. She noted that the language talks about primary roof design; however, primary roof design is not defined in the Code, which makes it arbitrary. She believed they needed a definition for primary roof design. Ms. Meintsma reviewed a series of drawings with different heights, roof pitch and design to show some of the flaws resulting from the language. She suggested that "Primary Roof Design" should be changed to "Primary Roof", and the primary roof should be defined as the main roof structure to keep all the pitches at 7:12 to keep the roof from flattening against the 27' height.

Ms. Meintsma referred to language stating that the roof pitch must be a 7:12. She presented drawings showing that the 7:12 pitch were only small portions of the roof that she had marked.

Commissioner Hontz asked if Ms. Meintsma was saying that adding the word "primary" would make it less likely to see the hip roof. Ms. Meintsma believed that the hip roof was on its own regardless of whether or not it is allowed or how much is allowed. Commissioner Hontz clarified that in her interpretation, if the word "primary" is added it would allow someone to identify a secondary roof. Ms. Meintsma stated that a primary roof would be a 7:12 pitch roof; however, if it has a hip on it that would change the visual.

Mr. Meintsma presented an image of a barge rafter roof, which is one of the two rafters that support the roof and projects beyond the gable wall. She found the image as the best example of a gable roof. She was unsure whether it would flatten the roof or accomplish the visual they wanted.

Planner Astorga stated that the challenge in Old Town is that if the roof forms are perpendicular to the street, there is not an issue. The specific project that Ms. Meintsma used in her examples is parallel to the street. He believed it was a 7:12 roof pitch but the issue is that the ridge is parallel to the road and as it comes down, the massing perceived is different from seeing a gable on the street. The designer's intent is to provide additional

headroom, and that is a challenge. However, the City cannot plainly prohibit these types of structures because historically those types of roof forms existed in Old Town. The Staff faces this challenge on a daily basis with the Historic District Design Review.

Commissioner Wintzer used the image of the house identified as hip, and noted that there was no reason for what was done on that house. The roof is under height everywhere and it could have been higher. He thought they could follow Ms. Meintsma's suggestion to make the roof simpler. Ms. Meintsma clarified that she was not implying that it should not have been done. She only questioned it because the 7:12 pitch was small portions and she wanted to know if this was what the Planning Commission wanted, because it did flatten the roof.

Vice-Chair Thomas closed the public hearing.

Vice-Chair Thomas remarked that someone would always do something creative with a roof that is unfamiliar or unfavorable. For that reason he felt it was hard to write a Code that limits every condition and still gives the applicant the opportunity to design what they think is an attractive house.

Planning Manager, Kayla Sintz, stated that the Historic District Guidelines direct the applicants to choose a style. The language proposed reduces the roof pitch in order to be consistent with other types of historic homes, and that means that someone chooses that style of a home with a shallower roof pitch. It does not mean they could choose all the options and put them on to one house. She believed there was a need for a strong statement and direction to an applicant to select one style. The Historic District is simple and it is not about a conglomeration of roof lines. Planning Manager Sintz thought it was an issue of choosing a style of architecture and one with compatibility through design.

Planning Manager Sintz cautioned against a primary roof form definition because people would eventually challenge the definition. She thought the Planning Commission should be cautious about delineating primary versus secondary or taking a stricter stance.

Commissioner Savage applauded Ms. Meintsma for her insight, efforts and continued participation in these important issues for the City. Commissioner Savage believed that the Planning Commission should focus on the exterior of a building and let the applicant focus on the inside. He noted that the City has an HDDR process and Design Guidelines and the Planning Commission should not be concerned with the design. The Planning Department is mandated with the responsibility of making sure the issue of compatibility is being met. Commissioner Savage stated that he would continue to trust in that process until he is given a good reason not trust the process. Commissioner Savage liked what Ms.

Meintsma had done with the volumetrics and he personally felt it was the right way to look at it. Whether it is three stories or four stories inside, both can be accommodated within the same volumetrics and the external appearance would be essential the same or possibly improved with the multiple stories.

Commissioner Savage was unsure as to how they could draft an appropriate definition for a primary roof and what they would call that roof. He was thought it would be difficult to define a primary roof. Commissioner Savage stated that he had not thought about the roller coaster issue Ms. Meintsma had raised and he was unprepared to comment.

Commissioner Wintzer echoed Commissioner Savage regarding his appreciation to Ms. Meintsma. It makes a difference when someone comes in with a different idea. Commissioner Wintzer agreed that the job of the Planning Commission is to focus on the volumetrics, but they are also challenged with making the structure compatible with the neighborhood and the existing structures. Therefore, he believed the Planning Commission should look at design and compatibility. Regarding the issue of flat roofs, he noted that four 9' floor to floor heights would allow four stories and still be within the height limit and the volumetrics would be totally different than if it was filled in. Commissioner Wintzer felt it was important to understand flat roofs and how they relate to structures in Old Town. He recommended that as they discuss heights that they look at structures with flat roofs in mind.

Commissioner Hontz thought they had made progress and she believed they were getting closer. She stated that some of the things affected by height is the amount of excavation, setbacks, and snow shed and that should be considered as they determine the height definition. Commissioner Hontz referred to the drawing on page 69 of the Staff report and noted that 14% driveways are allowed on uphill lots. Drawing a line at 14% and starting the structure at that point, and then drawing a straight line from the top of car, she pointed out the amount of excavation that would be reduced on an uphill lot. In her scenario, Commissioner Hontz noted that the garage elevation would not start until 15 or 20 feet higher. Therefore, the 27' height is 20 feet higher. Commissioner Hontz remarked that this was the type of house they keep seeing built on both uphill and downhill lots. She remarked that that entrance into a structure is not historic and it ruins how people approach structures and the feel of Old Town. Secondly, it is not useful. The first rainfall on the downhill lots in certain places fills the driveways and garages because it is a good place for water to run. On the uphill lot the garages cannot accommodate the height of an SUV and they end up being parked in the driveway. Commissioner Hontz reiterated that it adds to the height and the steepness of these driveways, which is not historic, and they are not useful.

Commissioner Hontz stated that moving the finished floor plane up puts the structure at 20-30 feet taller from the street, and makes it appear to be 80 feet tall. She believed that needed to be a component in their discussion. Commissioner Hontz thought the biggest failure is the fabric that is eroding due to the driveways, as well as the perceived height.

Commissioner Hontz liked Ms. Meintsma's comment about the benefit of less mass with four floors. However, in looking at the 9' foot ceiling structure of the 4th floor, they would see more bedrooms and more people, which generates more cars and more impacts. Commissioner Hontz agreed that the Planning Commission does not need to regulate the interior, but they still need to regulate the scale and mass, particularly when the mass is also bedrooms and number of people in an area that cannot accommodate the extra traffic.

Commissioner Hontz stated that based on where they allow people to go up in height, because of the retaining required, the limits of disturbance is the lot line and every piece of vegetation on the entire site is eliminated to accommodate the structure. Commissioner Hontz did not believe the proposed solutions address all the concerns. It is difficult to grow vegetation in Park City and when the removed vegetation is replaced, it will not be the same quality.

Commissioner Hontz stated that another proliferation they see on the uphill and downhill is the manipulation of the Code with window wells allowing habitable space, which results in more massing and additional excavation under the house and to the setbacks. She thought disallowing the 14% driveway might resolve the problem because people could no longer dig out that space.

Commissioner Hontz understood that they were still looking at green roof and roof pitch. She thought they needed to consider that a green roof could turn into a brown roof that is never planted or maintained. They needed to find a way to manage it and require that someone continues to manage it. Vice-Chair Thomas suggested that a green roof could be subject to a landscape plan approved by the Planning Director. Commissioner Hontz clarified that a green roof cannot be considered as setbacks or open space.

Commissioner Gross agreed with most of the comments expressed by his Fellow Commissioners. However, he believed that people should be able to do whatever is allowed within the 35' maximum as long as it complies with the Building Codes. The Planning Commission is tasked with looking at the exterior and making sure the impacts are properly mitigated. Commissioner Gross recalled a previous discussion regarding green roofs and that a landscaping plan needs to be part of the package before receiving the certificate of occupancy permit. He was unsure how the green roof could be monitored over time.

Vice-Chair Thomas believed they were moving in the right direction. The intent was to allow flexibility within the volume to have shifted floor planes and accessing grade. He believed the 35' height helps tighten it up, but a few things still need to be resolved and the green roof is one issue, along with the landscape plan relative to the green roof. Vice-Chair Thomas stated that a flat roof has a bigger visual impact if it is allowed the same 27' height. In many parts of the community if someone chooses to use a flat roof, there is a reduced height associated with the flat roof. He asked if that had been factored into the flat roof discussion.

Planner Astorga replied that flat roofs were only incorporated with regards to green roofs. The Staff analysis is that when the application comes in the applicant needs to demonstrate that it will not cause any additional shade and it would not be taller than a standard gabled roof. Vice-Chair Thomas asked if a standard roof would be allowed to go up to the ridge height with a flat roof. Planner Astorga explained that the applicant would have to demonstrate how the proposed green roof/flat roof fits in a 7:12, 9:12, all within 27' from existing grade. Commissioner Wintzer asked if they could go up as high as 27'. Planner Astorga replied that it could, but it would be breaking on the corners. Therefore, it would have to be reduced until the entire flat roof is down within a standard compliant mass of roof form.

Director Eddington understood that Vice-Chair Thomas was asking whether a flat roof could appear to be a bigger mass because it does not have the sky on the side of the slope. If that was the question, the answer was no. Commissioner Wintzer asked Planner Astorga to bring back some drawings. Planner Astorga was prepared to do drawings this evening to demonstrate how the green fits at a standard gable. Vice-Chair Thomas clarified that the maximum height of the green roof would have to fit within the 7:12 context. Commissioner Savage understood that the higher the roof, the skinnier the building. Planner Astorga replied that this was correct. Commissioner Savage stated that most people want the square footage and that would keep them from building a taller building. Therefore, the footprint trumps the roof. Planner Astorga reiterated that the Staff analysis only applied it to green roofs and not standard flat roofs. Commissioner Wintzer clarified that green roofs was the only thing allowed in Old Town.

Vice-Chair Thomas stated based on his education and experience, mass, form, scale and compatibility are design; and to that extent the Planning Commission is involved in design.

Vice-Chair Thomas thought Commissioner Hontz made an excellent point about the driveways. There needs to be a transition slope from the street to the driveway and based on industry standards, it is a 5% slope up to 20 feet. The City allows 14% and he

questioned how they could get a transition slope into that realm. He believed that issue needed to be addressed because it is impossible to get a car up those driveways without bottoming out. The impact is that people will park on the street.

Commissioner Gross asked why they could not change the 14% slope. Commissioner Hontz replied that it could be changed but it also affects other things, such as height and mass. Vice-Chair Thomas pointed out that 14% slope would be sufficient with a long enough driveway, but there needs to be a transition slope at the curb approaching the street. Summit County has a code requiring driveways to be within 5% for the first 20 feet of the public street. He recognized that 5% was too restrictive for Old Town, but he thought they should factor it down and consider a more reasonable length that would still allow the transition.

Commissioner Savage asked if the driveway issue was a height issue. Vice-Chair Thomas replied that it is connected because it cascades into the lowest finished floor. Commissioner Savage could not understand why they would need to adjust the building height if they control the driveway slope. Vice-Chair Thomas replied that they would exceed the maximum height. Commissioner Hontz stated that if they add the driveway component and control it through some calculation, they would be addressing the height issue. Vice-Chair Thomas stated that if they lower the slope of the driveway and drop the elevation of the driveway it would increase the excavation of the project. He believed there were ramifications that needed further thought and discussion.

Commissioner Savage felt they needed a robust discussion regarding excavation. He thought the issue warranted further dialogue and education. He personally could not understand why they should care about the amount of excavation as long as the footprint was managed. Vice-Chair stated that they care about the amount of excavation because of the impacts created by the number of truck loads of material hauled through the neighborhood. The issue is life safety, as well as the depth of footings and excavation and cuts.

Commissioner Hontz commented on the vegetation removal that occurs with significant excavation, particularly the vegetation that has existed historically for 50 years and is habitat. She pointed out that projects that required significant excavation take longer because of the process. Some projects take years, which is an impact to the neighbor who lives next to the hole in the ground. Commissioner Savage thought those concerns could be addressed through bonding, obligations, and other requirements. He believed that at some level they need to support people's ability to make choices about how they want to develop their property as long as it fits within the guidelines. Commissioner Savage remarked that people should be able to work to the maximum within the LMC, without

feeling that they are getting more than they should get. The maximum should be what they are allowed to do.

Commissioner Wintzer remarked that the real issue is not how much is being excavated, but how many cars and people it takes to maintain the structure for the rest of its life. He noted that several structures on Deer Valley Drive have 15 cars parked in front for a weekend because it is allowed, but it completely impacts how he gets to his house and how people get around town. The owner built what the LMC said they could build, and the end result was a party house with two parking spaces. Commissioner Wintzer stated that in addition to regulating mass and scale, their job is also to regulate and protect the neighborhood and the integrity of the neighborhood. He commented on a house that he believed had excavated 100 feet and has window wells that are probably 12-14 feet high and have bedrooms behind the garage.

Vice-Chair Thomas remarked that window wells could allow someone to create a building area and usable space or living space below grade. He felt it was important to consider the impact of window wells and the intention for having a window well. If the intent is to create natural light and egress for a bedroom, that would be the wrong intention and he would not encourage that type of space.

Commissioner Hontz stated that it is difficult to police and enforce use. By allowing 14% and building to the maximums, she thought they needed to look at whether the maximums are too big. People do not always make good decisions on their use and they tend to do things that are illegal. It generates additional traffic and other things that are not allowed in the community. Commissioner Hontz believed they needed regulations that are easy for everyone to build to and live to so they are not in a constant police state trying to stop people from doing what they are not allowed to do.

Commissioner Savage stated that the Planning Commission has a specific role. A City Councilman attends their meetings and several other organizations within the Park City Municipality have responsibilities for the enactment of legislation and maintenance of that legislature. There are ways to cause people to be appropriately penalized when they abuse the privileges. Commissioner Savage remarked that there was nothing the Planning Commission could do within the Land Management Code to fix the problems that occur in larger homes in terms of overnight rentals and huge parties. However, the City can implement the appropriate Codes and Regulations and taxation rules to ensure that the problem gets minimized and is forced into a more acceptable position. Commissioner Savage felt it was important to make sure they were using the right tools to fix the right problem. He noted that the Planning Commission is not mandated to be the panacea for

all the issues inside Park City. He thought the Planning Commission should focus on their job instead of trying to fix problems outside of their purview.

Commissioner Hontz disagreed. She believed it was 100% design related. Commissioner Wintzer concurred. It is the job of the Planning Commission to find whether something is compatible and fits the Land Management Code. It is also their job to look at neighborhoods and the bigger picture. Commissioner Savage believed it was their job to decide whether an application was compliant with the Land Management Code. Commissioner Wintzer replied that compatibility is addressed in the Land Management Code and the purposes statements talk about compatibility.

Vice-Chair Thomas remarked that the intent of the proposed amendment was to allow flexibility within the footprint of the house for stepping. He thought the general direction they were going with the 35' step was appropriate. Vice-Chair Thomas believed the Planning Commission was willing to consider a maximum slope as a transition slope to a driveway to access the house. In his opinion, it did not make sense to have a 14% grade right from the street curb to the finished floor of the garage. It is not practical and it does not work. It is difficult to get a normal car into a driveway that has a 14% slope without a transition.

Vice-Chair Thomas remarked that the Commissioners had concerns about flat roofs and how they would be planted. He believed they were comfortable with the diagram showing that the height of the roof would come down if it fits within the 7:12 triangle. Commissioner Wintzer asked Planner Astorga do prepare a better diagram for the next meeting.

Vice-Chair Thomas wanted to address the window well. The City Council had opened the window well as a modification to the initial ideas for steep slope. However, it is an issue that that should be looked at again because it creates an unsafe situation as well as other impacts. Commissioner Wintzer thought one alternative would be to define a window well with a specific height requirement.

Planner Astorga pointed out that the Code did not specify a maximum height of a window well. Vice-Chair Thomas agreed and felt it was open to interpretation. He requested clarification regarding window wells.

Planner Astorga understood that Commissioner Wintzer had requested a diagram of the flat roof/green roof and how it fits into a gable roof. Vice-Chair Thomas clarified that the Planning Commission was referring to green roofs and not flat roofs.

Commissioner Hontz referred to the redlined language on page 68 of the Staff report regarding building height. In addition to the items Commissioner Thomas had identified, she asked the Planning Commission to consider removing the language, "finished lowest floor plane." She was concerned that someone could leave the garage floor dirt so it would not be considered a finished floor plan. Commissioner Hontz did not believe the word "finished" made the definition stronger.

Vice-Chair Thomas thought "finished floor" was the elevation of the earth. After further discussion the Commissioners agreed to remove the work "finished" from the sentence. Commissioner Hontz referred to the same paragraph, last sentence, and asked why they were talking about attics as a story. The Commissioners agreed to remove the last sentence.

Commissioner Hontz referred to the second redlined paragraph on page 68 of the Staff report and revised the paragraph to read, "A ten foot minimum horizontal step in the downhill façade is required to take place at a maximum height of 23' from where elevation meets existing grade. An exception is for when the first story is located completely under the finished grade on all sides of the structure. Commissioner Hontz felt it was better to separate what is allowed and what is prohibited for clarity. The Commissioners discussed the revised language and asked Planner Astorga to re-write the language for the next meeting to address some of the issues that were raised. Commissioner Savage requested a visual to help clarify the language.

Vice-Chair Thomas noted that at some point the Planning Commission would have to address separate structures. He believed there would be a tendency for people to pull two buildings apart and have a garage and something else and another structure uphill. The result is the impact of seeing a very tall, large massive structure on lots that are not compatibility with the historic adjacent properties. He asked the Commissioner to begin thinking about how they could approach the issue. He asked the Staff to factor in language that addresses new construction without historic buildings and stops the cascading down the mountainside, regardless of whether the structures are connected.

Planning Manager Sintz stated that in the discussion of whether to define primary roof form and how it is calculated, and because the green roof definition is tied to the primary roof form, she suggested that the Planning Commission direct Staff on how to marry the two together. She offered suggestions on how it could potentially be done. Vice-Chair Thomas was uncomfortable with using a percentage because it becomes mathematical without considering the aesthetics. He suggested that the Staff Architect review primary roof forms and green roofs in terms of their compatibility. Planner Astorga asked if the Commissioners were comfortable with the language as proposed, which added the word

“primary” for clarification. Vice-Chair Thomas was comfortable if the language gives the Staff the ability to look at the design and determine the primary roof and that a smaller roof element on the structure is a lower percentage of area and not a significant dominant roof form. He believed the Planning Commissioner needed to trust the judgment of the Staff

Vice-Chair Thomas recalled from the last meeting that the Planning Commission was comfortable with the 7:12 and 12:12 roof pitch in terms of compatibility in Old Town. However, the proposed language on page 71 of the Staff report provides the caveat of allowing a shallow roof it is more compatible with the historic structure. He thought that was appropriate. Planner Astorga clarified that the process for approval is through the HDDR by the Planning Director.

Commissioner Savage commented on green roofs in the Historic District. He noted that they continually talk about historic precedence and to the best of his knowledge green roofs did not exist in those eras. Commissioner Savage asked if the Historic Preservation Board was willing to integrate green roofs into the design guidelines for renovations of historically significant structures. Planner Astorga replied that the Code already allows a green roof if it is under the required roof pitch. That was added as part of the 2009 amendments. He explained that the intent is to clarify the language in terms of measuring. Commissioner Savage asked how a green roof would impact registering the home on the Historic Register. Planner Astorga stated that green roofs would not be allowed on historic structures. Green roofs would be allowed on new construction in the historic district or on addition to historic structures. He noted that the Code applied specifically to the Historic Residential Districts.

Planner Astorga remarked that several people have asked if they could have a flat roof that is not green but has solar panels. He asked the Planning Commission for input on that scenario. The Commissioners pointed out that the panels would have to be on an angle for sufficient use of the solar. Vice-Chair Thomas stated that solar collectors have been used on various roof pitches and they work in a lot of conditions.

Commissioner Hontz referred to the historic structures analysis on page 71 and the recommendation to add building footprint and building height. She pointed out several negative scenarios that could occur, which was why she did not favor adding the language. rector Eddington pointed out that the language only applies to structures listed on the Historic Sites Inventory. Planning Manager Sintz suggested adding, “designated historic structures.” Commissioner Hontz was still uncomfortable adding building footprint and height. Under the current process the Planning Director makes the determination and she preferred to keep that review process.

Planner Astorga explained that the Staff recommended the change because they recognized that not all of the historic structures would comply with the height parameters in terms of the 10' setback. Commissioner Hontz still preferred to keep the process of review and determination by the Planning Director for all structures. She was willing to consider the possibility of only allowing the change for structures under 1500 square feet. Director Eddington stated that the Staff would look at revising the language to address the concerns.

Commissioner Hontz referred to a news article regarding a \$1 billion deficit the Jordan School District is facing next year because their Planning Department, Planning Commission and City Council approved more density than what they could accommodate for the number of people it generated. Commissioner Hontz pointed out that what the Planning Commission does matters because the number of people in a house affects the amount of traffic on the roads and the number of children in the schools. Vice-Chair Thomas pointed out that the Jordan School District was the best funded school district in the State of Utah. Unfortunately, they lost a lot of their funding due to the transformation Kennecott and how the money was disbursed. He agreed that growth was also a factor, but it is natural to expect some growth to occur. Commissioner Gross thought it was important to plan around growth expectations.

Director Eddington believed the Staff had enough direction to revise the proposed amendments and incorporate their comments. Commissioner Wintzer thought it would be helpful for the Staff to summarize the comments this evening and email it to the Planning Commission for verification and consensus before they make the revisions.

Assistant City Attorney McLean replied that the Staff could send a summary to the Planning Commission, but the Commissioners could only reply and communicate with the Staff. They could not do a "reply all". Vice-Chair Thomas felt a better approach would be for the Commissioners to visit the Planning Department two at a time to meet with the Staff prior to the next meeting. Vice-Chair Thomas thanked Planner Astorga for his patience throughout this process.

MOTION: Commissioner Hontz moved to CONTINUE the Amendments to Chapter 2 to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

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