

**PARK CITY MUNICIPAL CORPORATION  
 PLANNING COMMISSION  
 CITY HALL, COUNCIL CHAMBERS  
 MAY 11, 2011**



**AGENDA**

**MEETING CALLED TO ORDER AT 5:30 PM**

**WORK SESSION** – *Discussion items only. No action will be taken*

Fiscal 2012 Capital Improvement Program – Project plan update	5
Rocky Mountain Power master plan – Informational Update	15
General Plan – Informational Update	17

**ROLL CALL**

**ADOPTION OF MINUTES OF APRIL 27, 2011**

**PUBLIC COMMUNICATIONS** – *Items not scheduled on the regular agenda*

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

Election of vice chair

**CONTINUATION(S)** – *Public hearing and continue as outlined below*

573 Main Street, Claimjumper – Plat Amendment	PL-10-01105
<i>Public hearing and continuation to a date uncertain</i>	

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

Park City Heights – Master Planned Development	PL-10-01028	65
<i>Public hearing and possible action</i>		
1310 Lowell Avenue, wind turbine – Conditional Use Permit	PL-11-01197	117
<i>Public hearing and possible action</i>		
2780 Telemark Drive – Appeal of Staff’s Determination	PL-11-01234	139
<i>Quasi-Judicial hearing</i>		
Modification to Emergency Plan for Empire Pass – Amendment to Technical Report	PL-10-01208	167
<i>Public hearing and possible recommendation to City Council</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.

# Planning Commission Meeting May 11, 2011

Park City Heights  
MPD

CT

RCO  
RDM

GC

LI

1310 Lowell Avenue  
Wind turbine CUP

RC

HRM

2780 Telemark Drive  
Appeal of Staff's Determination

HR-1

HRC

R-1

RM

HCB

HR-2A PUT

HR-2B

HRL

MPD  
RD

E

**PARK CITY**  
1884

## Legend

-  Road Edges
-  City Limits
-  Parcels



Modification to Emergency Plan for Empire Pass  
Amendment to Technical Report

ROS

## **WORK SESSION**



# Planning Commission Staff Report



**Subject:** FY 2012 Capital Improvement  
Project Plan  
**Author:** Matt Cassel, City Engineer  
**Date:** May 11, 2011  
**Type of Item:** Informational Item

## Description

The City Engineer recommends that the Planning Commission review the 2012 Capital Improvement Project Plan for consistency with the General Plan.

## Background

In previous years after the Capital Improvement Plan (CIP) Committee had completed their analysis and project prioritization and provided their final recommendation to the City Manager, the plan has been forwarded to the Planning Commission for review for consistency with the existing General Plan.

## Process

Using a ranking system developed by the Budget Department, individual projects submitted by each department were ranked and scored by the committee members, the results were combined and a project prioritization list was created. The CIP Committee completed their analysis and project prioritization in late March and this list is attached as Exhibit A.

The ranking system included five criteria;

- ✓ **Criteria 1 – Objectives** - Meets the vision of a current City Council Goal/Priority (Weight 1.25),
- ✓ **Criteria 2 – Funding** – Source availability and competition for funds (Weight 1.5),
- ✓ **Criteria 3 – Necessity** – Project is a “need have” versus a “nice to have” (weight 1.25),
- ✓ **Criteria 4 – Investment** – Project has a positive history of prior investment suggesting additional support (Weight 1.00), and
- ✓ **Criteria 5 – Cost/Benefit Analysis** – Revenues (or savings) compared to costs (operating and capital) (Weight 1.00).

## Department Review

This project has not gone through an interdepartmental review.

## Public Input

No public input has been requested at the time of this report.

**Recommendation**

The City Engineer recommends that the Planning Commission review the 2012 Capital Improvement Project Plan for consistency with the General Plan.

**Exhibit**

Exhibit A – Capital Project’s Descriptions

## Project Descriptions

### **CP0001 Planning/Capital Analysis**

**Manager: Howser**

Annual analysis of General Impact Fees to determine/justify formula, collection, use. Including GASB 34 planning and implementation.

### **CP0002 Information System Enhancement/Upgrades**

**Manager: Robertson**

Funding of computer expenditures and major upgrades as technology is available. Technological advancements that solve a City need are funded from here. Past examples include web page design and implementation, security systems, document imaging, telephony enhancements, etc.

### **CP0003 Old Town Stairs**

**Manager: Twombly**

An ongoing program to construct or reconstruct stairways in the Old Town Area. Stairways that are in a dilapidated condition beyond effective repair are replaced. Most of the stair projects include retaining walls, drainage improvements and lighting. Like trails, the priority depends on factors such as adjacent development, available easements, community priority and location. Funding comes largely from RDAs so most funding is restricted for use in a particular area. Tread replacements are planned beginning with the oldest in closest proximity to Main Street. New sets proposed include 9th St. with three new blocks at \$300,000 (LPARDA); 10th St. with 1 new block at \$100,000 (LPARDA); possible improvements to Crescent Tram pending resolution of the current parcel discussions (no identified funding); Reconstruct 3rd St, 4th St, 5th St, others as prioritized (Main St RDA). See also Project #722.

### **CP0004 Hillside Avenue Design & Widening**

**Manager: Cassel**

Hillside Avenue Design and Widening. Park City has acquired all the necessary right-of-way to implement a downhill widening project on Hillside Avenue between Marsac and Main Street. There is very little neighborhood support for this project. The condition of existing retaining walls is poor and money should be kept in the CIP Budget for emergency replacement. However, no funds are scheduled to be spent.

### **CP0005 City Park Improvements**

**Manager: Fisher**

As Park City and surrounding areas continue to grow, there is a greater public demand for recreational uses. This project is a continuing effort to complete City Park. The funds will be used to improve and better accommodate the community's needs with necessary recreational amenities.

### **CP0006 Pavement Management Impl.**

**Manager: Erickson**

This project provides the funding necessary to properly maintain and prolong the useful life of City owned streets and parking lots. Annual maintenance projects include crack sealing, slurry sealing and overlays.

### **CP0008 Historical Incentive Grants**

**Manager: Eddington**

The historic preservation board continues to look at requests for matching grants for restoration work on a case-by-case basis. The program was modified this year to review grants requests all year long. Funding for this project comes from Main Street and Lower Park RDAs.

### **CP0009 Transit Coaches Replacement & Renewal**

**Manager: Cashel**

This program provides for the replacement of the existing transit fleet and additional vehicles for service expansions. Federal Transit Administration will be providing 80 percent of the purchase cost.

### **CP0013 Affordable Housing Program**

**Manager: Robinson**

The Housing Advisory Task Force in 1994 recommended the establishment of ongoing revenue sources to fund a variety of affordable housing programs. The city has established the Housing Authority Fund (36-49048) and a Projects Fund (31-49058). Fund 36-49048 will be for the acquisition of units as opportunities become available, provision of employee mortgage assistance, and prior housing loan commitments. It will also provide assistance to developers in the production of units.

## Project Descriptions

### **CP0014 McPolin Farm**

**Manager: Carey**

City Farm Phase II - Landscaping. Trailhead parking. Completion of the sidewalks, ADA accessible trail to safely accommodate the passive use of the property. Pads and interpretive signs to display antique farm equipment.

### **CP0017 ADA Implementation**

**Manager: Erickson**

Many of the City's buildings have restricted programs due to physical restraints of the buildings. An ADA compliance audit was conducted by the building department and phase one improvements have been made. Additional funds will be needed to continue the program to complete phase 2 and 3 improvements.

### **CP0019 Library Development and Donations**

**Manager: Tillson**

Project 579 also includes a category 39124. Public Library development grant. This is a grant made to all public libraries in Utah by the State, based on population and assessed needs. The uses of this money are restricted by State statute, and must be outlined in the Library goals which are set by the Library Board and due to the State Library at the end of October each year.

### **CP0020 City-Wide Signs Phase I**

**Manager: Weidenhamer**

Funded in FY02 - Continue to coordinate and install way-finding and directional signs throughout the City.

### **CP0021 Geographic Information Systems**

**Manager: Robertson**

Utilize the geographic information system software obtained in grant from ESRI to produce a base map, parcel map, and street center line map. Maps will be used by numerous city departments for planning and design purposes. This program is a joint venture between PCMC & SBSID. An interlocal agreement is pending between PCMC, SBSID, and Summit County.

### **CP0022 Sandridge Parking Lot**

**Manager: Erickson**

Construction of the Sandridge parking lot. Includes landscaping, lighting, fencing and other beautification elements.

### **CP0025 Bus Shelters**

**Manager: Cashel**

Passenger amenities such as shelters, and benches have proven to enhance transit ridership. This project will provide the funding necessary to redesign and install shelters and benches at new locations. These locations will be determined using rider and staff input as well as rider data. Funding will be 80% FTA funds, 20% transit fund balance.

### **CP0028 5 Year CIP Funding**

**Manager: Howser**

This account is for identified unfunded projects.

### **CP0036 Traffic Calming**

**Manager: Cashel**

Over the last few years residents have expressed concerns with the speed and number of vehicles, safety of children and walkers. The interest of participation for traffic calming has come in from all areas of town. Funding covers traffic studies, signage, and speed control devices.

### **CP0041 Trails Master Plan Implementation**

**Manager: Twombly**

Rail Trail from Bonanza to kiosk, Round Valley Trails, Entryway Trail System including trailhead parking. Funds intended to provide a comprehensive system of bicycle, pedestrian, equestrian, cross-country skiing and hiking trails - both paved and back-country. Trails connect the various City neighborhoods, schools, parks and mountain open spaces, resorts and other country trails. Provide high priority recreation and alternative transportation. Trails have been funded largely with grants, development exactions, and external sources as much as possible. City funds have been used to supplement or match grants.

## Project Descriptions

### **CP0043 Public Works Storage Parcel**

**Manager: Cashel**

This project would provide for the purchase of five acres of ground in Quinn's Junction. Area cost is \$500,000. This property will be used to store equipment and materials needed for Public Works operations.

### **CP0046 Golf Course Improvements**

**Manager: Erickson**

This project encompasses all golf course related projects, enlarging tees, fairways, rebuilding greens, restroom upgrade, landscaping, the construction of a fence along the road and other operational maintenance.

### **CP0047 Downtown Enhancements/Design**

**Manager: Gustafson**

In the wake of the 2003 Downtown Enhancements Task Force, this project code would be geared toward doing the appropriate design, survey and environmental planning efforts of proposed recommendations of the task force - namely, for the plaza and parking components, pedestrian enhancement for walkways to and from Main Street would also be targeted.

### **CP0051 Bus Maintenance & Operations Facility**

**Manager: Cashel**

Bus facility includes bus storage facility, bus parking & storage, and a small administration area. This will be funded 80% federal funds and 20% local land match (Iron Horse parcel).

### **CP0061 Economic Development**

**Manager: Weidenhamer**

The project was created to provide "seed money" towards public/private partnership ideas. These expenditures are a result of the beginning stages of economic development plan.

### **CP0063 Historic Structure Abatement Fund**

**Manager: Evans**

Establishment of revolving fund for abatement of dangerous buildings, fund to be replenished with recovery of city costs by owner of structure.

### **CP0073 Marsac Seismic Renovation**

**Manager: Gustafson**

Marsac seismic, HVAC, ADA and associated internal renovations.

### **CP0074 Equipment Replacement - Rolling Stock**

**Manager: Andersen**

This project funds the replacement of fleet vehicles based upon a predetermined schedule. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.

### **CP0075 Equipment Replacement - Computer**

**Manager: Robertson**

The computer replacement fund is set up to ensure funding to replace computer equipment and peripheral equipment including environmental climate control systems on a 3 to 4 year cycle. The average replacement cost per year approximates \$200,000. Equipment replacement decisions are driven by technological advancements, software requirements, and obsolescence.

### **CP0089 Public Art**

**Manager: Bakaly**

This project is designed to fund public art as part of an "Arts Community Master Plan".

### **CP0090 Friends of the Farm**

**Manager: Carey**

Use to produce events to raise money for the Friends of the Farm and use for improvements to the farm.

### **CP0091 Golf Maintenance Equipment Replacement**

**Manager: Erickson**

This option will move the funding of equipment from the operating line to a CIP account. This CIP will help insure adequate funding is available to meet replacement needs.

## Project Descriptions

### **CP0092 Open Space Improvements**

**Manager: Erickson**

This project includes the improvement of Park City's open space parcels to include control of noxious weeds. For maintenance, improvements, and acquisition of Open Space.

### **CP0096 E-Government Software**

**Manager: Robertson**

This project includes the purchase and installation of software to manage the City's budgetary and financial functions including E-Government capabilities.

### **CP0097 Bonanza Drive Reconstruction**

**Manager: Cassel**

To accommodate new water lines, pedestrian enhancements, gutters, storm drains and landscaping. Possible UDOT small urban area funding.

### **CP0100 Neighborhood Parks**

**Manager: Twombly**

This project includes the creation of neighborhood parks through the use of Park and Ice bond proceeds. This includes projects in Park Meadows, Prospector, and Old Town.

### **CP0102 Top Soil Assistance Program**

**Manager: Schoenbacher**

To help provide top soil to residents of Park City soils ordinance district. \$32,000 will be available for FY2005 and \$15,000 will be available for FY2006 to qualified residents.

### **CP0107 Retaining Wall at 41 Sampson Ave**

**Manager: Cassel**

City contribution of retaining wall at 41 Sampson Avenue (Donnelly House)

### **CP0108 Flagstaff Transit Transfer Fee**

**Manager: Cashel**

Holding account for transit transfer fees dedicated to improvement enhancement of Park City transit system.

### **CP0115 Public Works Complex Improvements**

**Manager: Cashel**

This project will provide for additional office space & furnishings required to house streets/transit/fleet personnel.

### **CP0118 Transit GIS/AVL system**

**Manager: Cashel**

GIS and AVL systems to provide real time information to passengers and managers to better manage the transit system.

### **CP0123 Replace Police Dispatch System**

**Manager: Robertson**

Replace police CAD/RMS system to meet Public Safety demands.

### **CP0128 Quinn's Ice/Fields Phase II**

**Manager: Twombly**

Additional development of outdoor playing fields and support facilities

### **CP0131 Conservation Reserve Program**

**Manager: Schoenbacher**

The CRP is a federally funded grant program that aimed at funding land enhancement improvements such as planting trees or grass or building fences in order to control non-point source pollutants from entering a watershed. This project could have funding for 10-15 years.

### **CP0132 Museum Expansion**

**Manager: Howser**

The park city Historical Society desires to expand into other tenant spaces within the Old City Hall building and to expand into a new addition on the rear of the building. Funds allocated to this account are through other sources such as the Restaurant Tax Grants.

## Project Descriptions

- CP0137 Transit Expansion** **Manager: Cashel**  
These funds are dedicated to purchasing new busses for expanded transit service.
- CP0142 Racquet Club Program Equipment Replacement** **Manager: Fisher**  
For ongoing replacement of fitness equipment.
- CP0146 Asset Management/Replacement Program** **Manager: Erickson**  
Money is dedicated to this account for asset replacement each year. Creation of schedule in FY 07 for Building replacement
- CP0150 Ice Facility Capital Replacement** **Manager: Pistey**  
For ongoing capital replacement at Quinn's Ice Facility. Funding provided by City and Basin per interlocal agreement.
- CP0152 Parking Meter Replacement** **Manager: Andersen**  
For replacement of parking meters on Main St. Funded by meter fee revenues.
- CP0155 OTIS Phase II(a)** **Manager: Cassel**  
Sandridge in FY09, Hillside in FY10, Empire and Upper Lowell in FY11.
- CP0156 OTIS Phase II(b)** **Manager: Howser**  
Sullivan Rd in FY12, Rossi Hill Dr in FY13, Swede Alley in FY14
- CP0167 Skate Park Repairs** **Manager: Fisher**  
Re-paint fence and re-caulk the concrete joints.
- CP0168 Bus Barn Sewer Connection** **Manager: Cashel**  
Funding for conversion to storm drain from a dry well on Ironhorse in the old bus barn.
- CP0170 Bus Wash Rehab** **Manager: Cashel**  
Components for the bus wash rebuild.
- CP0171 Upgrade OH Door Rollers** **Manager: Cashel**  
Rollers for old bus barn overhead doors.
- CP0176 Deer Valley Drive Reconstruction** **Manager: Cassel**  
Total estimated project cost: \$2,000,000. Unfunded amount is the difference between \$1,000,000 in requested impact fees and local match (which is funded by Transfer from General Fund).
- CP0177 China Bridge Improvements & Equipment** **Manager: Andersen**  
Stairwell Old CB; Fire Sprinkler Upgrade OLD CB; Snow Chute
- CP0186 Energy Efficiency Study on City Facilities** **Manager: Foster**  
Technical energy audit of all city facilities identifying improvements to reduce energy including grant and alternative funding mechanisms.

## Project Descriptions

- CP0191 Walkability Maintenance** **Manager: Erickson**  
This funding is provided for the purpose of ongoing maintenance of completed Walkability Projects.
- CP0195 Ice Expansion Fund** **Manager: Twombly**  
Second ice sheet at the Quinn's ice facility
- CP0201 Shell Space** **Manager: Gustafson**  
Construction of Shell Space
- CP0203 China Bridge Event Parking** **Manager: Andersen**
- CP0208 Snow Plow Blade Replacement** **Manager: Erickson**  
This option will replace our snowplow blades over the next three years.
- CP0210 Salt Cover** **Manager: Erickson**  
This option will cover our road salt at Public Works
- CP0214 Racquet Club Renovation** **Manager: Fisher**  
A major remodel of the existing Racquet club. Expand group fitness; weight room; cardio; 2 additional tennis courts; walking / jogging track; aquatic center; child care; administration area, and restaurant.
- CP0216 Park & Ride (Access Road & Amenities)** **Manager: Cashel**  
This project will provide funding to construct an access road from Wasatch County to the new park and ride at Richardson Flats. Intersection improvements at SR-248 are necessary for safe and efficient operations of Park and Ride and Park City Heights.
- CP0217 Emergency Management Program Startup** **Manager: Daniels**  
(description coming)
- CP0226 Walkability Implementation** **Manager: Weidenhamer**  
This project funds varying projects related to the Walkability Community program. The projects to be completed with this funding will be as outlined by the Walkability Steering and CIP committees and as approved by City Council during the 2007 Budget Process  
  
This was cp0190 in the FY2009 budget
- CP0231 Mortgage Assistance Program** **Manager: Robinson**
- CP0232 Traffic Model** **Manager: Cashel**
- CP0233 China Bridge Pocket Park** **Manager: Weidenhamer**
- CP0234 General Plan Update** **Manager: Cassel**

## Project Descriptions

### **CP0250 Irrigation Controller Replacement**

**Manager: Erickson**

The Parks Dept. has a total of 38 irrigation controllers located throughout town at all City facilities including, City buildings, athletic fields, parks, school fields, etc. These electronic devices provide irrigation control to landscaped areas by radio communication from the Central computer to the individual field units. Some of these controllers are 20 years old, as they were originally installed in the early 1990s. Over the past three years we've continued to experience many electronic/communication problems with these old outdated field units. We recommend taking a systematic approach by replacing 8-10 controllers a year for the next 5 years.

### **CP0251 Electronic Record Archiving**

**Manager: Robertson**

### **CP0252 Park City Heights**

**Manager: Robinson**

Predevelopment expenses for PC Hts including consultants (wholly our cost) engineering, traffic and design studies (split with Boyer)

### **CP0253 EECBG Projects**

**Manager: Foster**

Environment projects funded through the 2011 Energy Efficiency and Conservation Block Grant - 100% Federal funded grant with 0% cost share; Pass-through USEP. Total grant award \$217,300.

### **New 01 Golf Course Controller Upgrade**

**Manager: Erickson**

The golf course irrigation controllers are nearly 20 years old. Over the past couple of years, electrical problems have been a growing concern. New FCC regulation require these irrigation controllers to be changed over to narrow band frequency by Jan. 2013.

### **New 02 Golf Course Sprinkler Head Upgrade**

**Manager: Erickson**

The sprinkler heads on the course are 26 years old. These heads are worn out and outdated. The new sprinkler heads are more efficient in water application and distribution uniformity.

### **New 08 Storm Water Improvements**

**Manager: Cassel**

This money would be to fix and repair any of our current storm water issues within the city.

### **New 09 FEMA Study**

**Manager: Cassel**

Fema will be evaluating our draining basin - further examining our flood risks under their new risk map program. FEMA requires a cost share in the program.

### **New 10 Park Meadows Ponds Control Structure**

**Manager: Cassel**

The existing control structure uses planks that are occasionally removed causing downstream flood. This would replace the wood planks with a lockable gate.

### **New 11 Drainage issue at 500 DVD**

**Manager: Cassel**

Poor drainage at 500 DVD is causing an ice slick across the priority one sidewalk and is a safety issue in the winter.

### **New 12 Monitor and Lucky John Drainage**

**Manager: Cassel**

Correct the drainage issue around the Lucky John and Monitor intersection.

### **New 17 Short Range Transit Development Plan**

**Manager: Cashel**

Preparation of 5 year transit development plan. This expenditure was authorized by city council at its 12/16/2010 meeting. Contract executed work underway.

## Project Descriptions

### **New 18 High School Bus Sundance Transit Reconstruction**

**Manager: Weidenhamer**

Sundance transit has added loading to the school bus drop zone at the High School. The City is partnering the School District to re-construct the school bus drop zone to handle the additional capacity.

### **New 19 Lower Park Avenue RDA**

**Manager: Weidenhamer**

The project entails planning, design, demolition, reconstruction of historic buildings, construction of new buildings, and possible land acquisition in the Lower Park, Woodside, platted Norfolk and Empire Avenues North of 13th Street within the Lower Park Avenue RDA. PM I includes new community center and reconstruction of 2 historic houses at Fire Station area.

### **New 20 Security Projects**

**Manager: Daniels**

In early 2008, the City Manager formally established the Building Security Committee (previously ad hoc). The committee has made a number of recommendations on upgrades to signage, camera systems, emergency phones, alarms, etc. However, despite the City Manager's approval of the committee's recommendations, there have been no funds to carry out the plans. Attempts to use the Asset Improvement funds have been denied. Attempts to get departments to fund additions and upgrades have also been unsuccessful. These funds will allow us to move forward with the recommendations. Executive, Information Technology and Building Maintenance are partners in this project.

### **New 22 Crescent Tramway Trail**

**Manager: Eddington**

This request is to secure funds specifically for the improvement of the Crescent Tramway Trail creating an identifiable, safe, and connected pedestrian trail. The Crescent Tramway easement follows the historic route of a narrow-gauge railroad which was first used in the late 1800s to carry ore from the Crescent Mine to the Park City Smelting Company. The trail begins near the corner of Park Ave and Heber Ave and winds up the foothills. It passes Woodside Ave, Norfolk Ave, and Lowell Ave, before it reaches a plethora of trails within the recreational open space areas. The tram route closed in 1898 after the smelter burned to the ground, and the railroad tracks were pulled up around 1901. The tramway has since been used as a pedestrian path, hiking trail, and bike route. Past development along the Crescent Tramway Trail has made it difficult to follow the pedestrian easement and it is even unrecognizable as a pedestrian trail in areas.

### **New 30 Prospector Drain - Regulatory Project**

**Manager: Foster**

This is likely project the City will need to do over the next several years. We are currently in negotiations with the EPA over the water come out of the Prospector Drain and going into the creek. EPA will likely require the City to build a small treatment facility that will address zinc and cadmium that is currently in the water. It is believed that the water contains zinc and cadmium because of historical mining activity.

### **New 31 Soils Repository**

**Manager: Foster**

Should we successfully complete the current negotiations with the EPA on the Multi-Party agreement then Park City would likely need to financially participate in a portion of the construction of a soils repository. These would be a one-time cost. Ongoing costs for the repository would likely be incurred by United Park City Mines. Park City would likely not have a future role in the operation of the repository.

### **New 33 Tire Mount/Balance Machine (FSFSTM)**

**Manager: Cashel**

This option will replace the 12 year old tire machine fleet maintenance utilizes each and every day. The current machine has exceeded its useful life by two years. The new machine will incorporate new safety features that will help ensure efficient and safe mounting/dismounting of tires.

### **New 36 Environmental Revolving Loan Fund**

**Manager: Foster**

Council directed project to use left over Johnson Control funds to continue energy efficiency projects within municipal facilities (the goal of the JCI project). Municipal departments can apply for energy efficiency funds and the "loan" is paid back through the energy savings (electricity, fuel, etc.)

# Planning Commission Staff Report



**Subject:** Rocky Mountain Power  
Master Plan  
**Author:** Thomas Eddington, Planning  
Director  
**Date:** May 11, 2011  
**Type of Item:** Informational Update

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## Summary

The Planning Commissioners received a copy of the Summit Wasatch Electrical Plan produced by Rocky Mountain Power at their regularly scheduled meeting on April 27, 2011. That document is the result of many months of meetings with a Task Force that included a broad range of stakeholders from Summit and Wasatch Counties.

The goal of the Master Plan is to illuminate three (3) main elements identified by the Summit Wasatch Electrical Plan Task Force.

- I. A list of criteria for evaluating future substation and transmissions – the criteria are broken down into three (3) categories:
  - a. General Consideration:
    - 1A System reliability
    - 1B Utilize city and county land-use general plans
    - 1C Future generation options
    - 1D Follow soil ordinance
    - 1E Balance reliability, design and cost
    - 1F Minimize transmission line-miles
  - b. Criteria for substations:
    - 2A Maximize use of existing facilities and adjacent properties before building new facilities
    - 2B Use topography to reduce visual impacts
    - 2C Protect significant viewsheds
    - 2D Build aesthetically pleasing facilities
    - 2E Avoid dedicated open space and parks
    - 2F Site in areas with high development potential
    - 2G Avoid residential neighborhoods
    - 2H Avoid adverse aesthetic impacts on development
    - 2I Avoid discrimination based on income or ethnicity
    - 2J Utilize land adjacent to other infrastructure
    - 2K Protect critical habitat, wetlands, rivers and stream corridors

- c. Criteria for transmission lines:
  - 3A Protect significant viewsheds
  - 3B Upgrade existing facilities before building new facilities
  - 3C Avoid dedicated open space and parks
  - 3D Build aesthetically pleasing facilities
  - 3E Share rights-of-way with utilities, trails, railroads, canals, roads, etc.
  - 3F Avoid residential neighborhoods
  - 3G Utilize areas with development potential
  - 3H Avoid discrimination based on income or ethnicity
  - 3I Avoid adverse aesthetic impacts on development
  - 3J Protect critical habitat, river and stream corridors
  - 3K Avoid existing trails
  - 3L Select sites that allow operations and maintenance access
  - 3M Utilize large-format (big-box) retail locations

A “scorecard” was developed (see sample on pages 16 and 45 of the Plan) that would assist RMP and communities in quantifying the location criteria for substations and transmission lines.

The goal of the Summit Wasatch Electrical Plan is to facilitate cooperative planning by local government and rocky Mountain Power for future electrical infrastructure needed for growing communities. This effort can fulfill two (2) important goals fo long-range planning:

1. Define appropriate land uses and design characteristics for future electrical facilities
2. let residents and property owners know what to expect as the community changes over time.

The Planning Department will coordinate with the Building and Engineering Departments to incorporate some of the appropriate concepts into the General Plan – Utility Element. This will be presented to the Planning Commission.

# Planning Commission Staff Report



**Subject:** General Plan  
**Author:** Katie Cattan  
**Date:** May 11, 2011  
**Type of Item:** Work Session – Informational

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## **Background**

The current General Plan was adopted on March 20, 1997 with supplemental sections added in 1999, 2000, 2001, 2002, and 2007. A minor amendment was passed in 2010 to change the name of the "Park Bonanza" Supplement to the "Bonanza Park" Supplement.

Currently the Planning Staff is working on the rewrite of the General Plan. Thus far, the Staff has focused on research and public input. The Planning Commission has discussed the General Plan as a work-session item four times since the initial start of the rewrite. It is worth noting that the Planning Staff is proposing to use the City's Visioning document (Vision Park City 2009) as the foundation for the General Plan.

### November 18, 2009 – Planning Commission Work Session

- Overview of current trends in Park City
- In-depth discussion on General Plans and the process of creating a general plan
- Consider Mission statement for Planning Commission
- Consider Brand for the General Plan
- Discussion on Growth, Evolution, and Build out

### December 11, 2009 – Planning Commission Work Session

- Overview of Vision Park City 2009 Results presented by Phyllis Robinson

### February 24, 2010 – Planning Commission Public Hearing

- Discussion on General Plan Goals (e.g. transportation, economic development, environment)
- More visual documents should be included in the General Plan
- Commissioners Volunteer for General Plan Elements
  - Community Character & Historic Preservation: Commissioner Luskin (need new)
  - Community Character & Econ Development: Commissioner Hontz
  - Land Use & Growth Management: Commissioner Peek (need new)
  - Environment/Conservation/Sustainable Dev.: Commissioner Pettit
  - Housing, Open Space and Parks and Rec: Commissioner Strachan
  - Transportation and Community Facilities: Commissioner Wintzer

### May 26, 2010 – Planning Commission Work Session

- Introduce proposed Public Outreach methods to Planning Commission

July 20, 2010 – Public Outreach Meeting at Eccles

- 24 members of the public attended

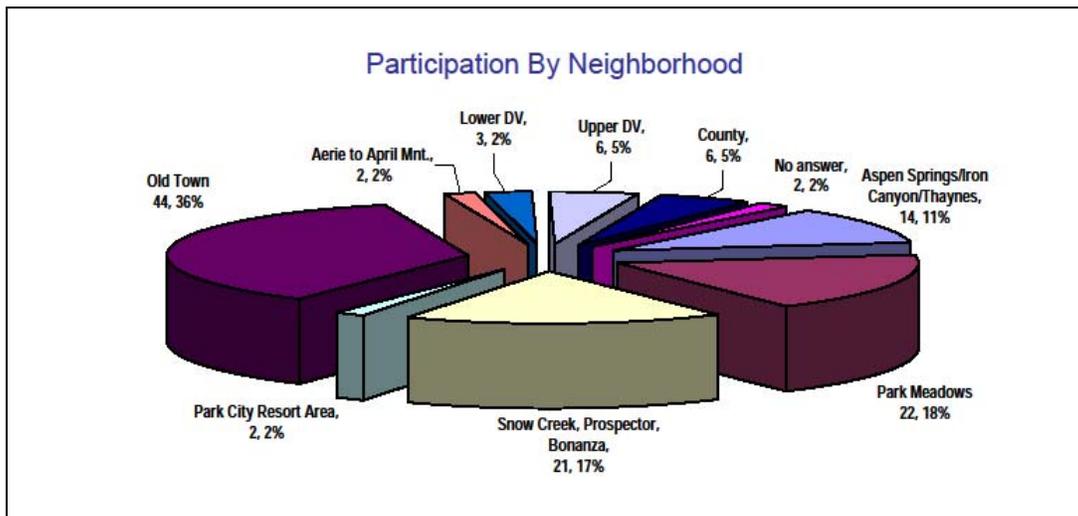
July 27, 2010 – Public Outreach Meeting at Eccles

- 29 members of the public attended

October 28, 2010 – Public Outreach Meetings in specific Neighborhoods:

Thaynes-Three Kings meeting @ Silver Star  
 Park Meadows @ Police Station  
 Snow Creek-Prospector @ Yellow Snow  
 Old Town & Aerie @ Alpine Internet Café  
 Deer Valley Meeting @ Deer Valley Plaza

- 70 members of the public attended



**Analysis**

Public Outreach

A total of 123 residents participated in the public outreach meetings. The evenings were set up in an informal format with sign-in and neighborhood stickers given out followed by the distribution of = surveys to be completed. The public was encouraged to complete the survey prior to participating in the hands-on exhibits, however, Staff also made the survey available online and at the Department’s front counter.

The written survey included questions regarding: types of appropriate neighborhood development, parking-pedestrian and vehicular accessibility, sustainable initiatives and a matrix of detailed possible uses and locations. A write-in area was also provided to help identify neighborhood ‘special places’.

Upon completion of the written survey the public was directed to their neighborhood map and provided with a set of stickers representing different uses

and encouraged to place the stickers in the places they thought the uses were appropriate within the specific neighborhood. Such stickers included graphics representing a neighborhood pocket park, outdoor stage, neighborhood convenience store, bike racks, void area needing attention, bus stop, deli, mixed use, farmers market, dedicated car share parking, public art, and a blank sticker to write in ideas. There was also an option to place stickers under a title stating “there are enough of these in my neighborhood” and “this does not belong in my neighborhood” (noted below).



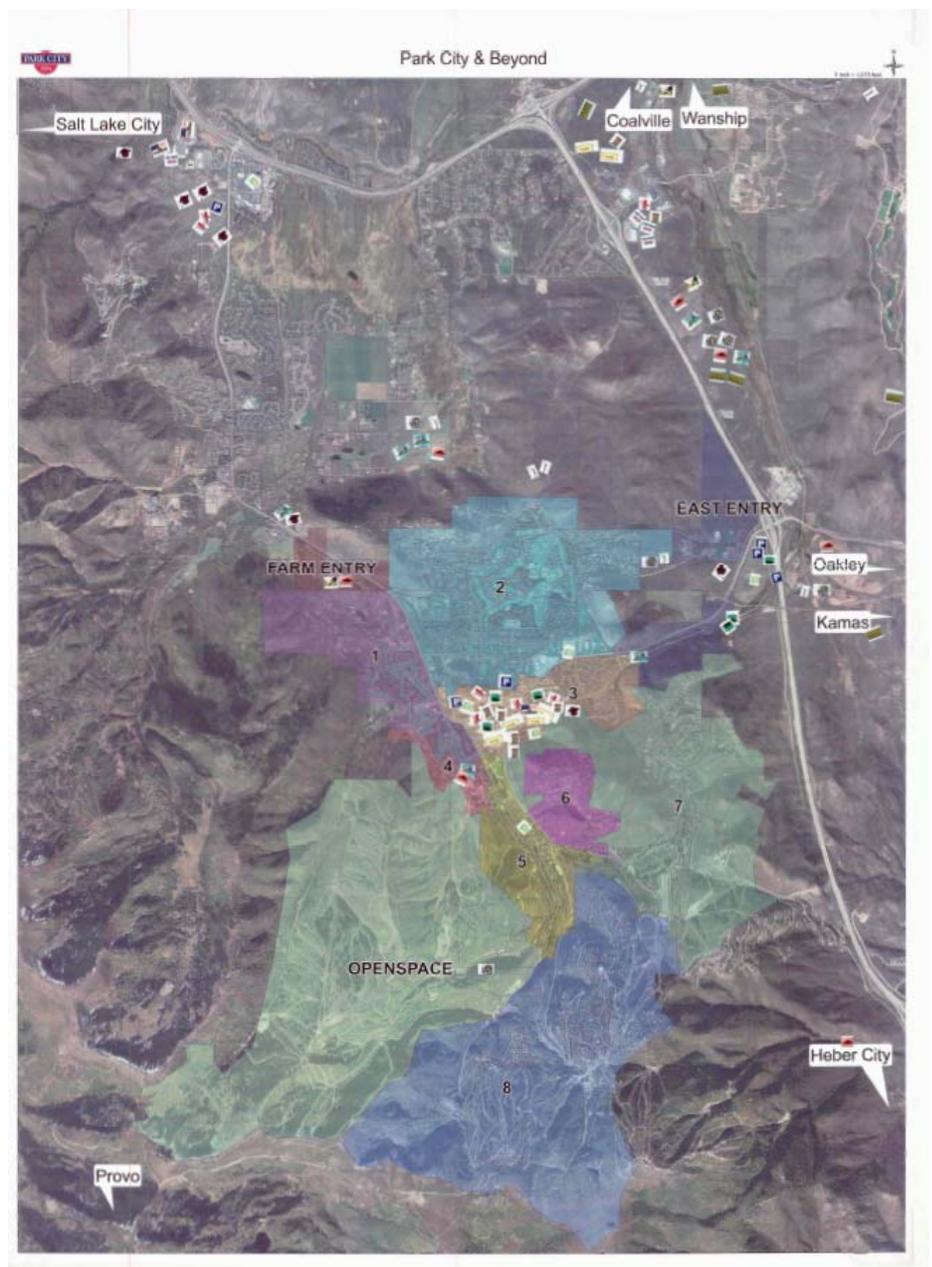
Below is an example of the Park Meadows neighborhood for illustrative purposes only (Staff has quantified the results and will present at a later date to the Planning Commission):



Next the residents were directed to a larger map titled “Park City and Beyond.” Again the participants were given stickers and encouraged to place stickers in the areas that they believed the uses were appropriate. Stickers included solar farm, agriculture, livestock, community garden, community compost, national chains, locally owned commercial, big box, affordable housing, higher education facility, convention center, mixed use, dedicated car share parking, future work hub.



The option of “This does not belong in my city or beyond” was also given. The map below illustrates some of the public input. These maps have been quantified for analysis by Staff:



The next step for the general public at the neighborhood session included providing input for proposed General Plan goals/ideas. Participants were given green stickers to mark goals they agreed with the most and red stickers for goals they disagreed with. Results are listed below in green (agree) and red (disagree) for one element of the General Plan (all elements were tracked and recorded). The goals that are bolded indicate strong community support; the goals that are not bolded are in the mid-range of support; the goals that are in red text indicate lack of support by the community residents that participated in the event:

		GENERAL PLAN ELEMENT GROWTH MANAGEMENT
53		<ul style="list-style-type: none"> <li>• <b>To remain a small historic town, with a sense of community while preserving our natural setting.</b></li> </ul>
36		<ul style="list-style-type: none"> <li>• To grow in an environmentally responsible manner for future generations.</li> </ul>
43		<ul style="list-style-type: none"> <li>• <b>To encourage re-development areas where adequate public facilities exist or can be provided in an efficient manner with no additional negative impacts to the community as a whole.</b></li> </ul>
51 2		<ul style="list-style-type: none"> <li>• <b>To prevent sprawl and encourage responsible re-development.</b></li> </ul>
19 5		<ul style="list-style-type: none"> <li>• Create a regional approach to growth management with Summit County and Wasatch County.</li> </ul>
7 25		<ul style="list-style-type: none"> <li>• <b>Track build-out within existing subdivisions annually.</b></li> </ul>

The final step was a free thinking idea “wish list” which let the public provide written input on any items for further discussion:



There was a tremendous amount of information gathered in these public outreach meetings. In an effort to save paper, the Planning Department will present those findings during the May 11, 2011 meeting with a power point presentation as well as posting links to that information on the City website. The Department has created a page on our website that will be introduced during the May 11, 2011 meeting.

#### Community Task Force

The Planning Department is going to form a Community Task Force. The following organizations will be requested to participate. Quarterly meetings will be held with the Task force to provide update on the Plan and receive feedback from the organizations:

- Park City Mountain Resort
- Deer Valley
- Historic Park City Alliance (HPCA)
- Chamber of Commerce
- Park City Historic Society
- Wildlife Preservation Society
- Park City School District
- Park City Fire District
- Snyderville Basin Water Reclamation District

- Summit County
- Wasatch County
- UDOT?
- Board of Realtors
- Citizens from the community
- County and/or outside Board representatives?

Upcoming Meetings

June 8, 2011	Planning Commission Meeting – Introduction to format of General Plan, discussion of branding, and Request For Proposals (RFP) discussion
June 15, 2011	Publish RFPs for specialized additional studies/analysis
June 2011	University of Utah partnership formed
June 2011	Regional Planning partnership formed
June 22, 2011	Planning Commission Meeting – Discussion of General Plan and proposed layout that builds on the City’s Visioning Levers

**Recommendation**

The Planning Commission should review the information and provide input on the next steps. This report is intended to serve as an update; the proposed discussion on June 8<sup>th</sup> will provide an opportunity for the Planning Commissioners to address issues in more detail.



## **MINUTES – APRIL 27, 2011**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 27, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Katie Cattan, Planner, Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Wintzer called the meeting to order at 5:47 p.m. and noted that all Commissioners were present except Commissioners Strachan and Pettit who arrived later.

**PUBLIC COMMUNICATIONS**

There was no comment.

**ADOPTION OF MINUTES**

The minutes were approved later in the meeting when all the Commissioners were present.

Commissioner Strachan thought the header reading March 23, 2010 was incorrect and should be changed to March 27, 2010.

Commissioner Strachan referred to page 25 of the Staff report and corrected Sally Fuety to read Sally **Fuegi**.

**MOTION:** Commissioner Strachan moved to APPROVE the minutes of March 27<sup>th</sup>, 2011, subject to the corrections. Commissioner Savage seconded the motion.

**VOTE:** The motion passed unanimously by the Commissioners who attended that meeting. Commissioner Pettit abstained since she was absent.

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

Planning Director Eddington reported that the Treasure Group had submitted a request to continue a stay on the Treasure Hill Conditional Use Permit that would expire on April 30, 2011. The request was to extend the stay an additional two months to continue negotiations with the City team. The stay was granted through June 30, 2011. Director Eddington stated that progress has been made in the negotiations, and if progress continues, the stay could be extended to November 30, 2011.

Planner Katie Cattan stated that beginning June 1, 2011 she would be project managing the General Plan. The Staff report for the next meeting would include the findings from all the Outreach. They have also been working on a website that will be introduced to the Planning Commission at the next meeting. Planner Cattan reported that the Staff is also in the process of putting together a task force. The RFPs will be introduced during the June 8<sup>th</sup> meeting and the intent is to publish the RFPs by June 15<sup>th</sup>. Director Eddington explained that the RFPs were specific studies from outside consultants that the Staff has asked to help with the General Plan. Planner Cattan requested that the Commissioners start thinking about suggestions for branding the General Plan for discussion at the next meeting. A public competition will be conducted to create a General Plan logo.

Planner Cattan stated that she and Director Eddington have been working actively with the University of Utah Partnership, as well as the Regional Planning Partnerships. An outline of the General Plan would be presented at the first meeting in June. Planner Cattan noted that a full-time contract planner would be hired for one year to take over her regular duties to allow her time to focus on the General Plan.

Chair Wintzer requested an email outlining a timeline for the General Plan topics. He would also like to have more Commissioners involved in working on the General Plan.

Planner Cattan stated that the Planning Commission would be provided with a general update on the General Plan through Staff Communications at each meeting. The Staff had prepared a timeline that would be included in the next Staff report.

Chair Wintzer congratulated Dick Peek for his new position on the City Council. Commissioner Peek remarked that it had been a pleasure serving on the Planning Commission.

Assistant City Attorney, Polly Samuels McLean, reported that Jodi Hoffman and the State Ombudsman for Property Rights would be doing training at the May 25<sup>th</sup> Planning Commission meeting. It would be scheduled as a work session item.

### **CONTINUATION(S) – Public Hearing and Continue to Specific Date**

2780 Telemark Drive – Appeal of Staff's Determination  
(Application #PL-11-01234)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 2780 Telemark Drive to May 11, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

573 Main Street – Claim Jumper Plat Amendment  
(Application #PL-10-01105)

Chair Wintzer opened the public hearing.

John Plunkett stated that he and his wife have lived in Park City for 20 years. They live on Park Avenue, behind Main Street facing the rear of the Claim Jumper. He and his wife have restored a number of historic houses and they live in one of them. Mr. Plunkett understood that the Claim Jumper had submitted an application for plat amendment in order to allow new uses in the Claim Jumper. Mr. Plunkett noted that the application refers to 573 Main Street in the HCB zone. He pointed out that the building overlaps on to 572 Park Avenue with a new addition that was built in the 1990's. Based on that information, Mr. Plunkett requested that the City ask the applicant to include these Park Avenue lots in their application as part of the location. The location is going to be subzone A of HR-2. Mr. Plunkett highlighted the difference between the subzones A and B in HR-2. He noted that the HR-2 refers to the backside of Main Street on both sides. Subzone B primarily refers to Swede Alley and currently allows most commercial uses. However, Subzone A prohibits any commercial uses. For that reason, it is important that it become part of the application. Mr. Plunkett remarked that he has been communicating with the Planning Department to resolve the problem.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 573 Main Street to May 11, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Modification to Emergency Plan for Empire Pass – Amendment to Technical Report  
(Application #PL-11-01-208)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE the amendment to the technical report for Empire Pass to May 11, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

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

**1. Consideration of a General Plan Amendment – Modifications to the Park City General Plan Land Use Map (Application #PL-11-01225)**

Planner Cattan reported that the current General Plan land use map needs to be updated to reflect changes that have been made since 1997. Since that time, the City boundary has been updated and the annexation declaration area has been added. Significant open space has been acquired. Receiving areas were identified for residential and commercial and the City recently passed a Transfer of Development Rights Ordinance.

Planner Cattan stated that the Staff amended the land use map to remove land uses for land outside of the Annexation Declaration area, since the Planning Commission and the City Council would not have purview of that land unless the Annexation Declaration is amended.

Planner Cattan outlined the proposed changes to the land use map as identified in Exhibit A in the Staff Report. She noted that the soccer field and ice rink under Quinn's Junction was labeled open space, and that should be changed to Institution because they are public facilities. If the Planning Commission forwards a positive recommendation to the City, she would like that modification to be incorporated.

Chair Wintzer asked if the undeveloped open space was deed restricted. Planner Cattan answered no, and explained that undeveloped open space is not deed restricted at that point. Director Eddington indicated areas on the map around PCMR as an example. If the area is within the City boundary it is typically ROS, Recreation Open Space. Chair Wintzer questioned why it was not called Recreation Open Space instead of Undeveloped Open Space. Director Eddington clarified that they were looking at a land use map; not a zoning map.

Chair Wintzer asked if development rights were attached to the undeveloped open space. Director Eddington replied that some undeveloped open space has development rights, but not all of it.

Planner Cattan noted that the new General Plan would reflect all the conditions and definitions.

Commissioner Hontz asked about an island that was shown on the map. Planner Cattan stated that the island is a portion of farm property coming into town. Assistant City Attorney McLean explained that when the land around the island portion was annexed, that portion became part of an agreement. The island portion is County property, but the City has the option to annex it whenever it is developed.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to forward as POSITIVE recommendation to the City Council pertaining to the amendments to the Park City General Plan Land Use map as amended this evening regarding public facilities open space. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan and Commissioner Pettit were not present.

**2. 811 Norfolk Avenue – Plat Amendment**

(Application #PL-10-00988)

Planner Cattan reviewed the application for a plat amendment for 811 Norfolk Avenue.

Planner Cattan provided a brief history of prior reviews and approvals that have occurred on 811 Norfolk Avenue. She noted that the applicants were unable to move forward with the plat amendment until the HDDR review was addressed because there was movement on the landmark structure.

Planner Cattan reported that movement of the landmark structure was approved by the Historic Preservation Board. However that decision is being appealed by the neighbors and the appeal will be heard on May 17<sup>th</sup>. The appeal would not affect this plat in any way. Condition of Approval #3 states, “The plat may not be recorded until the Landmark Structure is moved on to Lot 3 or encroachment agreement is signed by the property owner of Lot 4 to the north”. If the BOA allows the structure to be moved, it must be done prior to recording the plat. If movement is denied, an encroachment agreement would have to be signed prior to moving forward with the plat. Considering the history, the Staff placed a condition of approval on the plat amendment.

Mark Kosak, representing the applicant, felt it was important to note that Condition of Approval #4 also helps to address the issue. Condition #4 states, “The appeal on the movement of the house must be resolved prior to recordation”.

Planner Cattan reported that Jeff Love, the applicant, owns the south portion of Lot 2 and all of Lot 3. The application this evening is to combine the portion of Lot 2 and all of Lot 3 into one lot of record.

The Staff recommended that the Planning Commission consider forwarding a positive recommendation according to the findings of fact, conclusions of law, and conditions of approval outlined in the ordinance.

Mark Kosak, reiterated that Mr. Love is trying to combine one lot and a partial lot to clean up the plat. Mr. Love stated that he cannot do an addition on the historic structure until the property line between the north half of Lot 2 and Lot 3 is removed. The Building Department will not issue a building permit over a property line. He felt that combining a partial lot with a full lot was a routine plat amendment.

**Commissioner Pettit arrived at 6:05.**

Chair Wintzer opened the public hearing.

Katherine Matsumoto-Gray, a neighbor next door to the property, provided comments from the perspective of the neighbors involved. She felt it was clear from the series of applications submitted, that the intention is to subdivide a historic site, increase density in a historic neighborhood, and to do infill development within one single historic site, in order to increase the developer's profit from this investment. Ms. Matsumoto-Gray believed it would be to the detriment of the neighborhood. Many neighbors have spoken on this matter several times. They like their historic street and all the historic houses on that side of the street between 8<sup>th</sup> and 9<sup>th</sup> Street either significant or landmark structures. Ms. Matsumoto-Gray stated that this plat amendment is part of a process to build the first new infill house within and disrupting one of those historic sites. She remarked that because small pieces have been dealt with between the County, the HPB, and now the Planning Commission, no one has noticed that the larger development plan is not consistent with historic preservation or the guidelines.

Ms. Matsumoto-Gray stated that the pending appeal is well addressed in the conditions of approval for the plat amendment, but she requested that the Planning Commission consider continuing a decision until after the appeal has been heard. She pointed out that even if the appeal is not granted, the house is for sale and another owner may not want to move it. Ms. Matsumoto-Gray stated that approving this plat amendment would subdivide a historic site, and although the Historic District Guidelines do not address that specifically, it is consistent with many of the guidelines. Ms. Matsumoto-Gray had submitted a letter, and in her letter she talked about retaining the built to unbuilt ratio on historic sites, preserving landscape features, preserving the character and the feel of the historic district. She believed that infill construction within a historic site and disrupting the connection between an accessory building and the main building disrupts the character and significantly changes the site.

Ms. Matsumoto-Gray commented on another request that went before the Historic Preservation Board to take an accessory building off of the historic sites inventory. The accessory building was deemed to be historic by the HPB and was saved. She noted that part of their decision was based on the fact that the historic house has a significant tie with Park City history, and the accessory building, the garage, and the house are related. Ms. Matsumoto believed those same issues were relevant in make a decision on the plat amendment. She did not think the two structures should be subdivided away from each other. Preserving sites is something they need to seriously consider.

Ms. Matsumoto explained that one argument in their appeal is that the two owners of the two lots are working together and they are being represented by the same person. It was evident that the guidelines were not read as instructions for how a developer could move a house. She believed that developers can find ways around regulations, but it should not fall to the detriment of the neighbors. Ms. Matsumoto did not believe the property should be allowed to be subdivided because it would negatively impact the historic significance of the neighborhood.

Linda McReynolds stated that she lives three houses down from the house at 811 Norfolk. She reminded everyone that the property was purchased as one parcel. It was

not purchased as four lots or with the possibility of two lots. She noted that the five or six houses on the upper side of Norfolk had this historic spacing prior to 1895. Her house was the last house built in 1895. Ms. McReynolds believed that some of the houses pre-date the mining boom. She read from the design guidelines, "Projects involving landmark sites must adhere to the strictest interpretation of the guidelines". "Maintain existing front and side yard setbacks of historic sites". Ms. McReynolds urged the Planning Commission to explore this matter in depth. She agreed with Ms. Matsumoto-Gray, that everyone has seen a different piece, but it has not been looked at as one application. It is very distressing to the neighbors to see a landmark house moved so casually.

Chair Wintzer closed the public hearing.

**Commissioner Strachan arrived at 6:15 p.m.**

Commissioner Savage could not understand the boundary conditions associated with the role of the Planning Commission, relative to the comments made by the public. He noted that the decision to move the home is the purview of the HPB and not a decision for the Planning Commission. In addition, there is an appeal pending on that decision. Commissioner Savage remarked that the outcome of that appeal would have meaningful impact on any decision they would make regarding the plat amendment. He recommended that the Planning Commission continue this item until they know the outcome of the appeal.

Commissioner Pettit concurred with Commissioner Savage. Until they know the outcome of the appeal, it is difficult to evaluate some of the conclusions of law they are required to make in considering the plat amendment application. Commissioner Pettit preferred to give the Board of Adjustment a clear record based on action that clearly relates to the issue of the appeal, and not cloud it with approval or denial of the plat amendment.

Commissioner Peek concurred. He felt that an odd sequence of events had created the situation.

MOTION: Commissioner Peek moved to CONTINUE 811 Norfolk Avenue to a date uncertain, based on the appeal with the Board of Adjustment. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan abstained since he was not present for the applicant's presentation.

**3. SA-139-A, 817 Norfolk Avenue – Plat Amendment**  
(Application #PL-10-00989)

Planner Cattan reviewed the application for a plat amendment for tax ID number SA-139-A. She noted that the property known as 817 Norfolk Avenue has not been given a formal address, which is why the application has the tax ID number.

Mr. Kosak explained that like the request for 811 Norfolk, this plat amendment would combine all of Lot 4 and a portion of Lot 5 into one lot. He stated that this is a completely unrelated issue of the HPB's decision, which will be reviewed by the Board of Adjustment on May 17<sup>th</sup>. He noted that the BOA scope of review on the prior decision will be whether or not that decision is supported by evidence in the record. The BOA does not have the authority to craft a solution and nothing new will come from the appeal process. It will only be a decision of yes or no as to whether the HPB decision stands.

Mr. Kosak remarked that during the HPB meeting he spoke at great length about public clamor. He stated that public comment should be specifically focused on the application of the LMC to a very specific set of facts. That is the role of this body and it was the same for the HPB. Mr. Kosak stated that there is significant case law in Utah that shows that public clamor by enough people at the podium for the purpose of influencing the decision making body is wrong. Mr. Kosak was frustrated because each time they come in good faith with materials to show everyone, and they get a lot of public clamor. The comments heard at the beginning of this process and the ones they hear now are conflicting and inconsistent. Mr. Kosak believed that it comes down to neighbors wanting what they have always had without having to pay to keep it that way. The applicant owns the land and the City has been saying for a year that another house could be built. It is a lot of record and nothing will change that fact. Mr. Kosak stated that the applicants are willing to work with the City at any time. Regarding the comments about bits and pieces, they have had the same planner, the same attorney and the same architect throughout the entire process. It is a holistic approach. He believed the HPB ruled in their favor because they were fond of the project.

Commissioner Pettit stated that in looking at the purpose statements for the HR-1 District, several elements made her question whether she could ever be in a position to make a conclusion of law that the plat amendment is consistent with the purpose statements. She read from the purpose statements; a) to preserve present land uses and the character of the historic residential areas of Park City; b) to encourage the preservation of historic structures; c) to encourage construction of historically compatible structures that contribute to the character and scale of the historic district in maintaining existing residential neighborhoods; d) to encourage single family development on combinations of 25' x 75' historic lots. Commissioner Pettit clarified that those are the types of purpose statements she will be looking at when she evaluates whether the plat amendment application meets the intent of the Land Management Code.

Chair Wintzer noted that the purpose statements regarding subdividing also talk about similar elements, such as compatibility with existing neighbors. He concurred with Commissioner Pettit's comments.

Commissioner Peek stated that he went online to the County website and it appears that the Warranty Deed for the entire site was recorded on 6/2/2010 to Jeff Love. On 6/3/2010, the Warranty Deed was transferred to Rod Ludlow. In his opinion, having a house encroaching on the lot that the Warranty Deed was transferred would put that transaction at risk. Regarding public clamor, Commissioner Peek stated that he has been on the Planning Commission for three years, and the public comment this evening was the most articulated input he has heard. He noted that Ms. McReynolds sat on the

previous Historic District Commission and her argument was welcomed and well-articulated.

Chair Wintzer opened the public hearing.

Jeff Love, the applicant, argued that this plat amendment was not a subdivision. The lots were created in 1880 and they have been separated since that point.

Chair Wintzer asked if Mr. Love would be changing the lot lines. Mr. Love explained that they were trying to eliminate the half lot but they were not subdividing. Chair Wintzer pointed out that in Park City, changing a lot line is considered a subdivision and it falls under the subdivision ordinance.

Regarding Mr. Ludlow's property, Mr. Love found it interesting that in July when the Staff wanted to remove the garage from the Historic Sites Inventory, several people pleaded and begged to save the garage. He pointed out that those same people are now trying to prevent that garage from being reconstructed, because it cannot be reconstructed without a plat amendment. The garage is unsafe and the application clearly states that per the Building Department, an unsafe structure must be taken down. Mr. Love pointed out that Mr. Ludlow cannot obtain a building permit for the garage until the plat amendment is settled.

Mr. Love believed the opposition was a classic case of "not in my neighborhood". The neighbors do not want construction in their neighborhood and they are trying to deny he and Mr. Ludlow their property rights. Mr. Love stated that two of the appellants on his approval are Gary Bush and Linda McReynolds. He noted that in 2005, Gary Bush purchased property and subdivided it into three buildable lots. He moved two historic homes that were eligible for the National Registry and tore down a historic garage. The homes are no longer eligible for the National Register because of how he changed them. Mr. Bush is now appealing the movement of Mr. Love's house 6 feet. Mr. Love pointed out that Linda McReynolds represented Mr. Bush in that transaction and help facilitate the process.

Katherine Matasumoto Gray stated that the comments she made on 811 Norfolk applies to this application.

Chair Wintzer closed the public hearing.

Commissioner Hontz reserved the right to provide her comments until this item comes before them again, per the discussion on 811 Norfolk. However, she concurred with the previous comments made by Commissioner Pettit and Commissioner Peek. Commissioner Hontz felt it was important to listen to the members of the public, particularly when they are calm and articulate and participate in the process. Controlling the emotion and focusing on the issues makes better projects, and that was what she saw that this evening.

**MOTION:** Commissioner Pettit moved to CONTINUE the SA-139-A on Norfolk Avenue application for a plat amendment until a date that will be determined after the resolution

of the appeal before the Board of Adjustment. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**4. 1409 Kearns Boulevard, Coffee Kiosk – Conditional Use Permit**

(Application #PL-19-01121)

Planner Cattan reviewed the application for a drive-up coffee kiosk located at 1409 Kearns Boulevard within the General Commercial District, and also the Frontage Protection Zone. Planner Cattan clarified that a drive-up is allowed within the General Commercial Zone. However, because this application is within the Frontage Protection Zone along Kearns Boulevard, a conditional use permit is required.

Planner Cattan reported that Planner Francisco Astorga conducted the analysis on this project and found that the project was in compliance with the CUP criteria.

Ben Buehner, the applicant, stated that he is a long time Park City resident. Mr. Buehner proposed to do a drive-thru coffee kiosk on property owned by Mark Fischer and Mike Sweeney off of Kearns Boulevard. He believed the structure would enhance the area and provide a service to Park City.

Mr. Buehner reviewed the site plan and believed they had addressed the issues that were important to Park City. The issues included the landscape plan and drainage. They also worked with UDOT to address the issues regarding traffic flow and circulation. Mr. Buehner presented the vehicle circulation plan and noted that there would be two drive-up windows on either side of the kiosk. Mr. Buehner stated that he approached Mike Sweeney two years ago and it has taken that long to work through the process to reach this point.

Mike Sweeney stated that after he was approached by Mr. Buehner, he contacted Mark Fischer. Mr. Sweeney clarified that he is not a property owner of that location. He is the agent for Mark Fischer and he has helped with the project. Mr. Sweeney stated and he and Mr. Fischer looked at it as a business opportunity and found that it had two pluses. He noted that every year Mr. Fischer spends a significant amount of money removing all the trash and construction material that gets dumped on this property. This was a way of cleaning up the area without have to install a fence. Having a business in that location would discourage people from dumping on the property. Mr. Sweeney stated that he was also able to convince Mr. Fischer to ask the people who park their equipment on that property to remove it. He did not believe it was appropriate to have the blithe that he looks at every day, and it was counter to their efforts to clean up the area. Mr. Sweeney remarked that the rent revenue would be low, but they would get the property protection that is badly needed.

Mr. Sweeney stated that Mr. Fischer offered other properties to locate the kiosk, but Mr. Buehner preferred this location. Mr. Fischer agreed to let him use the property, subject to an agreement that at the time of redevelopment, the kiosk would be removed. Mr.

Sweeney noted that the coffee kiosk will be part of the pre-MPD for that area of Bonanza Park.

Mr. Sweeney referred to Finding of Fact #16, "The proposed kiosk is not designed to offer its services to pedestrians", and stated that this was incorrect. The kiosk is designed to handle bikers and pedestrians. Mr. Sweeney pointed out that the Staff proposes to limit the CUP to three years. He requested that the Planning Commission consider allowing the owner the opportunity to come back in three years and request an extension until the time when redevelopment begins.

Commissioner Savage was concerned about traffic congestion during the winter. He asked if a traffic study had been done to address ingress and egress relative to existing traffic on Kearns Boulevard. Mr. Sweeney replied that to his knowledge, there has not been a specific study. They made the assumption that it was already permitted to put in a driveway. In addition, the grocery store generates more traffic than what would occur with the kiosk. Mr. Sweeney pointed out that a lot of commercial activity comes off the driveway. During the construction of Bonanza Park, that was a thoroughfare for people to go through and where the City stored construction materials.

Commissioner Savage was concerned about the traffic congestion caused by people coming into Park City on Kearns Boulevard and trying to make a left hand turn into that area for a cup of coffee. He wanted to make sure that had been considered and that the Planning Commission was comfortable with it.

Mr. Buehner stated that although there is not a formal study, UDOT spent a considerable amount of time on traffic issues and determined that it fits within the criteria set by UDOT.

Chair Wintzer opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside Avenue, referred to page 84 of the Staff report, which showed the traffic circulation. Ms. Meintsma was excited about the drive-through, but she was concerned about traffic. She frequents a coffee kiosk in on 9<sup>th</sup> South and 11<sup>th</sup> East in Salt Lake. It has two lanes, but the cars are often lined up out into the street on 11<sup>th</sup> East. Ms. Meintsma felt it would be better to have more room for the car lineup on entrance, since those are the cars waiting and not moving. She did not believe there was sufficient room as currently proposed.

Chair Wintzer closed the public hearing.

Commissioner Luskin asked if anyone had calculated the number of cars that could fit before cars back up on Kearns Boulevard. Mr. Buehner reiterated that there would be a drive-up window on both sides, as well as a pedestrian window on the east side. There is enough space to allow for four cars before getting close to the cement entryway. There is ample room to bypass those cars on the right hand side, circle around and access the other side. Mr. Buehner stated that if they are faced with ten or eleven cars at one time consistently, they would look at other methods to speed up the process.

Commissioner Peek referred to page 75 of the Staff report, #15 of the Staff analysis, "The site is within the soils ordinance boundary and has been identified by the City as non-compliant with the soil ordinance". He visited the site and even though it had recently rained, there was still dust caused by cars. Commissioner Peek did not like the idea of having an open air food service operation next to unsafe soils. He understood there was a mitigation plan for the site, but it would take mitigating the entire area before he could feel comfortable with having an open food service facility.

Mr. Buehner agreed. He noted that based on the landscape plan, it would not be paved or capped per standards of the soils ordinance. However, it will be crowned out with gravel and they will use millings, which is a recycled asphalt, for a paved look.

Commissioner Peek understood that the entire dirt lot would not be capped over to the paved areas to the south. Mr. Buehner thought it might be possible that Mr. Fischer would be willing to do the second half. He had not spoken to Mr. Fischer or Mr. Sweeney on the matter, but he intended to speak with them privately. Mr. Buehner pointed out that the dirt lot Commissioner Peek referred to is partially paved because that pavement spills into the No Place Like Home and the Clinic Building. The worst part of the lot is what he intends to improve.

Commissioner Savage asked if this project would force people going into Annaya's to go back the other direction. Mr. Sweeney replied that the traffic for Annaya's would go straight through. Mr. Buehner thought the project would help slow the traffic because there will be a more proper ingress and egress. The driveway will be more defined as opposed to having an open parking lot.

Commissioner Peek reiterated that in his opinion, an open air food or drink facility was inappropriate unless the entire area could be mitigated from dust. He hoped the property owner would consider improving the second half.

Chair Wintzer stated that in two different locations, the General Plan talks about not allowing drive-up windows. Park City recently passed a no idling ordinance that exempts drive-up windows. He pointed out that the City is trying to become more environmentally friendly, yet they were creating a drive-up window that would not need to comply with the idling ordinance. Chair Wintzer felt there was a conflict between the General Plan and the LMC, because it is allowed under the LMC.

Chair Wintzer noted that the Bonanza Park supplement of the General Plan talks about not creating any more minor intersections on to Kearns, Bonanza or Park Avenue. However he did not believe that was applicable in this case. It also talks about creating this area into a non-traditional shopping center. He felt that adding a kiosk creates another shopping center like ones in Salt Lake City.

Chair Wintzer noted that a coffee kiosk is not defined under the purpose statements for the Frontage Protection Zone or the GC zone in the Land Management Code. Chair Wintzer believed the project would create more left turns coming in and out of this project. It will slow traffic in an areas where they already have a traffic problem. Chair Wintzer referred to the comment that the applicant wants to work this kiosk into the

master plan of Bonanza Park . He was unsure how the Planning Commission could approve something temporarily, and eventually there would be a drive-up coffee kiosk under the new MPD, when it is not permitted in the General Plan at all.

Chair Wintzer stated that in his history in Park City, two kiosks and one fast food facility in the same area were turned down for the reasons he just stated. He felt it was inconsistent with the General Plan. They could consider changing the General Plan, but they cannot continue to ignore it as they move forward on projects.

Mr. Sweeney pointed out that there are “drive-up kiosks” in the area. There are banks, a Burger King, and a number of other places with drive-ups. Mr. Sweeney felt the point regarding no idling was valid, and he believed the applicant could control that with signage asking people to turn off their engines.

Chair Wintzer noted that Burger King was in before the General Plan, which is the reason the issue is now addressed in the General Plan. Banks and the others have drive-up windows in conjunction with another business. The business does not depend on the drive-up window. The General Plan discourages independent drive-ups.

Commissioner Pettit was conflicted. She spends a lot of time in Salt Lake neighborhoods where there are coffee kiosks, and she likes them. However, they do create potential traffic issues. Commissioner Pettit referred to page 73 of the Staff report that talks about the location and amount of off-street parking and limiting the number of employees to two. She stated that when she visits a coffee kiosk she has seen a minimum of three employees. One person takes the money, the second person makes coffee, and the third person is outside taking orders from the cars to keep things moving. She suggested that there may be an advantage to adding an employee in terms of making the operation more efficient and to keep cars moving.

Commissioner Pettit asked about the possibility of adding another egress to keep traffic flowing in another direction, if they find that the proposed plan creates too much of a traffic issue on Kearns Boulevard. Commissioner Pettit agreed with Chair Wintzer on the fact that the General Plan is the guiding document. This area is within the Frontage Protection Zone and creates an initial statement to visitors coming into Park City. In thinking of what her vision of the community would be by having a coffee kiosk in that location, she was inclined to think that it might not be a bad thing because of its size, quaintness and ease of access.

Commissioner Hontz stated that she was also conflicted. She felt the three year use was positive because they can see how it works and if they like it. She liked the idea of cleaning up the area and bringing some life back into it before it redevelops. Commissioner Hontz could also see the down side of potential traffic issues and inconsistencies with the General Plan. She enjoys utilizing drive-up coffee kiosks in Salt Lake and he hoped they could overcome some of the impacts. Commissioner Hontz agreed that idling was an issue, but she felt that could be addressed in a condition of approval.

Commissioner Luskin stated that he was not conflicted. He stops at a coffee kiosk every day in Salt Lake and there is a big sign that reminds people to turn off their engines. Commissioner Luskin thought the traffic situation was a guessing game, but he believed that things always tend to work themselves out. The concern about making a left turn on Kearns Boulevard is always problematic. Commissioner Luskin favored the kiosk.

Commissioner Strachan was comfortable with the kiosk, particularly with a sunset date. If it does not work, it will sort itself out. Commissioner Strachan liked the idea that someone wanted to make the area a usable place, instead of letting it deteriorate while waiting for an MPD. This is where commercial happens and cars go in and out all day. Commissioner Strachan remarked that the General Plan is a difficult document to satisfy in every respect. He noted that parts of the General Plan encourage business and economic growth. Commissioner Strachan thought they should allow the kiosk for three years to see how it works.

Commissioner Pettit asked if they could add a condition of approval that requires a review in six months or a year. She wanted to understand how the traffic flows in and out of the area. If they move forward to approve it, she would like the ability to impose further conditions.

Chair Wintzer felt that would be hard to do. Currently, the applicant has three years to recoup his investment and conditioning a review in one year was not fair to the applicant. Chair Wintzer suggested that if the Planning Commission voted to approve, they should leave the three year time period.

Director Eddington suggested adding language to Condition of Approval #5, requiring that the City Engineer look at the traffic movements and make recommendations, when he does his yearly inspection of the milling.

Commissioner Pettit thought they should have the ability to impose further conditions as it relates to the traffic flow.

Commissioner Peek asked if it was appropriate to require the landowner to mitigate the soils and basically creating a driveway from Kearns to the pavement adjacent to his buildings. The Commissioners discussed the areas that are paved and the areas that Commissioner Peek thought should be improved to create a safe environment for an open air food service. Roger Evan, the Building Official, pointed out that soils cannot be removed unless it is taken to an approved disposal facility. He pointed out that it is sufficient for the applicant to cap the soil.

Mr. Buehner clarified that Chair Wintzer was talking about paving the small portion on the left hand side, and not the runway towards Annaya's. Chair Wintzer clarified that as he is driving towards Annaya's, the dust that he stirs up should be mitigated. Chair Wintzer suggested adding a condition of approval stating that the direct traffic that drives through there needs to be driving on capped soil.

Planner Cattan expressed concern that they would be creating a new road that would enter into the Bonanza Park Area. She was more comfortable having that reviewed by

the Public Works Department or the City Engineer, rather than tagging a condition of approval onto the application.

Planner Cattan read the additional conditions of approval for clarification. Condition of Approval #8, "The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission".

Condition of Approval #9, "Further soil mitigation is required to address the access between Bonanza and Kearns Boulevard, subject to the City Staff review and approval".

To address the issue of pedestrian patrons, Finding of Fact #16 was revised to read, "The proposed kiosk is designed to offer its services to pedestrians and cyclists".

Planner Cattan added Condition of Approval #10, "Signage for no idling is required".

Commissioner Savage asked about lighting plans. Mr. Buehner replied that it would be basic outdoor lighting. He is currently working with the health department on interior lighting. The outside lighting would be whatever is required. Commissioner Savage thought the kiosk and pathway should be well lit for the early morning hours to be visible and draw people in. Planner Cattan noted that the lighting would need to comply with the lighting ordinance in the LMC, and that would be reviewed by Staff.

Mr. Buehner remarked that the landscape plan is very defined and talks about how traffic will flow with planter boxes and other elements. They could put lighting in there as well.

MOTION: Commissioner Hontz moved to APPROVE the 1409 Kearns Boulevard drive-up coffee kiosk conditional use permit, according to the Findings of Fact, with the change to Finding of Fact #16, the Conclusions of Law as written, and the Conditions of Approval as amended and added this evening. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1409 Kearns Boulevard

1. The property is located at 1409 Kearns Boulevard.
2. The property is in the General Commercial (GC) District within the Frontage Protection Zone (FPZ) Overlay.
3. The property is in the Bonanza Park area.
4. The site is currently undeveloped.
5. The applicant requests to build a small drive-up coffee kiosk structure with a footprint/floor area of 160 square feet.

6. Any construction within the Frontage Protection Zone overlay requires a Conditional Use Permit.
7. A drive-up window is Conditional Use Permit within the General Commercial District.
8. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.
9. The property owner has authorized the coffee kiosk business owner to pursue this Conditional Use Permit request so that the land can be utilized concurrently with the master planning of the Bonanza Park area.
10. The proposed coffee kiosk is sixteen feet (16') by ten feet (10').
11. The proposed concrete pad is twenty-two feet (22') by ten feet (10').
12. The height of the proposed building is approximately eighteen feet (18').
13. The applicant submitted a UDOT approval letter, which allows the connection onto Kearns Boulevard (SR248).
14. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.
15. The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
16. The proposed kiosk is designed to offer its services to pedestrians.
17. The proposed landscaping shall be in compliance with the Soils Ordinance related to landscaping care.
18. The proposed structure is compatible in mass, bulk, orientation and location with adjacent structures due to the size and design of the proposed structure.
19. The proposed structure is 220 square feet and the architecture has a mining motif.
20. The structure is designed to have a small covered area for loading and unloading.
21. The business will use the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
22. The business owner will lease the land from the property owner.
23. The site is not within the Sensitive Land Overlay Zone.

24. The site is relatively flat land and requires no slope retention.
25. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
26. The temporary capping proposal has been found adequate subject to adding a sealant to the proposed milling, making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
27. Staff recommends changing the location of the proposed coffee kiosk structure to the back drive, which would put the structure approximately eighty feet (80') from Kearns Blvd. allowing additional room to accommodate a total of eight (8) vehicles.
28. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law – 1409 Kearns Boulevard

1. The application complies with all requirements of the LMC;
2. The uses will be compatible with surrounding structures in use, scale, mass and circulation;
3. The uses are consistent with the Park City General Plan, as amended;
4. The effects of any differences in uses or scale have been mitigated through careful planning.

Conditions of Approval – 1409 Kearns Boulevard

1. This approval will expire three (3) years from the Planning Commission approval.
2. A building permit is required prior to construction of the kiosk and site improvements.
3. All landscaping and site improvements shall be installed prior to issuance of a certificate of occupancy.
4. No occupancy or use of the kiosk may occur until a certificate of occupancy is issued by the Building Department.
5. The applicant shall add a sealant to the proposed milling (temporary capping proposal) to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the

- environment. The applicant may change the material to asphalt, concrete, or other paving material per the Park City Soils Ordinance.
6. The applicant shall change the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eighty feet (80") from Kearns Blvd.
  7. The applicant shall submit a letter of commitment from the property owner reiterating future commitment to clean up the site with his long range plans dealing with full compliance with the Soil Ordinance prior to the City issuing a certificate of occupancy.
  8. The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission.
  9. Further soil mitigation is required to address the access between Bonanza and Kearns Boulevard, subject to the City Staff's review and approval.
  10. Signage for no idling is required.
5. **259, 261, and 263 Norfolk Avenue – Plat Amendment**  
(Application #PL-11-01185)

Planner Cattan requested that this item be continued to the May 25<sup>th</sup> Planning Commission meeting, to allow the Staff time to work with the applicant. She recommended that the Planning Commission conduct a public hearing this evening.

Chair Wintzer opened the public hearing.

Ed DeSisto, a resident across the street, stated that the people who live in the neighborhood are concerned about construction mitigation. The street is barely wide enough for one car and they were concerned about construction vehicles using that road every day. Mr. DeSisto did not believe the construction mitigation plan provided enough detail on what would actually occur. The parking plan states that an approved parking plan will be obtained from the Public Works Department. If the Public Works Department has a say in what they can and cannot do, he wanted to know if the parking plan would be determined before or after approval of the plat amendment. Mr. DeSisto believed the issues needed to be discussed and the impacts understood before any approval. He pointed out that in 2006, a condition of approval required construction access from King Road rather than Upper Norfolk. He could not understand why that was no longer required. He requested that the King Road access be explored again as construction mitigation for Upper Norfolk. Mr. DeSisto stated that he previously made a suggestion that the contractors carpool to reduce the number of cars and required parking. Mr. DeSisto thought the mitigation plan needed to be more solvent before the plat moves forward.

Jerry Fiat, the applicant, explained that the project was approved in 2005 or 2006. At that time, the owner of the property wanted to build all three houses at one time. They voluntarily pursued an easement access from the back to stage a construction site. Since that time, the property was sold to three individual owners. The issue came up a year ago one of the owners wanted to build. Mr. Fiat remarked that the site is better suited to stage construction than most sites in Old Town.

Chair Wintzer noted that this item would be continued to May 25<sup>th</sup> and he suggested that Mr. Fiat make his comments at that time.

Chair Wintzer closed the public hearing.

Commissioner Pettit asked to make a comment since she may not be able to attend the May 25<sup>th</sup> meeting. She sat on the Planning Commission when the original plat amendment was approved, and she wanted it on the record that the only reason she voted in favor of the plat amendment was due to the conditions of approval related to access to the site. She has grave concerns about health, safety and welfare issues with construction being staged and accessed through Upper Norfolk.

MOTION: Commissioner Strachan moved to CONTINUE the Administrative Plat Amendment for 259, 261, and 263 Upper Norfolk to May 25, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

## **6. Park City Heights – Master Planned Development**

Director Eddington noted that the handout from Rocky Mountain Power was information material only. A work session presentation regarding that information was scheduled for the May 11<sup>th</sup> meeting.

Planner Whetstone provided the Planning Commission with redlined Findings, Conclusions and Conditions. She requested that the Planning Commission discuss the Findings, Conclusions and Conditions after the Staff and applicant give their presentations and the public has had the opportunity to speak.

Planner Whetstone reviewed the annexation, which was approved in May 2010 in the CT zone. The project is subject to an annexation agreement, which includes specific conditions regarding density, housing, water and transportation improvements. That approval was based on the annexation policy plan that identified the areas that the City would consider annexing. It was also based on the General Plan at that time. The annexation was also based on the US40/SR248 joint planning exercise with Park City and Summit County. Planner Whetstone noted that the Park City Heights Task Force that was formed prior to the annexation also made their recommendations. Everything considered resulted in the creation and adoption of the CT, Community Transition zone. The CT zone is now an adopted section in the Land Management Code. Planner Whetstone reviewed the zoning map to identify the site location and surrounding properties.

Planner Whetstone stated that in 2010 the Planning Commission reviewed a revised concept plan from the annexation and found compliance with the General Plan for the level of review at that time. At the last meeting on March 23, 2011, the Planning Commission reviewed and discussed and provided great input on this project. The Staff and the applicant agree that the MPD is much better today than when they started. She noted that the Planning Commission had a significant role in changing the MPD.

Planner Whetstone reviewed the concept plan and the breakdown of market and affordable units, as well as the integration of different types, sizes and price points. Planner Whetstone clarified that the total 239 units allowed by the annexation equate to one unit per acre, which the CT zone allows for residential MPDs. However, the LMC allows any required affordable units to be excluded from the density calculation. Removing those units from the calculation, the density is .8 units per acre. Planner Whetstone stated that if they add the five acres open space parcel into the calculation, where the IHC affordable housing units were proposed adjacent to US40, they would end up with a density of .66 units per acre. That would exclude all the affordable units and include the five acres open space parcel.

Commissioner Savage clarified that the .66 units per acre included the non-contiguous five acres on the other side of SR248. Planner Whetstone replied that this was correct. She pointed out that the five acres of open space is not part of the MPD.

Planner Whetstone outlined a list of amenities provided with this project. She noted that all the units are required to meet Leeds Silver third party inspections, including, water conservation and efficiency. Planner Whetstone pointed out that an important amenity the MPD would provide is a connection from the underpass at SR248 to the Rail Trail. This is a critical connection for the entire community.

Planner Whetstone referred to Exhibit C on page 175 of the Staff report. She noted that the Staff had done an analysis of General Plan Compliance for this MPD with all the conditions and the update was reflected in Exhibit C.

Assistant City Attorney McLean addressed the Planning Commission regarding the General Plan and the MPD. She recalled statements during the pre-MPD application process, about whether the MPD overall met the General Plan. Ms. McLean stated that this has been a difficult project from the beginning, particularly given the fact that the annexation agreement which contemplated a 3 to 5 units per acre median density. She pointed out that the City regulators build in so much process at the front end to address General Plan issues to prevent a "train wreck" at the end of the process. The property is zoned CT as part of the annexation, and the Planning Commission needs to look at this project within the parameters of that particular zone.

Assistant City Attorney McLean recommended that if the Planning Commission has issues with MPD compliance with the General Plan, they should think about whether the concerns stem from overall density and single family standards allowed by the CT zone and the annexation, or whether the concerns are site specific standards and principles for MPD design and layout. If it is density and single family, the Commissioners needed

to separate themselves from policy and legislative matters that have already been decided. The Planning Commission is tasked with addressing issues specific to the MPD. If the issues are specific to the MPD, the Planning Commission needs to identify the necessary change to the site plan to meet a specific standard, or identify the adverse impact which is not currently mitigated, so the applicant has the ability to address the specific concerns.

Planner Whetstone reviewed four key components for General Plan Compliance, which included Park City community character, open space, land use and growth and transportation. She explained why the Staff believed all the components have been met with this MPD.

Planner Whetstone reviewed the land use plan for the project. Commissioner Strachan asked if the plan included computations for the actual distance numbers by feet or miles. Planner Whetstone answered no, and offered to figure a computation based on miles. Planner Whetstone presented schematics from the Park City Heights neighborhood.

Planner Whetstone reviewed the requirements of the CT zone for density, setbacks, height, parking, and open space; and noted that the Staff found that the MPD complies with the zoning requirements.

Spencer White, representing the applicant, stated that the planning process has been unique and the Planning Commission has provided positive guidance. The plan has changed based on their guidance and input and he wanted to maintain that element of the process.

Mr. White concurred with Planner Whetstone's presentation and the Staff report. He did not intend to reiterate her comments in his presentation. Recalling comments regarding the General Plan from the pre-MPD discussions, Mr. White believed they have complied with the intent of the General Plan. He understood that there were different opinions; however, they have gone back the General Plan several times throughout the process to make sure they incorporated the major aspects of the General Plan into the project. From the General Plan, they made sure they complied with every requirement of the MPD with site specific issues such as off street parking, open space, and other issues. Mr. White stated that they also made sure the project complied with the requirements of the CT zone. Mr. White stated that the major element he took from the General Plan in terms of compliance for the project, was trying to maintain an open entry corridor that fits within a resort community and how the Park City Heights neighborhood benefits Park City as a whole and fits within Park City in general by providing a range of housing product and prices. He was proud of that fact and believed the project complied with the General Plan, the CT zone and the MPD.

Mr. White presented slides showing how the project has evolved over time, beginning with 355 residential units and 200,000 feet of commercial that was initially proposed, to the current plan, which is a much better project.

Mr. White reviewed slides showing the community and neighborhood character elements of the project. He also reviewed the public benefits that relate to the public as a whole,

outside of the benefits provided to the Park City Heights residents. Mr. White emphasized the IHC affordable units. He believes those units would be a great benefit to the community and is beneficial to both IHC and Park City Heights. Moving the IHC units adds five acres of additional open space that would be left undeveloped near Highway 40 in the IHC project.

Mr. White stated that the water infrastructure that enhances the City's overall water system capabilities and provides for a redundancy in the system is a major benefit that will help both the City and Park City Heights. The system will loop back on itself and a million gallon water tank will be provided later on in the project. It will connect to the City system above the project and back down to the new water treatment plant that is being built near the project.

Mr. White remarked that the market and affordable units constructed to LEED for Homes Silver rating was a significant benefit. He was unaware of any other project in the State where a LEED Silver Rating was a mandatory requirement project-wide. As part of that, each unit is required to achieve a minimum combined 10 points for water efficiency and conservation. He pointed out that the design guidelines make sure that Park City Heights uses less water than any other neighborhood, and that the water is used efficiently. Mr. White commented on the benefit of the 3.55 acre public park that will be constructed and dedicated to the City, as well as the 24 acres along SR248 that will be deeded to the City. Mr. White pointed out that the SR248 Frontage Protection Zone would be increased from 250 feet to the nearest home to approximately 1,165 feet. To address concerns expressed early in the process, development will not occur along the entry corridor. That was the reason for the decision to deed the 24 acres parcel to the City.

Mr. White commented on increasing the power line easement from a 50 foot corridor to a 60 foot corridor. He noted that they met with Rocky Mountain to make sure the City's future power needs would be met, and Rocky Mountain Power was comfortable that the 60 foot corridor would be sufficient. Mr. White remarked that another public benefit was installing a signal and re-designing the intersection of SR248 and Richardson Flat Road. He noted that improving the intersection was not required by the traffic study, but the applicant felt providing acceleration and deceleration of lanes and widening the intersection was important. Additional public benefits included improving the Rail Trail crossing, providing transit pullouts on Richardson Flat Road, constructing a new trail from the Rail Trail to the tunnel, deeding the trail easement on the north side of Richardson Flat Road, and constructing 3-1/2 miles of new public trails that will be deeded and dedicated to the public within the project.

Based on Commissioner Luskin's comments at the last meeting, Mr. White provided a slide showing the existing trails, the trails within the project, and the trail connections to those existing trails. Mr. White commented on a minor change within the project related to Lots 89 and 90. The trail was shown coming up below the cul-de-sac into the cul-de-sac. After discovering grade issues, the trail connection was changed to run parallel with the contours. Mr. White stated that all the trail connections will be provided to the City as required to make sure all the trail connections work adequately.

Mr. White made comments regarding the planning process. He felt the process was complete and he hoped the Planning Commission was ready to move forward. If there were remaining issues, he was confident the issues could be addressed. Mr. White stated that he enjoyed the process and working jointly with the Staff and the Planning Commission. He believes they have achieved a great project in a good neighborhood that will fit within Park City and be looked to as a standard for the future.

Chair Wintzer asked about the next step if this MPD is approved. Planner Whetstone explained that the next steps would be the preliminary subdivision plat, which requires Planning Commission approval. The final plats require approval by the Planning Commission and the City Council. Chair Wintzer asked if retaining walls would be addressed at the next phase. Planner Whetstone answered yes.

Commissioner Peek clarified that the MPD is put into a development agreement that comes back to the Planning Commission for ratification prior to the subdivision process. Director Eddington replied that this was correct.

Mr. White understood that the overall preliminary plat for the entire project would come back to the Planning Commission for approval, and then each phase comes back for approval as well. Planner Whetstone replied that each phase would be a separate application.

Planner Whetstone referred to a chart on page 271 of the Staff report, which outlined phases and required reports and plans, the condition of approval where each one was addressed, and the timeline for completion. A similar chart identified issues, the required criteria, the status of the issue, and how it was or could be resolved.

Planner Whetstone reviewed the changes on the redlined findings of fact, conclusions of law and conditions of approval that she handed out earlier in the meeting.

Chair Wintzer opened the public hearing.

Ruth Meintsma noted that flat roofs were mentioned in the guidelines and she wanted to comment on their importance. She stated that a flat roof is smart for snow accumulation because snow has insulated value. A second benefit is that snow does not unload off a flat roof onto roads or property and therefore extends the landscape season around a structure. A third benefit for flat roofs is that snow is not lost on the ground, and the snow contained on the flat roof is more easily collected in a collection device. Flat roofs also allow more sun between and around structures. A flat roof allows more visible sky and light to neighboring top story occupants. A flat roof also allows for a landscaped green roof. Flat roof allow for more efficient placement of solar panels and makes them less visible.

Ms. Meintsma noted that the language in the guidelines states that variation in roof forms contribute to a more visual appeal. However, while flat roofs are mentioned in the verbiage, they are not shown in the visuals. Ms. Meintsma believed people in Park City want flat roofs, but there is still some hesitation because it a more modern look that what is typical in Old Town. She thought that having a visual of a flat roof would generate

interest and help create more flat roofs. She pointed out other areas in the guidelines that talks about interest in roof forms, but again the flat roof were not addressed or visually shown.

Ms. Meintsma commented on solar panels and referred to language in the design guidelines that talks about placement and mounting of solar panels. She felt the placement as described would not access the sun strategically. She suggested that the idea of hiding the solar panels was an old school thought. Commissioner Meintsma thought solar tubes should be considered as an alternative for skylights.

Ms. Meintsma noted that highly reflective metals are not allowed as a roof material. She passed around an article on the significant environmental advantages of flat roofs and white roofs.

Chair Wintzer closed the public hearing.

Commissioner Pettit thanked the Staff and applicant for the time spent in making this a better project. It has been a difficult process and she appreciated everyone's efforts and attitude. Commissioner Pettit stated that this was the first time since the process began that she could finally put the pieces together and look at the concept of approving the project within the requirements dictated through the Land Management Code.

Commissioner Pettit remarked that in looking at the conclusions of law in the Staff report, several items caught her attention because she had not gone back and looked at the criteria for an MPD approval and how it relates to the CT zone. It made her realize that she was not quite ready to make those conclusions.

Commissioner Pettit noted that Conclusion of Law #5 requires the Planning Commission to make a conclusion of law that the MPD as conditioned strengthens and enhances the resort character of Park City. She thought this was a vague statement that comes directly from the MPD. Commissioner Pettit stated that she started to think about the resort character of the community and how this project would strengthen or enhance it, and she had a difficult time making that connection. She understood that one of the arguments the applicants have used as a tie to resort character is the mix of housing in the project. She tried to determine how the housing mix solved some of the challenges and problems in the community. She then looked at the housing study and found language that made her question the mix of housing and whether it really is an enhancement or strengthening of the resort character and community.

Commissioner Pettit pointed out a number of pages from the housing study to support her concern. She read from page 3 of the study, second paragraph, "From 2000 to 2008, the Hispanic population in Summit County has increased by 2,248 people. A jump of 98% in 8 years. Undoubtedly, some of these new Hispanic households are living in rental units in Park City. This expanding Hispanic population increases the demand pressure on the rental market and combined with no new apartment construction over ten years, has likely led to serious overcrowding in the Park City rental market". Commissioner read from the end of the housing study, which states that "Park City has an employment base of about 15,000, of which 60% are low paying, retail,

leisure and lodging workers". She believed that group ties into the resort character and resort community. She further read, "Those low wages help create the housing cost burden and the average wage for a lodging worker is \$25,700 per year, and \$23,900 for a retail worker". Commissioner Pettit noted that the study continues to talk about the pay scales for what is 60% of the in-City employment base.

Commissioner Pettit noted that the next paragraph talks about how low wage rates, high rents and no apartment construction in ten years have created an urgency for affordable rental units for low and very low income renters in Park City.

Commissioner Pettit was in a quandary over whether she could support the conclusion of law on the belief that the current mix of housing as proposed would solve what appears to be a real and significant issue from an affordable housing perspective. It was an issue in terms of trying to use affordable housing as the nexus that would allow her to make that conclusion of law.

Commissioner Pettit noted that scale was another aspect used to support community character. In thinking about elements of the project that relate to sustainability and green building, she realized for the first time that each level of housing being proposed maximizes the house size. While that is reflective of the world today, it is not reflective of a green building, sustainability approach. The LEEDS Standards and Green Building are trying to accomplish the concept of moving away from large houses. She noted that much of that is based on the fact that the amount of materials and resources used to build a house embody energy that went into producing and transporting them to the new home. A 100% increase in home size yields an increase in material usage of 40% to 90%. Commissioner Pettit commented on the long-term energy needs required to operate a home that is increased 100% in size. In looking at the LEED homes rating system, she found a housing size adjustment with an established base line for house sizes. It starts with a one-bedroom home at 900 square feet, and goes as high as a five-bedroom home at 2,850 square feet, which remains neutral.

Commissioner Pettit remarked that the Park Homes proposed for Park City Heights has a maximum house size of 2500 square feet. The next level, the Cottage units, has a maximum house size of 3500 square feet. The Homestead units can be maxed out at 6500 square feet. Both the Cottage units and the Homestead units are significantly higher than the maximum square footage for a five bedroom home on the LEEDS rating system. Commissioner Pettit questioned whether they would be able to meet the LEEDS Silver rating standard with the size of the homes proposed. She felt the City would be sending the wrong message if Park City Heights is the example project for green building. Commissioner Pettit looks at Old Town as an example of Park City character, and many of the single family houses are 800 square feet.

Commissioner Pettit stated that she would have a difficult time making findings that this project is truly a green, sustainable community based on house size. She would feel more comfortable if the house sizes were reduced.

Commissioner Pettit stated that she looked at the design guidelines regarding building sustainability elements, and she was concerned about limiting the utilization of solar based on design considerations. She noted that California has a statute that ties the

utilization of solar to health and safety reasons, but not based on design. Commissioner Pettit suggested changes to the design guidelines to encourage the utilization of solar, and to take away the subjective design review process.

Commissioner Pettit read her recommended changes into the record. Page 47, second column, second paragraph, "Each home must meet the LEEDS for homes Silver Rating." She would leave that sentence and underline must, and in parenthesis say, (And are strongly encouraged to exceed the LEED for Homes Rating a Silver). Commissioner Pettit referred to page 48, Alternative Renewable Energy Sources, and recommended additional language to be included at the beginning of the paragraph, "Alternative energy should be used where physically viable and economically beneficial". Under Solar, Commissioner Pettit suggested striking all the language written and adding language that emphasizes solar in the community and allows it to be installed. She had suggested language available and offered to share it with the Staff rather than read it this evening.

Commissioner Pettit reserved judgment on whether or not she was in a position to take action this evening, based on comments from her fellow Commissioners, as well as the discussion on her comments. She noted that another area of concern related to the transportation element in the Conclusion of Law #10, which talks about the promotion and the use of non-vehicular forms of transportation through design. She agreed that internally the project has become very walkable through trail access and bike access. However, by virtue of the project location and because there are no community amenities within walking or biking distance, she believed people would use their cars. Commissioner Pettit stated that in flushing out the transit plan, it is important to understand how public transit would get to the area and when. If they can find a way to enhance the park and ride and create a regular bus route, they may be able to solve many of the traffic problems. Commissioner Pettit was concerned about traffic issues because the project is so far removed from town.

Commissioner Pettit appreciated the list of amenities that was provided. It helped her feel more comfortable with Conclusion of Law #7. Until she saw the list, she never understood or appreciated all of the amenities that come with the project.

Chair Wintzer asked if it was possible to adopt the design guidelines at a later date, if the Planning Commission moved forward with action on the MPD this evening. Director Eddington replied that the Planning Commission could approve the MPD with a condition that the design guidelines come back to them.

Commissioner Peek noted that Finding of Fact 1(s) talks about the design guidelines. He suggested that the language could either be eliminated or changed.

Commissioner Peek read Condition of Approval #3, "Limit of disturbance area, maximum building footprint and/or house limitation and a setback requirement table for all lots shall be included on the final plats consistent with the Park City Heights Design Guidelines". He thought this provided a future opportunity for limiting house sizes with future plats. Commissioner Peek agreed with Commissioner Pettit that 6500 square feet is

significant. That was a minimum size during the last real estate boom, but he believes the market has moved beyond larger homes.

Commissioner Peek agreed with the solar comments made by Commissioner Pettit. However, he felt there should be a design review element for installation to keep it from being unsightly. Commissioner Peek referred to a letter from The Boyer Company on page 172 of the Staff report, indicating that there would be screening of the cul-de-sac with proposed berming along Highway 40. He noted that the site plan did not show any berming.

Mr. White explained that a frontage road is built up above Highway 40, therefore it is already bermed. It then falls down into the meandering detention basin. The cul-de-sac has approximately 60 feet of fill that goes up. Mr. White remarked that the cul-de-sac would not be visible from cars along Highway 40. Commissioner Peek clarified that no additional berming was proposed and that the statement in 11(a) was incorrect. Mr. Spencer replied that this was correct. He believed the confusion came from the fact that there would be minor berming with the construction of the detention basin. It would not be significant berming above the frontage road.

Commissioner Peek suggested adding a condition of approval stating that through traffic between parcels I and J is prohibited. Planner Whetstone noted that the road to Richard Flat Road has been eliminated. Mr. White remarked that the dots were showing in the wrong location. I and J are actually next to each other. He explained that at one time a road easement was shown through there, but there is no longer an easement. Therefore, there would not be an additional access point on to Richardson Flat Road.

Commissioner Peek read Finding of Fact #43 on the redlined copy, and revised the language to read, "The applicants have met with Rocky Mountain and have increased the Rocky Mountain power line to 60 feet, as required by the City Code".

Commissioner Hontz concurred with the comments made by Commissioner Pettit, particularly with the idea that they finally have all the pieces of the puzzle on the table. The next task is putting them together. Commissioner Hontz was not prepared to reach a decision this evening, but she hoped to map out a way that would eventually lead to a decision. She noted that each meeting produces more information and they need to stop the madness. At some point the Planning Commission needs to stop the information they receive and find a date when the discussion would end. Commissioner Hontz felt this was the first time the Planning Commission was given a Staff report that they could use as a road map to analyze all the puzzle pieces of the project.

Commissioner Hontz outlined her major concerns. The first was traffic. According to the minutes, on October 13, 2010 she had asked for a traffic count to be done at a different time of year besides August. In her opinion, the traffic information supplied was prepared in a month that did not reflect the worst conditions. She understood worst case scenarios were done in terms of level of service, but that is not an accurate traffic account of what occurs on Park City roads during some of the major periods during the winter and other times of the year. She cited her own personal experience trying to get on to Highway 40. Commissioner Hontz felt the issue was the cue lengths that would

occur and the level of frustration of having to wait through three or four lights driving into town from Park City Heights. She did not care where the problems come from or that UDOT has identified the reasons. UDOT has not fixed the problem. Commissioner Hontz did not want to install a light and rely on UDOT to make sure the timing works, so people coming out of Park City Heights are slightly inconvenienced, versus the traffic going in and out on Highway 248. That is not a satisfactory solution. She wanted a solution that shows a better way to get in and out of this project. Commissioner Hontz clarified that she was not suggesting a roundabout, however, there must be a better way to get people in and out of the project. She was unsure if that had been thoroughly studied.

Commissioner Hontz pointed out that the analysis reported that at build out, 20% of the traffic on Highway 248 is going to be generated by this project alone. A previous comment was made that it may be less than 20%, but by then there will be much more traffic all together. Another comment was not to worry, because most of the people coming out of the project would be turning right.

Commissioner Hontz read Conclusion of Law #5, "The MPD as conditioned, strengthens and enhances the resort character of Park City". That caused her to think about the fact that a large percentage of people living at Park City Heights would be turning right, going through three lights and trying to get out of town every day. People spending their time, money and brain power in the community enhances the community. Anything different is just a bedroom community for Salt Lake City.

Commissioner Hontz had minor changes to the design guidelines, but she was comfortable tweaking the guidelines at another meeting if they move forward on the MPD this evening.

Commissioner Hontz expressed concerned with the size of the units. She ran numbers on the cost and selling price of the different units and suggested specifying the number of homes where they could possibly reduce the square footage. Commissioner Hontz noted that the community clubhouse is proposed to be 2500 square feet, which is the same size as the smallest home. In her opinion, the clubhouse is too small to be a community benefit to this particular neighborhood or the greater community of Park City. Commissioner Hontz commented on the community park and thought they needed to add more definitions and restrictions. She understood that those might be included in the CC&Rs or other places, but they also needed to be included in the conditions of approval. She believed the park should be usable for everyone in the community and she wanted to make sure there was enough room to allow a regulation full size field, as well as the proposed tot amenities. Commissioner Hontz thought the hours of use should be described based on realistic use of the space.

Commissioner Hontz commented on the trail that meanders down the middle of the development to the south end, and noted that the area is identified for snow storage during the winter. She felt the trail was a necessary shortcut for that portion of the development and did not think that snow storage was good utilization of the space. Commissioner Hontz recommended relocating the snow storage in order to maintain the trail access.

Commissioner Hontz intended to comment on affordable housing, however, she believed Commissioner Pettit had already mentioned her concerns. Commissioner Hontz noted that Old Dump Road was being referred to as Richardson Flat Road, and she wanted to know if the road had officially been renamed. Commissioner Hontz stated that the meaning behind Old Dump Road is important, because it relates to the mining history. That area saw dumping and mining and there were negative attributes. It was used as a receptacle for Park City and she did not like changing names to cover up the facts or not respect the history of what the area was to the community.

Planner Whetstone clarified that the road name has been changed. The address of the water treatment plant is Richardson Flat Road. Commissioner Hontz felt there was value in changing the name back to Old Dump Road.

Commissioner Luskin appreciated the comments from his fellow Commissioners. They did astute thinking and saw things he had missed. He wholeheartedly agreed with their comments. Commissioner Luskin felt the project had come a long way after a lot of discussion and review. He was originally one of the negative votes and he believed the project has definitely improved. Commissioner Luskin stated that this was the largest project in the year and a half he has been on the Planning Commission. In looking at all the verbiage with the findings, conclusions and conditions, he thought it was unfortunate that the one thing that could not be addressed is how everything will play out in reality. It is a big project and a pivotal location for development because it is the back door into Park City and one of the first visual impressions. A multi-dwelling project does not create the right impression of a well-thought out resort and it does not have much character. He was uncomfortable with the Conclusion of Law that the project strengthens and enhances the resort character of Park City. He could not understand how a development of this size in that location would enhance the resort character. In addition, Commissioner Luskin believed that adding the number of homes proposed would compound the traffic problems. He did not realize until this evening that another stop light would be added. This is a big project with no commercial in the area. Therefore, people will have no choice but to use their cars to get where they need to go. This is already a limited transportation corridor in terms of capacity. He echoed Commissioner Hontz's concern that this project could be a bedroom community for Salt Lake City. Commissioner Luskin stated that overall he believed the applicants had done a good job on a project that in his opinion, could never enhance or strengthen the resort character of Park City.

Assistant City Attorney McLean stated that the Planning Commission needed to accept the fact that their hands were tied in terms of overall density, because the density was accepted by the City with the annexation. She advised the Planning Commission to tailor their comments to the multi-family dwellings, since that is something the applicants can change with the MPD in the future.

Commissioner Luskin stated that regardless of whether or not the density is approved, he could not look at this project in this location with the surrounding infrastructure, and make the conclusion that it strengthens and enhances the resort character of Park City. Assistant City Attorney McLean stated that the Planning Commission needed to examine

the MPD criteria based on the fact that the City Council made findings and the amount of density of one unit per acre had been approved. Commissioner Luskin clarified that his comments encompassed more than just density. Ms. McLean requested that the Commissioners focus their comments on identifying necessary changes to the site plan or unmitigated adverse impacts which are not currently mitigated, to give the applicant the opportunity to address them.

Commissioner Savage was impressed with the collaborative efforts and how this project has evolved. He would like to see the City's participation in supporting the process of MPD approvals consistently applied in all MPDs in the future, and not just this project, in which the City has a vested interest. Commissioner Savage stated that once this project is approved, he thought it would be beneficial for the Planning Staff to put together a summary of the process that occurred, and talks about the strengths and weaknesses of what they learned and how it could be applied more effectively in the future. He felt the summary would be a great benefit to the Commissioner who secede Commissioners Luskin and Peek.

Commissioner Savage stated that every time a specific issue came up throughout the course of this MPD review and process, the applicants were extremely responsive to those requests. If anything materializes based on comments this evening or events in the future, he would expect a similar level of responsiveness since the applicants had proven their willingness to do whatever is necessary to make this project successful.

Commissioner Savage stated that from his observation this evening, some of the generic concerns about blight upon the land were flowing to the surface. At some point in time, the Planning Commission needs to move into acceptance mode and move forward to allow the project. Commissioner Savage felt it was time to get over the general concerns and accept the fact that the specific concerns have been well addressed to an extraordinary degree, and will continue to be addressed. He thought they should also acknowledge the fact that ultimately the applicants want a profitable product. Therefore, decisions related to solar panel exposure and issues related to the marketability of the product and the size of the product, and the ability to optimize the ratio between size, profitability, LEED compliance, etc, are not areas that the Planning Commission needs to micro-manage. He believed the applicants need to be able to manage the direction given for the project with the understanding of what is implied by the conditions of approval. Commissioner Savage recommended moving forward with an approval of the MPD.

Commissioner Strachan concurred with most of the comments. Like Commissioner Pettit, he started his review with the Conclusions of Law outlined in the Staff report. He read Conclusion #10, "The MPD promotes the use of non-vehicular forms of transportation through design and by providing trail connections to existing community trails, a walkable interconnected site plan, a city park, and neighborhood amenities, and a bust shelter and crosswalk". Aside from the bike and walking trails, he could see no other promotion of non-vehicular forms of transportation. Commissioner Strachan pointed out that currently there is not an established bus stop. There is a dial-a-ride and the potential for a bus stop in the future if it is determined that one is feasible. Commissioner Strachan reiterated that other than trails, there is no transportation

alternative. Transportation will be strictly by car. He stated that increasing the capacity at the intersection of Richardson Flat Road and Highway 248 is not an alternative to the vehicular mode of transportation. In his opinion, it is just the opposite and actually promotes vehicular transportation. Commissioner Strachan could not reach the Conclusion of Law #10.

Commissioner Strachan noted that the discussion of the General Plan on page 177 of the Staff report talks about transportation systems. He felt the words such as “redesigned intersection of Highway 248”, “intersection improvements”, “signalized intersection”, and “new streets” summarized the general view of the applicant and the vehicular nature of the community. Commissioner Strachan believed the largest hurdle was the reference, “public transportation will be operational in the area when it is feasible.” He questioned when it would become feasible. It would never be demanded by the public if everyone can use their cars. Commissioner Strachan needed to be thoroughly convinced before he could make that conclusion of law.

Commissioner Strachan referred to Conclusion of Law #5, strengthening and enhancing the resort character, and felt that was adequately addressed by other Commissioners. In his mind, this project does not concentrate people and instead it spreads them out. He was concerned with the physical distance between the units, particularly the affordable housing units, and places such as City Hall, the police station, the market, Main Street and the ski resorts. The distance is difficult in terms of this being a project that strengthens the resort character. Commissioner Strachan was unsure whether the site design could be changed to make that better.

Commissioner Strachan referred to Conclusion of Law #3, “The MPD as conditioned is consistent with the General Plan, and stated that he has been uncomfortable with that conclusion of law from the onset. His problem is not with the location of development or any of the issues addressed in the annexation. The site design itself is not compliance with the General Plan. As an example, the General Plan requires that affordable housing be located in a place that is close to lodging, bus routes, and essential services. He pointed out that the physical distance between the existing essential services and the project is too far to meet the General Plan. Essential services need to be provided on the site.

If those services are not provided, they cannot reach the conclusion under the General Plan that the affordable housing is in close proximity. Commissioner Strachan believed this was site design and site layout issues that could possibly be changed to comply with the General Plan.

Planner Whetstone remarked that Commissioner Strachan’s comment goes back to the annexation agreement, which does not provide the market and commercial uses.

Commissioner Strachan referred to page 188 of the Staff report and read, “This intersection would align with the new road through the Round Valley parcel to the north of Highway 248”. He asked for the location of the new road. Planner Whetstone stated that for that area of town, the General Plan wanted a frontage road, but not specific to a project. The language identified in bold was taken from the General Plan. The language in italics was Planner Whetstone’s analysis.

Brooks Robinson, City transportation planner, explained where the road is located and noted that someone parks their vehicles across the intersection. It could potentially be an access into the Osguthorpe property, as well. It is a four-way road. Several property owners still own small pieces, but over time the City has purchased most of that property.

Chair Wintzer stated that he was on the task force of the original approval, and the project approved at that time was not nearly as good as the project before them this evening. Chair Wintzer stated that based on recommendations of the task force, the City annexed the property. The Planning Commission needed to accept that fact. It is time to move on to the next phase and make this particular MPD within the annexation agreement the best it can be. He agreed with all the comments of his fellow Commissioners, however, he felt some were short-changed by the fact that an MPD was approved several years ago and the City later decided to become a partner in the project. Chair Wintzer believed their hands were tied based on previous approvals. He reiterated that the project is better than what was previously approved, the trail connections are better, and there is better access to the recreation fields. He felt that LEEDS Silver is a bonus, but he wondered if they would ever get there after listening to some of the comments from the Commissioners regarding house size. He saw that as a stumbling block to any type of environmental. If they cannot find a way to make smaller houses for LEED Silver, they would not accomplish their goal. Chair Wintzer stated that being able to move the IHC affordable housing units off of Highway 40 was another bonus of this project. Chair Wintzer agreed that the project would probably become a bedroom community for Salt Lake, however, that was out of their control.

Chair Wintzer pointed out that if this project is not approved, the appeal process would move to an appeal body in Salt Lake that has not connection with the Park City community. He preferred to keep the process in the community rather than turn it over to people who would not have the same sensitivity they do.

Chair Wintzer requested that the project be conditioned in an effort to move this process forward. Otherwise they would be short two Commissioners when it is time to vote. After such a lengthy process, he felt it was important for the full Commission to vote on this project.

Mr. White stated that the comments this evening were helpful. He would have preferred to hear them a few meetings back, but he was still confident that the comments could be incorporated.

Mr. White was sensitive to Commissioner Strachan's concerns, but without physically moving the site into town, some of his suggestions were physically impossible to provide and include. Mr. White liked the fact that Commissioner Strachan outlined specifics items that bothered him with the project. Considering the number of comments from the Planning Commission relative to strengthening and enhancing the resort character, Mr. White remarked that he had not heard specific items for the plan that would help the Commissioners reach that conclusion. He was willing to try to make some improvements, but he needed to know what they were looking for specifically.

Commissioner Pettit stated that her specifics were reduction in house size and including rental units as an option for some of the affordable housing.

Commissioner Savage did not understand why rental units would strengthen the resort character. Chair Wintzer replied that according to the Housing Report, the community needs more rental housing. Commissioner Pettit stated that comments she has heard about the project is the fact that 60% of the workers in town do not have the wage scale to purchase homes in Park City Heights. Commissioner Savage understood the need and thought the City needed a project that specifically focuses on rental units within a reasonable proximity to Park City.

Mr. White remarked that the Housing Plan also talks about a current need for 80 units to be primary residences. He understood that fulfilling those 80 units would open up rental units for other people. Mr. White stated that if this project is approved, the affordable housing component would still go through the Housing Authority process. He was more than willing to look at providing rental units as part of this project. He was not opposed to making that a condition based on approval of the Housing Authority. Mr. White pointed out that the City has not yet determined what their affordable units would be in this project.

Regarding house size, Mr. White was unsure how the maximum square footage numbers were derived, but they were the numbers that were added into the design guidelines. He explained that the LEEDS Silver qualifications limit the size of homes that could be built. If it cannot qualify for a Silver rating, that home size would not be approved. He understood that in some places 6500 square foot homes were Gold certified in LEEDS standard. Mr. White pointed out that the larger homes would also be using alternative energy sources. Mr. White was willing to work with house sizes, and he was not opposed to having that as a condition of approval.

Mr. White stated that if the MPD could be voted on and moved forward, they would be happy to bring back the revised design guidelines in the future. The approval of the MPD could be conditioned on the design guidelines. He noted that square footage could be addressed during the design guidelines discussion.

Mr. White noted that page 11 talks about installing the solar panels closer to the roof. He explained that those were the attached units and they felt that allowing solar panels to be placed on angles would interview with the adjacent attached unit. Mr. White believed that related to Commissioner Peek's comment in terms of where to allow solar panels and whether design restrictions should be applied. He noted that the language for the Cottage Units was more vague because the panels need to be conducive to the design of the home.

Mr. White appreciated Commissioner Hontz's comments regarding traffic. He pulled out the minutes from October 13<sup>th</sup> she had referenced, and noted that one of the items discussed was a discrepancy in the school of thought as to when a traffic study should occur. Some believe that President's Day weekend is the better time and other believe that summer is a higher traffic period, since more people are out of school and traveling.

Mr. White pointed out that on October 13<sup>th</sup> they also discussed that the philosophy for the City is not to increase a road width. A better scenario is to live with a little congestion at certain times and to look at acceptable levels of service in intersections and roadways. Mr. White noted that State Route 248 is a UDOT controlled road. Therefore, they have very little control on what can and cannot be done. He understood that there was still a balance between widening the road or providing another signal with a longer waiting time. Mr. White was unsure how to address that issue to reach an acceptable conclusion. He was willing to look at other alternatives.

Regarding snow storage, Mr. White concurred with Commissioner Hontz about leaving the trail accessible. There other areas in the development where snow storage could be located. He suggested that snow storage could also be conditioned as part of the plat approval process.

Mr. White requested that the Planning Commission consider moving the MPD forward this evening if possible.

Chair Wintzer clarified that Mr. White, as a representative of the applicant, was comfortable conditioning most of the comments made this evening. Mr. White replied that this was correct. Chair Wintzer asked Mr. White to identify any issue he was not willing to condition.

Mr. White stated that the applicants would love to have public transit to service the project on the first day. However, without providing private transportation and paying for it, public transportation is out of their control as to when it will be provided and operational on a day to day basis. Mr. White remarked that if opportunities arise where the developer could work with public transportation on a private/public partnership, they would be willing to look at that option.

With the exception of major site changes, Mr. White was willing to address all the other items as conditions of approval.

Commissioner Peek suggested language as a condition of approval to address home sizes, "Maximum Homestead home square footage to be limited to 5,000 square feet with no minimum. The total square footage of Homestead lots homes shall be limited to 273,000 square feet." He noted that 91 lots x 3,000 square feet was 273,000 square feet. He felt that would let the market determine house size.

Mr. White noted that a comment from a previous meeting was to add alternative renewable energy sources to the design guidelines. In keeping that option open when people can provide alternative energy sources in the future, it would allow them to build larger homes without using energy or providing another alternative energy source. Mr. White believed the market would drive development regardless, and he was not comfortable limiting size based on today's standards. The LEED for Silver rating already limits what can be built and approved.

Chair Wintzer clarified that the issue with home size was also a matter of community character and not just LEED Standards. Commissioner Pettit stated that it was also a

matter of materials and resources required for larger homes. Smaller houses make more sense and are more socially responsible.

Planner Whetstone noted that house size would be determined by the LMC.

In response to Commissioner Peek's formula, Patrick Moffat, representing the Boyer Company, preferred a formula that would not limit the total square footage for the project. If someone purchases a lot but does not build right away, they could be limited by the people who purchased later but built before them. He felt it was better to specify a house size. Commissioner Peek concurred.

Chair Wintzer suggested that house size could be determined in the design guidelines discussion. Mr. Moffat agreed. He offered to come back with a tiered approach for home sizes for different size lots.

Commissioner Savage noted that a number of added conditions were discussed this evening. He suggested that the Planning Commission continue the item, rather than try to draft the conditions this evening.

Commissioner Hontz stated that she had additional comments for the conditions of approval that would take a significant amount of time. She was not prepared to vote for approval until the conditions were written satisfactorily. Due to the late hour, she concurred with Commissioner Savage that it was better to have well thought out conditions drafted in writing for a full review.

Commissioner Pettit concurred. Without the opportunity to go through the exercise of fine tuning the conditions, she would not vote in favor this evening. She noted that this was putting aside the fact that work still needed to be done on the design guidelines. Based on the discussion this evening and the applicant's willingness to make concessions and conditions, she felt she would be more inclined to vote in favor at the next meeting.

Commissioner Pettit requested that the Staff draft conditions of approval for the next meeting that reflect the discussion this evening, and from further input from the Planning Commission submitted in writing, that can be vetted out prior to the next meeting.

Commissioner Strachan stated that he did not have the specific concerns with the conditions of approval as some of the other Commissioners. He was prepared to vote this evening, but he was not opposed to waiting until the next meeting.

Chair Wintzer stated that if the Planning Commission chose to continue to the next meeting, it was important that they provide their comments in writing in a timely manner to allow the Staff time to meet with the applicant and draft the conditions.

Mr. White remarked that the biggest issue with timing was IHC. They have been extremely patient with the City and the process, but they are anxious to complete their housing project, whether it is on the IHC site or the Park City Heights site. He was

concerned about losing IHC and encouraged the Commissioners to do whatever they could to make a decision before June.

Assistant City Attorney requested that the Commissioners submit their written comments to Planner Whetstone no later than Tuesday, May 3<sup>rd</sup>.

MOTION: Commissioner Peek moved to CONTINUE the Park City Heights MPD to May 11, 2011. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 10:45 p.m.

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

DRAFT

## **REGULAR AGENDA**



# Planning Commission Staff Report



**Subject:** Park City Heights MPD  
**Author:** Kirsten A Whetstone  
**Date:** May 11, 2011  
**Project #** PL-10-01028  
**Type of Item:** Administrative – Master Planned Development

## Summary Recommendations

Staff recommends the Planning Commission discuss the revised findings of fact, conclusions of law, and conditions of approval and consider approving the Park City Heights MPD based on the findings of fact, conclusions of law, and conditions of approval as stated in this staff report, or as amended at the meeting.

## Topic

**Applicant:** The Boyer Company and Park City Municipal Corporation  
**Location:** Richardson Flat Road, west of US 40 and south of the Rail Trail  
**Zoning:** Community Transition (CT)  
**Adjacent Land Uses:** US 40 corridor; municipal open space; single family residential and associated open space; vacant parcel to the north zoned County- RR; vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex northwest of the intersection.  
**Reason for Review:** Applications for Master Planned Developments require Planning Commission review

## Update

This purpose of this report is to provide an addendum to the April 27<sup>th</sup> staff report (Exhibit A) and to state the amended findings of fact, conclusions of law, and conditions of approval for the Park City Heights Master Planned Development. These revisions are based on Commission discussion at the April 27<sup>th</sup> meeting as well as follow-up redlines provided by individual Commissioners and the applicants (see Exhibit B).

## Proposal

The proposed Park City Heights MPD application is a request for a residential development consisting of 239 units on 239 acres of land in the Community Transition (CT) zoning district. The CT zone allows 1 dwelling unit per acre, excluding required affordable units. Park City Heights MPD density includes all deed restricted affordable units in the density calculations. Excluding required deed restricted affordable units the Park City Heights MPD density is 0.816 dwelling units per acre. Please refer to the staff reports for March 23 and April 27, 2011 for the following information:

- a complete description of the proposed MPD

- background information and history of the review to date
- staff analysis of compliance with the Community Transition (CT) zone requirements
- staff analysis of compliance with the Master Planned Development criteria
- staff analysis of compliance with the General Plan

### **Background**

On March 23, 2011, the Planning Commission conducted a public hearing and provided input on the proposed MPD. A review of the extensive background of this project is included in the March 23<sup>rd</sup> report. On April 27<sup>th</sup> the Commission received public input regarding roof forms, solar panel installation restrictions, and additional design related items as described in the Park City Heights Design Guidelines. The Commission closed the public hearing.

After discussing the findings of fact, conclusion of law, and conditions of approval, the Commission voted to continue the discussion until May 11, 2011 and agreed to provide staff with any additional follow-up comments prior to that meeting (see Exhibit B). The applicants provided additional comments in response (see Exhibit C).

### **Discussion**

Staff drafted a revised recommended set of findings of fact, conclusions of law and conditions of approval incorporating revisions that were mutually agreed upon. Staff recommends the Commission discuss these specific conditions of approval and provide any additional revisions to be incorporated in a final version of the findings of fact, conclusions of law, and conditions of approval:

**Condition # 32-** The Affordable housing plan- required to be reviewed by the Planning Commission with a recommendation to the City Housing Authority. Affordable Housing plans are reviewed and final approval is granted by the Park City Housing Authority per the Housing Resolution. Staff revised this condition to reflect requirements of the Resolution.

**Conditions # 43 and 44-** Additional wildlife study and review by the Planning Commission (applicant requested review by the Planning Department).

**Condition # 46-** Staff's original recommendation was Planning Commission review of a CUP only for houses that exceed 28 feet in height. At the April 27<sup>th</sup> meeting the Planning Commission discussed Conditional Use permit reviewed by the Planning Commission for the eight houses on the minor ridge regardless of height. Applicant requests Administrative Conditional Use permits reviewed by the Planning Staff. Staff's original condition is reflected, however staff does support Administrative review regardless of building height.

**Condition # 54-** Timing of construction of bus shelters. Applicant requests timing addressed in the Development Agreement. Staff is requesting a specific time frame within 6 months of the 40<sup>th</sup> certificate of occupancy consistent with condition #30.

**Condition # 56-** This condition states specific house size restrictions for each Homestead lot as proposed by the applicant.

**Condition # 62-** Staff has drafted this condition related to Transportation mitigation and to require an additional traffic impact study after 50% of certificate of occupancies are issued, with Planning Commission review of the report and recommendations. A table containing UDOT average traffic counts is attached as Exhibit D.

### **Department Review**

The application has been reviewed by the Planning, Building, Engineering, Sustainability, Public Works, Recreation, and Legal departments as well as by local and state utility providers (Snyderville Basin Water Reclamation District, Questar, Rocky Mountain Power, Fire District, Park City School District, Qwest, Comcast, and Mountain Trails Foundation). Issues raised during the review process have been adequately addressed and/or mitigated by revisions to the plans or by conditions of approval.

### **Public Notice**

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. The public hearing was closed at the April 27, 2011 meeting.

### **Alternatives**

- The Planning Commission may approve the Park City Heights MPD as conditioned and/or amended; or
- The Planning Commission may deny the Park City Heights MPD and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

### **Significant Impacts**

Fiscal impacts outlined in the Fiscal Impact Analysis, reviewed by the Planning Commission and City Council at the time of annexation, conclude that the proposed MPD does not create negative fiscal impacts on the City. As conditioned, the MPD mitigates significant impacts.

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

The development could not be built as proposed and the property would remain within the Park City Municipal Boundary, zoned Community Transition, and subject to the Park City Heights Annexation Agreement.

### **Future Process**

Approval of the MPD application by the Planning Commission constitutes Final Action that may be appealed following procedures outlined in LMC 1-18. Approval of the final major subdivision plat, including phasing and associated utility plans, is required for the project to move forward. Subdivision plats require final action by the City Council.

### **Recommendations**

Staff recommends the Planning Commission discuss the revised findings of fact, conclusions of law, and conditions of approval and consider approving the Park City

Heights MPD based on the findings of fact, conclusions of law, and conditions of approval as stated in this staff report, or as amended at the meeting.

### 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 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.
  - d. 35 additional non-required deed restricted affordable units in a mix of unit types.
  - 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. A FIFA (non-international play) regulation size soccer field of 100 by 50 yards can physically be located within the field area identified on the preliminary plat, allowing for adequate sideline areas and setback from Richardson Flats Road. This field size (100 by 60 yards) meets the Utah Youth Soccer Association dimensions for competitive soccer games for youth age 12 and older.
  - 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 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.
  - 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 3,000sf 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<sup>and</sup> 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 13<sup>th</sup>, November 10<sup>th</sup>, and December 8<sup>th</sup>, 2010 and on February 9<sup>th</sup>, February 23<sup>rd</sup>, March 9<sup>th</sup> and March 23<sup>rd</sup>, 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. 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.
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. The park includes a field area large enough to accommodate a FIFA (non-international play) soccer field with dimensions of 100 by 50 yards. 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' (and 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 traffic study was conducted and a report was prepared by Hales Engineering in 2007 and updated in 2008. This study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. The City's Transportation

Department is preparing a short range transportation plan that will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements, signalization synchronization, and timeline for bus service in the Quinn's area, including Park City Heights.

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.
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 will be required to include mitigations 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 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.
  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. Sound mitigation may be provided 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 Powerline 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.

### 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. 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.
3. The MPD, as conditioned, is consistent with the Park City General Plan, as described in these findings and in Exhibit C of the April 27, 2011 staff report.
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, in that Park City's resort character is identified by access to recreation and trails; neighborhoods of mixed housing types, sizes, and price; location of affordable housing within the City Limits; attention to architectural design; and forward thinking with regards to sustainable development and design. Park City Heights includes easy access to trails; a City Park within the neighborhood; a community garden area and other amenities; completion of a critical connection for and access to the Rail Trail providing opportunities for alternative transportation (biking, walking, in-line skating, cross country skiing) for recreation and commuting; and the Park City Heights Design Guidelines that include architectural and landscape design requirements, including 100% of the houses to meet or exceed LEED Silver (or equivalent) green building standards.
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 in that a public park will be constructed with access to the community off the Rail Trail, Rail Trail connections will provide access for the entire community to the recreation amenities at the Quinn's Sports Complex, and additional public back country trails and links to existing back country trails are incorporated in the MPD.
8. The MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed in that a range of unit types, sizes, and price of both affordable and market rate units are provided.
9. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible in that 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.

10. The MPD promotes the Use of non-vehicular forms of transportation through the site design and by providing trail connections to existing community trails, provision of pad sites for accessory uses/daycare, construction of a city park and neighborhood amenities, provision of bus shelters with dial-a-ride transit service until regular bus service is provided, safe crossing of Richardson Flat Road, and bike racks. Direct connection to and critical improvements of the Rail Trail provide 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.
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 (Exhibit E).
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 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-(I) 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-arounds 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 and 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 40<sup>th</sup> 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. As noted in the findings of fact the park will accommodate a non-international play sized soccer field (100 by 50 yards minimum) and will include bathrooms in the club house with exterior access for field 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. Sound mitigation shall be provided with 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 years from the date of execution of the 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 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 28<sup>th</sup> 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 have 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 Department 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 the proposed building height is greater than 28 feet.
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 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 40<sup>th</sup> 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', (ie 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 the Homestead Lots shall be identified in the Design Guidelines taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, and ability to achieve LEED Silver rating for energy efficiency. Notwithstanding the foregoing, house sizes of the following Homestead lots shall be limited to the following sizes (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 these maximum square footages allowed. 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.

57. 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 as an MPD Amendment. Minor amendments shall be reviewed by the Planning Director for consideration and approval.
58. 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.
59. 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.

60. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site.
61. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD. The City's Transportation Department is preparing a short range transportation plan that will include the projected traffic from Park City Heights MPD in the recommendations. The applicants shall coordinate with the City Transportation Department to ensure that signal synchronization along Hwy 248 is requested of UDOT to ensure efficient traffic flow. Within 6 months of the issuance of 50% of the certificates of occupancy an updated Traffic Impact Study, evaluating impacts of the Park City Heights traffic on Highway 248 and providing recommendations, shall be reported to the Planning Commission. The Planning Commission shall review the report and make a determination as to whether additional mitigation measures due to the Park City Heights MPD traffic are warranted. The updated Traffic Impact Study shall include a report to UDOT regarding signal coordination requirements to ensure continued efficient traffic flow on Hwy 248.

### **Exhibits**

- Exhibit A- Staff report of April 27, 2011, including Exhibit A- March 23, 2011 staff report (all other attachments to these reports were previously provided and are available on the city's website [www.parkcity.org](http://www.parkcity.org)).
- Exhibit B- Follow-up redlines by Planning Commission
- Exhibit C- Applicant's redlines and comments
- Exhibit D- UDOT Traffic Counts for Station 606- 0.5 miles west of US 40 (separate cover- 11 by 17 in packet)

# Planning Commission Staff Report



**Subject:** Park City Heights MPD  
**Author:** Kirsten A Whetstone  
**Date:** April 27, 2011  
**Project #** PL-10-01028  
**Type of Item:** Administrative – Master Planned Development

## **Summary Recommendations**

Staff recommends the Planning Commission discuss the revised Design Guidelines and revised findings of fact, conclusions of law, and conditions of approval. The Commission should hold a public hearing, consider any input, and consider approving the Park City Heights MPD based on the findings of fact, conclusions of law, and conditions of approval as stated in the staff report, or as amended at the meeting.

## **Topic**

**Applicant:** The Boyer Company and Park City Municipal Corporation  
**Location:** Richardson Flat Road, west of US 40 and south of the Rail Trail  
**Zoning:** C Community Transition (CT)  
**Adjacent Land Uses:** US 40 corridor; municipal open space; single family residential and associated open space; vacant parcel to the north zoned County- RR; vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex northwest of the intersection.  
**Reason for Review:** Applications for Master Planned Developments require Planning Commission review

## **Objectives of this Meeting**

Staff requests discussion on the following items:

- Revised Design Guidelines (Exhibit D)
- Revised Findings of Fact, Conclusions of Law, and Conditions of Approval (included herein)

## **Proposal**

The proposed Park City Heights MPD application is a request for a residential development consisting of 239 units on 239 acres of land in the Community Transition (CT) zoning district. The CT zone allows 1 dwelling unit per acre, excluding required affordable units. Park City Heights MPD density includes all deed restricted affordable units in the density calculations. Excluding required deed restricted affordable units the Park City Heights MPD density is 0.816 dwelling units per acre. Please refer to the March 23, 2011, staff report (Exhibit A) for the following:

- a complete description of the proposed MPD
- background information and history of the review to date
- compliance with the Community Transition (CT) zone requirements
- compliance with the Master Planned Development criteria

### **Background**

On March 23, 2011, the Planning Commission conducted a public hearing and provided input on the proposed MPD (minutes are included in the Commission packet). The extensive background of this project is given in the March 23<sup>rd</sup> report. Staff received follow-up comments from individual Planning Commissioners. Those comments have been addressed by staff and the applicant (see Exhibit B).

### **Analysis**

Staff analysis of the application is provided in the Staff report of March 23, 2011 (Exhibit A). Based upon the input made at the March 23, 2011 meeting, a revised analysis of compliance with the Park City General Plan is provided as Exhibit C.

### **Discussion**

- **Design Guidelines**

At the March 23, 2011 meeting, revised Design Guidelines were provided to the Commission. These Design Guidelines have been subsequently revised (attached as Exhibit D) to address concerns and issues raised at the March 23<sup>rd</sup> meeting and based on comments provided by individual Commissioners following the meeting. These amendments include the following:

- Additional design details for streets to mitigate cut and fill slopes and minimize the area of disturbance for street construction (see Exhibit I- Limits of Disturbance plan for streets, trails, park, drainage, etc.)
  - Retaining wall design guidelines
  - On-site construction recycling area
  - On-site excavation storage area to minimize disturbance areas
  - Defensible space regarding Wildland interface issues
  - Required energy off-set if snow melt systems and other high energy use amenities are used
  - Façade variation requirements
  - Skylight glass restrictions to protect night sky from light pollution
  - Driveway width limitations for shared driveways
  - Landscape requirements for perimeter lots in consideration of defensible space requirements
  - Privacy screening of hot tubs
- **Findings of Fact, Conclusions of Law, and Conditions of Approval**  
Staff has provided final findings of fact and conditions of approval (attached to this report) in response to Commission and applicant comments raised at the March 23<sup>rd</sup> meeting, and in response to individual follow-up comments from that meeting.

- Staff has also provided an issues matrix (Exhibit J) to assist the Commission in review of this project. The matrix identifies issues, source of requirements (LMC, Annexation Agreement, etc), status of issues, and how the issue has been addressed (conditions of approval (COA), Design Guidelines (DG), etc.).
- A chart of the timeline of completion of the MPD requirements is included to summarize specific conditions of approval that have associated time requirements (Exhibit K).
- The applicants have revised the trails plan and provided a new exhibit showing how the proposed trails relate to the topography of the site (Exhibit H). Staff has included an exhibit indicating existing trails in the PC Heights area (Exhibit L).
- Recommendations regarding the Fire Protection plan requirements for individual units have been incorporated in the conditions of approval (Exhibit G).
- UDOT information regarding sound walls along highways is provided as Exhibit F.

### **Department Review**

The application has been reviewed by the Planning, Building, Engineering, Sustainability, Public Works, Recreation, and Legal departments as well as by local and state utility providers (Snyderville Basin Water Reclamation District, Questar, Rocky Mountain Power, Fire District, Park City School District, Qwest, Comcast, and Mountain Trails Foundation). Issues raised during the review process have been adequately addressed and/or mitigated by revisions to the plans or by conditions of approval.

### **Public Notice**

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.

### **Alternatives**

- The Planning Commission may approve the Park City Heights MPD as conditioned and/or amended; or
- The Planning Commission may deny the Park City Heights MPD and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

### **Significant Impacts**

Fiscal impacts outlined in the Fiscal Impact Analysis, reviewed by the Planning Commission and City Council at the time of annexation, conclude that the proposed MPD does not create negative fiscal impacts on the City. As conditioned, the MPD mitigates significant impacts.

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

The development could not be built as proposed and the property would remain within the Park City Municipal Boundary, zoned Community Transition, and subject to the Park City Heights Annexation Agreement.

### **Future Process**

Approval of the MPD application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Approval of the final major subdivision plat, including phasing and associated utility plans, is required for the project to move forward. Subdivision plats require final action by the City Council.

### **Recommendations**

Staff recommends the Planning Commission discuss the revised Design Guidelines and revised findings of fact, conclusions of law, and conditions of approval. The Commission should hold a public hearing, consider any input, and consider approving the Park City Heights MPD based on the findings of fact, conclusions of law, and conditions of approval as stated in the staff report, or as amended at the meeting.

(Note- the findings of fact, conclusions of law, and conditions of approval recommended by Staff with this report are available on the City's website. A redlined version of the findings, etc. were presented to the Commission at the meeting. Please refer to the May 11, 2011 Staff report for the revised findings of fact, conclusions of law, and conditions of approval).

### **Exhibits (Not included- available on the city's web site)**

Exhibit A- Staff report of March 23, 2011 (all attachments to this report were previously provided and are available on the city's website [www.parkcity.org](http://www.parkcity.org)).

Exhibit B- Summary of follow-up comments and applicant's responses

Exhibit C- A revised analysis of compliance with the Park City General Plan.

Exhibit D- Revised Park City Heights Design Guidelines

Exhibit E- Standard Conditions of Approval

Exhibit F- UDOT information on sound walls

Exhibit G- e-mail from Scott Adams, regarding Fire Protection Plan recommendations

Exhibit H- Trails plan and topography

Exhibit I- Limits of Disturbance for streets, trails, landscaping, park, utilities, and drainage

Exhibit J- Issues matrix

Exhibit K- Timeline to complete MPD requirements chart

Exhibit L- Existing trails map

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. DO WE WANT TO CALL OUT THE NUMBER OF EACH UNIT TYPE COTTAGE, PARK, HOMESTEAD here?
- 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.
- d. 35 additional non-required deed restricted affordable units in a mix of unit types.
- e. All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, or to the National Association of Home Builders National Green Building Standards-Silver, 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 determined by the Chief Building Official 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 City Park with field, tot lot, 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.
- 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.

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- 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.
  - l. Transit bus shelters along Richardson Flat road (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.
  - o. A 3,500sf 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). 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

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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 13<sup>th</sup>, November 10<sup>th</sup>, and December 8<sup>th</sup>, 2010 and on February 9<sup>th</sup>, February 23<sup>rd</sup>, March 9<sup>th</sup> and March 23<sup>rd</sup>, 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. 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.
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 public park to be constructed by the developer

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according to the City's parks plan and these conditions of approval, and as further directed by the City Council.

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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. No parking on streets will be allowed in the Park Homes or Cottage Homes area of the MPD. All overflow parking in these areas will need to be accomplished in established small (no more than 4 spaces) surface parking pads.

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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' (and 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 and additional design specific analysis is warranted through the conditional use process.
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.

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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 traffic study was conducted and a report was prepared by Hales Engineering in 2007 and updated in 2008. This study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010.

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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.

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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.

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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, including without limitation, rental units consistent with the needs described in Housing Market Assessment for Park City, dated September 2010.

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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 will 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.

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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 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.
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. Sound mitigation may be provided 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.

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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 Powerline setbacks as required by this Utility.

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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 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.

#### 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 design and by providing trail connections to existing community trails, a walkable interconnected site plan, a city park and neighborhood amenities, and a bus shelter and cross walk.

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 (Exhibit E).
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.
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, or to the National Association of Home Builders National Green Building Standards Silver, 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 determined by the Chief Building Official 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. 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. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
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-(l) and 15-3-3(c) and the Park City Heights Design Guidelines.

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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.
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 unnecessary 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

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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-arounds 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.

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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 and clean up of degraded areas and new nesting habitat/bird and small mammal boxes.

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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.

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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.

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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 30<sup>th</sup> building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the

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units within that phase, or as otherwise stated in the Development Agreement.

31. The public park shall include public bathrooms available on the same or similar schedule to other Park City public park restroom facilities and shall provide field space to accommodate a field of play of 130 yards by 100 yards with additional area around the field surface for spectators. The playing surface shall allow for both youth and adult play. The Public Park tot lot shall include playground equipment. The public park shall also have sufficient space allocated for a future dog park.

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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 for input and approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD.

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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 are permitted within the MPD. Sound mitigation shall be provided with 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.

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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.

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 submitted for ratification by the Planning Commission within 4 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.

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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 Parcels I and J shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the first certificate of occupancy for the Park City Heights MPD.

(note- if this area is construction staging- then a new construction staging

area will have to be identified for later stages and be re-vegetated in a like manner with issuance of certificates of occupancy.)

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. Two additional site visits are 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.

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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 Commission for review by a certified wildlife biologist.

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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.

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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, a conditional use permit shall be reviewed and approved by the Planning Commission.

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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.

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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.

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49. High energy use amenities, such as snow melt systems, heated driveways, exterior 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. Timing of bus service and construction of bus shelters for Park City Heights shall be addressed in the Development Agreement.
- 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 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 4 feet where they are necessary. A system of 4' walls with no individual wall exceeding 4', (ie 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 the Homestead Lots shall be identified on the final subdivision plat taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, and ability to achieve LEED Silver rating for energy efficiency. The Design Guidelines will further restrict house sizes within the MPD if necessary.
- 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, staking, 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 as an MPD Amendment. Minor amendments shall be reviewed by the Planning Director for consideration and approval.
- 59. An update to the Traffic Impact Study (TIS) evaluating the conditions on Highway 248 during winter peak traffic days (December 26 and January 1) including physical counts of total cars on Hwy 248 and to better understand queuing before and after Old Dump Road; and an evaluation of the entire 248 corridor's traffic signals coordination (under both current conditions and future) shall be reported to the Planning Commission to determine if further site mitigation due to conditions created by the Project are warranted. The updated TIS is encouraged to occur during the winter of 2011/12. The Planning Commission shall review and approve the findings of the updated TIS prior to the first certificate of occupancy. A report from the traffic engineer to UDOT regarding signal coordination may be warranted to assist in facilitating on-site improvements.
- 60. No removal or trucking of snow off-site, and snow storage cannot take place blocking internal circulation trails.

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61. The MPD's CC&R's shall include a section detailing the history of the site and Quinn's Junction area to provide potential buyers and future homeowners with information regarding the mining and dumping past of the region.

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## 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.
- 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.
- d. 35 additional non-required deed restricted affordable units in a mix of unit types.
- 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, 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.
- 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

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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.

- l. Transit bus shelters along Richardson Flat road (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 3,000sf 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). 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.

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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 13<sup>th</sup>, November 10<sup>th</sup>, and December 8<sup>th</sup>, 2010 and on February 9<sup>th</sup>, February 23<sup>rd</sup>, March 9<sup>th</sup> and March 23<sup>rd</sup>, 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. 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.
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.

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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. ↓
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' (and 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 traffic study was conducted and a report was prepared by Hales Engineering in 2007 and updated in 2008. This study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. An updated traffic

**Comment [B1]:** The streets have been designed to allow for parking on one side per instructions from City Engineer

**Deleted:** No parking on streets will be allowed in the Park Homes or Cottage Homes area of the MPD. All overflow parking in these areas will need to be accomplished in established small (no more than 4 spaces) surface parking pads

**Deleted:** and additional design specific analysis is warranted through the conditional use process.

**Deleted:** if building height over the 28' zone height is requested and recommended as a condition of approval of this MPD

volume and trip generation report was provided by Hales Engineering on September 27, 2010. The updated report concludes that the reduced density of the current MPD and the slight increase in background traffic volumes from those utilized in the 2007/2008 studies indicate that the TIS does not need to be updated for the MPD and that the recommendations for transportation and traffic mitigation as required by the Annexation Agreement are still valid.

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.
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.

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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.
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 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.
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. Sound mitigation may be provided 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.

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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 Powerline 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.

#### 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 design and by providing trail connections to existing community trails, a walkable interconnected site plan, a city park and neighborhood amenities, and a bus shelter and cross walk.

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 (Exhibit E).
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.
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 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-(I) 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.

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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.
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-arounds 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 and 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 40<sup>th</sup> 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.

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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.

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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 approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD. The recommended Affordable Housing plan shall take into consideration comments from the Planning Commission that were made at the Public Hearing on 4/28/11.

Comment [B2]: We are willing to put in whatever improvements the RAB and CC would like, however our conversations with the park dept thus far has indicated that they do not want fields at this park. There is already a dog park at Quinns Junction that will be able to be accessed via trail without getting in the car.

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.

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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.

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35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. Sound mitigation shall be provided with 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.

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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.

Comment [B3]: Review from Planning Commission not required under current ordinance

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 submitted for ratification 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.

Comment [B4]: I think this is ok. As I understand it, planning staff want to review each home to make sure they are not planning individual barriers or walls? If this is the case that is ok.

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38. The Park City Soils Boundary shall be identified on the final plats (if applicable).

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39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.

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40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.

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41. A re-vegetation plan for Parcels I and J shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the first certificate of occupancy for the Park City Heights MPD. (note- if this area is construction staging- then a new construction staging area will have to be identified for later stages and be re-vegetated in a like manner with issuance of certificates of occupancy.)

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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.

Comment [B5]: This area will probably be used as construction staging for initial phases. This site may also be used as a community recycling and storage site for fill during construction of homes. Once we have finished using it we have no problem re-vegetating it.

43. One additional site visit are 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 prior to issuance of any grading or building permits.

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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 Department for review by a certified wildlife biologist.

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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, an administrative conditional use permit shall be obtained if the height of the building roof height is greater than 28 feet.

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- Comment [B6]: We need to make sure that we have a good way to identify these lots in case the lot numbers change. Do we want to include exhibit with lots numbers?
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- Deleted: if a building roof height greater than the Zone Height of 28 feet is requested. Other LMC zone height exceptions continue to apply

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 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.

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

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- Comment [B7]: Cannot be tied to something (bus service) that we do not control.
- Deleted: Timing of bus service and construction of bus shelters for Park City Heights shall be addressed in the Development Agreement
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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', (ie 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.

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56. House size limitations for the Homestead Lots shall be identified in the Design Guidelines taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, and ability to achieve LEED Silver rating for energy efficiency. Notwithstanding the foregoing, house sizes of the following Homestead lots shall be limited to the following sizes:

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- \_\_\_\_\_ 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

Comment [B8]: There may be a better way to insert this, but the point is we would like to have a 3 tiered approach to the house sizes

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The Design Guidelines shall reflect these maximum square footages allowed. In addition, an exhibit is attached showing

Comment [B9]: UDOT has counters in place. Data can be obtained for the past 10 years.

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.

Deleted: <#>An update to the Traffic Impact Study (TIS) evaluating the conditions on Highway 248 during winter peak traffic days (December 26 and January 1) including physical counts of total cars on Hwy 248 and to better understand queuing before and after Old Dump Road; and an evaluation of the entire 248 corridor's traffic signals coordination (under both current conditions and future) shall be reported to the Planning Commission to determine if further site mitigation due to conditions created by the Project are warranted. The updated TIS is encouraged to occur during the winter of 2011/12. The Planning Commission shall review and approve the findings of the updated TIS prior to the first certificate of occupancy. A report from the traffic engineer to UDOT regarding signal coordination may be warranted to assist in facilitating on-site improvements

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 as an MPD Amendment. 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 cannot take place blocking internal circulation trails.

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No removal or trucking of snow off-site

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.

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Deleted: <#>The MPD's CC&R's shall include a section detailing the history of the site and Quinn's Junction area to provide potential buyers and future homeowners with information regarding the mining and dumping past of the region.¶

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## Planning Commission Staff Report

**Author:** Kayla S. Sintz  
**Application #:** PL-11-01197  
**Subject:** 1310 Lowell, PCMR – Small Wind Energy System  
(aka wind turbine)  
**Date:** May 11, 2011  
**Type of Item:** Administrative – Conditional Use Permit

### Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and consider approval of the Conditional Use Permit for a Small Wind Energy System at Park City Mountain Resort, according to the findings of fact, conclusions of law, conditions of approval and discussion herein.

### Topic

Applicant:	Park City Mountain Resort
Applicant Representative: Brian	Suhadolc
Location:	1310 Lowell Avenue – Park City Mountain Resort
Zoning:	Recreation Open Space (ROS)
Adjacent Land Uses:	Resort, Residential
Reason for Review:	Planning Commission must approve Conditional use Permits: Small Wind Energy System

### Background

On February 11, 2011, the City received a completed application for a Conditional Use Permit at 1310 Lowell Avenue. The Conditional Use Permit is required for a Small Wind Energy System located in the Recreation Open Space (ROS) zone. The subject property, being part of the Park City Mountain Resort, is also located in the Sensitive Lands Overlay (SLO). A Small Wind Energy System is defined as:

Wind Energy System, Small. *All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but it not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.*

This proposed Conditional Use is in line with the Recreation Open Space (ROS) zone purpose statement (E) which states: *Encourage sustainability, conservation, and renewable energy*

The associated solar panel does not require a Conditional Use permit. Solar Panels are reviewed under *LMC 15-5-5 (G) Solar Panels and Skylights* and are to be designed in conjunction with architectural features and in context with surrounding uses in which the

proposed complies. Solar Panels in historic districts are subject to further review and approval.

### **Analysis**

Park City Mountain Resort proposed a Small Wind Energy System and tracking solar panel as part of the resort's green initiatives for reducing their carbon footprint. The resort also plans on using the equipment for the education of skiers, riders and hikers. The turbine has a similar look and feel to the existing ski lifts in the area.

The proposed Small Wind Energy System is a vertical axis wind turbine of 12kW with an overall height of 38 feet. The 5 vertical blades on the system are each approximately 20.3 feet in length.



*Vertical axis wind turbine*

The overall diameter of the system is approximately 19.7 feet in diameter. Also proposed with this system (separate structure) is a sun tracking solar panel. The system's proposed location near the Silverlode Lift was analyzed over a multi-year period using anemometers and determined to be the best possible location.

The manufacturer indicates a 32 dB noise level for the wind turbine (exhibit B for a comparison of decibel levels). The turbine power output is 12 kW with an added 5-10 kW being produced by the solar panel, which will all be powered back to the PCMR grid. Both units will produce power year round.

Manufacturer and industry supplied support information addresses the impact of small wind energy systems and migrating birds. Specifically, attached letter from Audubon California (exhibit C) indicates bird deaths caused from this small type of system is equivalent to bird deaths caused by stationary objects. Small wind energy systems' lower height and speeds are less impactful on migrating birds. This location has not been reviewed in regards to migratory bird paths.

Staff finds this Conditional Use Permit reinforces Park City's sustainability goals and a purpose statement of the zone. The City has a history of supporting renewable energy, including the completion of four municipal clean energy projects in the past two years. This project is also in line with numerous components of the City's environmental plan, including increasing the visibility and utilization of renewable energy while also reducing the community's carbon footprint.

Under the LMC Conditional Use Permit Standards for Review LMC 15-1-10(E):

1) Size and location of the Site;

**No unmitigated impacts**

The Small Wind Energy system is proposed to be located in the most beneficial wind producing area, the top of Silverlode Lift, which is located centrally in the Park City Mountain Resort. Due to the internal location, no neighboring properties are directly affected.

2) Traffic considerations including capacity of the existing Streets in the area;

**Not applicable**

3) Utility capacity;

**No unmitigated impacts**

The applicant indicates a net gain for the proposed system which includes 12 kW produced by the wind turbine and 5-10 kW produced by the solar panel(s) of supplied power back to the PCMR grid. These units will produce power year round.

4) Emergency vehicle access;

**Not applicable**

5) Location and amount of off-street parking;

**Not applicable**

6) Internal vehicular and pedestrian circulation system;

**Not applicable**

The Small Wind Energy System is accommodated within the Park City Mountain Resort internal trail/access system to Silverlode Lift. New access points are not proposed to service this site.

7) Fencing, Screening, and Landscaping to separate the use from adjoining uses;

**No unmitigated impacts**

Modifications in landscaping are not proposed.

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

**No unmitigated impacts**

The vertical axis wind turbine and associated solar equipment is mechanical looking in nature with a small enclosed electrical equipment controller and is not associated with a building structure. The applicant has indicated a three (3) year study for site suitability at this location.

9) Usable open space;

**No unmitigated impacts**

Not applicable. The site location is internal to the Park City Mountain Resort.

10) Signs and Lighting;

**No unmitigated impacts**

See 15-2.7-9 LMC Small Wind Energy Systems Criteria (G) below. Condition of approval # 6 has been added.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

**No unmitigated impacts**

The vertical axis turbine and associated solar equipment is compatible to the existing ski lift equipment in the general area of the Silverlode Lift. Bonanza Lift and Summit House are also in the general vicinity. This proposed mechanical use would be compatible.

12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

**No unmitigated impacts**

Located in a centralized area of Park City Mountain Resort near the Silverlode Lift, there are no known mechanical factors affecting others off-site. The noise level for this equipment is rated at 32 dB and is occurring internally within the property. The Park City Municipal Code 6-3-9 (B) states: *The noise shall be measured at a distance of at least twenty-five feet (25') from the source of the device upon public property or within the public right-of-way or twenty-five (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five (65) decibels shall be considered to be excessive and unusually loud.*

13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

**Not applicable**

Delivery and service vehicles will not be impacted.

14) Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

**No unmitigated impacts**

Ownership of the current facilities use will not change. Park City Mountain Resort will maintain ownership.

15) Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

**No unmitigated impacts**

The structural stabilization involved for the vertical axis wind turbine and associated tracking solar panel(s) is similar to that of ski lift construction but at a smaller scale. No additional challenges are anticipated. As previously noted, an extensive multi-year process measuring wind velocities and consistencies

yielded this location as the most appropriate. Based on LMC Section 15-2.21-7 *Sensitive Land Regulations – Development Approvals for Ski Area Construction and Expansion*, a condition of approval has been added to include re-vegetation of disturbed areas, and temporary and permanent erosion control measures.

**15-2.7-9 LMC Small Wind Energy Systems Criteria for Review :**

- (A) Location. Location on the Property and associated wind data shall indicate the optimal citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system, due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

**No unmitigated impacts**

*As required, the applicant has indicated the chosen site to be the best location based on multi-year anemometer information citing highest wind energy potential and lowest air turbulence from the ground and surrounding objects. See attached California Audubon letter (exhibit C) indicating minimal impacts of Small Wind Energy Systems on migratory bird paths. The applicant's proposed location has not been identified as a migratory bird flyway. The chosen site will not affect the existing summer trail system or winter ski run areas.*

- (B) Setbacks and height. See Section 15-2.7-4 (A) Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. Exception: Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

**No unmitigated impacts**

*The Small Wind Energy system, indicated at 38 feet in height, is located internally at Park City Mountain Resort. Due to the centrally placed location within the resort, setbacks are not applicable.*

- (C) Lot Size. Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of (1) acre or more.

**Not applicable.**

*The Small Wind Energy System is proposed to be 38 feet in height. Further, it is located within the Park City Mountain Resort, which includes approximately 3,300 acres.*

- (D) Design. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

**No unmitigated impacts as conditioned**

*A condition of approval has been added to address this requirement. Staff would also recommend dark green or brown as being acceptable colors blending in with the environment.*

- (E) Lighting. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

**No unmitigated impacts as conditioned**

*A condition of approval has been added to address this requirement.*

- (F) Noise. No violation of the City noise ordinance.

**No unmitigated impacts**

A condition of approval has been added to address this requirement. The manufacturer's data indicates a noise level of 32 dB at 15 mpg which is under the city's noise ordinance thresholds. A 32dB noise level is similar to a Living Room/Quiet Office (exhibit B).

- (G) Signs. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs must comply with the Park City Sign Code.

**No unmitigated impacts as conditioned**

A Condition of Approval has been added to address this requirement. Staff would also recommend appropriate educational signage as acceptable.

- (H) Building Permit. Prior to issuance of a Building Permit, the system shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.

**No unmitigated impacts as conditioned**

A Condition of Approval has been added to address this requirement.

- (I) Visual Analysis. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

**Discussion Requested**

The nature of a small wind energy system is appropriate height and location to capture the greatest amount of available wind. The location of this wind turbine was based on a multi-year study. As a base reference, the applicant provided photographs (exhibit D) identifying the Silverlode Lift (which would be the nearest tallest structure to the wind turbine proposed.) The LMC Vantage Points where the lift can be seen are as follows:

- #2 Treasure Mountain Middle School
- #6 Park City Golf Course Clubhouse
- #7 Park Meadows Gold Course Clubhouse
- #8 State Road 248 – ¼ mile west from U.S. Highway 40

Staff finds the visual impact minimal and would far outweigh the overall community benefits to any marginal visual negatives. Further, the community is

very used to seeing a similar visual impact of this kind on any cross canyon ski slope view so the impact is viewed most similarly as a ski lift-type structure.

- (J) System Conditions. The Applicant/system Owner shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

**No unmitigated impacts as conditioned**

A Condition of approval has been added to address this requirement.

- (K) Removal and Decommissioning. Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more. Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense. The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.

**No unmitigated impacts as conditioned**

A Condition of Approval has been added to address this requirement.

- (L) Replacement. Replacement of an already permitted turbine with a similar size and height will not require a Conditional Use permit modification.

**Not applicable**

This is a brand new Small Wind Energy System. Only an anemometer was previously located at this site.

**Department Review**

This project has gone through an interdepartmental review. Issues pertaining to the proposed Small Wind Energy System were discussed. Staff has suggested conditions of approval to mitigated issues.

**Notice**

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

**Public Input**

At the time of writing this report, no public input had been received regarding the proposed use.

**Alternatives**

- The Planning Commission may approve the 1310 Lowell Avenue Conditional Use Permit as conditioned or amended, or
- The Planning Commission may reject the 1310 Lowell Avenue Conditional Use Permit and direct staff to make Findings for this decision, or

- The Planning Commission may continue the discussion on the 1310 Lowell Avenue Conditional Use Permit.

### **Significant Impacts**

There are no significant fiscal impacts from this application. Environmental impacts will be mitigated during construction.

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

Park City Mountain Resort would not be able to install the Small Wind Energy System in this proposed location.

### **Future Process:**

Approval of the Conditional Use Permit is required prior to issuance of a building permit. Approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 1310 Lowell Avenue Conditional Use Permit and approve the application based on the findings of fact, conclusions of law, and conditions of approval.

### **Findings of Fact:**

1. The property is located at Park City Mountain Resort, 1310 Lowell Avenue.
2. The zoning is Recreation Open Space (ROS) within the Sensitive Lands Overlay (SLO).
3. The proposed Conditional Use Permit is for a Small Wind Energy System. The solar panel tracking system does not require a Conditional use permit.
4. The Small Wind Energy System is a vertical axis wind turbine of approximately 38 feet in height and 19.7 feet in diameter.
5. The Small Wind Energy System will be constructed near the Silverlode Lift.
6. Replacement of an already permitted turbine with a similar size and height will not require a Conditional Use permit modification.
7. The analysis section above is incorporated herein

### **Conclusions of Law:**

1. The application complies with all requirements of the LMC
2. The use is compatible with surrounding structures in Use, Scale, Mass, and Circulation.
3. The use is consistent with the Park City General Plan, as amended.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

### **Conditions of Approval:**

1. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.

2. The Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.
3. Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more. Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense. The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.
4. The Applicant/system Owner shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.
5. Prior to issuance of a Building Permit, the system shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.
6. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. Educational identifier signage will also be permitted. All signs comply with the Park City Sign Code.
7. The Small Wind Energy System and associated solar panel tracking system must meet the City's Noise Ordinance per 15-6-8 and 15-6-9 of the Park City Municipal Code.
8. The Small Wind Energy System shall be a neutral color that blends with the environment. Gray, beige/brown, green or white are recommended and all paint and finishes shall be non-reflective.
9. Prior to building permit issuance the City Engineer will review and approve a re-vegetation plan of disturbed areas, and temporary and permanent erosion control measures.

### **Exhibits**

Exhibit A - Proposed Design Drawings – Limits of Disturbance and Specification

Summary sheets

Exhibit B – Building Integrated Wind Turbines Green Paper

Exhibit C – California Audubon Memo 7/17/2001

Exhibit D –Vantage Point photographs (affected views only)



## Falcon 12 K

On Grid

Vertical Axis Wind Turbine

With Manual Brake



# Installation and Operation Manual

32 Journey #250

Aliso Viejo, CA 92656

Tel: (866) 385-WIND (9463)

Fax: (800) 291-7239

[support@wepower.us](mailto:support@wepower.us)

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F12K ONGRIDMB – v20091109

November 9, 2009

### 3 Specifications

#### 3.1 Overview

The general specifications for the F12 K On Grid model are as follows:

	<b>F12 K</b>
Rated Output (W)	12000
Cut in Wind Speed (mph)	8.7 (4 m/s)
Rated Wind Speed (mph)	29 (13 m/s)
Operating Speed (mph)	9-56 (4-25 m/s)
Turbine Blade Assembly Diameter (ft)	19.6' (600 cm)
Number of Blades	5
Blade Length (ft)	20.3' (620 cm)
Net Wt of Turbine and Generator (lbs)	2,167 (985 kg)
Generator Type Rated VAC Output CE Certified	3 phase synchronous permanent magnet 210 VAC yes
Controller Input Voltage (VAC) Rated Input Voltage (VAC) Output Voltage (VDC) Rated Voltage Output (VDC) Over Speed Protection Relative Humidity (%) CE Certified	58 - 218 VAC 210 VAC 81 - 305 VDC 280 VDC Aerodynamic 0 - 90% yes
Inverter Input Voltage (VDC) Output Voltage (VAC) Relative Humidity (condensing) (%) UL 1741 Approved	90-580 VDC 187 - 299 VAC 0 - 100% yes
Brake	Manual brake for emergency stop
Flanged Monopole Tower (ft)	18' or 30'

## 5.8 Assembling the Wind Turbine

5.8.1 The following diagram illustrates the main parts of the F12 K On Grid model:

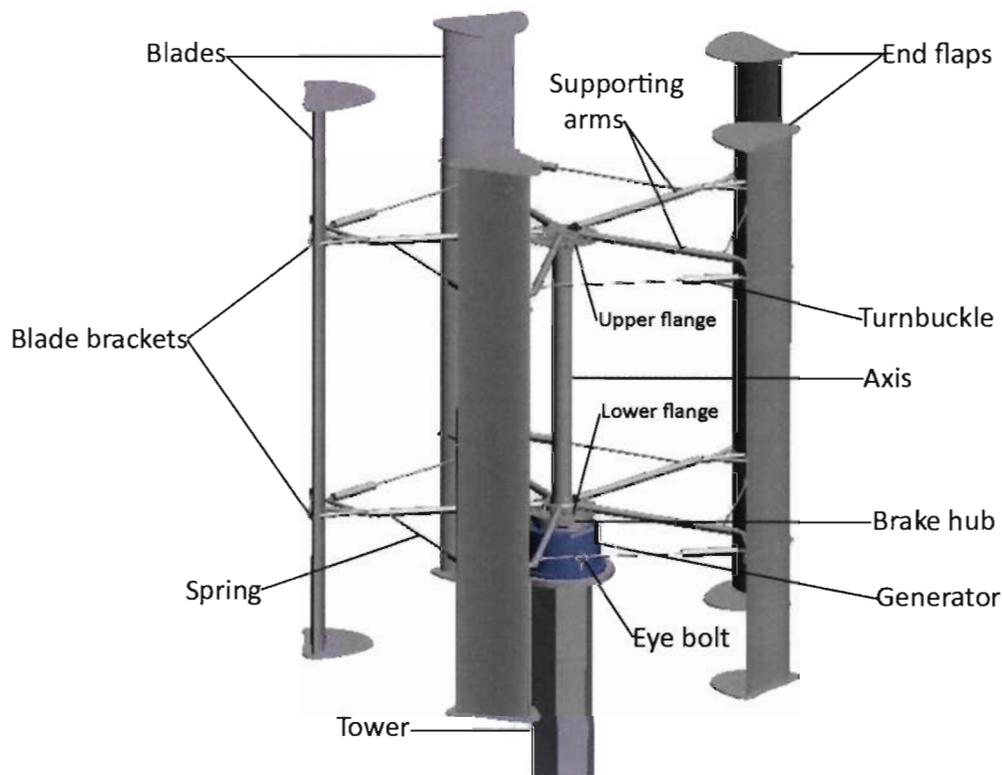


Figure 17. Main parts of wind turbine

5.8.2 Connect the blade brackets to the blades. Screw tight with bolts (M6 X 95 and M6 X 60), plain washers (M6), and lock nuts (M6). Torque to a maximum of 75 inch pounds.

**Note:** The longer bolts will go through the thicker part of the blade, while the shorter bolts will go through the thinner part of the blade. See Figure 18. Secure the ends of the blade brackets.

# SunArx T-21 Owner's Manual



rev. 20100518  
applies to T-21 serial numbers 00026-00050



38150 River Frontage Rd. #1D  
New Castle CO 81647  
970-984-3750



# FALCON™

## 12kW

On Grid - AC Utility Connection



### Technical Specifications

#### Performance

Instantaneous Rated Power	12kW
Rated Wind Speed	29 mph (13 m/s)
Cut-In Speed	6 mph (2.7 m/s)
Maximum Wind Speed	111 mph (49.6 m/s)

#### Physical Parameters

Size	19'8" (6m) Rotor Diameter X 20'4" (6.2m) Blade Length
Tower Height	18' (5.5m)
Gross Weight	4190 lbs (1905kg) Excluding Tower

#### Noise Level

15 mph (6.7 m/s) @ 9' distance (3m) 32 dB

#### Output Controller

Output Voltage (DC)	48V DC (Off-Grid)
Output Voltage (DC)	81-305V DC (Grid Connected)

#### Generator

Type	Permanent Magnet Direct Drive
Rated Temperature	-40°F to 239°F (-40°C to 115°C)

#### Grid Connected Inverter

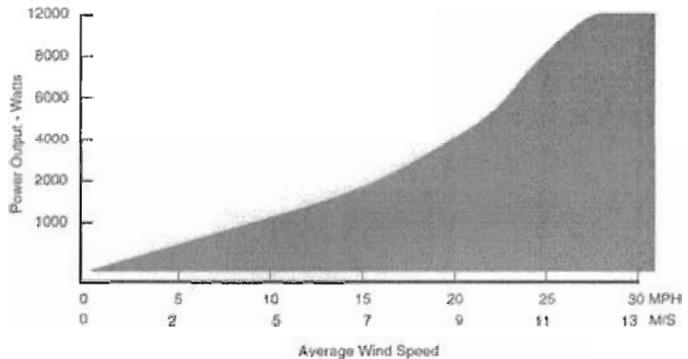
Output (AC)	183-304 AC
-------------	------------

The grid connected inverter is supplied to meet local grid specifications

### Annual Energy Production

Assuming Wind Capture 10 - 40% of the time at Rated Speed  
10,512 kWh - 42,000 kWh Annually\*

12kW Power Curve



\* individual performance results may vary



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Google

©2010

Eye alt: 10864 ft

RECEIVED

MAR 23 2011

PARK CITY PLANNING DEPT.

Summit House

Top of Eonanza Lift

Silverlode Transformer

Top of Silverlode Lift

Proposed Wind Turbine

Proposed Solar Panel

©2011 Google 40° 37' 35.85" N 111° 31' 19.82" W elev: 9215 ft

Imagery Date: Jun 18, 2010

PCMR LOD

Sounds	SPL (dB)
Heavy Truck (45 ft), City Traffic	90
Alarm Clock (3 ft) Hair Dryer	80
Noisy Restaurant, Business Office	70
Air Conditioning Unit, Conversational Speech	60
Light Traffic (150 ft), Average Home	50
Living Room, Quiet Office	40
Soft Whisper (15 ft), Library	30
Rustling Leaves, Broadcasting Studio	20

Equivalency Chart for Sound Pressure Levels (SPL) in dB

### Maintenance and Warranty

Typical maintenance requirements of small-scale wind turbines include periodic visual inspection and tightening of bolts. Most manufacturers recommend annual or semi-annual preventative maintenance.

Warranties vary by turbine manufacturers, but most include one year of parts and labor, plus several additional years of parts only. Given the developing nature of the technology, it is recommended to negotiate an extended warranty with whichever manufacturer is selected.

### Noise and Vibration

In most wind turbines currently available in the market, the rotors are supported and separated from the main shaft by electro-magnetic forces. This keeps the physical contact between the moving elements to a minimum and thereby reduces noise and vibration.

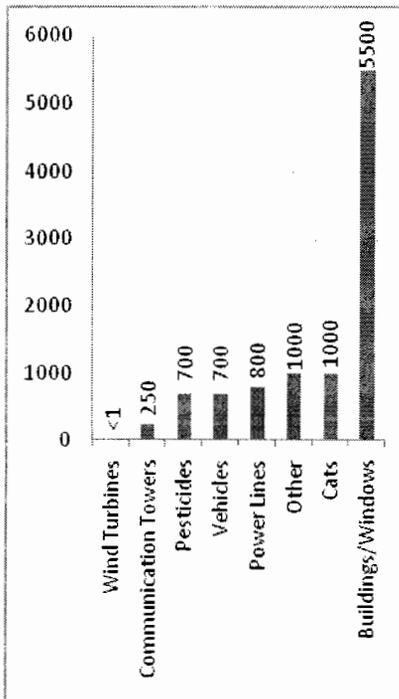
Most manufacturers are in various stages of testing their products regarding noise and vibration, and in most cases independent test data is not yet available. Cleanfield is one of the more developed manufacturers, and the noise levels from their V3.5 turbine has been tested independently to be 50dbA in a 29mph wind at 8.9ft away from the rotor. This is equivalent to the noise level in an average home.

### Impact on Birds

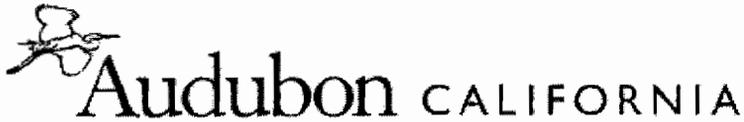
Several studies have concluded that significant bird fatalities caused by wind turbines are limited to large-scale wind farms located along bird migratory routes. A few well-publicized problems at these limited locations have created a public misperception about wind turbines and birds. Even when these cases are counted, there are many other more significant causes of human-caused bird fatalities. The most significant cause of bird deaths is tall buildings and windows. The chart at the left illustrates the relative magnitude of bird death causes. All wind turbines account for less than 0.01% of the total.

The National Audubon Society – California has publicly testified regarding the impacts of wind turbines on birds. The letter on the following page expresses Audubon’s position on wind power.

The letter states that due to the differences in dimensions and operations between large-scale wind turbines used in wind farms and small-scale wind turbines, there is no significant threat to bird populations from small-scale wind turbines. The National Audubon Society supports the implementation of small-scale wind turbines.



Causes of Bird Fatalities  
Number per 10,000 Fatalities in the U.S.  
Source: Erickson et al., 2002, "Summary of Anthropogenic Causes of Bird Mortality", International Partners in Flight Conference



555 Audubon Place  
Sacramento, CA 95825  
Tel: 916-481-5332  
Fax: 916-481-6228  
www.audubon-ca.org

July 17, 2001

Assemblyman John Longville  
Room 3123, State Capitol  
Sacramento, CA 95814

Re: AB 1207: Support

Dear Assemblyman Longville:

The National Audubon Society-California is pleased to support your AB 1207 which requires cities and counties to consider the siting and operation of a small wind energy system as a "use by right" if it meets the specified requirements. We have been asked by your bill sponsors to comment on the potential significant effect of AB 1207 and small wind energy on bird populations in California.

Audubon's main objective is the protection of birds and other wildlife and their habitat. We are also interested in supporting legislation that helps California deal with its current energy crisis, and that supports renewable forms of energy.

Audubon has a long history of working with the wind power industry in an effort to study and minimize the impacts of wind power development on birds and wildlife habitat. It is true that there is a correlation between bird deaths and large wind turbine farms. For example, in a recent eleven month research on Altamont, they found that 95 birds died from the wind turbines.

Unlike large-scale wind turbine operations with hundreds or thousands of turbines, AB 1207 encourages the use of small-scale wind turbines that produce approximately 50 kilowatts versus 1 megawatt of energy produced by large-scale wind turbines.

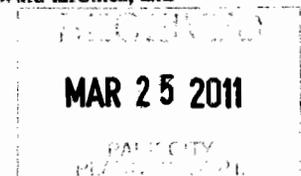
Unlike large-scale wind turbines (100 meters tall), small-scale wind turbines (30 meters tall) are a lot shorter and will not be used in the construction of large wind farms in California. The problems associated with large-scale turbines are that they are often times in the height range of migrating birds. The turbine blades also move at very high speeds, which is hard to detect by birds moving along a traditional migratory route.

We cannot assure you that there will be no bird deaths from small-scale wind turbines, but the numbers will reflect a death toll similar to the deaths caused by other stationary objects that birds routinely fly into, not the large death tolls seen with large wind turbine farms.

We do not feel that there is any significant threat to bird populations from small-scale wind turbines, and are pleased to support your AB 1207.

Sincerely,

John McCaull  
Legislative Director



rec-100 00000



Exhibit D - Vantage Points

RECEIVED

MAR 25 2011

PLANNING DEPT.

Top of Silver Lake

9 Treasure Mountain Middle School

RECEIVED  
MAR 25 2011  
PARK CITY  
PLANNING DEPT.

Top of Silverlode



Park City Golf Course Clubhouse

RECEIVED

MAR 25 2011

MARKET CITY  
PLANNING DEPT.

Top of Silver Lake



Park Meadows Golf Course Clubhouse

RECEIVED  
MAR 25 2011  
PLANNING DEPT.



State Road 248 - one quarter mile west from U.S. Highway 40



# Planning Commission Staff Report



**Subject:** 2780 Telemark Drive  
**Author:** Jacquelyn Mauer  
**Date:** May 11, 2011  
**Type of Item:** Quasi Judicial – Appeal of Planning Staff determination of Setbacks

## Summary Recommendations

Staff recommends the Planning Commission hear the appeal of Planning Staff's denial of appellant's request to locate a basement area within the Side Yard Setback and consider upholding the Planning Staff's denial according to the findings of fact and conclusions of law in the staff report.

## Topic

**Applicant:** Ms. Norma B. Zimmer, Property Owner, represented by Mr. Wade R. Budge, Attorney  
**Location:** 2780 Telemark Drive, Lot 42 Solamere Subdivision  
**Zoning:** Residential Development (RD) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Appeal of Planning Staff determinations are heard by the Planning Commission pursuant to Section 15-1-18 (A)

## Background

The applicant is appealing staff's determination that basement area may not be located within the Side Yard Setback. On March 22, 2011, Staff denied the applicant's proposal to expand a below grade livable basement area into the Side Yard Setback. The property is in the RD District which has a minimum Side Yard Setback of twelve (12) feet. The proposed basement would extend seven feet (7') into the side yard setback.

The applicant met former Chief Building Official Ron Ivie and former Planner Brooks Robinson in the spring of 2010. In that meeting, applicant's plans to place habitable space below grade in the setback were discussed. Approvals were not made.

Applicant attempted to get an over-the-counter sign-off for a building permit with the below grade expansion into the setback on May 28, 2010. All building permits involving exterior work require Planning Department sign-off prior to issuance. The applicant's representative explained the request was for an extension of the deck. Planner Jacquelyn Mauer reviewed the request and stamped the drawings of the proposed deck extension approved noting under the stamp the approval was for the deck only.

When the applicant returned to the Building Department, the building department plan checker asked for clarification of the planning stamp note because the request was for more than a deck extension – the applicant was also proposing to expand the below

grade game room/basement. Based on this information, Planner Mauer determined that the plans were not in compliance with the LMC required setbacks.

The Planning Department received a letter (**Exhibit B**) dated November 18, 2010 from applicant's attorney, Mr. Wade Budge asking for approval of the room to be constructed under a deck addition within the Side yard Setback. Mr. Budge's basis for contending Ms. Zimmer's request should be granted was based on Land Management Code Section 15-2.13-7(G)(6) saying that the below grade space would be hidden by a proposed deck.

Staff responded with a letter dated November 24, 2010 (**Exhibit C**) explaining that Planning Staff's interpretation of Section 15-2.13-7(G)(6) differed from Mr. Wade's interpretation and that Staff found the proposal did not meet LMC requirements. Staff also stated that at that time there was not an active Building permit or Planning application for 2780 Telemark Drive.

A formal application for a building permit was submitted to the Building Department on March 9, 2011. Planning denied the Building Permit application due to non-compliance with the Setback requirements of the Residential Development (RD) District on March 22, 2011. (**Exhibit D**)

### **Appeal**

In an e-mail dated March 22, 2011, Planning Staff denied building permit BD-11-16089 because the application included below grade habitable space which encroached in the side yard setback.

On April 1, 2011, the City received a written appeal of the Planning Staff's determination. (**Exhibit A**) Appeals of the Planning Staff regarding the application of the LMC to a property are heard by the Planning Commission and follow the procedure detailed in Land Management Code section 15-1-18. The appeal was timely received and contained the necessary information and fees.

Under 15-1-18(G), the burden of proof is on the appellant to prove the Planning Staff erred in the application of the land use ordinance. The Planning Commission reviews factual matters *de novo* and shall determine the correctness of the decision in interpretation and application of the Land Management Code.

In the appeal letter, the appellant requests permission to enclose the area under her deck, replace her problematic cement ramp structure with an extension of her exercise room and to replace her deck. The reason for the denial of the building permit application comes solely for the proposal to expand the below grade exercise room into the setback. The deck as proposed in the plans meets LMC requirements and may be replaced.

## Analysis

Pursuant to Land Management Code Section 15-2.13-3 (F), the minimum Side Yard of the RD Zoning District is twelve feet (12'). Section 15-2.13-3 (G) states the Side Yard must be open and free of any Structure except those listed as exceptions in LMC 15-2.13-3 (G) (1-10).

The relevant exception is (G)(6) which states, "Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line."

Staff found that while the proposed extension of the below grade exercise room clearly meets the definition of Structure, it does not meet the exception because the basement area is not a Structure similar to a patio, deck, pathway or steps. Therefore, the basement extension does not fit the criteria for the exception and is required to meet Side Yard Setbacks (12') for the RD District.

The appellant has stated two reasons for the appeal (**Exhibit A**). Following each statement is staff's analysis of the reason stated. Staff comments are italicized.

1. THE PLAIN LANGUAGE OF THE PARK CITY LAND MANAGEMENT CODE ALLOWS FOR THE PROPOSED IMPROVEMENTS DETAILED IN MS. ZIMMER'S APPLICATION

Appellant argues that the below grade expansion will be less than 30" in height and will just be an enclosed area under the deck. He argues that although it is a structure, it qualifies as a similar structure which is permitted in the setback pursuant to LMC15-2.13-3 (G) (6).

*The code states that the Side Yard must be open and free of any Structure (LMC15-2.13-3 (G). Below grade, enclosed, livable space is considered a structure (as Appellant recognizes). Such a structure, even though below grade, is not permitted to encroach within the setback and does not qualify for the exception in LMC15-2.13-3 (G) (6) which states, "Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade..." Although the proposed basement addition is mostly below grade and does not exceed the thirty inches (30") in height above Final Grade, Staff finds enclosed livable area does not meet the intent of this exception as it is not similar to a patio, deck, pathway, or steps.*

2. POLICY SUPPORTS AN INTERPRETATION OF THE PC CODE THAT ALLOWS THE IMPROVEMENTS MS. ZIMMER REQUESTS

*Ms. Zimmer "proposes the expansion of a deck in order to utilize the useless space beneath the deck and to remove a ramp that has up to this point acted to divert rain and snow melt water into her exercise room". Staff does not find Ms. Zimmer's request to "utilize useless space" in compliance with the Land Management Code as the Code does not allow for basement area to be located in the Setback. Precedent does not show in favor of appellant's request.*

### **Future Process**

Final Actions by the Planning Commission on staff Appeals may be appealed to the Board of Adjustment within ten calendar days.

### **Staff Recommendation**

Staff requests the Planning Commission review the following findings of fact and conclusions of law and consider upholding the Planning Staff's determination and denying the appeal:

#### **Findings of Fact:**

1. The property is located at 2780 Telemark Drive, lot 42 of the Solamere Subdivision.
2. The zoning is Residential Development (RD) District.
3. The minimum Side Yard Setback in the RD District is twelve (12) feet.
4. On March 9, 2011 applicant submitted an application to build a below grade basement area seven feet into the side yard setback.
5. Pursuant to LMC 15-15-1(1.247) "Structure" is defined as, "Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".
6. Below grade enclosed, livable area meets the definition of a Structure.
7. Section 15-2.13-3 (G) states the Side Yard must be open and free of any Structure except those listed as exceptions in LMC 15-2.13-3 (G) (1-10).
8. LMC 15-2.13-3 (G) (1-10) lists the exceptions for side yard setbacks. Below grade structures are not included as an exception.
9. LMC 15-2.13-3 (G)(6) lists an exception which states, "Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line."
10. Below grade enclosed, livable area is not a similar Structure to patios, decks, pathways, steps and does not meet the exception pursuant to LMC 15-2.13-3 (G)(6)
11. On March 22, 2011, Staff denied applicant's proposal (BD-11-16089) to expand mostly below grade livable basement area into the Side Yard pursuant to LMC section 15-2.13-3.
12. Planning Staff received a written appeal by the applicant's representative on April 1, 2011.

#### **Conclusions of Law:**

1. Enclosed, livable area as an expansion of the existing house is not allowed within the Setback even if the area is to be located under a deck not exceeding 30" from final grade pursuant to Land Management Code section 15-2.13-3.
2. The Planning Staff did not err in the application of the Land Management Code.

### Order

1. The Planning Staff's decision to deny the application because enclosed, below grade, livable area would be located within the Side Yard is upheld and the appeal for the Planning determination regarding 2780 Telemark Drive building permit BD-11-16089 is denied.

### Exhibits

- A – Letter of Appeal with Site Plans of Proposed (March 31, 2011)
- B – Letter from Applicant Representative (November 18, 2010)
- C – Letter from Planning Staff (November 24, 2010)
- D – Denial E-mail (March 22, 2011)
- E – Photos of relevant area taken May 5, 2011

# EXHIBIT A

Wade R. Budge (8482)  
Laura L. Pressley (13335)  
**SNELL & WILMER L.L.P.**  
15 West South Temple, Suite 1200  
Salt Lake City, UT 84101  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

*Attorneys for Norma B. Zimmer*

**BEFORE THE PLANNING COMMISSION OF PARK CITY**

IN THE MATTER OF BUILDING  
PERMIT REQUEST BD-11-16089

Park City Project No. S09-041

**PETITION TO REVIEW  
DETERMINATION OF PARK CITY  
PLANNING DEPARTMENT STAFF**

Pursuant to Park City Land Management Code (“**PC Code**”) § 15-1-18, Norma B. Zimmer, by and through counsel, petitions the Park City Planning Commission to review and vacate the determinations of planning staff, for the reasons set forth below.

Mrs. Zimmer seeks to remodel her existing deck and below ground exercise room located at her home at 2780 Telemark Drive in the Solamere subdivision. The PC Code allows her to reconstruct her deck, even if it affects the minimum Side Yard setback. While redoing her deck, Mrs. Zimmer wants to remedy a problem that has existed since her home was built in the 1980s. The problem is that there is a ramp that descends along side her deck and allows melting snow and rain to flood her exercise room. The solution she proposed, and that received approval last year, was to have the deck cover this area and to have her exercise room extended to replace the ramp structure. Unfortunately, the planning department is now taking the view that this modification to the exercise room is not allowed because of the setback. For the reasons stated below, Mrs. Zimmer is entitled to have the Planning Commission provide the approval the planning department now refused to provide.

## STATEMENT OF FACTS

1. Norma B. Zimmer is the owner of an existing home on property located at 2780 Telemark Drive, known as Lot 42 of the Solamere subdivision (the “**Property**”).

2. The Property is located within the Residential Development (“**RD**”) District within the corporate limits of Park City (the “**City**”).

3. Mrs. Zimmer contracted with Brook Staples, a Park City area general contractor, in early 2010 to expand an existing deck and construct an underside enclosure beneath the deck structure.

4. Lowell Myer, a friend of Mrs. Zimmer’s, discussed the proposed improvements with Ron Ivie the then Park City Building Chief and Brooks Robinson from the Planning Department. They showed him their plans. Mr. Ivie’s response was to draw a line on the plan to show that if the structure was modified to meet this line, it would be approved. The plan was then stamped approved. (See Ex. A.)

5. Later, after Mr. Ivie had retired, Mr. Staples went to pull a permit for the construction. He was informed by Brooks Robinson that the plan had not been approved. After Mrs. Zimmer’s contractor could not receive satisfactory answers to the questions about how the plan could be stamped approved and then later rejected, Mrs. Zimmer retained counsel.

6. Counsel contacted the planning department and was informed that the proposed modifications to the exercise room did not meet the criteria in PC Code § 15-2.13-3(G)(6). Specifically, the staff did not agree that enclosing the area under the deck was a “Structure” similar to a deck, even if this structure is lower than 30 inches from the ground level.

7. In order to obtain a definitive statement from the planning department, Mrs. Zimmer submitted an application with the building department. The application was assigned permit number BD-11-16089.

8. Specifically, the permit application seeks approval to enclose the underside of the expanded deck pursuant to § 15-2.13-3(G) of the Park City Land Management Code.

9. On March 22, 2011, Jacquelyn Mauer of the planning department sent an email notification of the department staff's determination to deny building permit BD-11-16089 due to perceived non-compliance with the PC Code. Specifically, the denial states that the requested enclosure does not align with staff interpretation of Section 15-2.13-3(G) of the PC Code.

10. Mrs. Zimmer has brought this appeal challenging the determinations of the planning staff here.

### **REQUEST FOR RELIEF**

Mrs. Zimmer wants permission to enclose the area under her deck, replace her problematic cement ramp structure with an extension of her exercise room, and to replace her deck. All of Mrs. Zimmer's proposed improvements will be located at least 5 feet from the west property line of her home and are allowed by PC Code. Therefore, she seeks approval from the Planning Commission for these improvements.

### **REASONS JUSTIFYING RELIEF**

#### **I. THE PLAIN LANGUAGE OF THE PARK CITY LAND MANAGEMENT CODE ALLOWS FOR THE PROPOSED IMPROVEMENTS DETAILED IN MS. ZIMMER'S APPLICATION**

As depicted in the plans attached as Exhibit B, Mrs. Zimmer proposes the expansion of a deck already in existence and the construction of an enclosure on the underside of her deck in order to utilize the useless space beneath the deck and to remove a ramp that has up to this point acted to divert rain and snow melt water into her exercise room. While Mrs. Zimmer's proposed improvements undoubtedly qualify as "Structures" under the PC Code, at issue in this appeal is department staff's interpretation of the meaning of "similar Structures" under § 15-2.13-3.

Section 15-2.13-3(G) states, in pertinent part:

The Side yard must be open and free of any Structure except: ...  
(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

The term Structure is further defined in § 15-15-1.247 as meaning:

Anything constructed, the Use of which requires a fixed location

on or in the ground, or attached to something have a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes “Building”.

The mostly-below-grade enclosure proposed by Mrs. Zimmer plainly meets the definitions as laid out in the PC Code. Creating a structure to enclose the space on the underside of the deck meets the definition of “Structure” as “anything constructed” which requires a “fixed location” and will be attached to an existing building.

The proposed improvement also qualifies as a “similar Structure” under the plain language of the code. The undersides of decks are commonly enclosed using a screen, lattice, deck skirt or other material, converting the underside of the deck into useful space. An underside structure does not change the identity and character of the deck, but merely makes the space below the deck useful. Building a “Structure” to enclose the underside of the deck will allow Mrs. Zimmer to maximize the functionality of the space beneath the deck without compromising the appearance or integrity of the deck as explicitly allowed under the PC Code. It will also Mrs. Zimmer to address a serious issue created by the existing ramp. This ramp was designed to provide ingress and egress from the basement to the exterior. Unfortunately, its primary function has been to divert water into the basement. By changing this cement ramp into an extension of the exercise room, this space will be more useful. Because the space being used for the enclosure is strictly underneath the new and expanded deck, the enclosure is surely a “Structure” similar to a deck.

Planning staff denied Mrs. Zimmer’s building permit because of a belief that the proposed structure does not constitute a “similar Structure” under § 15-2.13-3. However, Park City planning staff may not by interpretation alter the written terms of the PC Code. The PC Code allows such a “Structure” so long as it is not higher than 30 inches from the ground and no closer than 1 foot from the property line. Here, Mrs. Zimmer’s deck will be no taller than 30 inches from the ground and will be no closer than 5 feet from the property line. Further, there is no structure on the neighboring lot to the west. This argues in favor of allowing an improvement that will improve Mrs. Zimmer’s lot while not negatively impacting any one.

**II. POLICY SUPPORTS AN INTERPRETATION OF THE PC CODE THAT ALLOWS THE IMPROVEMENTS MS. ZIMMER REQUESTS**

The PC Code is intended

(A) To promote the general health, safety and welfare of the present and future inhabitants ... (B) To protect and enhance the vitality of the City's resort-based economy ... (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics 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, (F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services ...

PC Code § 15-1-2. The code then continues and states that “[t]he Side Yard must be open and free of any Structure.” Section 15-2.13-3 provides exceptions to this rule permitting for various structures including retaining walls, driveways, detached accessory buildings, screened mechanical equipment in addition to the patios, decks, pathways, steps and “similar Structures” allowed. The PC Code does not specify the exact reasons for the allowance of decks and “similar Structures” on property sidelines. Under Utah law, any question as to the extent of a land use restriction must be resolved in the favor of the landowner. See Patterson v. Utah County Bd. of Adjust., 893 P.2d 602, 606 (Utah Ct. App. 1995). As a result, Mrs. Zimmer should be able to rely not only on the language of the code, and the lack of any explicit prohibition on what she proposes, to obtain an approval for her modest improvements. She should also be able to rely on the approval and representations made to her contractor when they first submitted a plan in 2010 for the very improvements she seeks to construct.

As a final point, Mrs. Zimmer's proposed improvements are in harmony with the purpose of the PC Code. The appearance of the enclosure will be that of a deck located not higher than 30 inches from the ground. Further, while it may, under the code, be located up to one foot from the property line, Mrs. Zimmer has elected to pull her proposed enclosure back from the property line to be no closer than 5 feet from the property line. Because of this, and how it appears, this

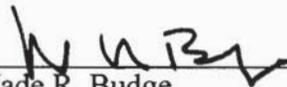
enclosure will not be anything other than a deck to all outside observers, including anyone who might view it from the neighboring vacant lot.

### CONCLUSION

For all the foregoing reasons, the Planning Commission should determine that Mrs. Zimmer's application is in compliance with PC Code and that she may proceed with her improvements.

DATED this 31<sup>st</sup> day of March, 2011.

SNELL & WILMER L.L.P.



Wade R. Budge

Laura L. Pressley

*Attorneys for Norma B. Zimmer*

**CERTIFICATE OF MAILING**

I hereby certify that I caused to be delivered, via the method indicated below, a true and accurate copy of the foregoing, on the 31<sup>st</sup> day of March, 2011:

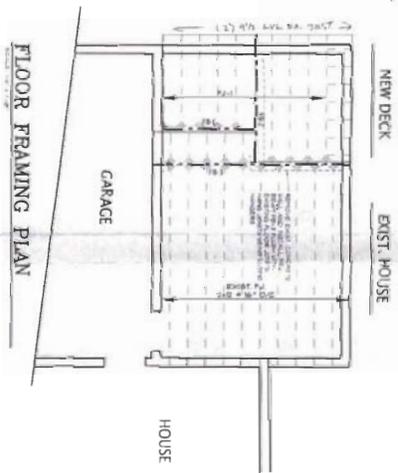
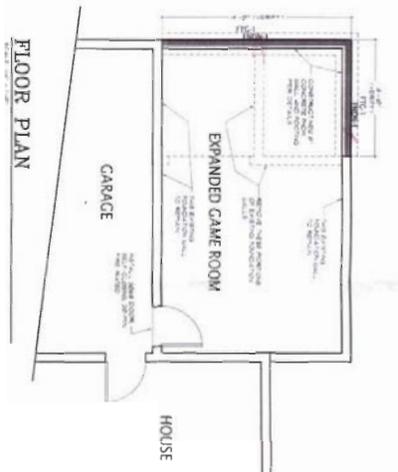
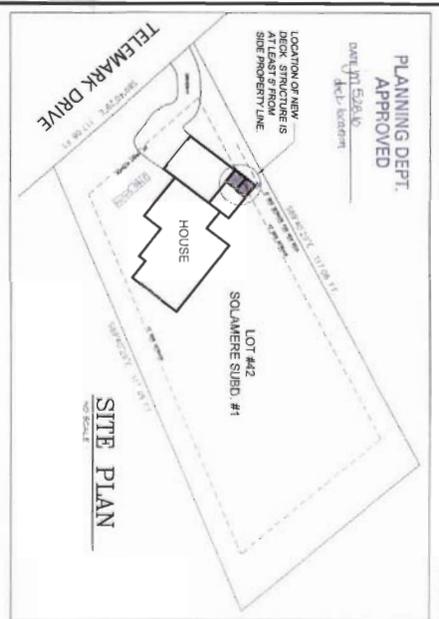
Jacquelyn Mauer, Planner  
Park City Planning Department  
445 Marsac Avenue  
Park City, UT 84060-5122

- U.S. Mail
- Facsimile 435-615-4906
- Hand Delivery
- Email
- Federal Express

Charlie Wintzer, Chair  
Park City Planning Commission  
445 Marsac Avenue  
Park City, UT 84060-5122

- U.S. Mail
- Facsimile
- Hand Delivery
- Email
- Federal Express

  
\_\_\_\_\_



**Mechanical Notes:**

1. Provide comfort cooling system capable of maintaining 68° and 72° Fahrenheit.
2. All equipment shall be installed in accordance with manufacturer's instructions and shall comply with applicable codes and standards.
3. All equipment shall be installed in accordance with applicable codes and standards.
4. A mechanical room shall be provided at each room, and the equipment shall be installed in accordance with applicable codes and standards.
5. Equipment shall be installed in accordance with applicable codes and standards.

**Fire Protection:**

1. Fire protection is required to be provided in accordance with applicable codes and standards.
2. Fire protection shall be provided in accordance with applicable codes and standards.
3. Fire protection shall be provided in accordance with applicable codes and standards.
4. Fire protection shall be provided in accordance with applicable codes and standards.
5. Fire protection shall be provided in accordance with applicable codes and standards.

**Footings Schedule:**

NO.	DESCRIPTION	REMARKS
1	FOOTING 12" x 12" x 12"	FOR EXIST. HOUSE
2	FOOTING 12" x 12" x 12"	FOR EXPANDED GAME ROOM
3	FOOTING 12" x 12" x 12"	FOR GARAGE

**Walls & Doors Schedule:**

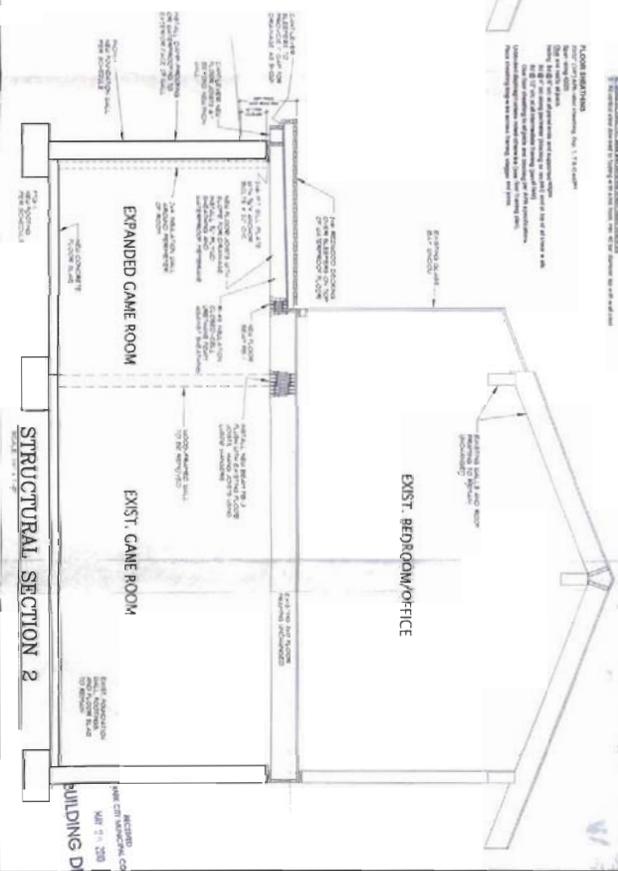
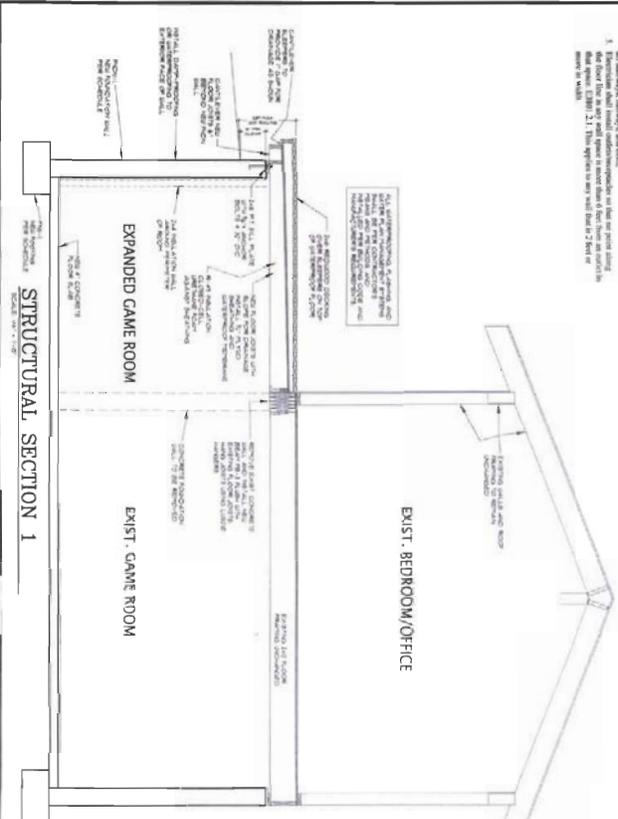
NO.	DESCRIPTION	REMARKS
1	WALL 1/2" GYPSUM BOARD	FOR EXIST. HOUSE
2	WALL 1/2" GYPSUM BOARD	FOR EXPANDED GAME ROOM
3	WALL 1/2" GYPSUM BOARD	FOR GARAGE

**Joist Schedule:**

NO.	DESCRIPTION	REMARKS
1	JOIST 2" x 8" x 16"	FOR EXIST. HOUSE
2	JOIST 2" x 8" x 16"	FOR EXPANDED GAME ROOM
3	JOIST 2" x 8" x 16"	FOR GARAGE

**Floor Beam Schedule:**

NO.	DESCRIPTION	REMARKS
1	FLOOR BEAM 12" x 12" x 12"	FOR EXIST. HOUSE
2	FLOOR BEAM 12" x 12" x 12"	FOR EXPANDED GAME ROOM
3	FLOOR BEAM 12" x 12" x 12"	FOR GARAGE



ZIMMER RESIDENCE ADDITION  
2780 TELEMARK DRIVE  
REMODEL / ADDITION PLAN

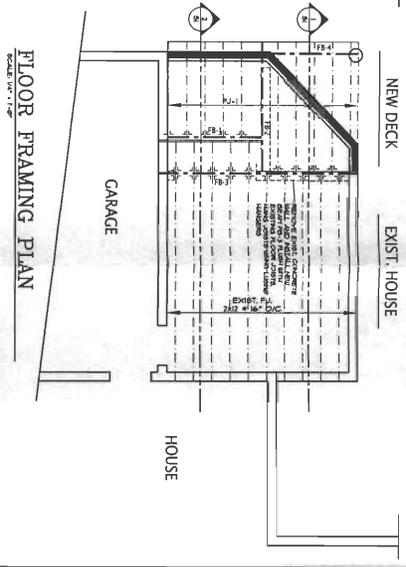
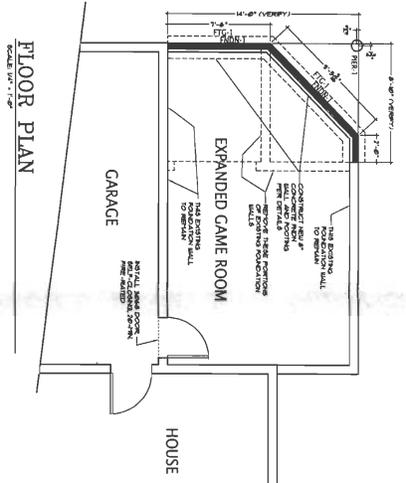
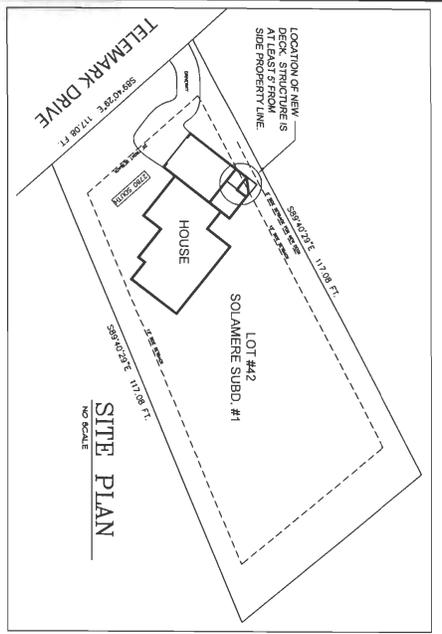
Summit Engineering Group Inc.

ARTISANS

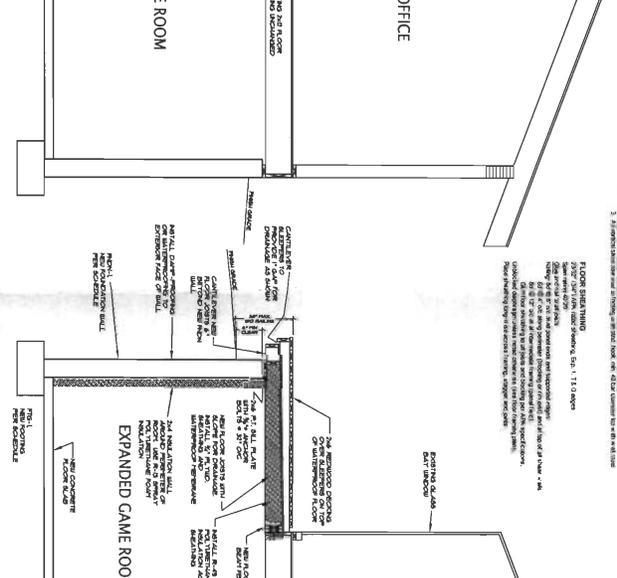
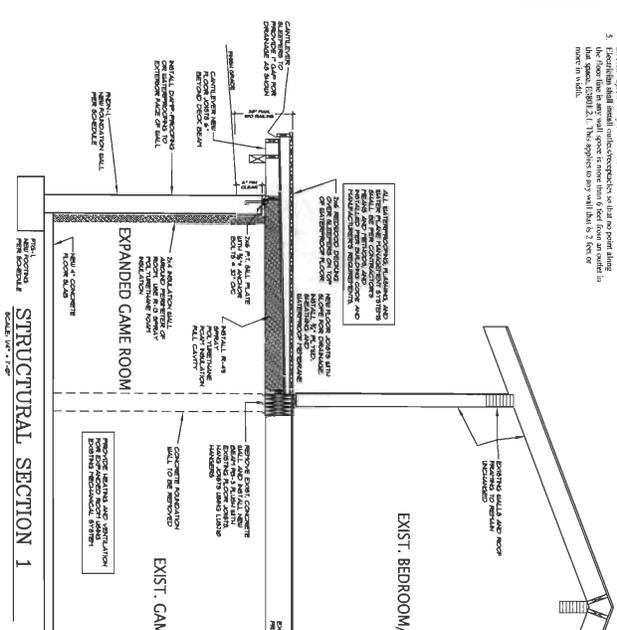
16 WEST CENTER STREET  
PO BOX 16  
WEBER CITY, UT 84652  
PHONE: 438-8452  
FAX: 438-8452

DATE: 05-21-2016  
REVISED: 05-21-2016

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- METRIC NOTES:**
- All dimensions are in metric unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the face of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
- MECHANICAL NOTES:**
- All mechanical work and installations shall comply with the applicable codes and standards.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
- ELECTRICAL NOTES:**
- All electrical work and installations shall comply with the applicable codes and standards.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.
  - Dimensions are given to the center of the member unless otherwise specified.



**FOOTINGS SCHEDULE**

MARK	SIZE	REINFORCEMENT	REMARKS
F1C1	20" x 20" x 10"	CONCRETE	FOUNDATIONS FOR ALL WALLS
F1C2	20" x 20" x 10"	CONCRETE	FOUNDATIONS FOR ALL WALLS

**JOIST SCHEDULE**

MARK	SIZE	TYPE	REMARKS
J1	2x10	SPACED	JOISTS FOR NEW DECK
J2	2x10	SPACED	JOISTS FOR NEW DECK

ZIMMER RESIDENCE ADDITION  
2780 TELEMARK DRIVE  
PARK CITY, UTAH

REMODEL / ADDITION PLAN

PLAN DATE: 03-24-2011  
PRINT DATE: 03-14-2011

REVISION: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
REVISION: \_\_\_\_\_

Summit Engineering Group Inc.  
Structural • Civil • Surveying

55 WEST CENTER STREET  
P.O. BOX 10  
PARK CITY, UTAH 84093  
PHONE: 435.684.9273  
FAX: 435.684.9283

**ARTISANS**  
• CUSTOM HOME DESIGN •

## EXHIBIT B

Gateway Tower West  
15 West South Temple  
Suite 1200  
Salt Lake City, Utah 84101-1531  
801.257.1900  
801.257.1800 (Fax)  
www.swlaw.com

Wade R. Budge  
wbudge@swlaw.com

November 18, 2010

DENVER  
LAS VEGAS  
LOS ANGELES  
LOS CABOS  
ORANGE COUNTY  
PHOENIX  
SALT LAKE CITY  
TUCSON

Ms. Jacqueline Mauer  
Park City Planning Department  
City Hall  
445 Marsac Avenue  
Park City, UT 84060-5122

Re: Application for Ms. Zimmer

Dear Ms. Mauer:

As you know, this firm represents Ms. Norma Zimmer, the owner of an existing home on property at 2780 Telemark Drive, known as Lot 42 of the Solamere Subdivision. Thank you for taking time recently to discuss Ms. Zimmer's requests to construct a deck and a mostly-below-ground addition to her basement.

The purpose of this letter is to apply for an interpretation from Park City that Ms. Zimmer, under Park City's current ordinances, may construct an addition to her home in the manner shown on the enclosed drawings. Specifically, Ms. Zimmer desires to extend her basement "Game Room" in such a manner that will cause the exterior corner of this structure to be no closer than 5 feet to the neighboring vacant parcel (Lot 41) and so that the roof and the deck that cover it will not be more than 30 inches above the existing and finished grade. As the enclosed plan indicates, the deck location has already received planning approval. What we seek is an interpretation that we may, under the City's ordinances, construct a room under that deck.

Our basis for contending that this request should be approved is found in Section 15-2.13-7(G)(6) of the Park City Municipal Code. That subsection is found in the section of the code outlining zoning restrictions for the Residential Development (RD) zoning district, the district where Ms. Zimmer's property is located. It states, in pertinent part:

The Side yard must be open and free of any Structure except: . . .  
(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

The term Structure is further defined as meaning:

**NOV 22 2010**

Ms. Jacqueline Mauer  
November 18, 2010  
Page 2

Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

Under these definitions, Ms. Zimmer's mostly-below-grade construction of a Structure, i.e. extended "Game Room," is a structure that may be located within the 12 foot setback limitation applicable to this zoning district. The mostly-below-grade Game Room plainly meets the definition of "anything constructed" which requires a "fixed location" and will be attached to an existing building. Its appearance, so long as it conforms to the enclosed plans, will be that of a deck located not higher than 30" from the ground. Further, while it may, under the code, be located up to one foot from the property line, Ms. Zimmer has elected to pull her proposed structure back from the property line to be no closer than 5 feet from the property line. Because of this, and because of how it appears, this addition will not appear to be anything other than a deck to all outside observers, including anyone who might view it from the neighboring vacant lot. As such, we think this is a modest request that should be approved.

As a final request, and in conformity with Utah Code Ann. § 10-9a-509.5, we request that this application be determined to be complete and to be processed in accordance with the time lines set forth therein. We hereby assert vested rights as to the existing code and ask that if a fee or additional information is required, that we be informed of such as soon as is possible.

I am available to discuss this matter with you further should you have any questions.

Sincerely,

SNELL & WILMER



Wade R. Budge

WRB:hks

Enclosure

cc: Norma Zimmer

NOV 22 2010  
NOV 22 2010

## EXHIBIT C



November 24, 2010

Mr. Wade R. Budge  
15 West South Temple  
Suite 1200  
Salt Lake City, UT 84101

**Re: Application for Ms. Zimmer**

Dear Mr. Budge:

This letter is in response to your correspondence dated November 18, 2010 regarding the proposed addition to Ms. Zimmer's home located at 2780 Telemark Drive, also known as Lot 42 of the Solamere Subdivision. The property in question is located within the Residential Development (RD) District.

Within the RD District, the minimum Side Yard is twelve feet (12'). The Park City Land Management Code (LMC) 15-2.13-3 (G) (6) states, "The Side Yard must be open and free of any Structure except patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback."

The LMC defines Structure as, "Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes 'Building'." The proposed extension clearly meets the definition of Structure, but Staff finds the basement extension is not a Structure similar to a patio, deck, pathway or steps given that it is an extension of livable, enclosed floor area. Therefore, the basement extension does not fit the criteria for the exception and is required to meet Side Yard Setbacks (12') for the RD District.

If the applicant wishes to move forward with the request of decreased Side Yard Setbacks, they must apply for a variance and appear before the Board of Adjustment for final determination. The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. A formal application for a variance must be submitted to the Planning Department in order to begin the process.

At this time, there is not an active Building permit or Planning application for 2780 Telemark Drive. The sheet submitted November 22, 2010 showing the proposed basement extension and letter requesting the addition at the proposed location is not a complete application. Therefore, Staff is unable and not required to proceed in accordance with the time lines set forth in Utah Code Ann. § 10-9a-509.5.

Please contact me with further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "j/glynn m-", written in a cursive style.

Jacquelyn Mauer  
City Planner

cc: Thomas Eddington, Planning Director  
Polly Samuel McLean, Assistant City Attorney

## EXHIBIT D

Jacquelyn Mauer

Exhibit D

**From:** Budge, Wade [wbudge@swlaw.com]  
**Sent:** Tuesday, March 22, 2011 11:53 AM  
**To:** Jacquelyn Mauer; mike@summitteg.com; brookbuilt@gmail.com  
**Cc:** Thomas Eddington; Ames, Jennifer  
**Subject:** RE: 2780 Telemark Drive - BD-11-16089 denial

Thank you. Will do.

**Wade R. Budge**

Snell & Wilmer L.L.P.  
 15 West South Temple, Suite 1200  
 Salt Lake City, UT 84101  
 801-257-1906 (direct)  
 801-257-1800 (facsimile)  
 801-257-1900 (reception)  
 877-808-7328 (toll free)  
[wbudge@swlaw.com](mailto:wbudge@swlaw.com)

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This message is being sent from a law firm and may contain information which is confidential or privileged. If you are not the intended recipient, or a person responsible for delivering a copy to the intended recipient, please advise the sender or Snell & Wilmer immediately by reply e-mail or by calling the sender at 801-257-1900. Immediately delete this message and any attachments without forwarding or making or retaining a copy. Thank you.

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**From:** Jacquelyn Mauer [mailto:jacquelyn.mauer@parkcity.org]  
**Sent:** Tuesday, March 22, 2011 11:26 AM  
**To:** Budge, Wade; mike@summitteg.com; brookbuilt@gmail.com  
**Cc:** Thomas Eddington  
**Subject:** 2780 Telemark Drive - BD-11-16089 denial

Dear Wade and To Whom It May Concern,

Formal submittal of a building permit for a remodel at 2780 Telemark Drive was submitted to the Building Department on March 9, 2011 as permit number BD-11-16089. This submittal was required in order to move forward with the process regarding the requested addition. As you are aware, the Park City Planning Department staff wrote a letter on November 24, 2010 explaining how we interpret Section 15-2.13-3 (G) of the Park City Land Management Code. Staff's determination that the requested addition does not meet the Land Management Code remains. Therefore, building permit BD-11-16089 has been denied as is due to non-compliance with the Land Management Code.

According to Section 15-1-18(A) of the Land Management Code, "Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission... **All appeals must be filed with the Planning Department within ten (10) days of Final Action...**" This is your notification of Final Action, and you have ten days from March 22, 2011 to

file an appeal with the Planning Department. Please contact me with any questions or concerns.

Please forward this e-mail to Norma Zimmer as her information is not provided on the application.

Sincerely,

**Jacquelyn Mauer, Planner**  
**Park City Planning Department**  
Ph: 435.615.5071  
Fax 435.615.4906  
jacquelyn.mauer@parkcity.org

## EXHIBIT E







# Planning Commission Staff Report



**PLANNING  
DEPARTMENT**

**Author:** Thomas E. Eddington Jr.  
**Subject:** Adoption of Revised and Updated  
Technical Report #7 – Emergency  
Response Plan  
**Application #:** PL-11-01208  
**Date:** 11 May 2011  
**Type of Item:** Administrative

---

## Summary Recommendations

Staff recommends the Planning Commission open the public hearing and take any public comment, review the proposed amendments made to the Technical Report and make final modifications as necessary and adopt the findings of fact and conclusions of law as proposed or amended accepting the revised study.

## Topic

Applicant	Talisker / United Park City Mines Company	
Location	Flagstaff	Annexation Area
Zoning	Residential	Development (RD and Recreation Open Space (ROS)) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort, other potential development parcels of Flagstaff Annexation Area.	

## Proposal

To update the map illustrating the proposed emergency access routes for the Flagstaff / Empire Pass MPD. This proposed revision removes the originally approved emergency access route from the Montage Hotel site to upper Daly Avenue and replaces this with a route that follows parts of previously vacated SR 224 over to Royal Street (just west of Stein Way). In addition, at the request of the Planning Commission at the March 23, 2011 meeting, significant revisions/updates to the narrative contained in the report have been made (Exhibit A).

## Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of

development; development approval process; as well as development conditions and amenities for each parcel.

In December of 2001, the Planning Commission approved and adopted fourteen Technical Reports as required by Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain that required the developer to submit the following studies, prior to or concurrent with Small-Scale MPD process for City approval:

1. Mine/Soil Hazard Mitigation Plan
2. Detailed Design Guidelines
3. Specific Transit Plan
4. Parking Management Plan
5. Detailed Open Space Plan
6. Historic Preservation Plan
7. Emergency Response Plan
8. Trails Master Plan
9. Private Road Access Limitation Procedures
10. Construction Phasing
11. General Infrastructure and Public Improvements Design
12. Utilities Master Plan
13. Wildlife Management Plan
14. Affordable Housing Plan
15. Construction Mitigation Plan

As the development began to take shape, three (3) reports became substantially out of date and needed to be updated. The three reports were: #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15 the Construction Mitigation Plan. These reports were appropriately revised and approved at the Planning Commission on February 25, 2004. Subsequently, Ron Ivie, the City's Chief Building Official did an informational update to the Planning Commission in early 2010 addressing the final phases of the Construction Mitigation Plan for the Montage.

### **Analysis**

The original Technical Report #7 – Emergency Response Plan had a map that illustrated the proposed routes for emergency response vehicles. This map indicated that one (1) of the emergency routes linked the Montage Hotel site to Daly Avenue. This route was not the preferred route of the Planning Commission nor did it meet the required maximum slopes for emergency response vehicles according to the City's Engineer, the Building Official and the Fire Department – the route exceeded the maximum 14% slopes allowed for vehicular access.

The connection between the Montage Hotel and Daly Avenue has been removed as part of this Technical Report. The newly proposed route now utilizes some of the

vacated State Road 224 (prior to the realignment for the development in this area) and connects to Royal Street just west of the intersection of Royal Street and Stein Way. This route is not intended to be plowed in the winter months, but is “plowable” during this time should emergency access be required (the route crosses several Deer Valley ski runs).

This proposed revision to the Technical Report has been reviewed extensively by the Planning/Building/Engineering team. There is consensus that this proposal represents the best solution for emergency access. Deer Valley Resort also supports this new alignment and has submitted a letter of support (Exhibit B). Exhibit C contains the Alliance Engineering contour map with new emergency route illustrated.

At the March 23 2011 meeting the Planning Commission generally concurred with the newly proposed emergency routes but requested that additional outdated portions of the narrative of the Technical Report be revised to reflect current conditions on the ground as well as the most recently revised Empire Pass / Flagstaff Development Agreement (March 2, 2007).

The proposed Technical Report is attached (Exhibit A), with the revised language noted. In short, the new revisions include updating the unit equivalent counts to reflect the current Development Agreement, clarifying the fire station / substation locations, and improved narrative supporting the attached map.

### **Department Review**

This project has gone through an interdepartmental review. All outstanding issues are discussed and addressed above.

### **Notice**

Legal notice was also put in the Park Record. No public input has been received by the time of this report.

### **Alternatives**

The Planning Commission may:

- A.** Adopt the updated and revised Technical Report and map for the Emergency Response Plan, or
- B.** Deny the updated and revised Technical Report and map, and direct staff to prepare findings supporting this action, or
- C.** Continue the discussion to a later date.

## **Recommendation**

Staff recommends the Planning Commission open the public hearing and take any public comment, review the changes made to the Technical Report and emergency access route map, and make final modifications as necessary and adopt the findings of fact, conclusions of law and conditions of approval as proposed or amended accepting the revisions based on the following:

### Findings of Fact:

1. Council adopted Ordinance 99-30 on June 24, 1999 that annexed the Flagstaff Mountain project, also known as the Flagstaff Mountain Resort, into Park City.
2. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain specified that the developer is granted an equivalent of a Large Master Planned Development.
3. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain requires the developer to submit the following studies, prior to or concurrent with Small-Scale MPD process for City approval:
  1. Mine/Soil Hazard Mitigation Plan
  2. Detailed Design Guidelines
  3. Specific Transit Plan
  4. Parking Management Plan
  5. Detailed Open Space Plan
  6. Historic Preservation Plan
  7. Emergency Response Plan
  8. Trails Master Plan
  9. Private Road Access Limitation Procedures
  10. Construction Phasing
  11. General Infrastructure and Public Improvements Design
  12. Utilities Master Plan
  13. Wildlife Management Plan
  14. Affordable Housing Plan
  15. Construction Mitigation Plan
4. The Planning Commission held a public hearing on February 25, 2004, to review and update three (3) reports: #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15 the Construction Mitigation Plan.
5. The previously identified emergency route map included a route (between the Montage Hotel site and Daley Avenue) that had slopes too steep for emergency response vehicles. The newly identified routes have been

analyzed for vehicle access and Alliance Engineering has mapped the routes on a contour map.

6. The proposed revisions to the Technical Report and emergency access route map reflect existing conditions as well as the most recently amended Empire Pass / Flagstaff Development Agreement (March 2, 2007).

#### Conclusions of Law:

1. The Planning Commission finds that the revised and updated Technical Report #7 is required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain to be complete.
2. The Planning Commission finds that the revised and updated Technical Report #7 is required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain to be consistent with the provisions and intent of the Annexation Resolution adopted by Council on June 24, 1999.
3. The revised and updated Technical Report #7 is required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain does not change or adversely affect the density, development locations, or project design as set forth in the Annexation Resolution adopted by Council on June 24, 1999.

#### Conditions of Approval

1. Any revisions to this Technical Report and/or emergency access route map proposed in the future must be presented to the Planning Commission for approval.

### **Exhibits**

- |           |   |
|-----------|---|
| Exhibit A | Technical Report #7 and emergency access route map with revisions noted |
| Exhibit B | Supporting correspondence from Deer Valley Resort and Talisker          |
| Exhibit C | Detailed contour map with proposed route (Alliance Engineering)         |

**EMERGENCY RESPONSE PLAN**

for

**FLAGSTAFF MOUNTAIN RESORT  
PARK CITY, SUMMIT COUNTY, UTAH**

also known as

**EMPIRE PASS**

**Exhibit 7**

**May 21, 2001**

Revised and Approved December 2001

Revised February 2004

Revised May 2011

**Prepared by**

**UNITED PARK CITY MINES COMPANY**

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## I. INTRODUCTION

The Emergency Response Plan (the "ERP") was revised and approved in December of 2001, and was again revised in February 2004, and is one of several technical reports prepared to support the United Park City Mines Company ("UPK") Large Scale Master Plan Development (LSMPD) application filed in October of 2001. Since LSMPD's are programmatic in nature and subject to evolution and refinement at the time of subsequent Master Planned Development (MPD) and Conditional Use Permit (CUP) applications, this report was viewed in 2001, and should be viewed now, as conceptual in nature, and subject to change as specific plans are developed. The 2001 Emergency Response Plan also stated that details developed at future MPD or CUP stages would not require a modification of such plan provided they comply with the Goals and Objectives stated therein. As a result of ongoing discussions between UPK and Park City, a number of improvements to the ERP have been agreed to, and accordingly, we would like to take the time to update the ERP.

### A. Property Description

Empire Pass is an assemblage of mining claims comprising about 1,655 acres of land located at the southwestern corner of Summit County, Utah. In December of 2003, UPK changed the project name from Flagstaff Mountain Resort to Empire Pass (the "Property"). The Property is bordered by Deer Valley Resort to the east and State Highway 224 (Marsac Avenue) to the northeast, and the Park City Mountain Resort to the northwest. The southern boundary of the Property coincides with the Summit County/Wasatch County line. The Property was annexed into the corporate limits of Park City Municipal Corporation ("Park City") and an Annexation and Development Agreement was executed on June 24, 1999, which was subsequently amended and restated on March 2, 2007 (the "Development Agreement").

The Development Agreement limited development to the "Mountain Village", which consists of three Development Pods ("A", "B-1" & "B-2") with up to of 84-87 acres, and the "Northside Neighborhood" (Development Pod "D") with up to 63 acres. In 2002, UPK platted and improved Development Pod B-1, which is located at the base of Deer Valley's Northside lift, and this area has become known as "Northside". To avoid confusion, UPK recently named Development Pod D "Red Cloud", and named Pod A "The Village at Empire Pass".

The maximum density allowed within the Mountain Village by the Development Agreement is 705-785 Unit Equivalents configured in no more than 470-550 multi-family or PUD or hotel residential units. Section 1.18 of the Development Agreement states that "each multi-family and PUD residential structure shall consume 1 Unit Equivalent for each 2,000 square feet". In addition, the Mountain Village may also contain up to 16 single-family lots and up to 75,000 square feet of Resort Support Commercial space.

Red Cloud may contain up to 30 single-family lots, and up to 8 "bonus" lots if certain adjacent lands are acquired by UPK or otherwise subjected to the provisions of the Development Agreement.

Current uses include skiing, snowshoeing and snowmobiling in the winter and hiking, biking and horseback riding in the summer. Deer Valley uses adjacent to the Property include hotel lodging facilities, resort support commercial, a variety of multi-family residential units, and single-family lots.

In addition to the residential construction, UPK plans to build a comprehensive package of amenities, including, but not limited to, a transit hub, a social and fitness club (part of the "Empire Talisker- Club") in a large, mixed-use building in Pod A, ~~the "Nugget"~~, an on-mountain restaurant similar to "Beano's Cabin" at Beaver Creek, and several ski lifts. To minimize private vehicular use, UPK will continue to connect the residences and the amenities with a dial-a-ride service, sidewalks, ski trails, and hiking and biking trails.

## **B. Park City Fire Service District**

The Park City Fire Service District (the "District") is a full service emergency services agency that provides fire protection and emergency medical services to an area of approximately 100 square miles of western Summit County, Utah, including all of Park City. The District is bordered by the fire districts serving Morgan County, Salt Lake County, Wasatch County and the North and South Summit County. Approximately 25,000 residents live within the District, while another 1,000,000 plus guests visit the area each year.

The District is governed by an Administration Control Board appointed by the Summit County Commission and employs approximately ~~65-110~~ full-time and part-time firefighters, emergency medical technicians (EMTs) and Paramedics. In addition to fire suppression, emergency medical, rescue and hazard mitigation services, the District provides fire protection planning and inspection services and community education programs. The District has ~~four~~ seven (47) staffed and one (1) "call back" fire stations as described below:

~~Station #31: Located at 1353 Park Avenue in Park City, Station #31, is the District Headquarters. In addition to the District's administrative offices, and depending upon the time of year, this Station houses a variety of emergency response equipment including two (2) engines, one (1) ladder truck, one (1) auxiliary "brush" truck, one (1) water tank truck and two (2) ambulances. The Station is staffed by six (6) firefighters. Located at 2388 Holiday Ranch Loop. The station houses five (5) firefighters year-round, and during the winter season an additional two EMTs are staffed during the day to support the higher ski transport service demand. Station #31 houses Engine 31, Ambulance 31, Water Tender 31, Special Operations 31 (backcountry response using Ranger 4x4), a reserve Engine, and a reserve ambulance.~~

Station #32: Located at 180 Maple Drive in Summit County, the "Summit Park" Station, is an unmanned "call back" station primarily used to store equipment during the off-season and to provide an equipment depot for this outlying area.

~~Station #33: Located at 730 W. Bitner Road in Summit County, the "Burns" Station, house one (1) engine with a ladder, one (1) water tanker and two (2) ambulances. The Station is staffed by four (4) firefighters approximately one mile east of Kimball Junction and is staffed by four (4) firefighters. The Park City Fire District Headquarters is located on the property adjacent to Station #33 and houses Administration, Fire Prevention and Logistical.~~

~~Station #34: Located at 7805 Royal Street in Park City, the "Deer Valley" or "Silver Lake" Station, houses one (1) engine and one (1) auxiliary "brush" truck. The Station is staffed by two (2) firefighters. The station sits across from Deer Valley Resort's Silver Lake Lodge in upper Deer Valley. The station houses four (4) firefighters, Engine 34, Ambulance 34, and auxiliary "brush" truck. This facility's primary response area includes upper Deer Valley and Empire Canyon.~~

~~Station #35: Located at 2575 W. Kilby Road in Summit County, the "Pine Brook" Station, houses one (1) engine, one (1) auxiliary "brush" truck and one (1) ambulance. The Station is staffed by four (4) firefighters. The station houses five (5) firefighters, Engine 35, Ambulance 35, Engine 35B (Type III wildland engine), and Haz-Mat Unit 35.~~

~~Station #36: Located at 1977 Canyon Resort Drive at Canyons Ski Resort. The station houses three (3) firefighters, Truck 36, Heavy Rescue 36, a reserve Engine, and a reserve Ambulance.~~

~~Station #37: Located at 6534 Promontory Ranch Road. This station houses four (4) firefighters, Engine 37, Ambulance 37, Engine 37B (Type III wildland engine), Water-Tender 37, Haz-Mat Decon Trailer, and Special Operations 37 (backcountry response using snowmobiles / 4x4s).~~

~~Station #38: Located at 1798 Deer Valley North near Deer Valley's Snow Park Lodge base area. This station houses four (4) firefighters, Engine 38, Ambulance 38, and a Type 6 "brush" truck.~~

~~The District currently has preliminary plans for two (2) future fire stations, one (1) proposed in the area of The Canyons development and one (1) in the area of the Deer Valley Resort and Empire Pass. No firm timetable for these stations has been set.~~

The District responds to both structure fires and wildfires, and is the first to respond to wildfires within its District boundaries. It has the ability to request support from adjoining fire districts as well as the State of Utah, United States Forest Service and the United States Bureau of Land Management.

### **C. Park City Police Department**

The Park City Police Department (the "Department") is a full service law enforcement agency that provides police protection and investigation services within the city limits of Park City, Utah, an area of approximately ten (10) square miles. Approximately 6,500 residents live within the city limits while another 1,000,000 plus guest visit the area annually.

The Department is governed by the Park City Council, and employs ~~approximately 25 sworn officers, including four (4) investigators, and ten (10) civilian employees along with ten (10) reserve officers~~ 41 full time employees both sworn and civilian, and several part-time employees and reserves. All of the officers qualify as "state wide enforcement" officers. The Department's Headquarters is located ~~in City Hall at 2060 Park Avenue~~. A sub-station is located within the Recreation Building adjacent to the Park City Miner's Hospital in City Park. A second sub-station is ~~planned for~~ located in the Old Town Transit Center ~~currently under construction~~ adjacent to City Hall, and a third sub-station is planned for the Empire Club building in Pod A of Empire Pass. The Department ~~currently operates 25 patrol vehicles (one vehicle per officer), and~~ is augmented by inter-local cooperation agreements with the Summit County, Wasatch County and Morgan County Sheriff's Departments along with the State of Utah Wildlife Resources Department.

The proposed facility will consist of 3 office spaces, approximately 12' x 12' each, with a combined square footage not less than 500 square feet, plus two reasonably proximate parking spaces. The unit will be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued. UPK has agreed that the Empire Club building will be the second stacked-flat building constructed within Pod A.

### **D. Goals and Objectives of the Emergency Response Plan**

The primary goal and objective of the ERP is to ensure the health and safety of the residents, guests, visitors and employees of Empire Pass, and to protect the built environment and the property of the landowners.

To accomplish this goal, the ERP must provide appropriate infrastructure and access to the Park City Fire Service District and the Park City Police Department, along with other city, county, state and private entities to enable them to efficiently and safely perform their duties, during emergency conditions, or while engaged in education and prevention.

## **II. EXISTING CONDITIONS AND CONSTRAINTS**

Empire Pass is located in heavily vegetated, steeply sloped terrain at elevations from between 7,370 and 9,580 feet above sea level. Together with high precipitation rates, primarily in the

form of snowfall, these conditions present several emergency response challenges including the following:

**Vegetation:** Although the primarily north facing aspect of the Annexation Area decreases the threat of wildfire on this heavily forested area, a lengthy period of drought could easily produce a significant wildfire threat.

**Terrain:** the general slope of the property, coupled with the numerous steep slopes associated with the primary canyons and ravines create a climate for fast moving fires easily spread by the frequent erratic wind conditions. These conditions present a potential threat of wildfires from off-site ignition points. The geographical terrain of the area limits the fire attack options available.

**Climatic Conditions:** The high rate of precipitation primarily in the form of snowfall limits wildfire opportunities for much of the year, but complicates emergency access. Conversely, summer drought conditions can significantly increase the threat of wildfire.

**Access:** Access to the property from Park City is via either Guardsman Road or Daly Avenue. In 2003, UPK finished reconstructing Guardsman Road to current UDOT standards from the Ontario Mine bench up to just beyond the Empire Day Lodge. From this point on, Guardsman Road is a narrow and steep, minimally maintained road, ~~with a surface of deteriorating asphalt.~~ ~~In 2004, UPK plans to~~ ~~has~~ constructed a new Guardsman Road from above the Empire Day Lodge to the Summit County line, and thereafter, UPK plans to reconstruct Guardsman Road from the County line to its Bonanza Flats property. Daly Avenue provides direct access from Old Town to lower Empire Canyon and then Empire Pass. Daly Avenue has historically been gated to prevent inappropriate uses. The existing gates shall remain.

### III. EMERGENCY RESPONSE PLAN

#### E. Water

Water will be provided to the Resort by the Park City Municipal Corporation in accordance with i) an *AGREEMENT FOR A JOINT WELL DEVELOPMENT PROGRAM*, dated January 14, 2000 and ii) a *MEMORANDUM OF UNDERSTANDING BETWEEN PARK CITY MUNICIPAL CORPORATION AND UNITED PARK CITY MINES COMPANY CLARIFYING AND IMPLEMENTING THE WATER SOURCE DEVELOPMENT PROVISIONS OF THE DEVELOPMENT AGREEMENT* dated June 24, 1999, dated January 14, 2000, and iii) numerous other water agreements between the parties, and iv) any future agreements.

Water will be delivered to the 1,000,000 gallon storage tank (Water Tank #1) that UPK constructed on the east side of Guardsman Road, just above the Empire Day Lodge. The primary source of water for Tank #1 is planned to be the Spiro Water Treatment Plant via the 13<sup>th</sup> Street

Pump Station and the Woodside Tank. After necessary upgrades to the existing system are completed, water will be pumped from the Woodside Tank up Empire Canyon to the Pod B-2 Tank via a 10" ductile iron water line. The secondary source that presently supplies Tank #1 is the existing Bald Eagle Tank at the Deer Valley Resort. Water gravity flows to Tank #1 from the Bald Eagle Tank through the water line that feeds the Empire Day Lodge at Pod B-2 via a 10" ductile iron water line that runs along the Banner Ski Trail and across the Northside Ski Runs. Tank #1 is located at an operating elevation of approximately 8,450 feet above sea level and provides approximately 540,000 gallons of fire storage for Pods A, B-1 and B-2. This storage capacity has been calculated to provide the necessary 3,3000 gallons per minute for the three-hour duration in accordance with the requirements of the Park City Building Department.

Tank #1 will provide water via a pump station and a 10" ductile iron water line to a second tank (Tank #2) of approximately 500,000 gallons to be located along the ridgeline in the area above Red Cloud. Tank #2 will be located at an operating elevation of approximately 9,150 feet above sea level and will provide approximately 300,000 gallons of fire storage for Red Cloud and for UPK's property in the Bonanza Flats area of Wasatch County. This storage capacity has been calculated to provide 2,500 gallons per minute for the two-hour duration. The fire flow assumptions for this tank have been reduced since the buildings served will be much smaller than those programmed for Pods A, B-1 and B-2. Water will be distributed from these tanks via a series of water mains, with fire hydrants installed along the roads and throughout the development Pods as required by Park City and the District. In addition to the required fire hydrants, fire department connections and standpipe systems, fire hose storage cabinets and their appurtenances will be provided in strategic locations throughout Empire Pass to ensure appropriate resources are available in the event of a fire.

#### **F. Primary Access**

Once certain improvements have been made, Marsac Avenue and Guardsman Road will continue to be the primary means of access from Park City to and through Empire Pass.

The Development Agreement describes the required improvements for Marsac Avenue, and sets forth the requirements for a new private road from Pod B-2 to Red Cloud.

In 2001, UPK completed the construction of a runaway truck ramp along the northbound, downhill lane at a location just above the intersection of Hillside Avenue. In 2003, UPK completed the reconstruction and realignment of Marsac Avenue from the Deer Valley turn-off just south of the Ontario Mine bench, to Pod B-2, and UDOT abandoned the corresponding section of the Guardsman Road.

~~In 2004, UPK is planning to complete~~has completed the reconstruction of Marsac Avenue from the roundabout below City Hall to the Deer Valley turn-off just south of the Ontario Mine bench. This work ~~will add~~s a passing lane for uphill traffic on Marsac Avenue. ~~Also in 2004, and subject to Park City's approval,~~UPK plans to buildhas constructed a new private road from Pod B-2 to Red Cloud. Per Park City's LMC, private roads can be dedicated as public street with approval of the City Council. This road ~~will be~~has been built to meet UDOT specifications, and

in the future, this road will serve UPK's property at Bonanza Flats. This road will not meet PCMC's requirement for a maximum 10% grade.

~~The proposed road cross-sections included in the Emergency Response Plan approved in December of 2001 have changed, and are attached hereto as Exhibit B.~~

### G. Emergency Secondary Access

There are three primary types of emergencies:

- 1) The first is an isolated, short-term emergency (i.e. medical emergency, automobile accident, structure fire, etc.). These emergencies usually do not have significant secondary access requirements, however, depending on the extent of the fire and climate conditions, may require a total or partial evacuation of Empire Pass.
- 2) The second type of emergency is one that would require an immediate full evacuation of all, or a portion of Empire Pass, such as in the event of a wildfire. This type of an emergency requires immediate secondary access options.
- 3) Finally, the third type of emergency is a long-term, non-life-threatening situation, such as a road or bridge failure due to landslide, avalanche, collapse or structural failure. This type of an emergency requires a long-term secondary access option.

UPK will develop and implement alliances and procedures with the District, Deer Valley Resort and other pertinent agencies and entities relating to the use of alternative modes of transportation in the event of an emergency situation.

In the event of a long-term closure of Marsac Avenue below Empire Pass, various alternative access routes are available:

- 1) All-season access is available using Royal Street and the Silver Lake area of Deer Valley resort to South Deer Valley Drive.
- 2) Winter emergency access, other than Royal Street, is ~~proposed as~~ an all-weather gravel road with a minimum 20' width that will run from Red Cloud connecting to Sterling Drive and ultimately down to Marsac Avenue as shown on Exhibit A1 the updated Emergency Access Route Exhibit (attached). This is a new route from the previously approved plan. Emergency access will be cleared at the expense of the Master Owners Association under the order of the Police Chief or Fire Marshal.
- 3) Additional winter access could be utilized by plowing the existing gravel and dirt roads that are also shown ~~in Exhibit A1~~ on the updated Emergency Access Route Exhibit (attached). They include:
  - a) The "drift road" that runs from the Ontario Mine bench, around Prospect Ridge and connects with Lower Empire Canyon and then north to Daly Avenue. This

road is currently used as a year round access to the Empire Canyon Water Tank and Utah Power's Judge Switchback Substation. The portion that is not open year round could be plowed in the event of a long-term closure. In addition, the maintenance road overlying the new utilities from Daly to B-2 could also be used. This section of road will be a 20' wide platform with a gravel surface.

- b) The existing Guardsman Road alignment between Pod B-2 and Red Cloud, could be plowed for emergency use in the event of a long-term problem along the private road from Pod B-2 to Red Cloud.
  - c) The route running from Guardsman Pass Road, east from Pod B-2, passing through the Deer Valley Maintenance Yard and connecting to Sterling Drive, as shown on the updated Emergency Access Route Exhibit (attached).
  - b)d) The route running from the end of the cul-de-sac of Red Cloud Trail, north and then west, connecting to Guardsman Pass Road, as shown on the updated Emergency Access Route Exhibit (attached).
- 4) Summer emergency access is considerably more abundant and comes in the form of public roads, and privately maintained dirt roads ~~(see Exhibit A2):~~
- a) On the Bonanza side of Guardsman Road, existing roads provide summer access through both Brighton Canyon to Salt Lake and Pine Canyon Road to Midway City in Wasatch County.
  - b) Finally, there are numerous existing dirt roads, snow cat trails and ski runs available for use if an emergency evacuation is required during the summer months.
  - c) UPK will ensure that emergency access routes are provided, identified and maintained during the summer months and in other times of high fire danger.

The current infrastructure plan requires the construction of several bridges and tunnels to provide grade separation for vehicles and recreational users (hikers & skiers). These structures are designed with so-called "dry crossings" to allow vehicular access in the event of a structural failure. In case of a failure, the Fire Marshal and/or the City Police Chief shall direct the Master Owners Association to grade/clear the dry crossings or will facilitate the grading/clearing of the dry crossing at the Master Owners Association's expense.

Before any infrastructure construction is allowed to begin, UPK will submit detailed construction drawings, defensible space drawings, and a construction mitigation plan describing access, staging of materials and equipment, trash management, construction parking and fire protection measures to Park City and the District for their approval. ~~The proposed road cross sections included in the Emergency Response Plan approved in December of 2001 have changed, and are attached hereto as Exhibit B.~~ No vertical construction will be allowed to commence until the

subject parcel has all-weather access and an operational water distribution system to meet fire flow requirements.

## **H. Fire Prevention**

As previously discussed, wildfires could pose a significant threat to properties at Empire Pass. Accordingly, UPK will incorporate a variety of fire protection measures into the design and operation of Empire Pass so as to prevent fires from starting and to minimize potential losses.

To prevent wildfires, UPK will establish a program to educate its residents, visitors and the general public about fire risk and prevention. This program will include signage at trailheads, posters on bulletin and information boards, pamphlet distribution with equipment rentals, notices on the Empire Pass-intranet system, defensible space requirements in the CC&Rs, and safety talks by trail guides.

Measures such as strategically placed firebreak clear zones would be difficult, at best, to construct and maintain and would create significant visual scarring and disturbance to vegetation and wildlife habitat. However, the existing and proposed ski runs, roads and other clearings provide some firebreak zones and will be considered in the overall fire protection strategy for the perimeter of the Development Pods. UPK may also establish the following additional fire protection zones around the Development Pods to slow the spread of wildfires:

Zone 1 – The area immediately adjacent to combustible vertical construction will be i) cleared of existing trees, ii) cleaned of downed trees, branches and forest under-story and iii) re-vegetated with fire-resistant, irrigated ground cover, shrubs and trees carefully located to prevent erosion and hinder the spread of wild fire. This zone will be a minimum of 50 feet wide.

Zone 2 – The area immediately adjacent to Zone 1 will be i) cleared of existing downed trees and branches along with the forest under-story and ii) thinned by removing dense groupings of trees and limbing-up trees that are to remain. This zone will be a minimum of 25 feet wide. In some instances roadways will provide a clear zone corridor in excess of the 25-foot minimum.

Finally, all structures will be designed and constructed with fire prevention in mind. In addition to the perimeter protection measures for the Development Pods noted above, each individual development project will be required to submit defensible space plans for its buildings. To the extent possible, roofs and exteriors of structures will be constructed of fire-resistant materials, in compliance with materials permitted by amendments to the International Building Code for the District and for Park City. Structural projections such as balconies, decks and roof gables will be constructed of materials that are fire-resistant or of non-combustible materials. Combustible materials can be used on decks and eaves provided that they are sprinkler-protected, and allowed by the IBC for that building type. To control the fire prior to the District's arrival on site, every building will be equipped with an approved fire suppression sprinkler system. These systems will be designed to protect all areas under roof including all interior spaces, exterior areas and roof overhangs, including balconies and decks.

## **I. Fire Suppression and Paramedic / Ambulance**

The most effective means of combating a fire, whether a wildfire or a structure fire is to be able to quickly deliver a well-supported suppression attack before the fire can gain momentum. A critical component of this response is early detection. Every building will be equipped with approved fire alarm systems able to detect smoke and heat. These systems will be connected to an monitored by an independent central alarm monitoring station, and by the Empire Pass Maser Owners Association. Policy will dictate that the first action by any person monitoring the fire alarm system, on or off site, will be to put in an Emergency 911 call to the Fire District. All other calls and verification swill be secondary to that first call. Once a fire is detected and the alarm is received, the District's response time to the emergency is critical.

Station #34, located within Deer Valley Resort at Silver Lake, is currently the station located closest to the Resort and would provide the first response to an emergency. This station is manned 24 hours per day by ~~two-four~~ (24) fire fighters and house one (1) engine, ~~and one~~ (1) auxiliary "brush" truck, ~~and an ambulance~~. Station #~~31-38~~, located ~~on Park Avenue in Park City, would provide backup to Station #34 and primary ambulance service near the Deer Valley Snow Park Lodge and Station #31 located in Park Meadows will provide backup.~~

The District has recently expanded and remodeled Station #34 to accommodate the development of Empire Pass. Since this facility has the potential to provide back-up services to The Wasatch County Fire District and protect the UPK's Bonanza Flats property in Wasatch County, an inter-local cooperation agreement may be negotiated with an executed by the Park City Fire Service District and the Wasatch County Fire District. To accommodate any future needs for an on-site public safety facility, UPK has designated and will plat and convey a site in the vicinity of Pod B-2 to Park City. This site will have appropriate access.

## **J. Police Protection**

Police protection for Empire Pass will be coordinated from the Department Headquarters located ~~in City Hall at 2060 Park Avenue~~. In addition, UPK will dedicate space for a police sub-station within the mixed-use Empire Club Phase II Residences building in Pod A. The Development Agreement requires that 65% of the units be located in Pod A and an additional 15% is approved for Pod B-1 which is contiguous, making 80% of the density in that general area. The building is the location of the transit hub and the general store, and will be core of the Mountain Village.

The proposed facility will consist of 3 office spaces, approximately 12' x 12' each, with a combined square footage not less than 500 square feet, plus two reasonably proximate parking spaces. The unit will be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued. UPK has agreed that the Empire club building will be the second stacked-flat building constructed within Pod A.

#### IV. CONTRIBUTIONS AND FUNDING

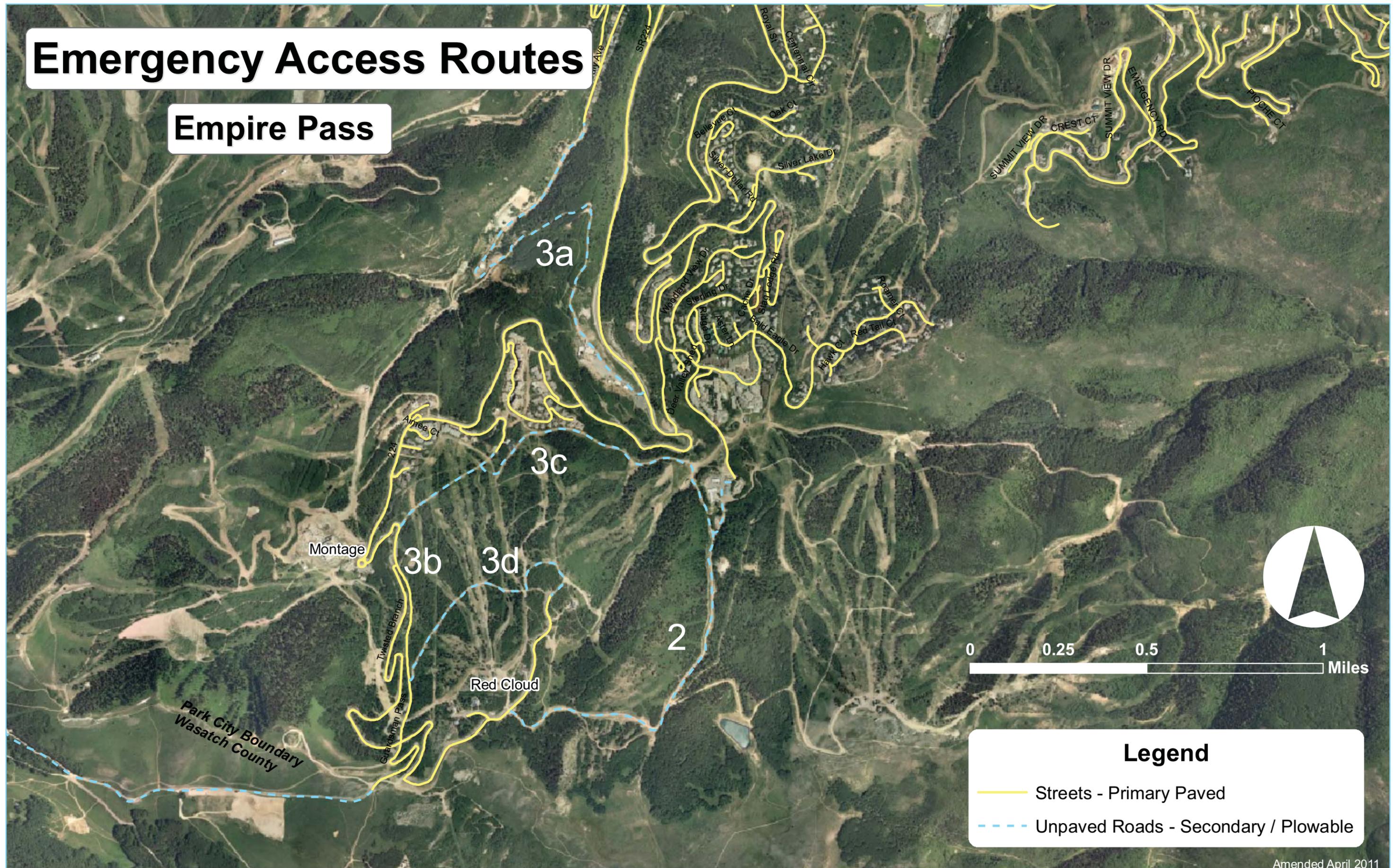
UPK ~~will meet~~has met its obligations to fund the remodeling and expansion and further equipping of Silver Lake Station #34, namely:

- 1) A payment of \$350,000 has been made for the remodel and expansion of Station #34.
- 2) A payment of up to \$100,000 has been made for the cost of a new ambulance for Station #34.
- 3) A payment ~~will be~~has been made on or before December of 2006 of up to \$350,000 for the cost of a new all-wheel drive Class A fire truck for Station #34.
- 4) A payment ~~will be~~has been made for the cost of personnel necessary to increase the daily staffing of Station #34 from two (2) emergency personnel to four (4), for two years as these costs are incurred by the District.

UPK is prepared to draft and execute appropriate agreements with the District to memorialize the covenants outlined in this Emergency Response Plan.

# Emergency Access Routes

## Empire Pass





February 15, 2011

Mr. Roger Evans, Chief Building Official  
**Park City Municipal Corporation**  
 445 Marsac Avenue  
 P. O. Box 1480  
 Park City, UT 84060

Dear Mr. Evans:

With regard to your letter of November 9, 2010, the following information and items address the operational and other aspects of the emergency response route to Flagstaff Mountain. Below is a list of the things outlined in your letter, and the response to each:

1. "Please provide proof of Deer Valley / land owner consent both the emergency response route and operations requirement (ability to plow snow in an emergency operation)."  
**Response:** Attached is a letter from Deer Valley that addresses this item.
2. "The grading and alignment of the road shown by the "Old Guard Road" deviates from the plans submitted and one section of the road in this area exceeds 10% slope requirement."  
**Response:** Our plans (map attached) do not reflect a deviation, nor a slope in excess of 10% in the section referenced. However, we propose to inspect this section with Kurt Simister in the spring.
3. "The graded road as it enters the "Judge Lift" area has several areas that required culverts because of water drainage. The areas present an access problem for the department because of ground clearances."  
**Response:** We have inspected this area and it appears that water drainage during spring run-off has created issues that may necessitate some culvert installations and re-grading. This work will be performed as soon as weather and ground conditions permit, following the closure of the ski mountain.
4. "The access point by Empire Lodge is blocked by concrete barricades and construction debris."  
**Response:** These barricades and the debris will be removed by March 1, 2011.

**Mr. Roger Evans**  
**February 15, 2011**  
**Page 2**

5. "Submit to City Engineer, Matt Cassel confirmation that the existing bridge is capable of supporting the fire department vehicles (pumper truck) along with seismic design considerations."

**Response:** On Tuesday, January 18, 2011, Bob Wells of Deer Valley discussed this issue and the following information with Matt Cassel: the bridge has been in place for several years, and Mr. Wells' understanding is that it was built to UDOT specifications; the fire district traverses the bridge periodically for inspections of the Deer Valley maintenance facility; Deer Valley also has frequent deliveries to the maintenance facility by a variety of vehicles including large semis; the bridge has been accommodating all of this traffic without any problem or difficulty. All of this was discussed with Mr. Cassel, and it is Mr. Wells' impression that Matt was satisfied with this response to this item.

The on-going maintenance of the emergency response route will be undertaken by the Empire Pass Master Homeowners Association.

Regards,



Mark R. Thorne  
Vice President

MRT:lh  
attachments



DEER VALLEY

February 12, 2011

Mark Thorne  
United Park City Mines Company  
1850 Sidewinder Drive, 2<sup>nd</sup> Floor  
Park City, Utah 84060

Roger Evans, Chief Building Official  
Park City Municipal Corporation  
445 Marsac Avenue  
Park City, Utah 84060

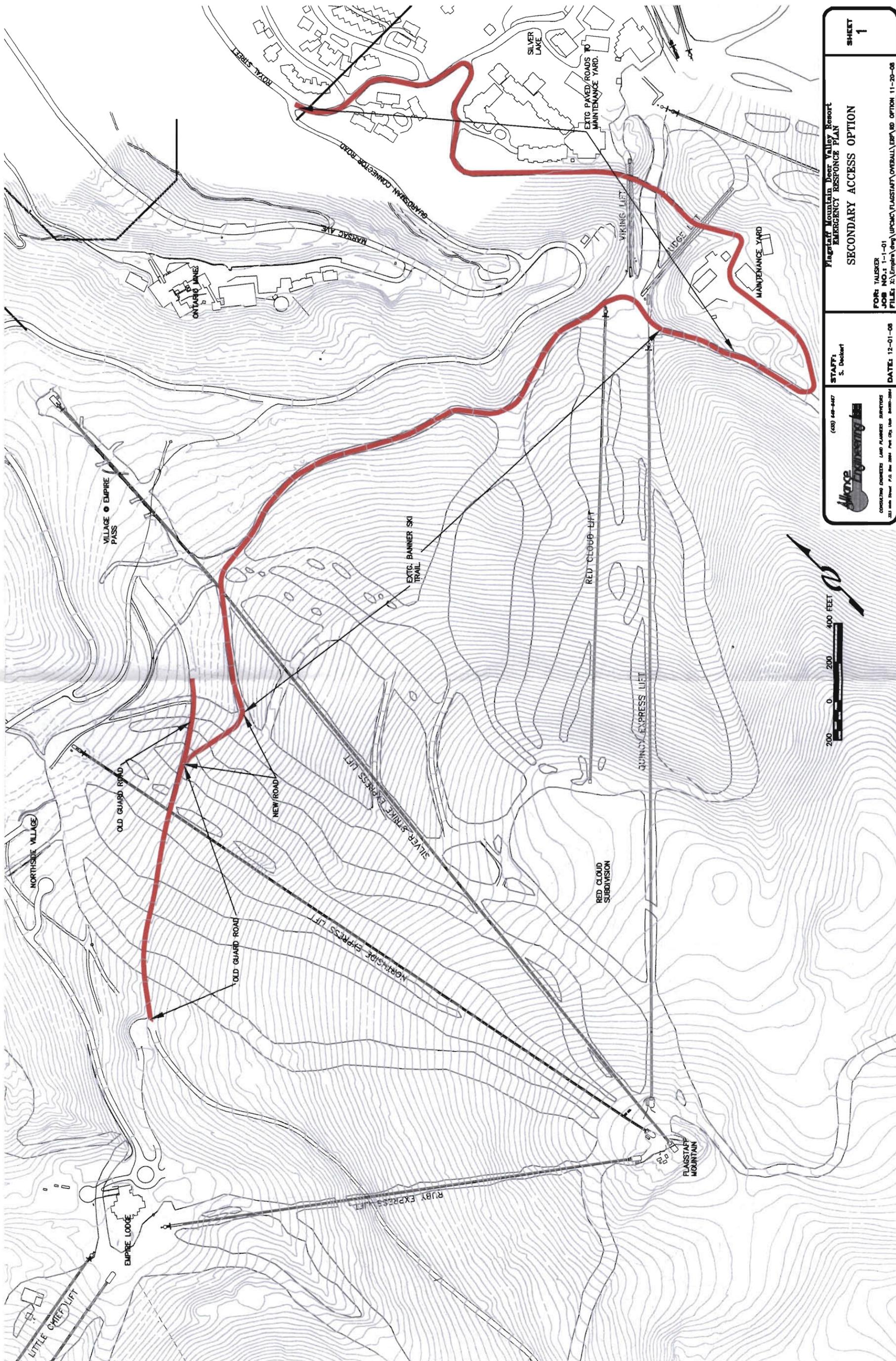
Dear Roger and Mark:

During the fourth quarter of 2008, Deer Valley, United Park City Mines Co. and Park City worked together to agree upon the alignment of a Flagstaff Mountain emergency access route. That agreed-upon route is reflected on the attached drawing from Alliance Engineering dated December 1, 2008.

At the Request of the City, this letter provides confirmation that Deer Valley, as land owner, consents to the location of the emergency response route, as shown on the attached drawing from Alliance Engineering dated December 1, 2008. This emergency response route crosses important Deer Valley ski runs that, in all but the most exceptional circumstances, will be used by skiers and over-the-snow vehicles. However Deer Valley acknowledges that the Park City Fire Marshall may cause this emergency response route to be plowed and placed into winter service for emergency and evacuation purposes in that exceptional emergency situation when normal road access to Flagstaff Mountain is interrupted for an extended period of time, but not simply for public convenience.

Sincerely,

Bob Wells  
Vice President



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>231 Main Street P.O. Box 2005 Park City Utah 84302-2005</small> <small>(435) 644-6447</small>	STAFF: S. Decker	DATE: 12-01-08	SHEET <b>1</b>
	Flagstaff Mountain Deer Valley Resort EMERGENCY RESPONSE PLAN <b>SECONDARY ACCESS OPTION</b>		

