

**PARK CITY PLANNING COMMISSION  
WORK SESSION NOTES  
JUNE 22, 2011**

PRESENT: Julia Pettit, Brooke Hontz, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Francisco Astorga, Kirsten Whetstone, Polly Samuels McLean, Matt Cassel

**WORK SESSION ITEMS**

**Fiscal 2012 Capital Improvement Program – Informational Update**

City Engineer, Matt Cassel, stated that on May 11, 2011 the 2012 CIP Plan was presented to the Planning Commission. At that time the Planning Commission requested an update on how the projects were prioritized. In response to their request, Mr. Cassel explained the process and the ranking system developed by the Budget Department that the CIP Committee uses to rank and score individual projects submitted by each department. A prioritization list is created from that analysis. The ranking system includes five criteria for scoring the project.

**2002 Euston Drive – Zone Change Request  
(Application #PL-11-01174)**

Planner Francisco Astorga reviewed the request for a zone change from Estate (E) to Residential Development (RD), for a five acres vacant parcel located at 2002 Euston Drive, south of the Chatham Crossing Subdivision and west of the open space area of the Canyon Crossing Condominiums. The Staff and applicant were seeking direction from the Planning Commission as to whether or not the proposed Zone change is compatible with the surrounding area. The parcel is not part of any subdivision and it is not a lot of record.

Planner Astorga noted that the subject property is surrounded on four sides by RD District. The site contains a 12' wide road and a 14" City water transmission line, as well as a 15' wide easement traversing the site from north to south. Planner Astoraga reported that at one time Canyon Crossing was part of Chatham Hill, until it was developed as its own subdivision with two or three condos.

The applicant has requested to move forward with a zone change and preferred to meet with the Planning Commission during a work session prior to public hearing and action.

Planner Astorga reviewed the zoning map for the area. He indicated the required open space for the MPD that was approved for Canyon Crossing. He pointed out the ROS property to the south and the Estate zoning areas. He also reviewed the subdivision map showing the adjacent subdivisions and roads.

Planner Astorga noted that the Staff and the applicant reached out to four or five different HOAs in the area to inform them of this request and to let them know that a public hearing would be scheduled at a later date.

Planner Astorga reported that the Planning Commission reviewed a pre-application for a master plan development in 2001, at which time there were 15 affordable housing units and two single-

family dwellings. The Planning Commission found general compliance with the 2001 pre-application. In 2002 the Planning Commission reviewed the same request that is currently proposed to rezone the parcel from Estate to RD. At that time the Planning Commission requested that the Planning Department provide an analysis to determine whether the zone change from Estate to RD was appropriate for the density and the development parameters. The Staff did the analysis but was unable to make a positive recommendation for the zone change. At that time the Planning Commission directed the Staff to prepare findings for denial. However, the application was withdrawn the next day and final action was never taken.

Planner Astorga remarked that the Staff analysis on the current application indicates that the land has not changed and there have been no significant changes to the Land Management Code. The Staff finds that the analysis and findings from 2002 still apply.

Planner Astorga presented a slide that supported the Staff's findings. It would be more appropriate to keep the parcel in the Estate zone rather than changing to RD due to low density development, ridge line protection, sensitive hillsides and the actual topography of the site. Additional concerns included single access, fire safety and utilities.

Planner Astorga reviewed the findings from the 2002 minutes, which were included in the Staff report. Vice-Chair Pettit read the third bullet point on page 20 of the Staff report, "Based on the sensitivity of the site, the proposal appeared to be an over use." She asked if the 2002 proposal was a different proposal from what this applicant was requesting. Planner Astorga replied that the proposal was definitely different from the 15 affordable housing units and two single family dwellings. He understood that the applicant would like to have more than one dwelling on the property, but not as many as five or ten.

Planner Astorga stated that the first item for discussion was in regards to the Sensitive Lands Overlay District. The Code requires that seven different studies be submitted in order for the Planning Commission to make a determination for compliance with the Sensitive Lands Overlay. At this point, the Staff had only received the first one, which deals with the slope. The remaining studies had not been submitted. The seven studies were outlined on page 23 of the Staff report. Planner Astorga reported that the Staff had a small disagreement with the applicant in terms of what is defined as a development application. The Code states that for any development application within the Sensitive Lands Overlay, the applicant shall provide the seven items.

Planner Astorga remarked that the Planning Commission has the right to request additional information related to the Sensitive Lands Overlay. The studies are written in the LMC, which include the visual assessment, soil investigation, geo-technical report and fire protection report. He clarified that these were in addition to the seven studies outlined.

Planner Astorga requested discussion from the Planning Commission on whether or not they concur with the Staff determination that it would be more appropriate to keep the zoning designation of the site in the Estate District.

Robin Patterson, the applicant, stated that she has owned the property since 2003. She was unsure how Mountainlands Community Housing Trust could have put 15 condos and two homes on

this property. Ms. Patterson recognized that there are sensitive land issues and she intends to place homes in areas that would not disturb the sensitive land areas. Ms. Patterson stated that Steve Schuler from Alliance Engineering had engineered a plan to show the maximum number of lots on the property. She pointed out that the homes would be congruent with the upper homes at Chatham Hills. Her property enters up at the top on Victoria Circle, of which there would two, possibly three lots going up to that area to the one true passage on the street. Ms. Patterson thought that by itself would remove much of the distrust and the problems that occurred in 2001 and 2002. At that time, many people were concerned that the real estate values in Chatham Hills would be negatively affected. Ms. Patterson stated that she also concurred with those concerns at the time.

Ms. Patterson clarified that she was trying to do a continuation because the land is connected to the street going in and there are two accesses; one at the top and one at the bottom.

Regarding sensitive lands, Ms. Patterson referred to the engineered drawing and noted that the trees coming into Euston Drive would not be disturbed. Homes would only be placed on the flat areas. Ms. Patterson believed that four homes would be the possible maximum to match Chatham Hills at the bottom. She suggested two at the top, because she could not see how a third one would fit.

Ms. Patterson referred to the Staff recommendation and stated that unless she breaks specific rules or ordinances, personal opinions should not matter. She remarked that when Chatham Hills was developed it involved sensitive lands and some of the hills where homes were built are steeper than her property. She pointed out that within a building envelope nothing could be built on a slope steeper than 25%. Ms. Patterson emphasized that any building plan would be followed within the rules.

Ms. Patterson stated that when Chatham Hills was being developed, Mr. Cunningham, the owner of this five acres estate, lived in California. She was told that he was only contacted to be told that the parcel was being annexed and the land around him would be developed. It was with the understanding that his land could be developed when he was ready. Unfortunately, he passed away before it was developed. Ms. Patterson believed that the parcel is a continuation of Chatham Hills and it is not supposed to be saved for any other reason. Ms. Patterson tried to find out why this property was originally registered into an Estate, but no one seems to know the answer. The only assumption is that it was a result of rules and regulations that were applied in the 1970's or 1980's.

Ms. Patterson reported that Mr. Cunningham had agreed to allow the City to put a high pressure water system through the property, but to put it in the area where it is currently located. He required that the pipeline that was installed through the property at the bottom of Euston Drive was to follow the dirt road. Allowing the line to go through his property was a goodwill gesture and he did not charge the City for the easement. Ms. Patterson noted that the City Water Department approached her with a request to use her property again for water pipes. She felt like her land was being used in that fashion and she believed it was done with the intent of trying to decline development. Ms. Patterson noted that under the Estate zone she could build a house in that area and have it be the only home. Ms. Patterson remarked that the Estate zone only requires three acres. Therefore, the

five acre parcel could be divided.

Regarding the water line proposed, Ms. Patterson spoke with Clint McAfee and informed him that the easement would not be free to Park City this time. She was asking for certain accommodations, after which she might consider it. Ms. Patterson had done some research and found that the City has two other options to run the water lines that would not involve her property; however, using those options would double the cost.

Ms. Patterson pointed out that she was paying high-end taxes on her property for sensitive lands, and it is being used by the public. If she fences her property the public could no longer use it as a trail. If people want to use her property for hiking, they can purchase it from her. It is residential property that was supposed to be developed, and it was set up that way as far back as the 1970's and 1980's. When the owner died, his estate did nothing with it. Ms. Patterson stated that the individual who presented it to the City was a realtor and not the owner. He was given the property to sell and Mountainlands Community Housing Trust offered to purchase it if they could develop the land with 15 affordable housing units and two single homes.

Ms. Patterson understood that there were conversations with the previous owner about privately using the property as a trade-off so Chatham Hills could be developed and this parcel could be used as Estate and traded off. That was never documented; therefore, this piece of property could not be used for that process.

Vice-Chair Pettit asked Ms. Patterson why she had not submitted required studies 2 through 7 as outlined in the Staff report. Ms. Patterson replied that she did intend to do the studies until the Estate zone issues were resolved. She was not willing to spend the money on the chance that her request could be denied. Ms. Patterson clarified that Planner Astorga had not asked for the studies. Planner Astorga replied that he had sent her and her son an email and he had her response documented on file. Her response was that she would meet the first requirement, which was the slope analysis, but there was a disagreement as to whether or not the remaining studies were necessary. Ms. Patterson stated that she did not see where the studies were required in the original application. She could not recall the email exchange with Planner Astorga and requested that he send her a copy.

Ms. Patterson noted that Mountainlands had done many of the studies before the application was withdrawn, and she would try to obtain some of the information from them.

Commissioner Thomas asked Ms. Patterson how many lots she anticipated. Ms. Patterson replied that she asked Steve Schuler to engineer the parcel and to fit as many lots as possible based on the slope analysis and sensitive lands. Ms. Schuler went to the extreme and engineered seven lots. Ms. Patterson assumed that six lots would be the maximum; four on the bottom and two on the top.

Commissioner Thomas clarified that Ms. Patterson was referring to Lots 2, 3, 4, 5, 6, 7. Ms. Patterson passed around a sheet she had prepared with the marked lots. Commissioner Thomas stated that it would be helpful to have that delineated on the slope analysis prepared by Alliance Engineering.

Commissioner Hontz noted that the calculations in the slope analysis were not done with the correct slopes. The correct analysis would need to be done in order to follow the rules mandated by Code. Commissioner Hontz remarked that in addition to being inaccurate, the analysis was too broad.

Vice-Chair Pettit clarified that the purpose of the slope analysis is to determine site location. Ms. Patterson remarked that Chatham Hills was all sensitive lands and they built right over the top of it. She intended to be sensitive to the sensitive lands area.

Commissioner Hontz referred to the water lines and access. She noted that the development concept prepared by Alliance Engineering shows an existing easement. Ms. Patterson replied that the easement is 15 feet wide. Ms. Patterson noted that the water lines and utilities were put in place when Chatham Hills was developed. Planner Astorga clarified that the Water Department would like a 30 feet easement, recognizing that the requested easement has nothing to do with the Zone change application.

Commissioner Hontz noted that the City is allowed to use the 15 foot easement. Ms. Patterson agreed, noting that what the City wants to do will not fit within the 15 foot easement. Ms. Patterson stated that after the application was withdrawn in 2002, the property was up for sale and several groups looked at purchasing the property, including the City. For whatever reason, those groups decided again purchasing but the City is still using her property and she is paying the taxes. Ms. Patterson guaranteed the Planning Commission that something would change, whether it was the tax schedule or fencing. She is aware of the sensitive lands issue and the fact that specific requirements need to be followed. However, the issue in 2001 and 2002 was the 15 units and the two single homes, and not sensitive lands. She wanted to assure people from the Chatham hills area that her proposal is different and it would not affect their property values.

Ms. Patterson was anxious to work out the issues and she was not opposed to another work session if necessary. She pointed out that the seven studies were not requested in the application, but she was willing to do them at the appropriate time. Planner Francisco clarified that Ms. Patterson had not done a Sensitive Overlay Application. The question is whether she falls into the overlay, which would trigger the SLO.

Vice-Chair Pettit called for public input.

Carol Dalton stated that she is a member of the Chatham Hills Board. Ms. Dalton stated that there was a huge reaction to this zone change and she could not recall another time when the Board received so many emails in two days. Many of the points raised by the neighbors were the same ones raised in 2002. Ms. Dalton thought the access was a safety issue. There is one way into the neighborhood and one way out. She was concerned that allowing the zone change would open a can of worms because it is unclear how many units would be approved. Ms. Dalton understood that Ms. Patterson was talking about a maximum of seven homes, but that is still significant for a neighborhood that is built out at 143 units with only one access in and out. Ms. Dalton acknowledged that people do hike through the property, but they could live with the fact that the trails would no longer be available if the property is fenced.

Vice-Chair Pettit informed the public that this was only a work session and there would be other opportunities to make public comment.

Ms. Patterson noted that the property was set aside to be developed and the residents of Chatham Hills had the responsibility to research that before they developed their property. She was still in the process of trying to find out why that property was ever designated Estate. She was beginning to think that the original owner may not have known that it was zoned Estate when it was annexed. In her opinion, there was no reason to keep the Estate zoning because it is a private piece of residential property.

Commissioner Hontz stated that a request to change from one zoning designation to another must follow a specific process. The process that the Staff established was well documented in the Staff report. Commissioner Hontz believed all the required studies and information would need to be submitted, as well as an update to the slopes map to make it match the Code. In order for her to consider any number of lots, the applicant would also need to include the additional studies mentioned, which include the visual assessment, soil investigation report, geo-tech, fire protection and hydrological report. However, if the applicant wanted an idea of whether or not the zone change could occur before spending money on the studies, just looking at the slope map and going up into the neighborhood, Commissioner Hontz stated that she would need to weigh the information presented very carefully to see if it made sense to consider a rezone. Based on the information provided, there is no way she would rezone the property. In her opinion there was no reason to go from Estate to RD.

Ms. Patterson asked Commissioner Hontz to explain her reasoning. Commissioner Hontz referred Ms. Patterson to page 31 of the Staff report and noted that she concurred with the Staff's response as to why the property should remain Estate designation. She could not support changing the zoning from Estate to RD for those same reasons.

Commissioner Thomas agreed with Commissioner Hontz's interpretation. He also agreed with the evaluation made by the previous Planning Commission years ago, as well as the Staff's interpretation with regard to the Code and the use. Commissioner Thomas stated that it would be a long, uphill battle and only Ms. Patterson could decide whether or not to choose that fight through the process. If she chose to move forward, the Planning Commission would look at the criteria as objectively as possible.

Ms. Patterson reiterated that the person who went through the process in 2001 and 2002 was a realtor and not the property owner, working with an entity that wanted to put in moderate income housing. That created problems and concerns at the time, and she did not believe the residents in the area could get past that even though her proposal was different.

Commissioner Worel understood why Ms. Patterson was not willing to spend money on the studies without feeling that there was a reasonable chance for success. However, she agreed with her fellow Commissioners that they could not make a valid evaluation and decision without the supporting documentation.

Ms. Patterson reiterated that the studies were done by Mountainlands the land has not changed.

Those studies should be on file and she would try to find them.

Commissioner Strachan concurred with his fellow Commissioners. He believed it would be an uphill battle because nothing has changed in either the Code or the land itself from 2001 and 2002. Without a substantive change in either the law or the facts, there is no reason to change the existing zone. If Ms. Patterson submits the required materials the Planning Commission would look at them objectively and possibly discover a new reason for changing the zoning designation.

Ms. Patterson felt they were overlooking the fact that if Chatham Hills had owned that parcel, it would have already been developed.

Vice-Chair Pettit replied that regardless of the history or what might have been, the parcel was zoned Estate and the Planning Commission has the responsibility to apply the Land Management Code criteria to determine whether it is appropriate to rezone for a more intense use based on the surrounding area, the use, and other SLO criteria. Vice-Chair Pettit pointed out that the Wildlife Habitat Study may have changed since 2002 and that study would need to be updated.

#### **Upper Ridge Subdivision – Plat Amendment (Application # PL-11-01238)**

Planner Whetstone reviewed the request for a plat amendment at Upper Ridge Avenue, which is an area of Old Town located above where King Road and Ridge Avenue and Sampson all come together. The request is to reconfigure 42 lots of the Millsite Subdivision into six residential lots and two open space parcels and dedicated right-of-way areas. Planner Whetstone clarified that not all of the lots are 25' x 75 feet, even though they are full lots.

Commissioner Hontz noted that the plat showed 28 parcels with dimensions of 25' x 59, which equates to 1475 square feet. There are also eleven portions of parcel that are smaller than 25' x 59'. The smallest was 199 square feet. Planner Whetstone concurred. She reiterated that the smaller lots were still 42 individually platted lots.

Planner Whetstone noted that a project was previously submitted, however, that application expired and a new application was submitted. This item was scheduled for work session this evening and public hearing would be held on July 27<sup>th</sup>. A neighborhood meeting was scheduled for July 6<sup>th</sup>. Everyone within 300 feet would be noticed for both the neighborhood meeting and the public hearing.

Planner Whetstone reviewed items for discussion that were highlighted in the Staff report. She presented slides showing the existing site conditions and the proposed site plan, as well as the proposed utility plan. The exhibits provided to the Planning Commission included the slope analysis, a visual analysis with views from Prospect, Hillside, Alice Claim and Daly Avenue. Schematic drawings were also included showing the proposed houses on the lots.

Jeremy Pack, representing the applicant Avenues Land Co., stated that he has lived in Park City for 20 years and he has built over a hundred houses and three residential subdivisions. He explained the process they use when building in Park City to keep control over every aspect of the

development to completion.

Mr. Pack stated that when they decided to re-open the application they met with the Planning Department to discuss ideas for socially responsible development for those 42 lots. They came up with various models and determined that 6 single family home sites with limited square footage would be the best approach. In addition, three parcels would be dedicated to the City. Mr. Pack clarified that the application was for a plat amendment to achieve six lots that are accessed via a private driveway within a platted right-of-way.

Mr. Pack noted that the proposal is for actual structures and they were prepared to show the different views from all the aspects around town. Traffic studies and geo-tech studies were also completed.

Commissioner Hontz asked if Avenues Land Co., LLC was the same company as the previous applicant. Mr. Pack answered yes, noting that he purchased part of the company. Commissioner Hontz understood that Avenues Land Co. represented multiple property owners who own the parcels. Mr. Pack stated that three property owners jointly own the 42 lots.

Commissioner Hontz assumed that access would be provided up the platted Ridge to Lot 4 of the Ridge Avenue subdivision if they were able to proceed. She understood that Lot 4 was not addressed in the plat because it was not part of the application, but it would result in seven lots that would be accessed off of platted Ridge. Mr. Pack replied that access would be provided to the current lot.

Commissioner Hontz noted that the appendices to the geo-tech report were missing and she would need those for proper evaluation. Planner Whetstone replied that the appendices were not included with the exhibits, but they are on file at the City. Commissioner Hontz asked Planner Whetstone to provide those for the next meeting.

Commissioner Hontz asked if the property was within the soils ordinance area. She was told that it was not. Commissioner Hontz asked if the applicant understood the TDR process and how it works. Mr. Pack stated that he only proposed partial TDRs to see how well it was received. Planner Whetstone clarified that the comments from the Development Review Committee was that they needed to do all TDRs on the property or nothing. Commissioner Hontz recalled that when the Planning Commission discussed sending zones in the TDR process, this property and some of the surrounding area was considered one of the best locations for sending density. Being on top of a ridge with unstable soils went into understanding why this particular piece was an ideal sending zone for TDRs. Director Eddington recalled that the unit equivalents for Upper Ridge were set at 17.65. If they continue through the process and the applicants are allowed a certain number of lots, Commissioner Hontz was concerned that it would limit the potential to get back to 17 unit equivalents. Mr. Pack clarified that it was a secondary request. He did not understand that it was an all or nothing process and he was willing to strike the TDRs from the proposal. Commissioner Hontz suggested that Mr. Pack go through the exercise to understand what they would actually have with TDRs.

Commissioner Hontz reiterated that 28 parcels have dimensions of 25' x 59.15, which is 1475

square feet. She noted that the smallest Old Town lot allowed by Code in any zone is 1875 square feet. Commissioner Hontz stated that these were not lots. In the HRL zone the minimum lot size is 2,750 square feet. Based on those calculations, she believed the number could possibly be 11 without taking into consideration access, steep slopes or good cause. To people who do not understand development in Old Town, 42 lots seems excessive.

Commissioner Hontz remarked that there was a reason why the unbuilt platted roads in Old Town were never built. She read from page 2-5 of the Streets Master Plan, "Many of the platted rights-of-way are on ground too steep to allow the construction of safe roadways. Park City's long and sometimes harsh winters require that streets be passable when snow covered or icy. In many areas the cost of construction would be very expensive because of the need for extensive re-grading and retaining walls. In these instances the platted right-of-way should be deemed unbuildable". Commissioner Hontz noted that the Ridge right-of-way was listed on page 2-6, Table 1 - Existing right-of-way considered unbuildable. She stated that the Streets Master Plan was currently being updated because it is somewhat deficient, but it was not deficient in this manner. Someone had good foresight when the Streets Master Plan was developed, to recognize that the Ridge right-of-way, on a ridge in the heart of Old Town, was not a place to ram a road.

Mr. Pack argued that even though the name is Ridge Avenue, it is merely the flattened part of a slope and not an actual ridge. Any structure built would not be visible above any ridge line. Commissioner Hontz appreciated his interpretation, but when she reads topo she interprets it as a ridge. Without the hill behind it they would be able to see sky and light from everywhere.

Gus Sherry with Canyon Engineering stated that the spirit of the Code was to prevent homes and buildings from projecting into the skyline. Those are the kinds of ridges that the Code addresses; not a minor topographical instance that does not cause the buildings to project into the sky or cause the loss of view. Commissioner Hontz believed the visual and environmental impacts from this project would be enormous.

Commissioner Hontz had reviewed the traffic impact study, and if this project moves forward it would have to be looked at again. The study counted the traffic but it did not address the real issue, which is that King and Ridge are substandard roads. Ridge could not handle any additional traffic in summer and winter. In winter conditions, Daly, Ridge and King are very steep one-lane roads and Ridge is not plowed. How that would have to change and the resulting impacts to the City and taxpayers to upgrade the maintenance is something to be considered. Commissioner Hontz clarified that the issue was not the intersections that are studied in the traffic impact study, but rather how you get to the site on those substandard roads after you get through the intersection.

Mr. Pack speculated that the road impacts from 6 single-family homes would be minimal.

Commissioner Hontz stated that if this concept were to move forward, she would need to understand the difference between going wider at 10% and how the grades and the retaining would look, versus going narrow and steeper, as well as the environmental impacts that would be created. At this point she believed the impacts were too great to put development on unbuilt platted Ridge versus the existing conditions.

In terms of good cause, Commissioner Hontz had concerns with every measurement in Section 15-15-14 of the Code, Definition of Good Cause. Commissioner Hontz could not find good cause on any of the points and had copious notes on each one indicating why she could not support an application for 6 lots in this location.

Mr. Sherry clarified that they were actually proposing 10% and not 14% for the roadway slope. The turnaround would only be 5%. It is safe and well within the City guidelines. Commissioner Hontz replied that she had read 14% in the application. Planner Whetstone stated that 14% was the allowable maximum, which would require a Board of Adjustment variance. Mr. Sherry offered to provide the information requested by Commissioner Hontz.

Planner Whetstone noted that the applicants had committed to LEED for Homes Silver.

Commissioner Strachan was concerned with the amount of cut and fill required on such steep slopes. In his opinion, the geo-tech report did not do enough. Commissioner Strachan referred to page 110 of the Staff report, and Section 6.5 of the slope grading recommendation, and noted that the language indicates that an opinion on the cut and fill for the entire plat could not be given until there is a lot by lot analysis of the potential cut and fill necessary per lot. Commissioner Strachan thought it would be putting the cart before the horse if they approve the houses and then figure out the cut and fill. They first need to figure out the cut and fill for the plat itself.

Mr. Sherry stated that with the 10% profile the roadway would be completely cut and they would be exporting off site. The result would be level front yards and driveways and a convenient plateau to build on. The cuts would be on the order of 5 feet to 15 feet under the center of the access. There would be some retainage on the west side more than the east side. From the new road surface the retaining wall would come up at approximately 3 to 6 feet to get back to existing grade. The wall would zero out as it works uphill towards the end of the street.

Commissioner Strachan recommended that Mr. Sherry include that explanation in the materials submitted to the Planning Commission. He requested that he also include the cubic footage of the amount of dirt being removed. Commissioner Strachan noted that the purpose statements of the HRL zone touch on cut and fill, particularly on ridge areas. He suggested an analysis that looks at the purpose statements and tries to reduce the amount of cut and fill as much as possible.

Commissioner Strachan concurred with Commission Hontz regarding the purpose statements. Letter A of the purpose statement was to reduce the density that is accessible by only substandard streets. He believed that would be difficult to meet. Another difficult point is to provide an area of lower density in the HRL zone. Commissioner Strachan thought they may be able to satisfy the other purpose statements.

Commissioner Strachan remarked that whether or not Ridge Avenue is a ridge is a matter of interpretation. He was of the opinion that it is a ridge and there would be a skyline behind these structures if they are built. It is called Ridge Avenue for a reason. Commissioner Strachan felt the impacts could be minimized with good design.

Mr. Pack did not understand how they could not be proposing decreased density by taking lots that

front platted Ridge or Ridge Avenue and converting all the lots into 6 platted buildable lots. Commissioner Strachan replied that the proposal assumes that all the lots are buildable, which they are not. Another obstacle is that any increase in the amount of houses or unit equivalents would be an increase in density. The question is how to know that, which is a constant tug of war between the applicant and the City. It is not a given to assume that density is reduced just because the number of houses was reduced. It needs to be looked at from the viewpoint that any addition to the number in Old Town is an increase in density.

Planner Whetstone summarized that the Planning Commission wanted an analysis of the lots and square footages.

Vice-Chair Pettit thought it was clear that none of the lots meet the HRL zone for lot size as they currently exist. The Commissioner concurred. Planner Whetstone stated they are all platted lots in the Millsite subdivision. A lot combination of some type would be required in order to meet the 3750 square feet. The combined lots must be contiguous and meet other criteria.

Mr. Pack was still confused as to why their proposal was not reducing density. Regardless of whether or not there is a house, the lot is a platted lot and is technically buildable if it meets the criteria. Mr. Sherry offered to do the analysis to come up with a starting point.

Commissioner Thomas concurred with the comments of his fellow Commissioners. He referred to Exhibit C, the site plan showing the building pads, and compared that with the images in Exhibit G, etc. He wanted an idea of the distances between the building footprints. Commissioner Thomas stated that in looking at the site plan and lots 1, 2, and 3, there appeared to be a dimension of a few feet between each of the building pads.

Mr. Sherry stated that the narrowest space between the buildings is 5 feet on each side for a total of 10 feet between the building pads. Commissioner Thomas remarked that the rendering images provided were not accurate in terms of scale and the space between the buildings. He felt it was a misrepresentation of what would actually occur. Mr. Pack agreed, but he did not think the scale was that egregious. He was willing to make the images more accurate.

Commissioner Thomas stated that in looking at the elevations from Exhibit H, the lower level of the unit, there appears to be a grade platform and fill that drops off until it reaches natural grade. Mr. Pack stated that area is very steep and prone to erosion. As a mitigation measure they created a limit of disturbance line on the plat to avoid touching any of the super sensitive slopes. In response to Commissioner Thomas, Mr. Pack noted that it would be natural grade, but the color was shown wrong in the rendering. Planner Whetstone clarified that originally it was shown as meeting grade, but it was the fourth story, which is no longer allowed by Code. Commissioner Thomas pointed out that if it is a fill over four feet it would not meet the Steep Slope criteria. Mr. Pack believed those issues would be addressed in the CUP design process. Commissioner Thomas replied that it would still have an implication on whether the lots work and the mitigation of grading issues are adequate. For that reason it is helpful to see everything upfront to help make their determination.

Planner Whetstone summarized that Commissioner Thomas was requesting cross sections showing the existing grade and the proposed final grade.

Commissioner Worel concurred with her fellow Commissioners, particularly regarding access and the ridgeline. She echoed the concerns that had already been stated.

Vice-Chair Pettit believed the list of concerns and issues were longer than what they were asked to address this evening. Commissioner Thomas requested a site visit. The Planning Commission agreed to a site visit on July 13<sup>th</sup>, prior to the public hearing on July 27<sup>th</sup>. Vice-Chair Pettit asked if this item would be scheduled for work session on July 27<sup>th</sup>. Planner Whetstone replied that it would be a regular agenda item and the Staff would prepare a recommendation for action. The Commissioners requested a work session on July 27<sup>th</sup> to further address all the issues. A public hearing would be held on July 27<sup>th</sup> but no action would be taken.

Vice-Chair Pettit called for public input.

A member of the public stated that he supports the project.

Mr. Sherry asked if projection of buildings into the skyline was the issue with the ridge. Vice-Chair Pettit stated that in addition to the buildings she had concerns with the road, retainage, and other impacts associated with putting in the road to access the homes.

Director Eddington asked if the Planning Commission wanted the applicant to look at locating the houses off the ridge by utilizing actual Ridge Avenue. Vice-Chair Pettit replied that that was the direction the prior Planning Commission gave on a similar proposal. She did not believe this Planning Commissioner had a full understanding of why there is not access off of Ridge Avenue. She wanted to see a more detailed analysis of the alternatives.

The Work Session was adjourned.