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Dear Honorable Council Members,

I appreciate the opportunity to be able to present evidence against the approval of a 9-lot subdivision in the most limited access location within our historic Old Town. As someone who has sat on Planning Commission, actively processes development projects, and continues to be an advocate for appropriate development; I see so many facets of this project that it is challenging to convey in one letter and brief presentation to you on Thursday all of the aspects that I feel you should take into account prior to decision making.

In summary, I am requesting that you deny the Alice Claim Subdivision and Plat Amendment and Ridge Avenue Plat Amendment based on the fact that the Alice application does not meet many of the requirements of the Subdivision Standards.

The process of land Subdivision is a specific, codified, regulated set of standards an Applicant must go through in order to achieve a density and vesting they can then sell or build. The Subdivision standard is written to give great leniency and diligence responsibility to the City to review and consider in approving all plats. In each and every case where a Subdivision is being requested, Applicants are required to adhere to the exact same set of rules. Yet every parcel of land is not the same. Some land has existing platted lots within the area desired to restate and resize a Subdivision. Some land has vested rights granted to it because of public benefits or other items that have been provided. I am asking that you look specifically at this land, this parcel and its surroundings, and hold it to the standards it is required to meet.

In this case, we are looking at one meets and bounds parcel that was an assemblage of previous mining claims. The zoning placed on the land over the years by the City includes at least 3 different zoning districts with their standards affecting the regulations of certain portions of the parcel. This one lot of approximately 9 acres is requesting to become more lots – to a total of nine lots. In order to go from one to 9 lots, each aspect of each proposed lot and the entire subdivision must meet the Subdivision standards AND the underlying zoning regulations. After you read the proposed findings of fact and conditions and factor in the Planning Commission positive recommendation – it would seem like an uphill battle to even suggest that the Plat does not meet these Subdivision and Zone requirements. The fact is if you read the entirety of the regulations required to be met, and not postpone some items and entirely skip others, there is enough proof to deny this application.

In the following sections the portion of the code not in compliance or the issue that needs to be addressed is numbered with the supporting information listed at the end of the code sections in italics, as many of the requirements list the same things or overlap. The code list is organized beginning with broad overarching themes in the Purposes and narrows to precise issues reflected in the code. In referenced code sections, the code has been copied directly from the City's online page and underline added only for emphasis.

1. The proposed Alice Claim Subdivision does not meet the purpose of the LMC.

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

15-1 -2. STATEMENT OF PURPOSE. The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

(A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,

(E) To allow 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,

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,

2. The proposed Alice Claim Subdivision does not meet the Subdivision General Provisions.

15-7 SUBDIVISION GENERAL PROVISIONS

15-7-2 PURPOSE. The purpose of the Subdivision regulations is:

(A) To protect and provide for the public health, safety, and general welfare of Park City.

(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(I) To ensure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Resubdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

15-7-3 POLICY.

(B) Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public

facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

3. The proposed Alice Claim Subdivision does not meet the Preliminary or Final Subdivision Plat requirements.

15-7.1-5 PRELIMINARY SUBDIVISION PLAT

(D) PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT. The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of Land Management Code, any Master Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property. Particular attention will be to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

(G) PUBLIC IMPROVEMENTS. The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) EFFECTIVE PERIOD OF PRELIMINARY APPROVAL. The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the Final plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not

recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval of a Preliminary Plat by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Preliminary Plat approvals and may consider the request when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Preliminary Plat in Section 15-1-12.

The Commission may hold a public hearing on the time extension for a Preliminary Plat approval. Such hearings shall be noticed in accordance with the requirements of Section 15-1-12 of the Land Management Code.

4. The proposed Alice Claim Subdivision does not meet the Purpose of the HRL or the Estate District Zoning requirements.

15-2.1-1 Purpose

The purpose of the Historic Residential Low-Density (HRL) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and

15-2.10-1 Purpose

The purpose of the Estate (E) District is to:

- A. allow very low density, environmentally sensitive residential Development which:
 - 6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.

5. The proposed Alice Claim Subdivision does not meet the standard of Good Cause.

1.112 GOOD CAUSE.

Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

The following bulleted list contains the reasons why the proposed Alice Claim subdivision does not meet the standards listed above. Many of the code portions listed are related or overlap so the list below is intended to respond to all sections 1-5 above.

- *The slope of the access road, the driveways and most of each of the proposed nine (9) lots is very steep and will require significant cuts and fills to complete the development. The slope map provided with the Gully Plan proves that good cause to create 8 new lots from one platted lot does not exist. Lots 1, 3,4,5,6 and 7 all are partially or entirely over 30% slope, some are entirely over 45% slope. These are the flattest and best locations within this property to place homes, but when you are adding so many you add more slope impact. A steep slope CUP cannot mediate the increase of density from one to 8, as the development impacts are much larger than just the amount of soil that will be removed and retention of earth that will take place.*
- *Development of the nine (9) lots on the property may require future variances to the Land Management Code due to the difficulty of development on the proposed lots and the steep to very steep slopes.*
- *All roadways near the proposed subdivision are substandard streets. The Streets master plan says that “Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured”.*
- *King Road is the proposed main access to the nine lots. King Road is a steep and narrow street (15 feet at narrow portion) that is mostly built outside its platted location.*
- *To make King Road safer, the road would need to be widened. Widening King Road may not be possible due to required eminent domain procedure and the cost of the buyout of the land holders.*
- *Ridge Avenue is the “secondary access” named in the staff report, and will be needed by all residents of the area during certain periods of the year for egress.*
- *Ridge Avenue is a road entirely built outside its platted location on private property of multiple lot owners.*
- *Ridge Avenue currently has one home that uses the road for primary access and is a substandard street that is extremely narrow and acts currently as a secondary access to King Road.*
- *Ridge Avenue is a narrow street that is often covered by debris and mud during the year, especially during runoff in the winter and spring.*
- *Widening Ridge Ave and King Road is necessary for safety – yet completely against our Vision and General Plan.*

- *Snow removal on both King Road and Ridge Avenue may be difficult or delayed during winter months.*
- *Hazardous vehicle and pedestrian conditions exist on King Road and Ridge Ave when snow and/or slippery conditions are present. The winter of 2017 was a great demonstration of unsafe winter road conditions on King, Ridge and Daly Ave.*
- *The Streets Master Plan indicates that Ridge Avenue, in the section where the proposed subdivision is located, should be widened by 7.5 feet; however the City does not own the land on either side of the road to enlarge it and would need to spend taxpayer money to support the private developers need to widen the road.*
- *Ridge Avenue should remain narrow to protect the pattern of development in Old Town while also protecting public health, safety and welfare by keeping traffic limited and speed low and as specified in the Streets Master Plan.*
- *Built Ridge Avenue is adjacent to a very steep cliff and the reasonably anticipated detrimental effects of more traffic on the road cannot be substantially mitigated by the application to achieve compliance with Public Safety and Welfare standards.*
- *The desire for a second ingress and egress into this site; while important for life, health, safety and welfare, also demonstrate the unsuitable nature of development in the area where the home sites are placed. The creation of another access in and out add a new access for other adjacent lots to potentially develop, further increasing the fuel level and the number of homes in a substandard location.*
- *The Traffic Impact Study and Traffic Considerations Letter dated July 7, 2015 from Fehr and Peers do not discuss how the total day trips will affect the width and safety of King Road and Ridge Ave. Peak travel is not the only, or the most important, factor for a development located at the end of a very steep dead end street with icy and slippery hazardous conditions during the winter months.*
- *In the letter provided by Fehr and Peers transportation planner on July 7, 2015 to the Applicant, Fehr and Peers indicate there will be an additional 114 trips per day from the 9-lot development.*
- *The Fehr and Peers transportation planner on July 7, 2015 letter does not indicate when the traffic counts were taken which is an important factor in determining if the figures are realistic to conditions in Park City.*
- *Total trips per day IS a relevant way of looking at traffic for a road and traffic engineers are required to understand that element of the development in order to size a roadway appropriately. Peak hour counts are typically used when discussing intersections. While the intersections at the top and bottom of King and Hillside and Main are all important in this discussion; the roadway widths of King and Ridge and all of the roads to get to those substandard roads are the issue. I stand by my statement that 114 additional vehicle trips are an unacceptable amount of traffic for these roads. No additional traffic generation is safe in this area.*

- *Typical roadway conditions used by the ITE and typical TIS utilize clear conditions with warm dry weather – think Phoenix AZ. They do not, unless stated in the assumptions of the report use cold, icy, snowy conditions which affect the report findings.*
- *The snow, steep grades, length of steep grades, short sight lines/distance and narrowness of the road (which gets narrower in the winter) are all key elements that must be taken into account in a traffic impact study and reasonable analysis.*
- *The clear issue with traffic remains that there is a lot of traffic generated by this Application for a one and a portion lane sub-standard road with a long steep grade and no outlet. This traffic has to go to the end of a dead end and add additional traffic to our roads which residents of Park City found to have unsatisfactory levels of service this winter. Assuming this subdivision would open the door and access to other lots in the area; it is feasible to assume 390 additional vehicle trips a day up and down King, Ridge and Daly.*
- *The City recently imposed an additional fee for water users located at certain elevations and above. The stress and cost on the existing water delivery system is not covered by the current impact fees or usage fees charged. Adding more users at this higher elevation, where not already permitted, causes undue additional strain.*
- *The Sewer District has concerns regarding the placement of the sewer. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval.*
- *Land Management Code Section 15-7.3-1(D) shall apply, and states: "Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger."*
- *According to Brent Bateman (Utah's Office of the Property Rights Ombudsman), related to steep slope development there can be "a compelling countervailing public interest" if analysis deems the proposed development unsafe.*
- *The Fire District has not been given the historic Plat information showing the entire neighborhood and unbuilt platted lots adjacent to the proposed subdivision. This information is required for the City to provide in order to review the "further Development of adjoining lands as yet un-subdivided". Without this information, the ability to service the area and protect us from fire danger is unaddressed. In my meeting with the Fire District this was of concern for this project. I will present the existing Plats and exhibits on Thursday to clearly identify the risk of this element alone.*

- *The requirements of emergency access; while important for life, health, safety and welfare, also demonstrate the unsuitable nature of development in the area where the home sites are placed. The fire requirements further the impervious surface required, remove more vegetation and show a future secondary access that should never be approved as dictated by our existing Streets Master Plan.*
- *In some cases it seems logical to allow someone to sort out water delivery details post subdivision approval. In this case it is ludicrous. Before the subdivision and CUP can move forward a solution that works for the applicant and water provider needs to be determined, including costs. The effects of the design may impact where homes go, sizes, number of bathrooms, etc. By not dealing with this now you are setting the City up for failure if the applicant feels they cannot get water service they need to serve the newly subdivided lots.*
- *Similar to water, the City should not approve this subdivision prior to the applicant working out a solution with SBWRD and the City Engineer. Some of the solutions proposed may require eminent domain, which SBWRD's board has said they will not consider. Other solutions may require elements of design which the City Engineer has said in the past that he will not approve. The complexities of this site are significant and deserve answers that the LMC and Subdivision regulations require the City to follow.*
- *The current site has a significant amount of vegetation and trees on the steep slopes, many of which are also providing stabilization of soil. It is a reasonably anticipated detrimental effect that the proposed density would involve the removal of some of the existing trees and significant vegetation, which cannot be substantially mitigated by the proposal or the imposition of reasonable conditions.*
- *The environmental clean-up was required by the State and Federal governments for the site to even be considered for use as a residential development. Moving the contaminated material to a local site just a few miles from the Property to be reburied saved the Applicant significant funds and allowed them to participate in removing waste they might not have been able to afford. Good Cause is not removing the toxic remnants of the mining industry on the property so you can develop.*
- *A condition extending the one year LMC requirement for Plat expiration has been updated to allow the applicant more time with no public input. See Conditions of approval: The applicant will record the subdivision and plat amendment at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) years" 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.*
- *The cumulative burden of the location, steep terrain, slopes of development, ingress and egress, vegetation removal, traffic increases, garbage and recycling increases, potential to increase development in a sensitive area and on a ridgeline, fire hazard, sewer and water provision issues, are all related to increasing the allowed use of the site from one home to nine. Please consider the tools provided by the Subdivision requirements to limit this density.*

In closing, there is no good cause for this plat amendment given the arguments raised and discussed above. As additional pressures are placed upon our community, it is appropriate to use the power entrusted to you to review and assess the rights of proposed projects while keeping the rights of other property owners in sight. This parcel does have property rights associated with it – and as part of the State and City process – they are required to apply following the codified standard to increase or perfect those rights. In this case, the ask is too great for the sensitive historic wildland interfacing portion of our town. Please help keep Park City – Park City.

Best regards,

Brooke Hontz

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