



PARK CITY PLANNING COMMISSION MEETING

SUMMIT COUNTY, UTAH

February 8, 2023

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

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MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve the Planning Commission Meeting Minutes from January 11, 2023.
[PC 01.11.2023 Minutes](#)

- 2.B Consideration to Approve the Planning Commission Meeting Minutes from January 18, 2023.
[PC 01.18.2023 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. CONTINUATIONS

- 5.A **1875 Homestake Road, Homestake Affordable Master Planned Development - Development Agreement** - The Planning Commission Will Review the Development Agreement for the Homestake Affordable Master Planned Development, a Project Providing 99 Affordable and 24 Market-Rate Units in the General Commercial Zoning District. PL-22-05288
(A) Public Hearing; (B) Continue to a Date Uncertain
[Homestake AMPD Development Agreement Continuation Staff Report](#)

6. REGULAR AGENDA

- 6.A **1150 Park Avenue - Plat Amendment** - The Applicant Proposes to Remove the Internal Lot Line Common to Lots 12 and 13 and the Block Line Common to the Additional Parcel to Create a Single Lot of Record. PL-22-05472 (15 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on March 9, 2023

[1150 Park Avenue Plat Amendment Staff Report](#)

[Exhibit A: 1150 Park Avenue Plat Amendment Ordinance](#)

[Exhibit B: Existing Conditions Survey](#)

[Exhibit C: Applicant Statement](#)

[Exhibit D: Property Photos](#)

[Exhibit E: 1977 LMC](#)

[Exhibit F: Building Permit 33-77](#)

- 6.B **Land Management Code Amendment** - Amendment to the Land Management Code Section 15-2.13.2 to Prohibit Fractional Use and Private Residence Clubs in Bellevue Phase 1 1st Amendment and Bellevue Phase 2 (Bellevue Court HOA). PL-23-05509 (10 mins.)
- (A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on March 9, 2023
- [Bellevue Court HOA LMC Amendments Staff Report](#)
- [Exhibit A: Draft Ordinance 2023-XX](#)
- [Exhibit B: The Bellevue at Deer Valley HOA Statement](#)

- 6.C **Land Management Code Amendments** - The Planning Commission Will Review Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064 (45 mins.)
- (A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on March 9, 2023
- [Landscaping LMC Amendments Staff Report](#)
- [Exhibit A: Draft Ordinance 2023-XX](#)
- [Exhibit B: Survey Input and Public Comment](#)

7. WORK SESSION

- 7.A **Accessory Uses in Master Planned Developments** - The Planning Commission Will Conduct a Work Session on Potential Land Management Code Amendments Regarding Support Commercial, Residential Accessory Uses, and Resort Accessory Uses Outlined in Land Management Code Chapter 15-6 *Master Planned Developments* Section 15-6-8 *Unit Equivalents*, and Consideration to Consolidate Resort Support Commercial Uses in Recreation and Open Space Section 15-2.7-2 *Uses*, Residential Development Section 15-2.13-2 *Uses*, Residential Development Medium Section 15-2.14-2 *Uses*, Regional Commercial Overlay Section 15-2.17-2 *Uses*, General Commercial Section 15-2.18-2 *Uses*, and Light Industrial Section 15-2.19-2 *Uses* in Section 15-6-8 *Master Planned Development Unit Equivalents*. (45 mins.)
- [Accessory Uses in Master Planned Development Staff Report](#)
- [Exhibit A: Public Input](#)
- [Exhibit B: Resort Development Agreements and Support Commercial Uses](#)

- 7.B **Affordable Master Planned Development Consultant Report Updates** -- The Planning Commission Will Conduct a Work Session on Recommended Items to

Include in the Updated Consultant Reports Regarding Affordable Master Planned Developments to Provide Information for Future Planning Commission Work Sessions.

[AMPD Consultant Work Session Staff Report](#)

8. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 11, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser (appeared virtually), John Kenworthy (appeared virtually), Vice Chair Sarah Hall, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg (appeared virtually)

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Spencer Cawley, City Planner; City Engineer, John Robertson; Affordable Housing Project Manager, Rhoda Stauffer; City Planner, Lillian Zollinger; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

1. ROLL CALL

Vice Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners were present either remotely or in person.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from November 30, 2022

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from November 30, 2022. Commissioner Christin Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. Consideration to Approve Planning Commission Meeting Minutes from December 14, 2022

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from December 14, 2022. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that a Special Meeting would be held on January 18, 2023, for review of the Snow Park Base Area application. The meeting would be focused on the Circulation, Transportation and Parking Plan, and would be a continuation of the Work Session held on December 19, 2022. The Special Meeting would be held in the Council Chambers and additional seating would be set up to accommodate public input and involvement. There would also be overflow options if the Council Chambers could not fit all attendees. Director Milliken also stated that a Work Session on the Land Management Code (“LMC”) Amendment priorities would take place on January 25, 2023.

Commissioner Van Dine sought clarification that there were three Special Meeting Work Sessions scheduled for the Deer Park applications that started in December 2022 and included January and February 2023. She understood that there would be a fourth meeting in March 2023 on the Regular Agenda where the Commission would make a recommendation on the right-of-way to the City Council. Director Milliken understood that they scheduled three Special Meetings in 2023 in addition to the December 2022 Special Meeting. Currently, the January Special Meeting was scheduled as a Work Session, and depending on how it moves forward, they would determine when the application would be placed on the Regular Agenda.

Senior City Attorney, Mark Harrington added that the Commission could forward a recommendation at any time deemed appropriate. He explained that the Special Meetings were scheduled to facilitate a review of the project as a whole and they will take it one meeting at a time.

Director Milliken clarified that the Commission is currently reviewing the modification to the Master Planned Development (“MPD”) that will eventually be an action item as well as the vacation of right-of-way (“ROW”) for recommendation to the City Council for action. She added that if the Commission is comfortable with the Circulation Plan and wants to send it to City Council for review, that could be done at any time.

Commissioner Kenworthy asked if the January 18 meeting would only address the vacation of the right-of-way, or if it would also include modification of the MPD. Director Milliken stated that the meeting on January 18 will address modification of the MPD so the Commission would primarily review the Circulation, Transportation and Parking Plan, of which the ROW vacation was a component since the Plan is based on the ROW vacation. Commissioner Kenworthy did not want to go so far down the path and then six months later recommend approval of vacation of the ROW. He mentioned that Staff was stressed with time and the vacation of the ROW was a single item within the jurisdiction of the City Council. He stated that if the Commission was not going to be discussing the vacation of the ROW beyond January 18, he would look forward to moving it to City Council sooner rather than going through the modification of the MPD. Mr. Harrington felt that they could have these discussions as part of the next meeting.

Chair Suesser reminded the Commissioners that part of the review of the MPD, which includes the vacation of the ROW, involves trying to arrive at the best plan with some of the trade-offs involved to have an overall package for the City Council to consider as part of their decision on whether to vacate the ROW.

Commissioner Johnson reported that he would be absent from the January 18 meeting but would listen to the recording.

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Commissioner Sigg asked about the scope of the Transportation Plan being reviewed by the Commission. Mr. Harrington stated that the Commission previously requested additional information regarding the overall plan, which would be presented as part of the Staff response next week. Technically, the Commission was to review the Circulation Plan of the MPD Amendment. Commissioner Sigg understood that transportation and circulation on the Loop Road at Snow Park had nothing to do with Deer Valley Drive or the intersections at Bonanza Drive and Kearns Boulevard and others. Director Milliken confirmed that Commissioner Sigg's understanding was correct.

Mr. Harrington cautioned against drawing complete black-and-white lines and stated that how the vacation of ROW will affect the internal and external circulation might depend upon some of the lane reconfigurations. He noted that those impacts would be a question for the consultants or the applicant. He agreed that internal circulation was the primary focus, but the Commission was certainly able to ask questions about impacts on external circulation.

Commissioner Sigg asked if they should look at it from a macro sense because circulation at Snow Park would affect traffic in other parts of Park City. He felt it was difficult to look at it as a microcosm. Chair Suesser felt this discussion would be better had at the next Snow Park meeting.

Commissioner Kenworthy asked Mr. Harrington about the parking spaces on Thanes and wondered if they ever went through a Conditional Use Permit with the Planning Commission. Mr. Harrington responded that they had not. He added that the history was detailed in the reports that had gone before City Council, and there was a crossover between what was in the ROW and what was on City property. He added that City Council was still considering those options for a further application and depending on Council's direction, the City might either remove all of the parking, push the parking into the City ROW, or direct Staff to apply for the appropriate permits or processes.

Commissioner Kenworthy expressed concern that if the parking was not going to go on the ROW, then they would come back through the Planning Commission and there was no difference between a City-owned project and a City-owned component of a project. Mr. Harrington noted a third option of parking within the ROW and explained that the Planning Commission did not have jurisdiction over parking within the ROW and would not come before the Planning Commission. He added that this was unlikely given the geometry of the situation.

Commissioner Kenworthy mentioned that the Commission talked a lot about oversight and enforcement of nightly rentals and this was mentioned relative to what was occurring inside the parking lot. He felt this was critical to all the hours they put in when there is an agreement in place that might or might not have ongoing violations. He felt the oversight would be on the Parking Department, but oftentimes there was a failure in enforcement and oversight. Chair Suesser added that there had been a lot of angst raised over what is occurring in Thanes Canyon; however, based on the Parking Study there did seem to be some storage going on there that was not part of the Shared Parking Agreement. She agreed that enforcement of the Agreement should be the low-hanging fruit and everything that was being stored in the parking garage should be cleared out before any other City steps are taken. She felt that a lot of people were wondering why that was not being done.

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Mr. Harrington stated that they could bring in appropriate Staff to provide an update to the Commission. He added that Council had delayed the discussion of the next steps, and he did not want to circumvent the intentional delay by having an ad hoc discussion by the Planning Commission. He added that from Staff's perspective, this was much different than a compliance issue. The informal parking lots for recreation often start in public ROWs and experience a bit of migration, and Staff was working through each facility as the demand increases to get the next round of approvals as necessary. He commented that Staff made this posture clear to the Council, and everyone was trying to be transparent on the options moving forward and the next steps that do not penalize the public that had been accessing public facilities. Mr. Harrington stated that it amounts to an incremental growth problem, and Staff was seeking direction from Council on how to best approach all of these locations.

Commissioner Johnson felt it would be good to hear about the off-site parking aspect of the Parking Study, and he had thought about the compliance issues raised by Commissioner Kenworthy. He felt they should look at the compliance. Mr. Harrington stressed that no one was disagreeing with these comments. Commissioner Johnson mentioned Snow Creek and whether the conditions complied with the original approval because it looks over parked. He had not heard anything about the Snow Creek Shopping Center and compliance with parking. Mr. Harrington commented that historically that had been allowed and was complicated by the City's facilitation of the relocation of the liquor store and coffee shop. He reiterated that they try to balance all those issues, but he was not aware of a compliance issue at Snow Creek in that it was designated for some of those overflow uses.

Commissioner Kenworthy wondered if the end goal was to have enforcement to see where these guidelines were being stretched, to be transparent, and to solve these issues on a comprehensive level. He opined that the ad hoc approach was what gets them in trouble with the community.

5. REGULAR AGENDA

- A. **1301 Park Avenue – Plat Amendment – The Applicant Proposes Amending the 1301 Park Avenue Plat to Create Two Lots of Record and Petition to Vacate a Portion of the 13th Street Public Right-of-Way in the Historic Residential – Medium Density Zoning District. PL-22-05165.**

City Planner, Spencer Cawley, reported that the applicant, the Knudson Family, was present as was City Engineer, John Robertson, to answer questions regarding the vacation of ROW and improvements. Planner Cawley explained that 1301 Park Avenue was adjacent to the Library Field just off Park Avenue and 13th Street. It is a metes-and-bounds lot that is currently just over 6,000 square feet in size. The lot contains two structures: a 1904 Landmark Historic Structure that is a duplex, and a 1964 A-frame non-historic Single-Family Dwelling. He presented images of the two structures on the site. The applicant seeks to subdivide the lots into two lots of record. They also seek to grant a 266-square-foot public access easement along Park Avenue that would include the sidewalk and the bike lane. The applicant also requested the City vacate a portion of the 13th Street Right-of-Way totaling 355 square feet. The applicant indicated that the vacation of ROW would assist with providing off-street parking for the Historic Structure and would allow the duplex to comply with the Minimum Lot Size requirements for the Zoning District.

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Planner Cawley reported that in 2005, the applicant went through a similar process and the City Council Staff Report stated that the Historic Structure consisted of two dwelling units and was technically a duplex even though one of the units was only 410 square feet. He highlighted the fact that when Gary Knudson purchased the property in 1961, it was an existing duplex. The 1968 LMC permitted the use of a two-family dwelling or duplex, and the Minimum Lot Size for any of those uses was 3,000 square feet. Therefore, in 1968, the duplex complied with the then-governing LMC provisions. He stated that the Sanborn Fire Insurance Maps showed the Historic Structure changed its form between 1907 and 1929, and thereafter remained consistent from 1929 to 1941. They did not have any Sanborn Map records beyond 1941.

Planner Cawley explained that the definition of a Non-Complying Structure was one that legally existed before its current zoning designation and because of subsequent zoning changes does not conform to the zoning regulations in terms of setbacks, height restrictions, or other restrictions that govern the structure. The duplex was an allowed use at the time and met the Minimum Lot Size requirements. It is therefore considered a Non-Complying Structure. The Historic Residential – Medium (“HR-M”) Zoning District requirements provide for Minimum Lot Size for a Single-Family Dwelling and a duplex. The Minimum Lot Size for a Single-Family Dwelling is 1,875 square feet, and for a duplex is 3,750 square feet.

Planner Cawley stated that this Subdivision will create two lots. The non-historic A-frame would be on Lot 1, which would have 2,539 square feet and be in compliance. The Historic Structure, or duplex, would be on Lot 2, which would have 3,533 square feet, 217 square feet shy of compliance with the zoning requirements. He explained that the applicant’s request to vacate the ROW would allow them to meet the Minimum Lot Size requirements. He reported that the Historic Structure was exempt from the Front, Rear, and Side Setback requirements; however, any additions to the Historic Structure or any changes to the A-frame structure would require compliance with the Setback requirements of the LMC at the time of construction. He stated that both structures currently comply with the building height of 27 feet for this zone. Any additions would need to comply as well.

Planner Cawley noted that the Historic Structure was exempt from the LMC parking requirements; however, Staff included a Condition of Approval stating that the A-frame structure on Lot 1 would be required to comply with parking, parking area, and driveway standards. This would require two off-street parking spaces.

Planner Cawley reported that the applicant’s Petition to Vacate the Right-of-Way was governed by Resolution No. 8-98 and the City Council must find good cause to vacate the public ROW. He referenced the discussions during the last Work Session. The criteria for good cause include no increase in density; compatibility with the neighborhood; consideration or compensation for the loss of ROW; and no utility of the existing ROW would be lost through the vacation of ROW. He mentioned the Conditions of Approval tied to the vacation of ROW, which include that the Plat would require a 10-foot wide public snow storage easement along 13th Street, and both lots would be required to obtain Historic District Design Review (“HDDR”) approval prior to any construction.

Planner Cawley reported that Staff found good cause for the Subdivision. The character of the HR-M Zoning District was preserved in that the present land uses of the zoning district were retained. Additionally, it encouraged the preservation and rehabilitation of the Historic Structure. He added that development within the neighborhood provided a transition of use and scale between the resort and residential neighborhoods. He also noted that no public street was

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vacated or amended by the Subdivision, and clarified that the application requested a vacation of the ROW in addition to the Subdivision. He noted that good cause was also met because no easement was vacated or amended. If the Subdivision were approved, the Development Review Committee would require Conditions of Approval at the Building Permit phase. He advised that the Snyderville Basin Water Reclamation District requested a sewer connection for the A-frame that would connect it to the main sewer lateral because it could not cross property lines. A water ejector pump might be required for any basement bathrooms.

Planner Cawley reported that the City Engineer stated that there are high water tables in this area, and further study might be required to identify permissible depths of any basements proposed for future development. He stated that the City Engineer reviewed this application and required an additional Condition of Approval that the applicant shall include on the Final Plat an irrevocable dedication of a public access easement, in a form approved by the City Attorney, adjacent to the 13th Street ROW. The City may accept the dedication in future active transportation improvements as they are made to the vacated portion of the 13th Street ROW.

Planner Cawley stated that Staff published a notice to the City's website, the Utah public notice website, and *The Park Record* on December 24, 2022. Notice was mailed to surrounding property owners and posted to the property on December 28, 2022. No public input had been received prior to publication of the Staff Report, and no comments were made at the previous Work Session. Staff recommended the Planning Commission review the 1301 Park Avenue Subdivision, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Draft Ordinance.

Chair Suesser noted the City Engineer's requirement of a snow storage easement and sought clarification that it will be located on the north side of the 13th Street Right-of-Way between the applicant's property and the street. She asked how close a building could be constructed to the snow storage easement. Planner Cawley explained that any building would have to meet the Front Setback requirement of 15 feet for this zone. Chair Suesser observed that this would mean that from the ROW, there would be 10 feet for the easement, and then five feet before a house could be constructed. She looked at the 2005 Planning Staff's determination to allow the Subdivision and allow two Single-Family structures on these lots, and mentioned that Staff at that time required that the applicant seek a special exception to allow the duplex to remain on the property. She preferred that approach rather than recommending a ROW vacation because she was having difficulty finding good cause. She recalled the applicant's passionate plea that this property was purchased with the duplex and they wanted the duplex to remain; she would be agreeable with leaving the structure as a duplex and also wanted to preserve the Historic Structure.

Chair Suesser commented that granting the Subdivision and allowing the Historic Structure to remain and the A-frame to remain could get to a similar place without vacating the ROW. She reiterated that she did not find good cause for vacation of the ROW and did not know what benefit the City would receive in return. She felt that the fact that the Historic Structure encroached into the Park Avenue sidewalk, and that the applicant wanted to dedicate that to the City was not compensation because, for all intents and purposes, the City already owned it.

Chair Suesser agreed with the 2005 Planning Staff determination and felt it was a prudent way to move forward. She questioned whether there was any reason to diverge from that determination. Planner Cawley stated that in 2005, the options were to seek a variance from

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the Board of Adjustment, have the Chief Building Official determine that the duplex was a Single-Family Dwelling and would therefore comply, or subdivide the lots in such a way that each lot met the Minimum Lot Size requirements. Chair Suesser felt they could subdivide the lot today with enough area for two Single-Family Homes; the problem was that the applicant wanted the duplex to remain. She reiterated that a special exception to allow the duplex to remain was a more efficient way to achieve the goal.

Mr. Harrington opined that they cannot grant a special exception without a variance to allow them to keep the proposed lot line in the same location. Chair Suesser referenced the 2005 Planning Staff determination that referenced a special exception or a variance. Mr. Harrington advised that special exception authority was removed from the State Code and was no longer available. He explained that the Planning Commission had exception authority for different Setbacks and other things in the City Code; however, the Commission did not have the broad special exception authority that used to be codified in the Board of Adjustment process separate from the variance.

Commissioner Hall asked about the legal, non-conforming structure and the process, assuming they approve the subdivision. She asked if there was a way for the Commission to determine the duplex to be a legal, non-conforming structure based on the fact that it was an allowed duplex at the time of construction. Mr. Harrington explained that it conforms as of today, and creating a new lot in which it does not conform would be a different degree of non-conformity. He felt it would be difficult to pronounce it that way, and advised that this item was brought as a Work Session to see if the Commission was comfortable with the vacation of ROW. He acknowledged that he was not fully prepared to look at additional options, but he could do so if requested; however, he felt it would be a stretch of the LMC prohibition of expansion of the degree of non-conformity because of the creation of a new lot. He added that ultimately the Commission could make a contrary interpretation, but he would have to look at that issue.

Chair Suesser commented that it was clear that they could grant the Subdivision and allow two Single-Family homes. Mr. Harrington noted that was not requested in the application, and the Commission was to react to what was sought in the application. He noted, however, that Chair Suesser's observation that there was sufficient area for two Single-Family lots was correct.

Commissioner Frontero noted that there appeared to be enough space currently, without the ROW, if the Subdivision was done slightly differently. If the current Subdivision proposal was moved slightly to the left or right, he felt there would be enough room to accomplish what the applicant requested without vacating the ROW.

Planner Cawley agreed that there would be a way to subdivide the lots where the Minimum Lot Requirements could be met without the vacation of ROW. Commissioner Frontero asked why they did not go down that path and wondered whether that discussion had occurred with the applicant. Planner Cawley recalled that there was such a discussion with previous Planners, but not with him.

Commissioner Frontero stated that they were talking about exceptions when he felt it was not necessary to give an exception or a variance. If the applicant re-worked the lot line such that they could meet the 3,750 square feet for a duplex, then they could also meet the 1,875 square feet required for the Single-Family Dwelling. Because of this, he agreed with Chair Suesser that there was no good cause for the vacation of the ROW.

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Commissioner Hall asked to hear from the applicant in response to Commissioner Frontero's comments.

Commissioner Sigg's comments were largely inaudible. He referenced the City's right to create a sidewalk along the first five feet of any property, and if the land area is there and the applicant could meet the requirements, he would say there was good cause. Chair Suesser noted the difficulty in hearing Commissioner Sigg's comments. Commissioner Sigg felt that the preferred outcome would be a reconfiguration of the lot lines versus the vacation of property because the City can already put sidewalks and utilities within the first 5 – 10 feet of a deeded property; therefore, if it could be done with a configuration of the lot lines that would conform, that would be preferable. Commissioner Hall noted that Commissioner Sigg agreed with Commissioner Frontero's comments.

Commissioner Johnson referenced Condition of Approval 11 and asked Mr. Robertson if it related to future sidewalks within the snow storage. Mr. Robertson stated that this was precisely the intent behind this Condition of Approval. They wanted to preserve the opportunity that if and when a sidewalk was put in that location, they would have a place to put it. Rather than having a dedicated ROW, the City would have an easement.

With respect to the good cause, Commissioner Johnson asked Mr. Robertson what he saw as the community benefit of the ROW swap. Mr. Robertson stated that with the access easement, the City would essentially maintain the same ability to do the improvements. Commissioner Johnson noted that by vacating the public ROW on 13th Street, they were adding Condition of Approval 11 stating what would be required if the City wanted to install a sidewalk. He observed that if the City did not vacate the ROW, they could install a sidewalk right now.

Commissioner Van Dine noted that by moving the lot lines, the applicant would have difficulty meeting the Setback requirements. She also noted that the Lot Widths were tight, and would adjust the lot line would just make more non-conforming lots. Given this, she saw why the ROW made sense in simplifying the process of providing two regular-sized lots that follow the pattern of the neighborhood and do not contribute to more non-conformity.

Commissioner Kenworthy had a difficult time finding a conforming solution and did not think that the cookie-cutter rows were what Historic properties were looking for. He previously found good cause for several reasons. He mentioned parking and stated that the Code had taken away the parking for Historic Structures, so when they discuss equity and good cause, he would like the Commissioners to look at it that way.

The applicant, Gary Knudson, stated that when he purchased the property in 1961, it was one of the first duplexes in Park City. Chair Suesser commented that the Commission seemed to be leaning towards granting the Subdivision and asking the applicant to consider reconfiguring the Subdivision lines so the applicant could maintain the duplex. She added that there was some reluctance to grant the ROW vacation when it appeared the applicant could achieve the goal of retaining the duplex and creating two lots without vacating the ROW. She asked Mr. Knudson to address that issue. Mr. Knudson reported that he had 7.5 lots by the resort that the City wanted. When he sold his properties to the City, he asked if the City would help him apply this extra square footage totaling 138-2/17 square feet, and they agreed. He stated they had been using that square footage and the applicant asked to incorporate that square footage to make it work. He did not feel it was asking too much given what he gave up. He felt that the

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handshake back then meant something and the square footage had not hurt anyone over the years.

Chair Suesser explained that some of the concerns of the Commission were that they would be setting a precedent that the City would be willing to vacate a ROW when asked. There are reasons why the City holds onto the property, even if there is not a present need. She noted there could be a future need and there was concern about vacating it for a reason that does not amount to good cause when the applicant could achieve his goal of preserving the Historic Structure as a duplex in another way. Mr. Knudson did not feel it would hurt to incorporate that square footage and hoped the Commission honored the applicant's work as well as the work of the Planners.

The co-applicant, Susan Knudson, identified herself as Mr. Knudson's daughter and stated that they lived and were raised here and have been a part of the community for 50 to 60 years. Her father was a coach at the High School and her mother worked as a nurse for the Health Department. She asked that the handshake and verbal agreement between her father and the City be honored. She hoped the Commission would have compassion for her family, and noted that the family had endured issues with other properties without complaint.

Chair Suesser opened the public hearing. Mr. Knudson stated that the trade-off would be to help with the parking at the property. He commented that things work better if they all work together.

There were no further public comments. Chair Suesser closed the public hearing.

Chair Suesser assumed that Staff made an effort to run down the history of this application, including any promises made. She invited Planner Cawley to comment on his understanding or provide information regarding any definitive agreement that the City would provide the applicant with a vacation of ROW.

Planner Cawley referenced what was done in 2014, which involved property that is not the subject of this application. He stated there was no effort made to look into those approvals, although they exist and could be reviewed to see if there was any recorded agreement. With regards to this specific application, Staff looked at the prior applications that requested this same process and specifically looked at the 2005 Staff Reports. He stated there was no indication at that time because it had not yet occurred.

Conceptually, Commissioner Hall was agreeable with the Subdivision and with allowing the legal Non-Conforming Structure to exist. She felt the issue was what would be the best way to accomplish that. She referenced Condition of Approval 11 and asked Mr. Harrington to explain the implications of a ROW vacation with an irrevocable offer of dedication. She also asked if it would be limited to future active transportation improvements, or if it would allow for any transportation improvements.

Mr. Harrington stated that was how it was currently written in terms of transportation and street use, which is usually the use the City is limited to when it accepts a dedication in the first place. The City would reserve its right to get it back for those uses that the City Engineer could foresee, so there would be no net loss in future rights. He added that they had run into this a lot in Old Town where a ROW does not correspond to the platted ROW, and they have a prescriptive easement or they use it for a ROW expansion outside the old Historic plats. He

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offered that there was a bit of a distinction without a difference because the City would still have the right to do what it needs to do, which is why some plats come in with an affirmative request to have a dedicated easement versus a dedicated ROW to preserve flexibility on these complicated lots. He felt this was the situation presented by this application, where some flexibility was being requested to facilitate the parking for the Single-Family home.

He explained that this was why Staff believed there was good cause enough to vacate, yet still preserve functionally the anticipated public uses. He felt this vehicle was better than the exception, as exceptions create different issues and the Code no longer affords blanket exceptions. A variance would present its challenges because of the rigidity of the State mandates. Mr. Harrington reiterated that in this scenario, Staff felt the swap was probably the more elegant way to achieve what was proposed cooperatively. It would ultimately be the Commission's decision to balance those complicated interests.

Commissioner Frontero raised the issue of parking and stated that it was possible that after this Subdivision, the A-frame could be demolished, and the lot sold to a developer to build a brand new home. He could not find good cause to give a City ROW to this application to have this happen on Lot 1. He felt this application could be accomplished consistent with his prior comments. He added that Lot 1 could be built with a new home, garage, and driveway. He was not convinced to recommend a positive recommendation on the ROW.

Commissioner Van Dine did not object to the 277 square feet and felt that trying to move the lot line when there was only one foot of space for the width of Lot 1 would not make the square footage compliant. She agreed that they could get creative and cut into the parcels, but she felt Commissioner Frontero's proposal would create more variances and problems. She felt that the City would retain its ability to do what it needs to do in the area, and had no problem with the ROW vacation in this location. In terms of setting a precedent, she stressed that the Commission still gets to decide on each application on a case-by-case basis going forward. Commissioner Van Dine felt there was good cause to make two compliant lots that follow the flow of the neighborhood. She also mentioned the equity of the City honoring its word. Even though they could not verify what the mayor told the applicant, she trusted this longtime citizen.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation for 1301 Park Avenue – Subdivision for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance.

Commissioner Hall requested a modification to Condition of Approval 11 to state that the City may accept the dedication for any improvements required by the City, subject to City Attorney approval.

Commissioner Van Dine accepted that amendment to her motion, and reiterated her motion, as amended:

Findings of Fact

1. The property is located at 1301 Park Avenue.
2. The property is listed with Summit County as Parcel number SA-274.

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3. The existing historic Structure at 1301 Park Avenue is listed as a “Landmark” on the Historic Sites Inventory.
4. On March 14, 2022, the Applicant petitioned Park City to vacate a portion of the 13th Street Right-of-Way.
5. On March 16, 2022, staff determined the application was complete.
6. The proposed Subdivision memorializes the petition to vacate a 355 square feet portion of the 13th Street Right-of-Way and the dedication of 266 square feet of public access easement for the existing sidewalk and bike lane along Park Avenue.
7. No easement is vacated or amended as a result of the plat amendment.
8. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
9. LMC § 15-2.4-3 regulates HRM Lot and Site Requirements.
10. The Subdivision creates two Lots: Lot 1 contains a non-Historic A-Frame Single-family Dwelling; Lot 2 contains a Historic Landmark Structure currently designated as a Duplex.
11. A Single-Family Dwelling is an allowed Use in the HRM Zoning District and requires a Minimum Lot Size of 1,875 square feet. Lot 1 contains 2,539 square feet.
12. A Duplex is an allowed Use in the HRM Zoning District and requires a Minimum Lot Size of 3,750 square feet. Lot 2 contains 3,533 square feet.
13. The Applicant petitions the City to vacate 355 square feet of the 13th Street Right-of-Way. The Lot Area of Lot 1 will increase to 2,695 square feet and the Lot Area of Lot 2 will increase to 3,750 square feet.
14. Lot 1 and Lot 2 comply with the Minimum Lot Width.
15. The required Front Setback for Lot 1 and Lot 2 is 15 feet. Lot 1 is legal non-complying with a 12-foot setback. Lot 2 is exempt as a Historic Landmark Structure and contains two Front Setbacks, eight feet, and ten feet.
16. The required Rear Setback is ten feet. Lot 1 and Lot 2 comply with this requirement.
17. The required Side Setback is five feet. Lot 1 is legal non-complying with Side Setbacks of 4.7 feet and 11 feet. Lot 2 is exempt as a Historic Landmark Structure with a Side Setback of 2.7 feet.

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18. The analysis section of the staff report is included herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4 Historic Residential-Medium Density ("HRM") Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Subdivision.
3. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
4. The Vacation of Right-of-Way is consistent with Resolution 8-98, Resolution Adopting a Policy Statement Regarding the Vacation of Public Right-of-Ways within Park City, Utah, and Utah State Code 10-9a-609, Petition to vacate a public street.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on Lot 1 and Lot 2, to be approved by the Chief Building Official.
4. The final plat shall show the approved vacation of Right-of-Way.
5. Any addition or new construction on Lot 1 requires the property owner to provide two off-street parking spaces pursuant to LMC § 15-3-6(A) and shall adhere to the Parking Area and Driveway standards in LMC § 15-13-8(B)(1)(h) and LMC Chapter 15-3.
6. Any additions or new construction on either Lot must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height.
7. A non-exclusive ten-foot (10') public snow storage easement on 13th Street and Park Avenue shall be dedicated on the plat.
8. The Applicant shall obtain HDDR approval prior to construction on either Lot.

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9. A separate sewer connection from the A-Frame Structure to the main sewer lateral is required by Snyderville Basin Water Reclamation District.
10. High water tables are an issue in this area and the City Engineering Department requires further study to identify permissible depth if basement additions are proposed.
11. The Applicant shall include an irrevocable offer of dedication in a form approved by the City Attorney on the final plat granting a public access easement adjacent to the 13th Street Right-of-Way. The City may accept the dedication for any improvements required by the City, in a form subject to City Attorney approval.
12. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Sigg-Nay; Commissioner Frontero-Nay; Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Van Dine-Aye; Commissioner Kenworthy-Aye. The motion passed 4-to-2.

Commissioner Johnson commented that the compromise he referenced during his vote was that the City would still have the ability to build the sidewalk.

B. Moderate Income Housing Plan – The Planning Commission Will Review Minor Modifications to the City’s Moderate Income Housing Plan Element of the General Plan that Establishes Goals and Strategies to Incentivize Development of Affordable Housing in Order to Comply with Technical Requirements of the State

Affordable Housing Project Manager, Rhoda Stauffer reported that the above item involves a couple of technical changes to the Moderate-Income Housing Plan (“MIHP”) approved in August 2022. The State requires the MIHP to be updated annually, and following approval in August, it was submitted to the State in September. The State advised that the MIHP complied; however, they did not get priority consideration for transportation funding because they did not have sufficient strategies to qualify for that funding. Following discussions with the State, Staff made changes that the State advised would qualify the City for priority consideration. They were seeking the Planning Commission’s recommendation of approval to the City Council on January 24, 2023. She described the two changes made to the MIHP. First, there was a typo in Strategy U, which they corrected to reflect the State code required language verbatim. Second, for Strategy N, the State wanted more detail on the interim steps, which Staff added to that Strategy.

Commissioner Hall stated that she would move to make a positive recommendation after the public hearing.

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

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation for City Council's consideration on January 24, 2023 on the Moderate Income Housing element of the General Plan. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

C. Land Management Code Amendments – The Planning Commission Will Review Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064

City Planner, Lillian Zollinger reported on the Survey that closed in October 2022. It included 87 participants, of which 55% were highly concerned with the future of water in Park City. In terms of the biggest obstacles to water-conserving landscaping, 33% of respondents listed cost, 28% listed aesthetics, and 13% listed Homeowners Association ("HOAs") regulations. She also reported that 63% of respondents felt that reducing water usage should be prioritized over ecological health and saving Park City money. Planner Zollinger noted that 82% of respondents changed their irrigation habits during times of drought, and more than 62% were willing to change one of the following:

- Replacing lawn with water-wise landscaping;
- Installing water-wise irrigation;
- Replacing non-native vegetation with native water-wise vegetation; or
- Reducing outdoor water usage.

In addition, 65% of respondents were willing to replace lawn with Water Wise landscaping, and each respondent who was not willing to replace lawn with Water Wise landscaping was willing to replace it if provided with a rebate incentive. She added that 42% of respondents preferred a natural, native look to the landscape.

Planner Zollinger presented an overview of the proposed Landscaping updates, which are to align with House Bill 282. These updates must include Water Wise landscaping amendments and provisions that define key terms. She advised that they were also looking to organize and simplify the Landscaping Regulations so they could be easily understandable for the community, applicants, and Staff. They also proposed to identify Water Wise plants in the Municipal Code.

Planner Zollinger reported that Staff requested the Planning Commission provide input on these changes, hold a public hearing, and consider forwarding a positive recommendation for Council's consideration on February 16, 2023. She presented the proposed amendments and explained that the list of plants notated with a sign would be designated as Water Wise in the Municipal Code.

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With regard to the LMC Amendments, she explained that everything in red represented the proposed changes. With regards to the Purpose statement, she advised that since the last meeting they met with some of the Fire Officials for input on better-incorporating firewise into the LMC as well. She pointed out that the inclusion of a new section entitled Water Wise Landscaping, and explained that this language was already within the LMC, however, they moved it. They also added Homeowner Association Landscaping Regulations, required by House Bill 282, wherein HOAs may not restrict a property owner from installing Water Wise Landscaping.

She reiterated that they reorganized much of the information already contained in the LMC to make it easier for Staff, the public, and the Commission. She highlighted the designation of Rocks and Gravel at 3 inches based on input from the Engineering team. She also noted the addition of language prohibiting Gravel in areas adjacent to the Right-of-Way. They also added "Rock-cover should be no more than 20% of new ground cover. Wood chip mulch is encouraged for water retention on the landscape."

Planner Zollinger referenced the language that refers to the Plant List in which they added some clarifying words as to why these are being implemented. She highlighted the reference to the Municipal Code provisions regarding the Wildland-Urban Interface Ignition Zones. An Immediate Ignition Zone was listed as 0 – 5 feet, and the Intermediate Ignition Zone was listed as 5 – 30 feet. She advised that most of Old Town would be covered in the Immediate Zone based on the lot dimensions. These Ignition Zones help delineate what vegetation needs to fall within the specific Zones to ensure that the house is protected from possible wildfire spread.

Additionally, Planner Zollinger described the addition of language that applicants must delineate the percentage of the lot containing Impervious Surfaces to help balance out the natural ability for native vegetation to filter through water versus water runoff. She pointed out the addition of language regarding Hydrozoning and Xeriscaping to help residents help understand the types of plantings and landscaping they should look for. They also specified Significant Vegetation, pursuant to the Commission's request, wherein,

"If the Significant Vegetation is determined to be unhealthy or unsafe, under a Site-Specific review conducted by the Forestry Manager and Planning Director in conjunction with a Conditional Use, Master Planned Development, or Historic District Design Review approval, it may be replaced."

She also noted that all Significant Vegetation shall be maintained onsite and protected during construction.

Planner Zollinger stated that Staff was looking for input from the Commission on the proposed language on the Wildland-Urban Interface ("WUI"), which she read as follows:

"Multiple trees from the approved WUI Planting List, clumped and grouped together with canopies of clusters being no closer than 18 feet to the next closest cluster within the Intermediate Zone, no cluster exceeding five trees or cover more than 15% of the Intermediate Ignition Zone, whichever is lesser, and with vegetation not closer than 10 feet to any portion of a structure with vegetation at full grown height and size."

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She explained that although this might seem specific, the language comes from the WUI Code, and is most protective of residents and their homes from wild fires. She asked the Commission to consider whether they would like to keep it specific or opt for broader language. More specificity was added to the section on Artificial Turf, wherein recycled materials were recommended. She noted that they also added that landscaping must comply with the Municipal Code. Additionally, the Planning Director or designee may determine if proposed defensible space areas outlined in the WUI Code may be exempt from the 50% Water Wise requirement.

Planner Zollinger explained that they separated the Irrigation Plan from the Landscaping Plan. It was noted that there was a typo in the exemption language just referenced, wherein the word "form" should be replaced by "from." Planner Zollinger stated that the language for the Irrigation Plan section was already in the existing Code, they just moved it to this Section. They added language that Overhead Spray Irrigation shall be no greater than 12 inches above ground, and it is not permitted within 18 inches of any non-permeable surface. Overhead Spray Irrigation may be used for Lawn and Turf, but would not constitute a Water Wise landscaping method when used with other vegetation, which they defined later in the Code. They also added language allowing Graywater System locations, which is available through the County.

She pointed out the reduction in Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance ("LOD") area. She read the language regarding Lawn and Turf limitations for Recreation, Schools, Public, and Quasi-Public Institution Uses, which shall follow similar percentage limitations, except for athletic fields, and public or recreational open space, as determined by the Planning Director. The amendments also list the encouraged Lawn/Turf practices for residents' education.

Planner Zollinger referenced the Definitions and noted that they added a definition for Artificial Turf, and specified the size of Gravel. They also added a definition for Graywater. She noted that they used the State definitions for Lawn/Turf, Mulch, and Overhead Spray Irrigation. They also added Historic Significant Vegetation as a sub-definition of Significant Vegetation. The Water Wise Landscaping definition was also updated to be consistent with the State definition, and they added the WUI Immediate and Intermediate Ignition Zone for reference.

Commissioner Van Dine referenced the language in the section entitled Landscape Plan that "A complete landscape plan must be prepared for the limits of disturbance area for all Development activity." She asked if there were language somewhere else in the Code that established what Development activity would require a Landscape Plan. She stated that a couple of years ago, she added a second story to her house, and was asked for a Landscaping Plan even though the addition had nothing to do with the Landscape.

Commissioner Van Dine added that she spent weeks arguing about the fire zone and other elements that had zero relevance to the second-story addition. She asked how they could break this down into what Development activities should require what type of Landscape Plan to make it equitable so that residents would not be required to go through processes that are not relevant to these regulations.

Director Milliken explained that this requirement could present an opportunity to bring residents into compliance, so when significant changes are contemplated or an application is filed that requires a Landscaping Plan, it is an opportunity for the City to look at the landscaping to see if it is in compliance. If a landscape were not in compliance, they could then recommend changes

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to bring it into compliance. Commissioner Van Dine understood this intent; however, she felt that there should be some way to not require a Landscape Plan on certain projects. She proffered situations where there is no disturbance around the home or activities that have low disturbance. She felt that this discouraged people, and she had a difficult time with this language. Planner Cawley explained that the WUI Code requires remodels over \$50,000 and all new construction and additions to go through this review.

Commissioner Hall referenced Director Milliken's comments and asked if someone were to install a new roof that cost more than \$50,000, they would be subject to the WUI Code and be required to submit a Landscaping Plan. Director Milliken reiterated that the requirement of a Landscape Plan was an opportunity for the City to look at landscaping, and noted that Park City is in a high fire-risk area. There was an inquiry as to whether the City was asking residents to bring their properties into compliance with the current Code and what would happen if a property owner refused based on the fact that the activities would not disturb the current landscaping. The situation of a roof replacement was again raised.

Planner Cawley referenced the existence of specific provisions in the WUI Code, and offered that depending on how the eaves would be done, there were exceptions on how the WUI Code would be enforced. He noted that WUI is the Fire Marshal's Code and the City was implementing parts of that Code to provide cohesiveness. He added that the Planning Department is the body that reviews the Landscape Plans against the WUI Code.

Commissioner Hall distinguished between the area around the structure versus the entire landscape of the property, and she felt there were two separate reviews: one under WUI and a full Landscaping Plan for remodels over \$50,000. This amendment intended to make everyone who does a Landscaping Plan come into compliance. It was noted by Planner Zollinger that the WUI Code was included in the Building Code, so as part of a second-story addition, the Building Department had to require a Landscape Plan pursuant to the WUI Code. She explained that this amendment provides that when someone presents a new Landscaping Plan, Staff could determine whether the plan is WUI-compliant.

Planner Cawley clarified that the intent of the Code would not require the submission of a Landscaping Plan for an addition. It was noted that the language referenced by Commissioner Van Dine was currently in the Code, and he asked for direction and whether the Commission wanted it changed. Commissioner Van Dine wanted to address the scope of "Development activity." Planner Zollinger stated that the \$50,000 WUI threshold was triggered by the Building Department. Commissioner Van Dine felt it could be bifurcated in some regard because they have to comply with the State WUI Code, yet it does not necessitate that all Development activity requires a full Landscaping Plan with a list of everything on a property.

Commissioner Frontero asked what the current trigger was for a homeowner to present a full-blown Landscape Plan. Planner Zollinger stated that for the Planning Department, the trigger was development such as a Single-Family home, but noted that it would not have been reviewed under the Landscaping Code. However, if the activity was not impacting or changing the landscape, the Code requires a Landscape Plan to be submitted and Staff wanted to ensure that going forward they have proper plans, because in the past they did not get very detailed information.

Commissioner Sigg asked how the requirement could be based on the cost of the addition rather than being based on the Limits of Disturbance created by the development. He noted

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that someone might have a large piece of property, yet would only disturb a few thousand square feet by adding a deck. He felt it was punitive to require a full-blown Landscape Plan when the homeowner is only disturbing a small portion of their property and the landscaping on the property had already been signed off. Planner Zollinger stated that the Planning Department's trigger was not the \$50,000. If they wanted to clarify that the requirement is triggered by a certain square footage of disturbance caused by the Development activity, they could work through that.

Chair Suesser expressed confusion between the trigger under the Building Code and the fact that this was not a trigger under this Code. She suggested looking at the definition of Development and wondered whether it included any changes to a home. Commissioner Frontero asked whether anything that required a permit also required a Landscape Plan. It was confirmed that this was the current review process.

Commissioner Hall observed that nothing was done with the Landscaping Plan, except to put it on file unless there is a specific area around the WUI. She felt it was unnecessary to ask for something if nothing was being done with it. Commissioner Johnson commented that the Landscape Plan would be triggered whether a homeowner was replacing a roof, doing major construction, or doing something minor. Mr. Harrington understood that the Commission was directing Staff to narrow the requirement to reflect when a Landscape Plan would be required. He requested the Commission provide consensus direction to Staff to qualify Development activity to a potential trigger based on an area of disturbance, new construction, new construction outside the building envelope, or WUI. He stated there could be 3 or 4 things that could trigger the submission of an updated Landscaping Plan aside from a brand new permit for a first disturbance and a Limit of Disturbance. He suggested the Commission might also want to address the scenario if there is not a LOD because this provision does not address that situation.

Commissioner Van Dine stated that this was the intent of her comments. Mr. Harrington stated they would work with the Building Department and if it was something that would make that problematic, they could explain it at the next level or City Council, depending on the Commission's motion. Commissioner Van Dine requested that "Development activity" be further defined for new construction or something that significantly impacts the existing landscaping; and if WUI were triggered, then a WUI plan would be required. It was noted that the WUI review was already triggered somewhere else in the Code, so they would not even have to address that in these amendments. Commissioner Van Dine reiterated her request to define Development activity to determine when a Landscape Plan is required.

Commissioner Van Dine next referenced Section 6 and the Lawn/Turf percentages. She asked Staff if there were examples to show what the calculation would look like. She referenced the lots at Park Meadows that are 1/3 of an acre and inquired about what the calculation would look like for a typical space. Planner Zollinger stated they did not have that calculation at this time, but were working on an illustration.

Commissioner Hall asked about the reasoning behind the change in size for Rock and Gravel. Planner Zollinger stated that the Engineering Department suggested the change to 3 inches. There was discussion about how these materials are sold. Concerning the definitions, Commissioner Hall observed that Mulch was also classified as Rock, and noted that while Mulch was encouraged for groundcover, groundcover was limited to 20%. She also asked what was meant by "recycled materials" as it pertained to Mulches in Section 4. Planner Zollinger

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believed that was currently in the Code and was unsure of what it included. Director Milliken stated that mulches are often recycled materials such as rock that is crushed, or other materials that are broken down to make them smaller. She did not believe this referred to plastic bottles or something similar.

Commissioner Hall asked how they would accommodate a garden, because most of the garden shrubs are not listed under the Water Wise plants. She felt it was unfairly punitive to not allow a full backyard garden on a drip system because they were not Water Wise plants. Planner Zollinger explained that the intent was that the Water Wise plants be at least 50% of the Landscaping Plan. Commissioner Hall would support an exception for gardens because although they are not listed as Water Wise, she felt backyard gardens were something that they would want to encourage as a community.

Commissioner Frontero supported a limitation on gardens. Commissioner Van Dine noted that as soon as a resident installs a small garden on a 1/3-acre lot, the resident would lose their ability to have any lawn. Commissioner Frontero was okay with that scenario and stressed that a garden would not be Water Wise, and residents were still able to dedicate 50% of their yard to gardens and the other 50% to Water Wise landscaping. He emphasized that the goal was to encourage residents to be more Water Wise, while at the same time understanding that they would want to encourage gardens. He felt that the 50/50 split was preferable, and was not in favor of more gardens and less Water Wise landscaping.

Commissioner Hall referenced the language under the Purpose section that "...little or no supplemental irrigation, including water conservation, irrigation..." and felt that it signified a drip line, yet it was not referenced in Section 2. She felt that drip irrigation was very efficient, but they were not recognizing the use of drip irrigation in the 50% requirement. Planner Zollinger suggested the following be added to Section 2: "Water Wise landscaping many be constituted through approved vegetation, location of planting methods. . .or little or no supplemental irrigation, including water-conserving irrigation systems."

Commissioner Hall suggested that the addition of drip irrigation could transform a non-Water Wise landscape into a Water Wise landscape. Director Milliken commented that Section 2 was not addressing water systems. Commissioner Hall noted that Section 2 copies much of the language in the Purpose section, except for water conservation irrigation. It was noted that Water Wise would include how the water is distributed.

Commissioner Hall also felt that the City exemptions for athletic fields, and public, or recreational open spaces were vague. She reiterated that if they were implementing these restrictions on the community, then they should include the City. She suggested eliminating the exemption. Mr. Harrington stated that he would check to see if Schools, Public and Quasi-Public Institutions had their own regulations pursuant to State code. Commissioner Van Dine recalled that during the CUP for the High School, they were told the Commission could not regulate its landscaping.

Commissioner Hall questioned whether parks would be allowed a lot of aesthetic grass, and she felt that if the City was not allowing residents to have grass, then they should not allow the grass in City parks unless it was in the recreational portion of the park that has a functional use. Purely aesthetic grass should be held to the same standards for both the City and its residents. She recognized that City Park would likely be grandfathered in at this point.

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Chair Suesser asked how they could determine what grass would be purely aesthetic, and asked whether grass that is used by people for sitting or picnicking would be considered a recreational use. Commissioner Hall asked whether a backyard lawn where children play soccer would equate with a soccer field, and wondered why they would not apply the same logic to both. Chair Suesser understood this point but felt it was a definitional issue between purely aesthetic versus recreational. She agreed that a backyard where children play should not be considered purely aesthetic.

Chair Suesser commented that the Significant Vegetation language in Section 4.a.ix.D was not changed. She questioned how one would replace Significant Vegetation, and suggested that it read as follows:

“Significant Vegetation preservation shall be prioritized, but where applicable, Significant Vegetation may be removed or replaced to comply with Firewise Landscaping and/or Defensible Space regulations in Chapter 11-21 *Utah Wildland-Urban Interface Code*.”

Chair Suesser questioned why they would allow Water Wise plants to replace Significant Vegetation because it would open the door for someone to take out Significant Vegetation to replace it with Water Wise plants. She had an issue with that because it could be an easy way for someone to do whatever they wanted, regardless of the Significant Vegetation, because they were going to plant Water Wise plants. In this instance, there would be no preservation of Significant Vegetation, which was her concern. Commissioner Johnson agreed but noted the language regarding the Site-Specific review contained in subsection (A). Chair Suesser expressed that she was not saying that all Significant Vegetation should not be removed. Commissioner Johnson questioned whether this Section was worded to protect as much Significant Vegetation as possible and asked Chair Suesser if she would want to change subsection (A) as well. He also asked whether she wanted to include Affordable Master Planned Development in that subsection.

Chair Suesser felt that subsection (A) was fine, but they might want to specify “unhealthy and unsafe.” Commissioner Johnson agreed with Chair Suesser’s comments but noted that the issue of Significant Vegetation had come up a lot and he could think of multiple applications where large trees were removed and the applicant was able to replace them. He liked the way the subsection was written.

Commissioner Sigg asked where Significant Vegetation was defined. Commissioner Johnson advised it was in the Definition Section of the Code under Section 15-15, but Staff also added Historic Significant Vegetation. As Section 15-13 addressed Historic Landscaping Guidelines, he queried whether they wanted to reword this to reference that section. Planner Zollinger explained that Historic Significant Vegetation is anything they can determine from prior applications to be Historic. The intent was to help preserve longstanding Significant Vegetation, and the language referenced by Commissioner Johnson was to provide additional protections.

Commissioner Frontero asked if Chair Suesser would be agreeable to adding, “Healthy Significant Vegetation preservation...” Chair Suesser felt they needed to be careful and that they did not need the word “Healthy” as part of this section because it states in the prior section that unhealthy Significant Vegetation could be replaced.

Chair Suesser opened the public hearing.

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Sara Jo Dickens identified herself as the owner of Ecology Bridge Environmental Consulting. She stated that in general, the Landscaping Plan asks for a list of species as well as the container sizes. She wondered if there was a follow-up to ensure that the Landscape Plan was implemented as proposed, and if so, to what degree are residents expected to conform to the Plan submitted. She noted that the availability of plants was a problem right now. As an ecologist, she would rather have a list of species that might be used, rather than a species. She stressed that she would not want an unhealthy Aspen that has been sitting in a big box store to be chosen simply because it was the species listed in the Plan when an incredibly healthy Maple that might also do well in the same situation was available. She added that an applicant might have grand landscaping plans, but when they get to the site they realize they might not have the soil moisture content or understand the height of the water table, which could necessitate a change. She felt that flexibility was important in thinking of a landscape as an ecosystem.

In addition, she noted that Landscape Plans are expensive, and many cannot afford the Plans or do not have the knowledge to prepare one on their own. She would hate to think that they have this opportunity for people to be more Water Wise, but they do not do it because they cannot afford to hire someone to prepare their Plan. Dr. Dickens referenced the wording regarding noxious weeds and understood that was not something identified in the changes. The Code currently states that noxious weeds should be controlled to get the Certificate of Occupancy. She stressed that noxious weeds were not something they can just remove when the project is completed. She was concerned that they would allow people to do projects and allow noxious weeds to persist throughout the project, and then address the noxious weeds before moving in.

She explained that once established, there could be 10 – 20 years of weed control. She would rather see language that requires the plan prior to work happening on the ground and whether the developer knows what weeds are present and how to properly control them. She would like to see a requirement for a plan to control noxious weeds while the bare ground is exposed because that is when they spread. She would also like to see how a developer planned to remove the weeds, and how long they would continue to monitor and control them. Dr. Dickens stated that some of the species in the area are quite difficult to control and can take years of difficult control or herbicides. She mentioned Canada thistle and explained that if a remodel took two years to complete, during that time it would likely spread underground 3 – 4 times the size seen aboveground. She referenced the list of County and City-listed noxious weeds and noted that noxious weeds are legally identified originally at the State level, so they might want to state that the listed weeds are State listed noxious weeds, and cities and counties can add to those lists based on impacts.

Dr. Dickens loved the idea of limiting turf because turf that is not needed is not great for conservation. At the same time, there are some great uses for turf, so she liked seeing the balance. They might want to look at helping people understand how to increase soil health and suggested recommending using compost rather than fertilizing 3 – 4 times per year. She also mentioned educating on ways to increase the soil's capacity to hold water. With regard to the mowing height, she asked why they specified 2 – 3 inches because the optimal height is 4 inches. Studies have shown that by increasing the turf height, in time they could increase the soil carbon by 1%, which equates to a catchment of one inch of rain during a storm event. That equates to 20,000 gallons of water being captured on one acre, just by raising the blades. She suggested obtaining the research on blade height and mentioned that a study was done for the Park City Golf Course.

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Dr. Dickens referenced the inclusion of fountain grass on the species list and advised that fountain grass is a noxious weed in other Western states. She advised that it is incredibly flammable and invasive. If they are looking at climate change and climate scenarios that are increasingly similar to parts of California, having fountain grass on the list could create massive amounts of dry biomass that is very flammable. Therefore, she recommended removing that from the list of species. In the Water Wise definition, she referenced the recommendation to use native, drought-tolerant plants. As an ecologist, she used to think that natives should always be used; however, with climate change, they should recognize that what is native might not be the most suited to the area ten years from now. She did not know that the reference to native would be wise, even affordable, or attainable because native plants are not easy to obtain. She mentioned that many non-native plants are non-invasive and drought-tolerant because they evolved somewhere else in the world in very similar conditions. They might want to include "native and non-invasive non-native drought tolerant plants."

Chair Suesser commented that this was wonderful input and thanked Dr. Dickens for her feedback. She noted that for this to work, they have to make this process as accessible as possible for everyone. She felt that the goal should be to make it user-friendly, and she felt it would be better offered as a guide, rather than a regulation.

Dr. Dickens mentioned a new program in Summit County that they were looking to incorporate into a Green Business Program. This program is called Trout Friendly Landscapes, and the idea behind it is more outreach and education on how what a resident does in their backyard is carried downstream and impacts wildlife such as trout. It started in Sun Valley, Idaho, and then moved to Jackson Hole, Wyoming to address either water quality or quantity; in the City's case, they need to address both issues. She stated that they could help provide the informational materials they were creating for the program. She noted there are different levels, but stressed that everything on the first level could be achieved with no cost because they did not anyone to feel like they could not start the process. The next level requires some cost, and as residents get to higher levels, it requires more cost. They provide stipends and they were looking to expand it to teach landscapers to become Trout Friendly certified so they could provide information to clients. She suggested reaching out to Celia Petersen to see how they would integrate it.

Commissioner Kenworthy thanked Dr. Dickens and stated that she always elevates the class of 2023. He also highlighted education and enforcement. He stated that they have an obligation to dummy down the Water Wise regulations because many want to be a part of this, but who would not be able to get through these amendments. He stressed that education should be a great part of this, and they could go back to some of the other discussions about enforcement. He would like to have some kind of informant enforcement and oversight plan in place once they have balanced out these regulations.

Chair Suesser could not answer the question of whether anyone at the City follows up to ensure that a submitted Landscape Plan was implemented. She imagined it was part of the Building Department processes. Planner Zollinger offered that it was shared, and stated that Planners go to a site to check what they can. Mr. Harrington stated that the State consistently frowns upon the enforcement of private landscaping. Park City has had very rigorous enforcement compared to most municipalities. He mentioned bonding, and how they incrementally release a LOD Bond. They have seen prior legislation limiting the application of project landscaping

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bonds, and there would be further legislation this Session that would clarify that as being prohibited.

He added that they face some limitations as the Certificate of Occupancy focuses primarily on life safety, whereas landscaping generally does not limit the issuance of a CO. He mentioned that the Conditions on the larger projects and Development Agreements are more important because they can be part of an affirmative agreement in exchange for other things within the Development Agreement.

Chair Suesser asked about a plan for education, outreach, and training for these new regulations. Planner Zollinger advised that Staff was still working on the website that would provide information to residents. She stated that the website would contain a link to Utah State University's resources, as will the program mentioned by Dr. Dickens. They would also reach out to the survey respondents with follow-up information.

Commissioner Hall disclosed that she has an active Building Permit but these amendments would in no way impact it because it has already been submitted.

Commissioner Johnson liked the comments to encourage Lawn/Turf practices to change the height from 3 inches to 4 inches. He also liked the suggestion to encourage compost and bio chalk.

Commissioner Hall agreed and requested that the public comment be incorporated into the Commission's request to Staff.

Commissioner Johnson asked if they could encourage composting by not counting it against the 50%.

There were no further public comments. Chair Suesser closed the public hearing. She noted Dr. Dickens' suggestions about the plantings and suggested discussing those suggestions at the next meeting. Staff could consider Dr. Dickens' suggestions and provide feedback to the Commission.

MOTION: Commissioner Hall moved to CONTINUE the Land Management Code Amendments to February 8, 2023. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

Following a short recess, Chair Suesser confirmed the presence of all Commissioners.

- D. **Land Management Code Amendment – Amendment to the Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals and Fractional Use in Solamere Subdivision No 1 & No. 2 A, West Ridge Subdivision, West Ridge Subdivision Phase 2, and Prohibit Nightly Rentals, Fractional Use, and Timeshares in Chatham Crossing Subdivision. PL-22-05391; PL-22-05403; PL-22-05471.**

Planner Cawley reported that this application seeks to amend Land Management Code Section 15-2.13-2, which outlines the uses in the Residential Development ("RD") Zone. He advised that representatives from Chatham Crossing, Solamere, and West Ridge were present. Each

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Subdivision submitted its own application, and while there were some differences, they were presented together for the sake of consistency. They would also have one Ordinance for the City Council's consideration.

Planner Cawley reported that Chatham Crossing Subdivision's original request pertained to Nightly Rentals, Fractional Ownership, and Timeshares. As Timeshares were already a prohibited use in the RD Zone, they would not be incorporated into the final Ordinance. Solamere Subdivisions No. 1 & No. 2A requested to prohibit Fractional Ownership only. West Ridge Subdivision and West Ridge Subdivision Phase 2 requested to prohibit Nightly Rentals and Fractional Ownership.

Planner Cawley explained that currently, Nightly Rentals were an allowed use, and Fractional Use was listed as a conditional use in the RD Zone. Timeshares are prohibited. Chatham Crossing, also known as Chatham Hills HOA, is located in the Prospector neighborhood. There are 53 lots in the subdivision, and 44 of those are developed. He stated that within this subdivision, 43 property owners expressed support for this amendment. Staff researched active nightly rental business licenses within this subdivision, and did not find any. He added that this subdivision abuts the Recreation Open Space and Estate Zones.

Planner Cawley reported that Solamere Subdivision Nos. 1 & 2A are located in the Lower Deer Valley neighborhood. The original request was to prohibit Nightly Rentals; however, their definition of Nightly Rentals is less restrictive than the City Code. They have therefore withdrawn that request and were moving forward with only requesting a restriction for Fractional Use in these subdivisions. He reported that there are 111 property owners, 50% of which are primary residents. The President of the Board stated in their written submission that "The Solamere Homeowners Association Board believes that Fractional Ownership is inconsistent with the residential character of our neighborhood." Therefore, they petitioned the City to amend the LMC for the uses in this subdivision. The Solamere Subdivision abuts the Recreation Open Space and Estate Zones.

Planner Cawley stated that the West Ridge Subdivision and West Ridge Subdivision Phase 2 are located in the Park Meadows neighborhood. There are 41 lots, and two remain undeveloped. He reported that 35 of the 40 property owners supported this amendment. There are no active Nightly Rental business licenses, and this subdivision abuts Recreation Open Space and Single-Family Zoning Districts. He explained that the proposed LMC Amendments to prohibit Nightly Rentals and Fractional Use in Chatham Crossing and West Ridge Subdivisions, and prohibiting Fractional Use in the Solamere Subdivision complies with the Park City General Plan and the LMC. He specifically referenced the Sense of Community, which is identified as a core value in the General Plan, to preserve areas for primary residents. Goal 7 is to create a diversity of primary housing opportunities to address the changing needs of residents. Within that goal is Objective 7B, which is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full-time residents.

Goal 8 seeks to increase affordable housing opportunities. Within this goal is Objective 8C, which is to increase housing ownership opportunities for the workforce within primary residential neighborhoods. Planner Cawley stated that the Prospector, Lower Deer Valley, and Park Meadows neighborhoods encompass all of the zoning districts in the table presented to the Commission. He explained that the table illustrated how the prohibitions on Nightly Rentals, Fractional Use, and Timeshares correspond with these zoning districts and the neighborhoods

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within these zoning districts. He submitted that prohibiting Nightly Rentals and Fractional Use in Chatham Crossing and West Ridge, and prohibiting Fractional Use in Solamere was consistent with the General Plan, as well as within some of the neighboring zoning districts of the Prospector, Lower Deer Valley, and Park Meadows neighborhoods.

He referenced footnote 3 in the current Code which states:

"Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals and Dwelling Unit, Fractional Use are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivisions Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3."

Planner Cawley stated that there was precedent for the proposed LMC Amendments within the RD Zoning District because other subdivisions have restricted Nightly Rentals through the same process. He referenced Ordinance No. 2022-21 and noted that these same subdivisions were included as prohibiting Fractional Use. Beginning in 2014, April Mountain and Mellow Mountain Estates Subdivisions petitioned the City to restrict Nightly Rentals, and from 2020 to 2021, the remaining subdivisions listed above sought to restrict Nightly Rentals.

Planner Cawley stated that as part of the Fractional Use Ordinance, in October the City Council directed Planning Staff to evaluate Timeshares, Private Residence Clubs, and Fractional Use in three zoning districts, which included the RD Zone. There is a pending Ordinance that temporarily prohibits these uses in the RD Zone, and later in this meeting, there would be a Work Session to discuss this issue. The proposed amendments to Footnote 3 would remove the reference to Fractional Use so that it could be put into a different Footnote. They would include all of those Subdivisions that requested to restrict Nightly Rentals and would include Chatham Crossing and West Ridge in those amendments.

Current Footnote 19 states that Fractional Use requires an Administrative Letter with a reference to the applicable section on Fractional Use. The proposed amendment to Footnote 19 would state that "Dwelling Unit, Fractional Use is not permitted..." followed by a list of those Subdivisions and including Chatham Crossing, West Ridge, and Solamere Subdivisions. He noted a correction to the Recitals in the Draft Ordinance due to Solamere withdrawing its request to prohibit Nightly Rentals. He corrected it to reflect that Chatham Crossing and West Ridge requested prohibition of Nightly Rentals and Fractional Use, and Fractional Use prohibition was specific to Solamere Subdivision Nos. 1 & 2A.

Planner Cawley reported that Staff published notice on the City's website, and the Utah Public Notice website on December 24, 2022. Notice was posted to each Subdivision and a courtesy notice to all property owners was sent on December 28, 2022. Notice was published in the *Park Record* on December 24, 2022. Staff had not received any public input. Staff recommended the Commission review the proposed LMC Amendments to prohibit Fractional Use in Solamere Subdivision Nos. 1 & 2A, prohibit Nightly Rentals and Fractional Use in West Ridge Subdivision and West Ridge Subdivision, Phase 2, and Chatham Crossing Subdivision, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on February 16, 2023.

Commissioner Sigg disclosed that he owns three properties in the Chatham Hills neighborhood and asked if he should recuse himself from deliberation on this item. Mr. Harrington stated that disclosure was sufficient.

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Commissioner Hall was excited to see homeowners take it upon themselves to self-regulate and applauded the applicants for encouraging their own amendments and wished it wasn't such an arduous process.

Commissioner Kenworthy also complimented the applicants and City Staff for working together to adhere to the General Plan. He noted that in the past eight years, they have held 3,000 plus units of primary residents, which is the community of Park City. He found irony in the reference on page 12 that Thaynes should remain a quiet residential neighborhood.

Chair Suesser liked hearing from HOAs directly and giving them the tools to regulate their communities as they see fit.

Chair Suesser opened the public hearing.

John Feasler was present representing West Ridge HOA and expressed his appreciation to Planner Cawley and Staff for their help in pulling the application together. He advised that the HOA was in the process of re-drafting its CC&Rs. They currently have language that prohibits Nightly Rentals, and they would include Fractional Use. They hoped to have the re-draft complete before the City Council meeting in February.

Inaudible name represented Solamere Nos. 1 & 2A and advised that they had amended their CC&Rs and 97% of those who responded wanted to prohibit Fractional Ownership. He also complimented Planner Cawley's work on this application.

Commissioner Frontero asked why Solamere withdrew its request to prohibit Nightly Rentals. The speaker stated that Solamere had always disliked the idea of Fractional Ownership. He mentioned a prior Staff Report that stated these four Subdivisions would be excluded from the Ordinance because they had made an application to limit Nightly Rentals. They then applied with the understanding that by doing so, they would be excluded from Fractional Ownership. When they amended the CC&Rs, 97% wanted Fractional Ownership prohibited but were agreeable to one Nightly Rental per seven days. Based on discussions with Planner Cawley, they ended up withdrawing the request regarding Nightly Rentals.

Carol Dalton represented the Chatham Hills and Chatham Crossing Subdivision. Since the development of the neighborhood, the HOA restricted Nightly Rentals through the CC&Rs and they always had a lot of support for that restriction.

There were no further public comments. Chair Suesser closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation for City Council's consideration on February 16, 2023, for the Land Management Code Amendments on the Solamere, Chatham Crossing, and West Ridge Subdivisions, as set forth in the Draft Ordinance attached as Exhibit A to the Staff Report.

Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

**E. 3045 Ridgeview Drive – Plat Amendment – The Applicant Proposes a Plat Amendment to Convert Common Space to Private and Limited Common Space to Correct Existing Non-Conformities to Match As-Built Conditions.
PL-22-05360**

Planning Technician, Jaron Ehlers reported that on August 26, 1982, the City Council approved the Ridgeview Townhouse Condominium Plat Amendment following approval by the Planning Commission. A plat note stated that all common space was to be dedicated to the HOA and the City as a public-use utility easement. Unit 3-B in the complex was not built as specified on the plat and expanded into the common area, which created de facto private and semi-common space. Staff was not able to determine exactly when this occurred, but they found a 2018 landscaping permit showing the non-compliant deck and front porch of the structure already in existence.

Planner Ehlers stated that on August 22, 2022, the applicant requested a building permit for an interior remodel, and Staff determined that a Plat Amendment was required due to the nonconformity. On August 24, 2022, the applicant submitted this application for a Plat Amendment and a conditional building permit was issued to the applicant. He presented images for Unit 3-B from the original plat, and he highlighted the areas of non-conformity. He explained that the proposal to amend the plat to convert the common area to private and limited common complied with the Subdivision procedures outlined in the LMC. He added that good cause existed because it would resolve existing non-conformities and bring the property into compliance with the Code. No public street or Right-of-Way would be vacated, and a public utility easement would be partially vacated.

Planner Ehlers stated the proposal to amend the plat also complied with the RD Zoning District requirements in that it is an allowed use. The proposal also complied with the LMC parking ratio requirements. He advised that Unit 3-B has a garage that is 23' x 23.5', which is larger than what is required by Code for a two-car garage. He reported that the Development Review Committee reviewed this application on January 3, 2023, and did not identify any issues. The Planning Department, Engineering Department, and City Attorney's office also reviewed this application.

Staff did not receive any public input at the time of publication of the Staff Report or since. Notice was published to the City's website and the Utah Public Notice website, and published to the property on December 22, 2022. Staff mailed courtesy notices to property owners within 300 feet on December 22, 2022, and the *Park Record* published notice on December 24, 2022. Staff recommended the Planning Commission review the proposed Ridgeview Townhouse Condominium's amendment for Unit 3-B, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Ordinance.

Commissioner Johnson sought clarification that the non-conformities occurred during the original construction. Planner Ehlers could not confirm that fact. The applicant, Andrew Widin, stated that his contractor for the remodel speculated that the non-conformity was part of the original construction based on the extension of the footings. Also, a neighbor who has lived there for 20 years advised that the non-conformity existed when he moved in. With regard to the vacation of the public utility easement, Mr. Widin stated that both of the improved areas

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were within the existing original footprint of the building, so nothing was done in the past, or would be done, that would extend outside the original footprint. He felt it was not an issue.

In response to Chair Suesser's question regarding vacation of the public utility easement, Planner Ehlers stated that the plat states that all common areas would be a public utility easement. The Development Review Committee was agreeable with the proposed change by way of a plat amendment because it was included in the plat.

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

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on February 16, 2023, for 3045 Ridgeview Drive – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance as follows:

Findings of Fact:

1. On August 26, 1982, the City Council approved the Ridgeview Townhouse Condominiums, creating four townhouses along Ridgeview Drive. The Ridgeview Townhouse Condominiums are in the Residential Development Zoning District.
2. The 1982 Ridgeview Townhouse Condominium Plat has a note, which dedicated all common space to the City as a public utility easement.
3. Unit 3-B was not built as specified by the Ridgeview Townhouse Condominium Plat, expands into the common area, and includes a patio constructed in common area.
4. In 2018, a landscaping permit was applied for which showed that the non-complying patio was already constructed at that time.
5. In August 2022, the Applicant requested a building permit for an interior remodel but when it was discovered that their work would include the noncompliant areas of the house, they were required to apply for a plat amendment.
6. After the plat amendment was submitted on August 24, 2022, a conditional building permit was issued, limiting the work they could do in the non-compliant areas.
7. The proposal to amend the plat to convert common area to private and limited common complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.
8. There is Good Cause for this plat amendment because it resolves existing nonconformities and brings the property into compliance.
9. No Public Street or Right-of-Way is vacated.

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10. A Public Utility Easement will be vacated.
11. The proposal to amend the plat to convert common area to private and limited common area complies with the Residential Development (RD) Zoning District requirements outlined in LMC Chapter 15-2.13.
12. The proposal, as conditioned, complies with LMC § 15-3-6, Parking Ratio Requirements.

Conclusions of Law:

1. There is Good Cause for the Ridgeview Townhouse Condominiums First Amendment – Amending Unit 3-B.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. There will be no external changes or expansion of the existing building footprint.
4. The Applicant shall receive approval of the vacation of the easement with the public utilities before the amended plat may be recorded.

Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. WORK SESSION

A. Land Management Code Amendments – The Planning Commission Will Conduct a Work Session Regarding Possible Amendments to Land Management Code Sections 15-2.13-2, 15-2.14-2, 15-2.18-2, and 15-2.19-2 for Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units in the Residential Development, Residential Development Medium, General Commercial, and Light Industrial Zoning Districts. PL-22-05439

Assistant Planning Director, Rebecca Ward explained that these proposed amendments were requested at the direction of the City Council. On October 27, 2022, the City Council enacted an Ordinance to regulate Fractional Use. Also at that time, the City Council issued a Pending Ordinance because they requested Staff revisit Residential Development, Residential Development Medium, and General Commercial Zoning Districts to look at Fractional Use, Timeshares, and Private Residence Clubs in those zones. The Council directed Staff to return within six (6) months with recommended amendments. She recounted the history of the three transient uses and reported that Timeshares came into the community in the 1980s when the use of units could be over a certain limit of time. When Timeshares were initially implemented, they were allowed in the Commercial Zone, which allowed them near the Park City Mountain Resort. She noted that Timeshares were not allowed near the Deer Valley Resort in those zones.

In the early 2000s, a new Timeshare model arose where one could have ownership of a unit for use during certain times. Those are defined in the Code as a Private Residence Club, and in the 2000s the Code was expanded to allow for Private Residence Clubs in Commercial Zones as well as those at the Park City Mountain Resort Base and Deer Valley Base. While Timeshares and Private Residence Clubs are specific to condominiums and multi-unit dwellings, Assistant Director Ward noted that in the last few years, a new model came into town wherein Single-Family Dwellings were sold for Fractional Use as vacation homes. Fractional Use regulations were therefore enacted last year.

Chair Suesser asked if the Marriott on Lower Main fit into the Timeshare category. Assistant Director Ward explained that the Marriott is in the Commercial Zone, and the way that the LMC defines Hotel, Fractional Use was allowed under that designation. Chair Suesser posited that if they rezoned an Inn as a Hotel, then it could include Fractional Ownership. Assistant Director Ward agreed.

Assistant Director Ward explained that this Work Session was to determine if additional information was needed, to address questions and concerns, and whether there was a preferred option. In addition, she noted that they could discuss appointing a Planning Commissioner to serve as a liaison as these amendments move forward. She stated that as outlined by the General Plan and based on Summit County records, in 2000 approximately 41% of housing units in Park City were occupied by a primary resident. That number dropped to 30% by 2010, and in the past 6 – 8 years, the number has hovered around 30%. She stated that the latest numbers were at 32%.

When the City went through the Vision 2020 process, it was noted that the City needed to find a delicate balance between visitors and residents. Also mentioned was the quality of experience for residents and visitors, and a call to develop protected spaces that provide locals with “respite that enhance the local sense of contentment.” She also noted that the General Plan contains a

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call to protect primary resident areas and to provide a wide variety of housing stock for primary residents.

Assistant Director Ward advised that in the Commercial Zones, transient uses fall within the Purpose Statements of those zones. The Purpose Statement in the RD Zone states that commercial uses should be allowed if they are in harmony with residential neighborhoods. It also states to allow residential uses that are compatible with the City's development objectives, design standards, and growth capabilities.

In the RD Medium Zone, the Purpose includes allowing the continuation of Residential and Resort related housing. She presented maps for purposes of discussion of the three potential options. Option 1 would be a restrictive option that would allow transient uses in Commercial Zones, as well as Residential Development Medium Zone. This would occur while the General Plan was updated with the possibility of revisiting where transient uses would be allowed after that time.

Options 2 and 3 were based on the existing General Plan and the recommendations within that Plan, and specific neighborhoods that recommended resort-related housing opportunities. She explained that Option 2 was based on the 10 neighborhoods within the General Plan and would allow transient uses in Old Town, hotels in Bonanza Park, and Upper and Lower Deer Valley neighborhoods. She explained that Option 3 was very similar to Option 2. The difference was that there are multi-unit dwellings and townhomes around the Snow Park Loop in the Lower Deer Valley neighborhood. This option would exclude the Single-Family Developments to the north of that area.

Assistant Director Ward next presented each General Plan neighborhood and illustrated how the different options would impact the neighborhoods. The first neighborhood was Thaynes, which is in the Single-Family Zone. Staff recommended no changes, and transient uses would continue to be prohibited. The General Plan identified Thaynes as a local neighborhood in which primary residents choose to live, and it should remain a quiet, residential neighborhood. She next presented a map of Park Meadows, which encompassed everything east of SR 224 and north of SR 248, excluding the Snow Creek area. The zoning for this area includes Residential Development and Residential Development Medium. It is zoned RD around the golf course, and RD Medium along SR 224.

The General Plan identified Park Meadows as the neighborhood with the highest population of full-time residents, and future land use should be geared toward sustaining this area as a primary resident neighborhood. She explained that Option 1 would allow transient uses in the RD Medium area, whereas Options 2 and 3 would prohibit transient uses in this neighborhood.

With regard to the Bonanza Park neighborhood, Assistant Director Ward advised that it included the Snow Creek area, which included RD Medium, General Commercial, and Light Industrial Zoning. The General Plan identified this as a mixed-use neighborhood where locals live and work. She added that because of the pending Bonanza Park and Snow Creek Small Area Plan, Staff recommended prohibiting transient uses in this neighborhood until the Area Plan is complete, with an option to revisit in the future. She added that hotels were allowed in this neighborhood and Timeshares would still be allowed.

Assistant Director Ward stated that the Prospector Square neighborhood had General Commercial, Single-Family, and RD zoning. She noted a small triangle of RD Medium zoning,

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but the properties within that area were deed restricted as affordable units. She noted that the General Plan identified this neighborhood as a local, commercial district within a residential neighborhood, and it should be protected as a local's neighborhood. Transient uses would be prohibited in all three options.

She next turned to the Resort Center neighborhood and explained that it included Recreation Commercial, Estate, Single-Family, RD, and RD Medium zoning. The General Plan identified this as an area where redevelopment integrates the resort with a strong sense of community and recommended buffers that transition from the Resort to the surrounding residential areas. In this neighborhood, Assistant Director Ward advised that Option 1 would allow transient uses in the Commercial zones and the RD Medium zones. Options 2 and 3 would allow transient uses in those two zones, as well as in the Residential Development zones.

Chair Suesser sought clarification as to whether King's Crown was included in the Resort Center neighborhood. Assistant Director Ward stated that King's Crown was not in that neighborhood, but was located in the Recreation Commercial Zone. Because King's Crown would fall within the Old Town neighborhood where all three transient uses would be allowed in Commercial zones, it would be included in all three transient uses.

Assistant Director Ward stated that for the Old Town neighborhood, they recommended that transient uses be prohibited in all Residential Historic zones; however, the transient uses would continue to be allowed along Main Street in the Historic Commercial Business and Historic Recreation Commercial zones. She mentioned that the General Plan recommended that the residential areas in Old Town be protected. Option 1 would allow transient uses in the commercial zoning districts along Main Street. Options 2 and 3 would also allow transient uses in the Residential Development Zone near the Lower Deer Valley neighborhood.

She then identified the Masonic Hill neighborhood, where the zoning is Estate Single-Family and Residential Development. The General Plan identified this neighborhood as one with a balance of primary and secondary residents. Staff recommended that transient uses be prohibited in all three options in this neighborhood. The Lower Deer Valley neighborhood includes the Snow Park area up through Chatham Crossing Subdivision. She recalled the earlier item where the Planning Commission heard Code amendments to prohibit transient uses as well as Nightly Rentals.

She explained that there is Estate Zoning in this area, which already prohibited transient uses within the RD zones. The General Plan recognized that this was a resort neighborhood that catered to second homes and nightly rentals. She stated that Option 1 would allow transient uses in the Recreation Commercial zones, including Founder's Place and St. Regis. This option would prohibit transient uses in all other zoning districts.

Option 2 would allow transient uses in Recreation Commercial and the RD zoning districts, while Option 3 would allow transient uses in Recreation Commercial and RD zoning districts, but exclude those subdivisions north of Solamere. She noted that all of those subdivisions that had requested to be excluded from nightly rentals would prohibit transient uses.

Chair Suesser mentioned the subdivisions around the lake and asked if Option 3 would allow transient uses. Assistant Director Ward's response was inaudible. Assistant Director Ward explained that the Upper Deer Valley neighborhood included the American Flag Subdivision South with the Flagstaff and Empire Pass properties. The zoning for this neighborhood is

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Residential Development and the General Plan states that this is home to resort-oriented development, including housing for second homes and nightly rentals. Pursuant to the General Plan, housing was to remain oriented toward second homes and/or nightly rentals and efforts to increase the year-round demand on the available bed base should continue in this area.

Option 1 would prohibit transient uses pending the General Plan update, with the possibility of revisiting it in the future. She explained that based on the current General Plan, Options 2 and 3 would allow transient uses, excluding subdivisions that have requested prohibition of transient uses and/or nightly rentals. She remarked that in the Quinn's Junction neighborhood, the only residential uses are in Park City Heights. The zoning in this neighborhood is Community Transition, and the General Plan identified this as a neighborhood for institutional uses. It includes the Park City Hospital Campus. Because of the distance to the resorts and the limited residential uses in this zone as far as the number of affordable and attainable units, Options 1, 2, and 3 would prohibit transient uses in this neighborhood.

Assistant Ward indicated that this was a high-level introduction to these amendments, and requested any additional information and Commission direction to evaluate these amendments. Chair Suesser referenced page 23 of the Staff Report and the reference to Residential – 1, Residential Development, and Residential Development Medium. She requested clarification as to Residential – 1. Assistant Director Ward advised that it is one of the residential zoning districts, and transient uses would be prohibited in that zone.

Commissioner Sigg asked if there was a provision that would grandfather properties. He wondered what would occur if transient were prohibited in an area by these amendments, yet someone already had that use. Assistant Director Ward referenced an exhibit attached to the Staff Report that outlined the records they were able to find for approved Timeshares and Private Residence Clubs. She explained that if there was an existing Timeshare, Private Residence Club, or Fractional Use that was legal at the time it was approved, it would continue to be allowed as long as the use did not change.

Commissioner Sigg asked if allowing nightly rentals would exasperate the housing issue, because if they allow nightly rentals in these areas that would take housing inventory off the market. People would then be required to take housing based on availability, not based on whether they wanted to live in a neighborhood. He felt that a lot of what they were looking at was continually exasperating the workforce housing situation by continuing to allow nightly rentals, and now fractional ownerships. He commented that approximately 80% of people in Park City own their property through an LLC, so they could not know how many members were in that LLC. He felt these transient uses and nightly rentals should be more restrictive and located in commercial areas. Commissioner Sigg felt that exasperating the workforce housing needs with these regulations and amendments would just proliferate more development.

Commissioner Hall did not feel the need for much additional information. She also did not feel they needed a Planning Commission liaison or more Work Sessions on these amendments. She would like it to come back as a Regular Agenda item so they could pass it on to City Council. She expressed her preference for Option 3 because she felt it was the right balance between restricting it in locations where primary residents live and encouraging it where the transient population would be located.

Commissioner Hall also felt that a carve-out for an HOA that wanted to either opt in or opt-out would be prudent to allow them to self-regulate. In general, she agreed with Commissioner

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Sigg that whatever they could do to restrict these uses would be great as it would be consistent with the General Plan and overwhelming public comment.

Commissioner Johnson observed that Option 1 appeared to be the most restrictive and felt it was the closest to where they were during prior discussions.

Chair Suesser asked for a summary of the options. Assistant Director Ward agreed that Option 1 was the most restrictive. She noted that there were neighborhoods in the General Plan where they would recommend transient uses, especially near the resorts. This would remove the Deer Valley and Flagstaff area until the General Plan update was completed.

In the meantime, Option 1 would allow for transient uses in Parkview, Jupiter, Windrift, and Saddle Condominiums in the Residential Development Medium zone along Park Avenue. If they were to go with Option 1, Commissioner Van Dine asked if the Upper Deer Valley area could be added to this after the General Plan update. Assistant Director Ward stated that if Option 1 were put into place, at the end of the General Plan update they could then re-evaluate based on the outcome of the update.

Commissioner Sigg understood that a transient use was not a long-term rental. Assistant Director Ward explained that nightly rentals were not included in the study as directed by Council. If the Planning Commission wanted to make a recommendation to evaluate nightly rentals, they could do that. She confirmed that nightly rentals were not included in any of the options presented.

Chair Suesser clarified that in Option 1 transient uses were just in commercial areas and excluded in the RD and RD Medium zones. She observed that Option 1 just addressed transient uses, whereas Options 2 and 3 referenced the different neighborhoods.

Commissioner Van Dine asked about current listings for Fractional Ownership and what would happen if these properties were not actually sold when the amendments were passed. Mr. Harrington stated that the Staff Report mentioned public outreach between now and a public hearing on this item. He stated it would be a case-by-case determination in terms of whether they qualify as non-conforming for the properties if they were legally established prior to the amendments. There is a process in the Code where persons can apply to the Planning Director for that determination. He stated that because they did not currently regulate it, applicants would have to submit proof of establishment of the transient use prior to the adoption of the amendments.

Commissioner Hall expressed a sense of urgency to get this done because every day that passes is an opportunity for someone to fractionalize a home. Assistant Director Ward noted that on October 28, 2022, the Council issued a Pending Ordinance prohibiting Timeshares, Private Residence Clubs, and Fractional Uses.

Commissioner Sigg observed that many of the zones contained the type of housing that could be affordable for a professional. In the Jupiter and Parkview area, some condominiums are 2,000 to 2,500 square feet, and the rents would top out. He observed that there was a lot of housing for people who want to live here full-time. He reiterated that they were continuing to exacerbate the problem by allowing these uses where the scale of existing housing is exactly the type of housing they need as non-workforce housing on a long-term basis.

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Commissioner Johnson agreed but the only problem with this position was the cost for a two-bedroom condominium was \$1.5 million. Commissioner Sigg felt that long-term rentals were different than short-term nightly rentals. He stated it was not about the price, but the problem lies in the fact that the rents for those units would top out at a certain amount. The perfect type of housing was long-term rental housing. He observed that they were making these units available for more nightly rental and short-term uses, which takes rental stock away from the market. They would then need more affordable housing because this would weed people out by making properties more available as a nightly rentals. He expected there was a vast market of people who could pay \$2,000 to \$3,000 per month in rent.

Chair Suesser understood that Commissioner Sigg would like to see a more restrictive option such that Fractional Ownership would be limited to where Timeshares and hotels exist. Commissioner Sigg stated that his comments were also about nightly rentals. Chair Suesser agreed with the comments about lost housing stock but wanted to focus on the feedback for the presented amendments.

Commissioner Sigg would want to restrict transient uses to the core base areas where visitors want to go anyway. He did not feel that these uses should be spread all over the City. Chair Suesser stated that she would like to see an option like that as well. Commissioner Kenworthy agreed with Commissioner Sigg.

Commissioner Van Dine observed that these amendments did not apply to nightly rentals, but only the transient uses. She was supportive of Option 1 and agreed that Upper Deer Valley where the General Plan tried to push these uses should be acceptable. She added that she would likely prefer Option 3, but would also support Option 1.

Chair Suesser agreed that Upper Deer Valley was made for this type of Fractional Ownership, but she did not want to see it in the more residential areas like Parkview and Jupiter because it would remove housing stock from locals who live in town. Commissioner Kenworthy agreed.

Commissioner Hall stated that the Pending Ordinance expires in April, so they would likely want this before the City Council in March; therefore, the Commission should take action on this in February. Assistant Director Ward advised that they planned on having a public hearing on February 22, 2023. Chair Suesser agreed with Commissioner Hall's comments.

Commissioner Hall reiterated her support for Option 3 because she would rather push it to Deer Valley, but she would also support Option 1. She would also be agreeable to carving out an exception for HOAs who want to opt in or opt-out. She felt the Fractional Use homes should get Administrative Conditional Use Permits because she felt it made sense to have a vetted process. She felt there was pretty good consensus on the minutiae at the last meeting, and asked the Commissioners to revisit their notes prior to the February 22nd meeting.

Mr. Harrington stated they could come back with an option that would be more restrictive along the lines of what Commissioner Sigg discussed and an Option 3 that would look at further restrictions in the RD-M area where they would consider down below as well, and that would keep the Deer Valley option on the table.

Assistant Director Ward asked if the Commission wants one of the options to include a portion of Lower Deer Valley if Option 1 were more restrictive and the RD-M areas were removed and would only include Upper Deer Valley. Commissioner Johnson answered yes.

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Assistant Director Ward stated that they would put the General Commercial in Bonanza Park on hold unless it involved a hotel, and the Historic Commercial Business and Historic Recreation Commercial, so it would allow for uses along Main Street.

Chair Suesser asked if King's Crown was a residential development. Assistant Director Ward stated it was in Resort Commercial, so the uses would be allowed, except for within those units that are deed restricted.

7. ADJOURN

MOTION: Commissioner Hall moved to ADJOURN.

The meeting adjourned at approximately 9:40 p.m.

PENDING APPROVAL



3045 RIDGEVIEW DRIVE

CONDOMINIUM PLAT AMENDMENT

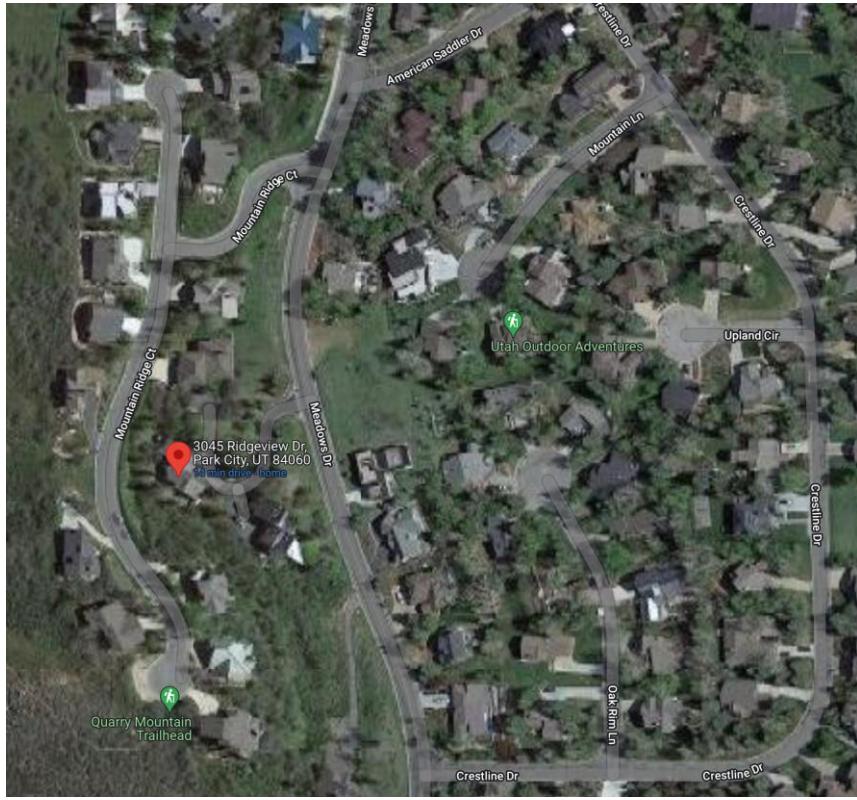
PL-22-05360

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3045 RIDGEVIEW DR

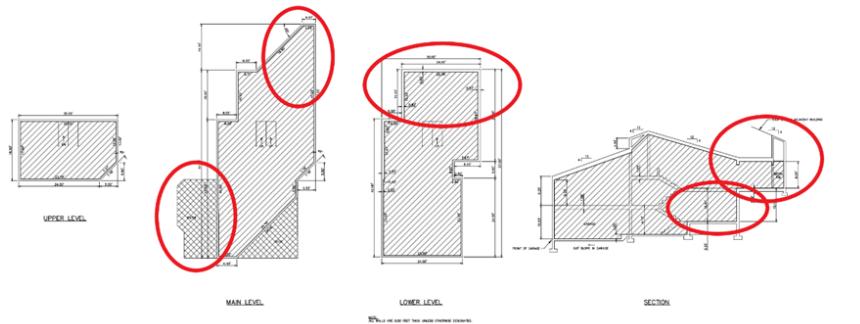
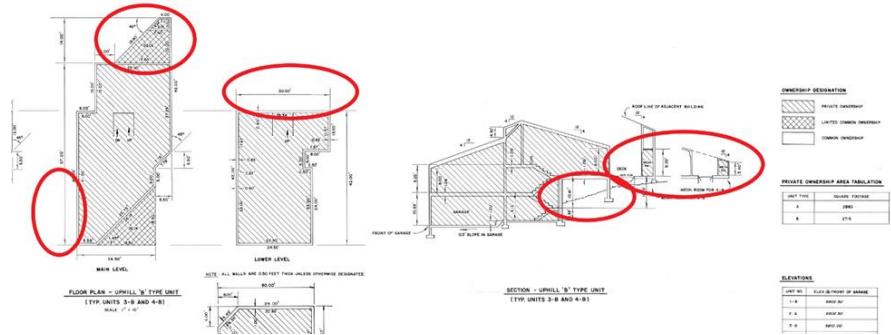


BACKGROUND

3045 RIDGEVIEW DR

- On August 26, 1982, the City Council approved the Ridgeview Townhouse Condominium Plat.
- Plat note dedicated Common Space as a Public Utility.
- Unit 3-B was not built as specified on the Plat with expansions into Common Areas.
- 2018 Landscaping Permit showed deck already existed.
- August 2022, building permit requested, Plat Amendment required.
- August 24, 2022, Plat Amendment submitted.
- Conditional Building permit issued.

3045 RIDGEVIEW DR



ANALYSIS

3045 RIDGEVIEW DR

- The proposal to amend the plat to convert common area to private and limited common complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.
 - a) There is Good Cause for this plat amendment because it resolves existing non-conformities and brings the property into compliance.
 - b) No Public Street or Right-of-Way is vacated.
 - c) A Public Utility Easement will be vacated.

ANALYSIS

3045 RIDGEVIEW DR

- The proposal to amend the plat to convert common area to private and limited common area complies with the Residential Development (RD) Zoning District requirements outlined in LMC Chapter 15-2.13.

ANALYSIS

3045 RIDGEVIEW DR

- The proposal, as conditioned, complies with LMC § 15-3-6, Parking Ratio Requirements.
- Unit 3-B has a garage that is 23 feet x 23.5 feet. A two-car garage is defined by code as 20 feet wide by 20 feet deep.

DEPARTMENT REVIEW

3045 RIDGEVIEW DR

- The Development Review Committee reviews the application on January 3, 2023 and did not identify any issues.
- The Planning Department, Engineering Department, and City Attorney's Office reviewed this application.

PUBLIC INPUT

3045 RIDGEVIEW DR

Staff did not receive any public input at the time the report was published.

PUBLIC NOTICE

3045 RIDGEVIEW DR

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on December 22, 2022. Staff mailed courtesy notice to property owners within 300 feet on December 22, 2022. The Park Record published notice on December 24, 2022.

RECOMENDATION

3045 RIDGEVIEW DR

(I) Review the proposed Ridgeview Townhouse Condominiums First Amendment – Amending Unit 3-B, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Draft Ordinance.



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 18, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, Vice-Chair Sarah Hall, John Kenworthy, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Gretchen Milliken, Planning Director; Alexandra Ananth, Senior City Planner; John Robertson, City Engineer; Matthew Neeley, Transportation Director; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She reported that the only item on the agenda was the Deer Valley Snow Park Village Redevelopment – Master Planned Development and Conditional Use Permit. There would be presentations from Staff, the applicant, Commissioner discussion, and public comment. Chair Suesser was not sure how much input would be received during the Work Session but there would be another opportunity for public input at the future City Council public hearing. The meeting would not run past 9:00 p.m. During the public input portion of the meeting, Chair Suesser explained that she would turn the time over to Vice-Chair Sarah Hall. Since Chair Suesser was participating in the meeting remotely and Vice-Chair Hall was in the Council Chambers, it would be easier for Vice-Chair Hall to navigate that specific portion of the meeting.

Planning Director, Gretchen Milliken reported that all of the microphones were on. She hoped that communication would be better for those watching and participating virtually. Roll call was taken and all Commissioners were present with the exception of Commissioner Johnson, who was excused.

Commissioner Kenworthy disclosed that he is a landlord and has a seasonal campus underneath the dam. Deer Valley has been his tenant for more than 15 years. He stated that it would not impact any of his decisions.

Commissioner Van Dine disclosed that she owns property in the Lakeside Condominium area. That ownership would not impact her decisions.

Vice-Chair Hall disclosed that she is a longtime client of Snell & Wilmer. That would not have an impact on the Deer Valley Snow Park application.

Commissioner Kenworthy asked for an update on the tree capacities and intersection ratings. City Engineer, John Robertson, reported that some traffic studies had been gathered. An evaluation and analysis had begun but he did not have anything to present tonight. He wanted other departments to review the material first to ensure that it is consistent.

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2. Deer Valley Snow Park Village Redevelopment – Master Planned Development and Conditional Use Permit – The Planning Commission will hold a Work Session Focused on Transportation, Circulation, and Parking. PL21-04767 & PL-21-04811.

Senior City Planner, Alexandra Ananth was joined by Transportation Director, Matthew Neeley and Engineer Robertson. All three would share presentations with the Planning Commission. In addition, the City's independent third-party Traffic Engineer, Gary Horton, from Wall Consulting Group ("WCG") was present. After the Staff presentation, the applicant would present. The presentations would be followed by Planning Commission questions, public input, and additional discussion. Planner Ananth reported that the purpose of the meeting was for the Planning Commission to determine if they were ready to make a recommendation to the City Council regarding the overall site, circulation, and the parking plan.

Planner Ananth reminded those present that the application involved an amendment to the existing Master Planned Development ("MPD") as well as a Conditional Use Permit ("CUP") for Phase 1 of the project. Phase 1 included the Conceptual Site and Circulation Plan, South Parcel Parking Structure, and the new Transit Center, as well as Road and Utility Improvements. There was one major change since the project was last discussed by the Planning Commission. The applicant had since dropped their request for a Parking Waiver and would now construct the required number of parking stalls as stated in the Land Management Code ("LMC") or defer the request to a later CUP phase. The Staff Report included responses to some of the questions raised at the last Planning Commission Meeting. It also included Exhibit A, which was the applicant's responses to many of the questions from the December 2022 meeting.

At the December 2022 and March 2022 meetings, the Planning Commission and Council asked the applicant for circulation alternatives that did not rely on the vacation of the public right-of-way. Alternative plans had not been submitted to the City to date. The applicant was requesting a review of the plans that were submitted. Alternative C was reviewed at the last Planning Commission Meeting, which included the Shared Mobility Lane ("SML"). Of the three plans the applicant submitted, the City preferred the SML plan. Planner Ananth reviewed the transportation goals the City put in place for the project, which were as follows:

- Prioritizing and incentivizing increased transit use with dedicated bus lanes between the Y-intersection and the resort as well as an improved transit station at the resort;
- Prioritizing safe pedestrian and bicycle access and connectivity to and around the site, including the popular Deer Valley Loop;
- Right-sizing parking and using paid parking as a tool to support increased transit use;
- An actionable Traffic Demand Management ("TDM") program for the resort that prioritizes transit and ensures a modal shift is achieved through annual review; and
- Sufficient emergency egress to US-40.

Staff felt that the SML plan responded best to the transportation goals listed above. The SML plan, as well as the traffic signal at the Y-intersection and Doe Pass Road, prioritized transit on peak days and provided safe crossings for pedestrians. The SML lane provided a substantial 11-foot-wide bicycle lane when it was not being used during the ski season. Planner Ananth noted that the traffic signal at the Y-intersection was warranted and would assist with traffic between Deer Valley Drive East and West and also provide a safe crossing for pedestrians. The applicant had also proposed a 12-foot-wide multi-use path, which would improve the pedestrian experience around the entire Deep Valley Loop. The applicant submitted an actionable TDM and agreed to annual review meetings with the City. The SML would also improve emergency response times. Staff believed

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there would be sufficient emergency egress to US-40 between the various roads, including Snow Top Road, Deer Hollow Road, Rising Star Lane, and Aerie Drive. The Emergency Response Plan was attached as an Exhibit to the Staff Report.

Director Neeley reported that last fall the City Council adopted the Long-Range Transportation Plan, which was called Park City Forward. The plan provided the guiding principles for the City's transportation system. Director Neeley reviewed the transportation blueprint:

- Develop a Park Once community;
- Collaborate with regional partners on long-range transportation solutions;
- Identify, manage, and mitigate traffic during peak conditions;
- Expand on world-class biking and walking infrastructure;
- Proactively review and analyze disruptive transportation and transit ideas and innovation; and
- Continue to develop and improve the internal Park City transit system.

As a companion to Park City Forward, the Transportation Planning team developed a Short-Range Transit Plan. The plan focused on transit, strategies to improve ridership, and service for the community. The Short-Range Transit Plan was nearing completion and targeted one-to-five-year transit improvement projects. Director Neeley explained that the plan will :

- Evaluate current transit ridership and project future demand;
- Explore new transit programs, such as micro-transit and aerial transit;
- Contemplate route adjustments to provide faster and more direct transit service to major destinations;
- Consider growth and increased demand at both resort base areas.

Elements of the Short-Range Transit Plan were put in place as part of the Winter Operations Plan. A micro transit pilot was implemented, service was added to the Richardson Flat Park and Ride, and service was increased on critical routes. Planner Neeley noted that the response from the community had been positive so far and there was increased ridership. The City was also moving forward with several initiatives identified in the plan. Some of the short-term initiatives included the 224 Bus Rapid Transit Project, upgrading the most utilized bus stops, seeking Utah Department of Transportation ("UDOT") support for short-term transit solutions on SR-248, and advancing technological solutions. The latter could include traffic signal prioritization, dynamic parking strategies, and centralized communication platforms for the region.

Long-term initiatives included advancing SR-248 as a major transit corridor, looking at remote parking options, and considering the feeder streets (Bonanza Drive and Deer Valley Drive). Bonanza Drive was also included in the Bonanza District Small Area Plan, which would be launched shortly. Director Neeley reported that in 2025, UDOT would reconstruct a portion of Deer Valley Drive, between Park Avenue and the Marsac roundabout. Park City was working with UDOT to include bicycle, pedestrian, and traffic safety improvements in that project. There were two regional collaboration efforts underway as well. Mayor Nann Worel convened a Regional Working Group to discuss transportation solutions. Additionally, Summit County and the Mountainland Association of Governments ("MAG") formed a Wasatch Back Regional Planning organization that was focused on transportation. There was a lot taking place.

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Engineer Robertson stated that the City supported the applicant's proposed circulation elements, specifically the SML. This was a once-in-a-lifetime opportunity to apply the elements of Park City Forward in that part of town. As mentioned previously, the SML provided greater seasonal flexibility for transit, especially during the peak traffic that was experienced during the winter season. The SML allowed transit to bypass the congestion that could develop along the loop. This helped transit gain critical time between bus stops. Any improvements in time would benefit the overall transit system. Additionally, the SML increased opportunities for active transportation users. The applicant would provide a wider multi-use trail adjacent to Deer Valley and the SML would provide additional ways to separate various users of the multi-use lane.

Planner Ananth reiterated that the Planning Commission needed to determine if they were ready to make a recommendation to the City Council or if additional time was needed. Policy feedback from the Commission regarding the degree of good cause for the right-of-way could be forwarded to the City Council with the Planning Commission's recommendation. Alternatively, the Planning Commission could request another Joint Meeting with the City Council to discuss Commission input with respect to good cause for the right-of-way vacation.

Deer Valley President and COO, Todd Bennett, introduced himself and reported that Deer Valley Land Use Attorney, Wade Budge; Vice Present of Resort Planning, Hannah Tyler; Director of Development at Alterra Mountain, Jake Romney; and Traffic Engineer from Fehr & Peers, John Nepstad, were present to share information with the Commission. Mr. Budge reported that the input received from the Commission and the public was taken into consideration as the various project details were updated and revised. The desire was for a recommendation to be forwarded to the City Council. Mr. Budge reminded the Commissioners that the application dealt with entitlements that were established back in the 1970s. Consistency was important as was incorporating the values the City had since added to its plans. Certain refinements were made to add those elements to the application.

Mr. Romney reported that the plan met standards and was tied to the transportation plans referenced earlier in the meeting. With the new signal to the Y-intersection and a signal at the Doe Pass/Deer Valley Drive East intersection, transit would be prioritized, and vehicular traffic would be metered through those sections. Solamere Drive was identified as an area with a Level of Service D. That was considered acceptable at the last Planning Commission Meeting due to the impact being on peak days from 3:30 p.m. to 4:30 p.m. Currently, when someone arrives at Snow Park, there is only one arrival experience. An important part of mitigating traffic was having multiple arrival and departure points within the project.

Drop-offs were discussed. Mr. Romney stated that having multiple arrival points throughout the property meant that demand for the drop-off would be reduced. The drop-off would be much safer than it is currently, there would be direct access to Ski School, and the drop-off point would be closer. Additionally, the drop-off would also be on grade. Mr. Romney reported that the area for shuttles was added back in so there could be drop-offs and pickups there as well. One of the benefits was that walking distances would improve overall. The Carpenter and Silver Lake lifts would become approximately 100 feet closer than they were currently. Parking in the garage would also be closer because the lifts were being extended toward the village. Any grade changes would be handled by an escalator or elevator.

Mr. Romney discussed the transit hub and arrival area. Deer Valley's goal was to reduce the need for single-occupancy vehicles. This would be done in many ways both prior to and during development of the village. The mobility hub was one of the main components and would make

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future transit routes more frequent and be the most desirable way to access the resort. It would essentially become the new front door to Deer Valley. It was a place where someone could start and end the day. He reported that there would be a state-of-the-art transportation hub with room for six buses. The area would be covered to provide protection from the elements. In addition, it would be safer and there would be restrooms, lockers, and other amenities nearby. This component of the design is tied into the SML. Mr. Romney noted that there would also be a bus charging station installed as a way to advance sustainability goals. There would be a waiting area as well with real-time bus line data.

As for day skier arrivals, there would be a route to quickly enter the garage. Mr. Romney reported that there would be assisted parking technology to identify what levels have available parking spots. There would be 10-foot clear ceilings inside. It would be possible to exit easily onto Doe Pass Road and leave via Deer Valley Drive West or exit around the loop on Deer Valley Drive East. Additional information about parking was shared. Mr. Romney reported that they were no longer asking for a 20% parking reduction. The decision was made to follow the LMC. That meant there needed to be 2,262 parking stalls. This would be achieved through the four levels of parking on Lots 1 through 4, where there would be 1,340 spots. When Lot 5 was developed, there would be a three-level parking garage with 922 spots, achieving the necessary stalls.

The improvements to the multi-use path were discussed. Mr. Romney explained that there would be a path around the entire loop and across the new plaza. It would maintain recreation as it was currently experienced. Since the path across the plaza was also the emergency vehicle access, it would be kept clear of tables and chairs so both emergency vehicles and bicycles could move across. With the new paths, there were more options for pedestrian arrival access and year-round recreation than currently existed on the site. One of the questions that had been asked by the Commission previously had to do with a plan that did not include a right-of-way vacation. Mr. Romney confirmed that other options had been explored, but the current plan made the most sense. It connected everyone to a world-class resort through transit, biking, walking, a gondola, and a connected ski beach. The plan prioritized transit with the transit hub and the SML.

Mr. Bennett explained that everyone had worked hard to make sure the circulation functioned well and that transit was prioritized. There would be multiple arrival methods, the parking would be streamlined, and there would be thoughtfully located drop-off points. He explained that the Deer Valley team was available to answer any outstanding Commissioner questions.

Vice-Chair Hall was generally in favor of the SML. She noted that in the Staff Report, the City Engineer concluded that the 11-foot lanes were sufficient for the width of two buses and a delivery truck. She requested additional details about that conclusion. Engineer Robertson explained that 11-foot lanes are considered acceptable for collector roads. There had also been conversations with those involved in transit and drivers confirmed that the 11-foot-wide lanes would provide enough space for two buses to drive past one another with enough room for mirrors. With the SML, there would be opportunities for those vehicles to maneuver around more if necessary. Vice-Chair Hall asked what would happen if there was a lot of snow on the side of the roads. She wanted to understand if the flex lane would become a snow lane. This was denied.

Commissioner Kenworthy asked the applicant to discuss the future connection to Old Town. It was assumed that Commissioner Kenworthy was referencing the gondola. That was set up so it could become a mid-station and tie into Old Town if that was desired. That infrastructure could be put into place. Ms. Tyler explained that the former Mayor had bold ideas and wanted to bring a gondola network into town. Deer Valley did not necessarily intend to construct the gondola, but Deer Valley

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could be part of that solution should the City choose to move forward with that approach. Engineer Robertson noted that he was not certain the alignment would be feasible.

Vice-Chair Hall requested additional information about the traffic signals. Engineer Robertson reported that the existing traffic warranted the placement of a signal. That was separate from the project-related traffic that would exist after development. Signals were typically placed to improve the safety and efficiency of an intersection. He had not looked at a roundabout in the location but believed the applicant had. When a roundabout is placed, there are a lot of rights-of-way. With a signal, the same level of service requirements were met but it took a lot less area to install. City Staff believed that was a better solution. Technically, there was enough space to have a roundabout, but if that was pursued, large retaining walls would be needed because there was a change in grade on the north side. The impacts on the area would be significant. Vice-Chair Hall wondered if there were any other proposed alternatives for the second signal. Engineer Robertson explained that there was an opportunity to have priority through that intersection.

Mr. Horton introduced himself and discussed the Y-intersection. He explained that whoever enters the roundabout first gets priority. The benefit of a signal was that if there was traffic on both Deer Valley East and Deer Valley West, the City would have the ability to control who received priority. That would not be possible with a roundabout. He noted that if there was an emergency vehicle or bus that needed to move through, the path could be cleared. Vice-Chair Hall asked if there were any other options to address the temporary peak times. Mr. Horton noted that having police on site was an option, but that could be expensive.

Commissioner Van Dine asked if signals were generally considered safer for pedestrians than roundabouts. This was confirmed. Chair Suesser had a question about the analysis submitted by Mr. Horton. It stated that he was not provided with enough detail about the drop-off and pick-up areas to properly analyze the adequacy of those locations. She asked him to elaborate. Mr. Horton explained that the level of detail provided for other areas was not provided for the drop-off and pick-up areas. As a result, he did not know exactly how many vehicles there would be. If there was more data, it would be easier to analyze and support the proposal. Chair Suesser wondered if he had been able to analyze the addition of the shuttle area. Mr. Horton denied this.

Vice-Chair Hall asked how far the SML flex lane would go. Engineer Robertson explained that it would go around the entirety of the loop. The bus would have priority around the loop but not for egress. Every opportunity to improve transit times would be recommended. Vice-Chair Hall wondered if there would be enough space for the SML lane to continue to the roundabout. This was denied. To do that, additional right-of-way would be needed.

Chair Suesser had additional questions related to the drop-off and pick-up area. In addition to shuttles and personal vehicles, there were also service vehicles and employee vehicles listed. She had concerns about the additional traffic created by employees and service vehicles in addition to all of the other pickups and drop-offs. Mr. Horton reported that WCG had not analyzed that. It was clarified that this would not be an area employees would use during peak hours. Chair Suesser asked the applicant whether a pickup and drop-off area was contemplated on Deer Valley Drive West so there could be two drop-off areas. Engineer Robertson clarified that on Deer Valley Drive West, the grades prohibited an effective drop-off and pick-up area.

Commissioner Sigg wondered if there was a mitigation plan for the drop-off area. He had questions about the flow and convenience. Additionally, he had questions related to Doe Pass Road. For instance, who would own the road and the width of the right-of-way. If a loop was being created, the

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loop needed to flow effectively. If there was a chokepoint where the loop was not flowing effectively, this could create issues. The width of Doe Pass Road, the right-of-way, and how much throughflow existed were important to consider. Last, he asked what would happen with on-street parking on the loop road. Mr. Romney addressed some of the questions posed by Commissioner Sigg. He reported that on-street parking would be removed with the new parking structures. There would not be any on-street parking in the future. As far as circulation, he believed there would be behavioral changes at the drop-off.

Commissioner Sigg wondered how there would be behavioral changes. In his experience, behavioral change does not happen often. Most people focus on what works and is the most convenient. Behavioral changes could be difficult to implement. Mr. Nepstad explained that whatever saves time will drive behavior. Once visitors discover that it is faster to park and unload than it was to drop off and then park, that behavior would shift. Mr. Bennett explained that the experience proposed for the parking garage was something that was not there currently. The ease of use and amenities would alter the behaviors. He noted that the design made sure there were multiple ways to arrive. The plans accounted for visitors who want to drop off, those who want access to a locker or the village, and those who want transit. A lot of different elements were incorporated to ensure that many preferences were accounted for.

Chair Suesser asked what efforts Deer Valley had made to increase bus ridership in Park City. A lot of locals would be more willing to take the bus if it was more convenient and there were direct routes to Deer Valley. There were disincentives to drive but not enough incentives for transit. Mr. Bennett explained that one of the major incentives focused on multi-modal elements. That was not something that was required by Code. It was something being offered because it made the plan better and showed Deer Valley's commitment to creating value. He noted that there were a lot of comments during the open houses about more direct transit routes. Through that process, he learned that there were certain regulations related to funding. A route couldn't move from a private lot directly to a ski facility. There needs to be an intermediate stop. Park City Staff did a good job and made sure the experience was the best it could be. Deer Valley would continue to work with the City so the systems were effective.

Director Neeley reported that the current buses were purchased with federal funds, which prevented there from being a direct route from a location to a destination. The routes depended on where the funds came from. If the City or resort funded the bus, then direct service could be provided. Chair Suesser believed that could be a proposed alternative. She often hears from locals that it is not convenient to take the bus due to the transfers. Commissioner Sigg had a question related to federal funding. He wondered if the rules apply to the entire bus line or only for the buses that were purchased with federal funds. Director Neeley believed the rules applied for each bus purchased with the funds.

Chair Suesser did not believe ridership would increase significantly if the bus routes remained the same. She encouraged the City and Deer Valley to provide more direct routes and make ridership convenient. Vice-Chair Hall supported the comments shared by Chair Suesser. She noted that micro transit is currently being explored and may be part of the solution.

Vice-Chair Hall wondered why regular shuttles would go to the loading zone rather than the new front door mobility hub. Planner Ananth clarified that the mobility hub, as designed, was to support transit operations only. There was no desire to have other vehicles interfering there. She explained that there was sufficient room in the drop-off area. The idea of separating transit drop-offs from private vehicles and shuttles was something City Staff supported. Vice-Chair Hall pointed out that

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the transit hub would be larger than the drop-off zone and also be more convenient. If it was the new front door, she felt shuttles should utilize it. Planner Ananth stated that there was no desire for buses to mix with other vehicles. Vice-Chair Hall asked if the bays were envisioned to only be for Park City Municipal buses. It was clarified that it was envisioned to be for both Park City Municipal buses and High Valley Transit.

Commissioner Kenworthy agreed that time was the main factor in terms of the success or failure of transit. However, due to limitations that were in place, there were no direct routes to Deer Valley. He expressed concerns about parking and existing enforcement issues. There needed to be parking enforcement as many people would try to avoid paying by parking in nearby neighborhoods or driving two cars to the resort area but only parking one on the actual resort. This was not good for the neighbors or for people who lived nearby. He wondered if Deer Valley had a plan to address that. It was noted that Deer Valley would enforce on their own property. There could be discussions with the City about enforcement outside of the Deer Valley area. Commissioner Kenworthy stressed the importance of there being a partnership.

Chair Suesser noted that in the Staff Report, the City's long-term planning and traffic mitigation strategies pertained to additional and centralized parking infrastructure. It also specified that the plan supported and sought solutions such as off-site parking locations. She did not see those strategies incorporated into the Deer Valley Plan and wanted to understand why. Planner Ananth explained that the Staff Report discussed the City's plans to develop off-site parking. For instance, Richardson Flat, where transit service started with a 20-minute headway. The City was still looking at other options for additional off-site parking. Engineer Robertson explained that there would be continued discussions to determine where park and rides should be focused. The City was working with Summit County on this and UDOT was interested as well. Richardson Flat was the first location and there would be expansion. Planner Ananth pointed out that Deer Valley used Treasure Mountain Junior High School on occasion for overflow parking.

Vice-Chair Hall asked if the gondola was envisioned to run through the evening. This was confirmed. She wondered if night skiing was an option that might encourage visitors to delay their ski exit. The worst of the traffic was from 4:00 p.m. to 6:00 p.m. Mr. Bennett noted that Deer Valley was open to many creative solutions. Additional options could be explored to mitigate exit traffic. For instance, there could be programming, entertainment, or other activities in or around the Snow Park Base Village. It was noted that in the future, there would be more dining options and there would be a more dynamic experience.

Commissioner Sigg referenced the gondola operation hours. He wondered what the hours were specifically. It was clarified that the concept was to have a connection that could be used during evening time periods. However, the specific hours had not been determined. Commissioner Van Dine asked about the Deer Valley direct shuttles. She wanted to know if those covered the Solamere neighborhood. Ms. Tyler did not have the list of Homeowners Associations ("HOAs") that had opted in, but there were select HOAs that had chosen to pay for the service. Commissioner John Frontero asked about the percentage of HOAs that had opted in. Ms. Tyler did not have the exact number, but there were at least 15 HOAs currently participating.

Commissioner Kenworthy asked for additional information about the micro-transit plan. Director Neeley explained that micro transit was currently set up in zones. Some shuttles operate in Park Meadows that would take people from Park Meadows and drop them off at the nearest bus stop. If those people wanted to reach Deer Valley, that shuttle may take them to Old Town to take a bus to the resort. Micro transit offered first and last-mile transportation, which was often a missing piece.

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There were fixed routes all over the City that brought people to major destinations, but there were small pockets where it was difficult to access those routes. That was where micro transit could come in handy, but there was a transfer involved. Commissioner Kenworthy wondered if there was a vehicle occupancy number that would allow the micro-transit shuttles into the bus lanes. Director Neeley stated that there was a desire to prioritize transit and incentivize people to use it. This was being done in several different ways.

Executive Director of High Valley Transit, Caroline Rodriguez introduced herself. She wanted to supplement the information shared about the micro-transit operations. Ms. Rodriguez explained that the Royal Street residents did receive a direct ride to the Deer Valley base. That was because parameters were set in the system where sometimes a fixed route trip could be prioritized. However, that was only if it made sense for the trip. For instance, if it was the most efficient way for the rider to get there and it was the most efficient use of the system-wide vehicles. In the case of Royal Street, it made the most sense for there to be a direct ride from Royal Street to their destination, because a fixed route connection was not convenient for them. That was how the micro-transit system addressed issues of efficiency and time spent traveling. The operators of the micro-transit system could set the parameters. This was to ensure there was efficiency.

Chair Suesser wondered how the applicant would address the driveway widths and turning radius issues that WCG pointed out in their report. The driveways on Doe Pass Road, the driveway across from Royal Street, and the driveway on Deer Valley Drive East all failed to meet the LMC requirements. In addition, the turning radius off of Deer Valley Drive East and on/off of Doe Pass Road was also deemed inadequate. It was noted that those radii had been reworked in the failing locations. Those exhibits could be shared with City Staff. As far as the width of Doe Pass Road, it was at least three lanes wide. In terms of the ownership of Doe Pass Road, Deer Valley was okay with owning and operating it or with the City owning and operating it.

Commissioner Sigg asked if it would be possible to establish micro transit routes that were ski resort only. Director Neeley believed that tied back to the earlier discussion about the types of buses being used. If there was a desire to run a resort-service-only micro transit vehicle, that was an option, but it needed to be funded. Chair Suesser wanted to know how much of the bus fleet in the City had been purchased with federal funds. Director Neeley informed her that it all had. Ms. Rodriguez believed it would be worth looking at the charter requirements again. She believed the charter requirement had little to do with the funds for the capital purchase of the vehicle and more to do with how the vehicle operated. She thought the requirement was that the vehicles could be used to provide park-and-ride-to-resort service if there was operational funding. The limiting factor was that the service needed to be open to the general public. Ms. Rodriguez suggested that her team meet with City Staff to reexamine the charter and funding requirements to make sure all information was current and correct. Director Neeley clarified that last spring, he had spoken to Utah Transit Authority ("UTA") to better understand the limitations. He was following the guidance provided to him by UTA at that time. However, it would be possible to have a conversation with Ms. Rodriguez and ensure all information was correct.

Vice-Chair Hall opened the public comment period.

Larry Dickerson pointed out that the applicant had not responded to the Commission's requests for alternatives. He felt it was appropriate to defer a decision until the requested data was received. Mr. Dickerson believed it would be possible to test out whatever plan was proposed using orange cones. This could indicate what the traffic flow would look like. The applicant could choose a busy month and see whether the planned design would work as intended. Mr. Dickerson informed the

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Commission that the applicant had increased lift ticket prices for seniors and had also increased the locker prices. Some outstanding issues needed to be addressed. He reiterated that it was important to look at other alternatives and determine the existing rights.

Allison Keenan identified herself as one of the co-founders of Protect the Loop. LMC 15-6 set forth criteria to review MPDs, which included protecting residential neighborhoods from the impacts of non-residential uses using best practice methods and diligent code enforcement. Under code section 15-6-5, all MPDs must contain certain minimum requirements. According to the applicant, no variances were being requested, but certain minimum requirements of the LMC would not be met without granting a right-of-way vacation. As for setbacks, the minimum setback around the exterior boundary of an MPD needed to be 25 feet for parcels greater than two acres. The current building placements would not be possible without the right-of-way vacation.

Ms. Keenan noted that for open space, all MPDs needed to contain a minimum of 60% open space, but the current open space calculations of 63% were achieved only when the Snow Park Lodge parcel was combined with the Snow Park Village parcel and included the right-of-way vacation. For site planning, the LMC stated that the project needed to be designed to fit the site rather than the site being modified to fit the project. The current site for the MPD was 14.93 acres but the right-of-way vacation would increase the size of the site by 2.6 acres. She did not believe the plan was designed to fit the current project site and site modifications had been sought out.

Ms. Keenan reported that the site plan for an MPD needed to include transportation amenities, including drop-off areas for van and shuttle service. Based on the letter from Mr. Romney dated January 9, there were 10 shuttles every 15 minutes. The new drop-off area would be 63% of the current size based on the plans submitted. A drop-off area for shuttles had been added after the December 2022 Planning Commission Meeting, but it showed there was space for only three shuttles. Ms. Keenan noted that site planning should include safe pedestrian and bicycle travel to adjoining public sidewalks. There was no plan to move pedestrians and bicycles safely to Queen Esther or Solamere from the multi-use path. She stated that service and delivery areas should be kept separate from pedestrian areas, but the multi-use path went across a delivery area on Deer Valley Drive West. Mr. Keenan did not believe the application met the code requirements.

Ms. Keenan expressed concerns about traffic in the area. She reported that under LMC 15-6-6, all MPDs needed to address and mitigate traffic. Based on the November Transportation Analysis from Fehr & Peers, the additional trip generation could total 3,850 cars per day. Due to transit usage, paid parking, and internal capture rates, that number was reduced to 2,276 car trips per day. That was a reduction of 41%. The retail stores and restaurants could generate 1,193 car trips per day but that was reduced to 94. She did not feel that was realistic and believed the Fehr & Peers numbers were understated. Per the WCG report, many traffic situations required additional evaluation. Ms. Keenan pointed out that during a previous meeting, Staff had noted that the proposed circulation plan hindered emergency response access and response time. WCG suggested maintaining the existing loop to the base for emergency access. Under the current plan, there would be emergency access through a private gate and then across the plaza. She did not feel that was an acceptable suggestion. Ms. Keenan reiterated her belief that the application had not satisfied the requirements of the LMC.

Robert Boone stated that he was a full-time resident. He shared comments related to material harm. Under the code, there needed to be a finding of no material harm to residents or the community. Mr. Boone believed there were several material harms that would be a result of the proposed plan. There would be an increased risk because it would be difficult for emergency services to have

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access. Additionally, vacating the right-of-way would cut off current access to significant portions of the existing loop, including access to the base of Deer Valley Resort. The proposed changes to the existing infrastructure and traffic system would cost the Fire Department and EMS service critical time when it mattered most. He felt that risk was unacceptable. He noted that traffic congestion in the area would cause additional accidents and injuries. This would result in higher costs to the City when it came to emergency services.

Mr. Boone pointed out that the plan would result in a loss of public use of the existing loop. Many residents used the current loop and it provided immediate access to Snow Park. Even with the design of the drop-off area, that immediate access would be lost with the vacation of the right-of-way. Recreational activities would be significantly impacted as a result. Mr. Boone discussed skier trespassing on private easements. He explained that skiers would avoid the parking fees by parking in private neighborhoods, many of which had private easements for ski-in/ski-out access. That would impede access to residents in those neighborhoods, increase traffic, and increase both liability risks and insurance costs for the HOAs. In addition, this would increase the risk of vandalism, burglary, and other crimes in the neighborhood. Mr. Boone expressed concerns related to employee parking. Employees who currently park in Lot 3 would be unable to do so. There were many material harms that needed to be taken into consideration.

Laurel Barry was an owner at In The Trees and serves as Board President. In The Trees presented a letter in December 2022 and Mr. Budge responded to part of that letter. However, there were a few points that had not been addressed. For instance, the potential encroachment onto private property. The proposal was to widen the road and the sidewalks so there were three lanes and a wider sidewalk. In Exhibit B, the red lines showed the areas of the loop that would require more land to accomplish that goal. Ms. Barry wanted to know what studies had been done to determine the owners of the land. It was necessary to have that information before the Planning Commission made any decisions about the application.

Ms. Barry explained that In The Trees is also concerned about the turn onto Doe Pass Road. Currently, the ingress and egress were only off of Deer Valley Drive West going in the northbound direction. For In The Trees owners and guests to exit, they needed to take a right turn, go northbound on the Deer Valley loop west, and make a U-turn at the intersection of Royal and Deer Valley Drive West. Then they needed to go back down Deer Valley Drive West in the northbound direction. If residents were unable to do that, it would create material harm and make it difficult to access the properties. She asked that the traffic flow be addressed.

Bill Siraco referenced a comment made by Commission Sigg earlier in the meeting about changes in behavior. He shared an example of behavior changes with the Commission. For the past three seasons, he had been parking at the garage at Mountain Village at PCMR. He had not seen anyone there drop people off and then come back to park. The convenience of pulling into the parking garages at Deer Valley would likely change the existing visitor behaviors. Mr. Siraco noted that there had been questions about shuttle drop-off in the bus area. He noted that the bus service was timed while a shuttle drop-off was less scheduled. Adding more vehicles into that bus drop-off area could jeopardize the ability of the buses to stay on schedule. Both schedule and timing were very important for transit. As for the discussion about a federally funded transit system, the question was whether there could be a public/private partnership so the City operated buses could have direct routes. He asked that this option be explored further.

Deb Rentfrow applauded Ms. Keenan for the research she had done. Ms. Rentfrow noted that Commissioner Kenworthy had asked Engineer Robertson about specific traffic studies and the

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response was that the information was not available to present. She believed that understanding the feasibility of direct bus routes, needed to be figured out before any sort of recommendation was forwarded to the City Council. Ms. Rentfrow understood why shuttle buses were being separated from the transit, but believed space for three shuttles was not enough. She also noted that in the applicant comment response, on Page 12, it stated that Deer Valley did not do any staging for their shuttles. This was surprising to her. It seemed that a location for the shuttles would need to be properly incorporated into the plan. In the study that discussed the Level of Service D at Solamere, it was reported that the issue was only from 3:30 p.m. to 4:30 p.m. Based on the traffic levels she had seen in the current year, which was hard to believe.

Ms. Rentfrow discussed the drawing for snow storage. All of the snow storage was proposed to be piled next to the ingresses and egresses of the parking garage. The way it was drawn, a visitor would need to pull into the crosswalk to have a line of sight and depart safely. That was something that was already an issue at multiple locations in Park City. She asked that there be additional thought and focus to ensure that this did not occur at Deer Valley.

Maureen Murtaugh wanted everyone to consider the fact that micro transit could add to traffic at the drop-off area. She was encouraged that there would be multiple ways for people to access the resort but was concerned about micro transit since it could not use the bus lanes and could not use the bus drop off. That could result in the drop-off area being inadequate. There was an opportunity to expand the width of Doe Pass Road so not only buses could move through there, but there could be egress of cars from both sides of the loop for departure. It was important to think about the desired outcomes and create solutions that would achieve those outcomes.

Scott Martin explained that he was a full-time resident of Amber Daystar. He had some questions for the Commission. If there were three lanes of roadway, he wondered how much time the buses would save. He believed the study showed that it would be approximately 67 seconds. He also had a question about mode splits and asked how the traffic would be divided between Deer Valley Drive West and Deer Valley Drive East. After looking at the submitted plans, the majority of the traffic was being pressed onto Deer Valley Drive East and Deer Valley Drive North. He asked the Commission to look at the mode splits carefully. As far as the grades, it was possible to place garage entrances on the west side and continue the loop on the west side. Mr. Martin asked about the flex lane. He wondered who would enforce that lane to ensure that there were only buses. Concerns were expressed about the drop-off area design.

Bill Watson reported that he lived in Solamere. On April 1, 2022, residents met with the applicant and members of City Staff. He believed the meeting went well, but there had not been any follow-up since. Residents wanted things to be built, but not as currently proposed.

Christine Feldman stated that she lived off of Queen Esther. Though she understood all of the different positions that had been expressed, as a resident, there were added difficulties. The existing circumstances were already difficult and she was afraid the situation would get worse. She was unable to leave her home around 3:30 p.m. because the traffic was so severe. Since the Deer Valley proposal would add more parking, the mountain would be busier. In terms of emergencies, there was one way out. She expressed concerns about safety and traffic.

Meredith Berkowitz was one of the owners of In The Trees and was also on the Board. She had owned her home in Deer Valley for over 20 years. It was a beautiful and tranquil place to live. She was excited about the Snow Park development and believed it would be a good thing for Park City overall. However, she had some concerns that she hoped could be addressed. Her biggest concern

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was the egress and ingress from In The Trees. The circulation plan that had been shown indicated that In The Trees residents would need to cross almost 21 feet of lane. In addition, exiting from In The Trees meant residents would need to pull out to have proper sight lines because there was some elevation and grade there. Ms. Berkowitz pointed out that the circulation plan currently had the bus lane and vehicle lane merging at the point where there was ingress and egress from In The Trees. She felt the merger should be moved somewhere further back or forward to allow for proper ingress and egress.

Paul Lamdin explained that he was a full-time resident and was a member of The Oaks HOA. He endorsed the comments shared by Ms. Keenan. The information she shared about the right-of-way vacation was important. There were fundamental issues that had not been addressed.

Vice-Chair Hall closed the public comment period. She informed those present that additional comments could be shared via email. There would be many public hearings related to the CUPs and MPD. Additionally, there would be an opportunity to provide public comments if the right-of-way vacation went to City Council for consideration and discussion.

Chair Suesser agreed with Staff that the SML option was the best and most flexible option. She was ready to make a recommendation to the City Council about the overall Site, Circulation, and Parking plans. She did not need additional time to consider what had been proposed. Chair Suesser was also prepared to share policy feedback on the degree of good cause for the right-of-way vacation and to make a recommendation to Council on circulation.

Chair Suesser pointed out that the Council had requested the applicant work on alternative site and circulation plans and obtain recommendations from the Commission before returning to the Council. As was pointed out earlier in the meeting, the Commission did not see significant alternatives proposed. There were a few different variations of the same circulation plan. However, she did not believe another joint meeting with Council was needed to discuss the right-of-way vacation. If the Council wanted to hear directly from members of the Planning Commission, she offered to attend a future City Council meeting.

Chair Suesser agreed with the Staff recommendation to include a Condition of Approval on the access easement and the offer of dedication for Doe Pass Road, which would make Doe Pass Road the responsibility of Deer Valley. She wanted to add a Condition of Approval about the widening of Doe Pass Road. Chair Suesser believed a four-lane road was more appropriate. As the traffic consultant had pointed out, there were turn radius problems and driveway ingress and egress width problems. She agreed with the Staff recommendation to include a Condition of Approval that Deer Valley pay for the intersection signalization at the two locations, the Y-intersection and Deer Valley Drive East. However, she suggested that there be a Condition of Approval that Deer Valley negotiate an agreement with Deer Crest to reroute vehicles from Snow Park directly to and from US-40. This would help to mitigate the development impacts.

The issues that Chair Suesser saw with the circulation plan included the one drop-off area for shuttles and passenger cars. She agreed with the comments shared by residents. Separating the shuttles and passenger cars was preferable. The details given for the drop-off and pick-up area that had been provided by the applicant were insufficient. That was reiterated by the WCG consultant that analyzed the plan. Chair Suesser noted that there had been a dramatic increase in shuttle usage in town and she did not believe what had been proposed was adequate. She liked the suggestion from Vice-Chair Hall that the bus center be considered for shuttle use, but understood that there were six bus bays, and 23 buses per hour were contemplated.

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Chair Suesser suggested that a second pick-up and drop-off area at the top of Deer Valley Drive West be explored. Deer Valley Drive West seemed to be underutilized. Chair Suesser also wanted to see Deer Valley, the City, and High Valley Transit look further into direct bus routes. She recommended that the bus circulation on Deer Valley Drive East be limited. She asked that a Condition of Approval reference a gondola. Though she hoped that Deer Valley would commit to a gondola, she wanted to make sure it was a definitive part of the plan and would be from Snow Park to Silver Lake, with year-round daily operation that ran from 7:00 a.m. to 10:00 p.m.

Vice-Chair Hall agreed that the SML was the best option. She did not need further information for the right-of-way issue to move forward to City Council. Additionally, she did not believe that a joint meeting with City Council was necessary at the current time. Vice-Chair Hall had some questions based on the public comment period. Her understanding was that lower Deer Valley did not have street parking during the winter season, from November to April. This was confirmed. That section of Deer Valley did not have parking on the side of the road except for the few days when overflow parking was specifically allowed. Vice-Chair Hall did not believe different communities, such as Solamere, allowed street parking. Engineering Robertson explained that parking was permitted if the roads were public and there was adequate room.

Vice-Chair Hall noted that the Commission would discuss the MPD in further detail at a later time and the City would have annual meetings to address parking. If there was street parking within the neighborhoods, she suggested that there be a resident parking pass implemented to protect the neighborhoods. Vice-Chair Hall asked about the section with the flags. A map of the area was shared. The area where the flags were located would go away once it was developed. The Commission discussed access from the In The Trees neighborhood and the grade in the area.

Commissioner Van Dine agreed with the comments shared by Chair Suesser and Vice-Chair Hall. She approved of the current circulation pattern as it moved forward with the right-of-way, but agreed that there were a lot of small adjustments that needed to be addressed during later stages. Commissioner Van Dine felt comfortable making a recommendation and did not believe that another joint meeting with the City Council was necessary at the current time.

Commissioner Kenworthy was ready to make a recommendation to the City Council. He pointed out that the applicant did not want to present other iterations of the Doe Pass option. As a result, he felt it was time to move it forward to the City Council for consideration. Commissioner Kenworthy was supportive of the SML but was concerned about the comments shared by Ms. Murtaugh. She stated that a one-size-fits-all approach did not necessarily make sense in this instance. He agreed and suggested that AVOs with eight or more be permitted into the bus drop-off areas. Commissioner Kenworthy discussed US-40. He did not think other ideas that had been suggested were realistic and stressed that Highway 40 was the answer.

Commissioner Kenworthy asked someone to speak to eminent domain. He wanted to understand whether any land that was needed for the loop would be taken. Engineer Robertson explained that to create the 12-foot multi-use path, two areas would require negotiations and discussions with HOAs. If it was not possible to obtain that 12 feet, the issue would need to be addressed at that time. With the SML, there would be more flexibility. He did not think eminent domain was something that would be entertained by the Council. Commissioner Kenworthy shared additional comments about Highway 40 and expressed concerns about growth.

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Commissioner Frontero felt comfortable making a recommendation to City Council and did not feel that an additional joint meeting was necessary. The SML seemed to be the best of the three options presented. For the plan to work, there needed to be direct buses. If funding was a solution to this issue, then there needed to be discussions about how to address those funding needs. Commissioner Frontero noted that there was a lot of support for the HOA shuttles, but some HOAs were not using them because of the costs. A lot of issues could be solved if funding was addressed. He stressed the importance of focusing on adequate funding.

Commissioner Sigg thanked the applicant for putting forward a smart traffic plan and circulation plan. Everyone agreed that it would enhance the base of Deer Valley and the community, but the overall traffic situation needed to be addressed. He was not convinced that paid parking would drive transportation. People would always look for a way to get around paid parking lots. He believed in the SML but stated that partners needed to contribute towards transportation initiatives. Commissioner Sigg noted that there were still unresolved issues related to the right-of-way vacation and road widening. It was difficult for him to forward a recommendation until those issues were better understood. Additionally, he wanted to know what the capital contribution toward the transportation initiatives was. The idea of the development was great, but he felt there were still some issues that needed to be addressed.

Vice-Chair Hall believed there was consensus that the SML was the preferred option. It did not appear that there needed to be a further discussion related to the right-of-way issue. Planner Ananth noted that she had written down the Commissioners' comments. The Meeting Minutes would be available to the Council for review as well. Any additional Commissioner comments could be forwarded to the City Council. Vice-Chair Hall explained that she had many more notes and comments, but felt the appropriate time to address those comments was after the right-of-way had a determination. The details of the MPD and CUP could be discussed in the future.

Chair Suesser agreed with the comment shared by Commissioner Sigg. She believed there should be some sort of contribution towards the overall transit mitigation strategies. There also needed to be more collection lots within the City boundaries and she asked that this be explored. Commissioner Kenworthy felt the same way. If there were collection lots, that would increase AVO. It could be possible to increase the AVO and lower the vehicle load on Deer Valley Drive. He asked that the Police Department and Fire Department fully review the proposal. Chair Suesser added that she liked the idea of micro transit and the last-mile connections. However, she pointed out that carshares put a lot of cars on the roads. What Park City needed was more bus ridership. Making buses more convenient was essential for overall success.

Vice-Chair Hall asked when the application would move forward to City Council. Planner Ananth explained that there was not a definite date set for the City Council. She hoped there would be a discussion in February 2023 so the Planning Commission discussions could continue in March.

3. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn. Commissioner Sigg seconded the motion. The motion passed with the unanimous consent of the Commission.

The meeting adjourned at approximately 8:27 p.m.

Planning Commission Staff Report



Subject: 1875 Homestake Road
Applications: PL-22-05288
Authors: Spencer Cawley
Date: February 8, 2023
Type of Item: Affordable Master Planned Development
Development Agreement

Recommendation

Staff requests the Planning Commission open a public hearing and continue the ratification of the Homestake AMPD Development Agreement to a date uncertain.

Description

Applicant: Park City Municipal Corporation, represented by Peter Tomai J Fisher Companies, represented by Rory Murphy
Location: 1875 Homestake Road
Zoning District: General Commercial
Adjacent Land Uses: The Blind Dog, The Boneyard, The Kimball Art Center (1251 Kearns Boulevard), Homestake Condos (1900 Homestake Road), Claimjumper Condos (1800 Homestake Road), Ironhorse Park Commercial Subdivision (1020 Iron Horse Drive), Rocky Mountain Power Substation (Parcel S-22), Recycle Utah (Parcel SA-224-X)
Reason for Review: Planning Commission approval of an Affordable Master Planned Development shall be put in the form of a Development Agreement.

The Applicant and Affordable Housing Staff are scheduled to provide the City Council an update on March 9, 2023. Planning Staff will reschedule this matter following the Council update.

Planning Commission Staff Report



Subject: 1150 Park Avenue
Application: PL-22-05472
Author: Virgil Lund Planner I
Date: February 8, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the 1150 Park Avenue Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on March 9, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance No. 2023-XX (Exhibit A).

Description

Applicant: Mary Kallaher and Mateo Perale
Applicant Representative: Marshall King with Alliance Engineering
Location: 1150 Park Avenue
Zoning District: Historic Residential – Medium Density
Adjacent Land Uses: Single-Family Dwellings, Park
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council Final Action¹

HDDR Historic District Design Review
HRM Historic Residential – Medium Density
LMC Land Management Code
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

1150 Park Avenue is in the Historic Residential – Medium Density (HRM) Zoning District. The site is identified by Summit County as Parcel SA-363, all of Lots 12 and 13, Block 65, Snyder's Additions to Park City Amended. 1150 Park Avenue is designated a [Landmark Historic Structure](#)² on the City's Historic Sites Inventory. The Landmark Historic Structure was built circa 1895 and sits on both Lots 12 and 13. The Applicant proposes removing two Lot lines common to Lots 12 and 13 and the block line common to the additional parcel to create one Lot.

The Landmark Historic Structure at 1150 Park Avenue was located at 663 Woodside Avenue until 1947. The structure was moved from 663 Woodside to its current address

¹ LMC [§ 15-7.1-2](#)

² LMC [§ 15-11-10\(D\)\(1\)\(dk\)](#)

at 1150 Park in 1947.

On December 6, 2022, the Applicant submitted a plat amendment application. On December 19, 2022, staff determined the application was complete.



Figure 1: View of Property from Park Avenue

Analysis

A Plat Amendment is the combining of existing Lots into one or more Lots, amendments to Plat notes, or amending other platted elements.³ Plat Amendments require Planning Commission review and recommendation to City Council for Final Action.⁴ The Applicant proposes removing the Lot line beneath the Landmark Historic Structure that is common to Lots 12 and 13, creating one Lot.

(I) The proposed Plat Amendment complies with the Historic Residential – Medium Density (HRM) Zoning District Requirements.

The purposes of the HRM Zoning District are to:

1. allow continuation of permanent residential and transient housing in original residential Areas of Park City;

³ LMC [§ 15-7.1-3\(B\)](#)

⁴ LMC [§ 15-12-15\(B\)\(9\)](#)

2. encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding Area;
3. encourage the rehabilitation of existing Historic Buildings and/or Structures;
4. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments;
5. encourage Affordable Housing;
6. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas; and
7. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Buildings and/or Structures along Park Avenue.

Single-Family Dwellings are an Allowed Use in the HRM Zoning District.⁵

The table below outlines the HRM Zoning District Lot and Site Requirements established in LMC [§ 15-2.4-3](#):

HRM Zoning District Requirement	Analysis of Proposal
Min. Lot Size: 1,875 sq ft for a Single-Family Dwelling	Complies – Total Lot area of proposed plat is 4,750 square feet
Min. Lot Width: 37.50 feet	Complies – The width of the combined Lots is 50 feet
Setbacks for the Primary Structure: Front: 15 feet Rear: 10 feet Side: 5 feet	Complies The Landmark Historic Structure complies with required setbacks: The Landmark Historic Structure is set back 11 feet from the front property line. LMC <u>Section 15-2.4-3(E)(3)</u> outlines Front Setback exceptions, which include porches no more than 10 feet in length that project no more than three feet in width into the Front Setback. The Landmark Historic Structure has a porch that is 26-feet long and 5-feet in width. However, LMC <u>Section 15-2.4-4</u> establishes Historic Buildings as valid Non-Complying Structures and creates exceptions for Setbacks. The Rear Setback is 40 feet The north Side Setback is 6 feet

⁵ LMC [§ 15-2.4-2\(A\)](#)

	The south Side Setback is 11 feet
Setbacks for the Accessory Building: Front: 15 feet Rear: 1 foot Side: 3 feet	<p>Recommended Condition of Approval</p> <p>An Accessory Building is an Allowed Use in the HRM Zoning District. The existing site conditions survey shows that an Accessory Building is on the property (Exhibit B).</p> <p>According to the Summit County Assessor's website, the Accessory Building was constructed in 1977. The 1976 LMC required a one-foot Side and Rear Setback for Accessory Buildings (Exhibit E). The Accessory Building complies with the 1976 LMC Side Setback requirements because it meets a one-foot Setback, but the Structure does not comply with the Rear Setback requirements because it is built along the rear property line and encroaches 0.2 feet into City-owned property (see Figure 2 below).</p> <p>Recommended Condition of Approval 7 The Applicant shall enter into an encroachment agreement with the City and record the agreement with Summit County prior to recordation of the Plat.</p> <p>Recommended Conditions of Approval 5 & 6 Any development on the Lot including additions to existing Structures shall comply with the LMC in effect at the time an application is submitted and cannot increase the non-conformity of the Accessory Building.</p> <p>See Analysis below regarding the detached Accessory Apartment contained within the Accessory Building below.</p>
Building Height: 27 feet	Future development must comply with the Building Height regulations in effect at the time of a complete application submittal.

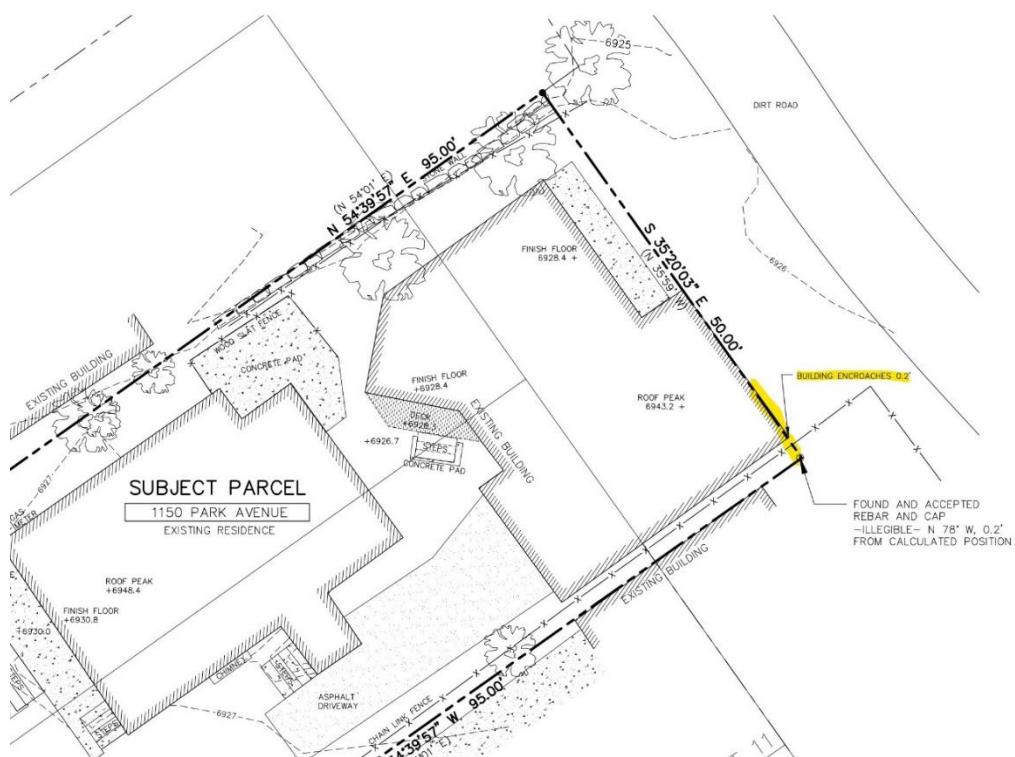


Figure 2: Area of Encroachment into City owned property.

Architectural Review LMC § 15-2.4-12

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with LMC [Chapter 15-5 Architectural Review](#). Any proposed structure or future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for review and compliance with LMC [Chapter 15-11 Historic Preservation](#), and LMC [Chapter 15-13 Design Guidelines for Historic Districts and Historic Sites](#).

(II) Staff Recommends Conditions of Approval to Comply with Accessory Apartment, Nightly Rental, and Parking Requirements.

Accessory Apartment and Nightly Rentals

According to the Summit County Assessor's website, the Accessory Building was constructed in 1977. Building Permit Number 32-77 shows that the Accessory Building was constructed to include a garage and an Accessory Apartment (Exhibit F). The 1976 LMC in effect at the time of the Building Permit issuance allowed for a single unit detached dwelling. However, the 1976 LMC required a Conditional Use Permit for Nightly Rentals.

Planning was unable to find a Nightly Rental Conditional Use Permit approval for 1150 Park Avenue. However, today's LMC allows for Nightly Rentals in the HRM Zoning

District for the primary dwelling but prohibits Nightly Rental of the Detached Accessory Apartment. There is a valid business license for Nightly Rentals for 1150 Park Avenue. Staff recommends a Condition of Approval to clarify the Nightly Rental regulations for the Accessory Apartment on the property.

LMC [Section 15-4-7](#) requires that a deed restriction be recorded against a property with an Accessory Apartment requiring long-term rental of at least 90 days for the Accessory Apartment. As a result, staff recommends **Condition of Approval 9**, prohibiting Nightly Rentals in the Accessory Apartment and restricting Nightly Rentals to the Landmark Historic Structure.

Parking

There is currently parking on site in the Accessory Building garage. LMC [Section 15-3-6](#) requires two parking spaces for Single-Family Dwellings. However, LMC [Section 15-2.4-4](#) states that Historic Structures are exempt from parking regulations, "provided the addition does not create a Lockout Unit or an Accessory Apartment." LMC [Section 15-4-7\(A\)\(2\)](#) requires one parking space per Accessory Apartment Bedroom. Because there is an Accessory Apartment on the site, staff recommends Condition of Approval 10: The Property Owner shall retain one code-compliant parking space per Accessory Apartment Bedroom on the site for as long as the Accessory Apartment is retained on the property.

(III) Staff Finds Good Cause for Removing Two Lot Lines Common to Lots 12 And 13 and the Block Line Common to the Additional Parcel to Create One Lot Because (A) Present Land Uses And The Character Of The HRM Zoning District Are Retained, (B) No Public Street or Right-Of-Way is Vacated or Amended, and (C) No Easement is Vacated or Amended.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6 Final Subdivision Plat](#), and approval shall require a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

LMC [§ 15-15-1](#) defines Good Cause as "[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community."

A. The Historic Residential – Medium Density (HRM) Zoning character is retained.

The purposes of the HRM Zoning District include encouraging the rehabilitation of existing Historic Buildings.⁶ This proposal is consistent with the Zoning District because it creates one Lot, allowing the Property Owner to preserve the Landmark Historic

⁶LMC § [15-2.4-1](#)

Structure, while allowing for opportunities for an addition or Accessory Building that is compliant with code.

B. No Public Street or Right-of-Way is vacated or amended.

Access to the Lot is from Park Avenue. The Applicant's proposal does not vacate or amend any portion of the platted Right-of-Way.

C. No easement is vacated or amended.

(III) The Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues.⁷

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this staff report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 25, 2023. Staff mailed courtesy notice to property owners within 300 feet on January 25, 2023. The *Park Record* published notice on January 25, 2023. LMC [§ 15-1-21](#).

Public Input

No Public Comment has been received at this time.

Alternatives

- The Planning Commission may forward a positive recommendation for Ordinance No. 2023-XX, Approving the 1150 Park Avenue Plat Amendment, to the City Council for Consideration on March 9, 2023; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, Denying the 1150 Park Avenue Plat amendment, to the City Council and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information for the 1150 Park Avenue Plat Amendment and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2023-XX and Proposed Plat

⁷ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

Exhibit B: Existing Conditions Survey
Exhibit C: Applicant Statement
Exhibit D: Property Photos
Exhibit E: 1976 LMC
Exhibit F: 1977 Building Permit

Ordinance No. 2023-XX

**AN ORDINANCE APPROVING THE 1150 PARK AVENUE PLAT AMENDMENT,
LOCATED AT 1150 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1150 Park Avenue petitioned the City Council for approval of the 1150 Park Avenue Plat Amendment; and

WHEREAS, on January 25, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on January 25, 2023, courtesy notice was mailed to property owners within 300 feet of 1150 Park Avenue; and

WHEREAS, on February 8, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on February 8, 2023, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on March 9, 2023; and

WHEREAS, on March 9, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.4 and 15-7.

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

SECTION 1. APPROVAL The 1150 Park Avenue Plat Amendment, located at 1150 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 1150 Park Avenue.
2. The property is listed with Summit County as Parcel Number SA-363 and consists of all of Lots 12 and 13, Block 65, Snyder's Additions to Park City Amended.
3. The Applicant owns all of Lot 12 and 13, plus an additional 1,000 square feet of land to the east.
4. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
5. The Site contains a Historic Structure constructed circa 1895 and designated a Landmark Historic Structure on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 12 and Lot 13.
7. A portion of the existing Accessory Building at the rear of the property encroaches into city-owned property.
8. No easement is vacated or amended as a result of the plat amendment.

9. The LMC regulates Lot and Site Requirements for the HRM Zoning District per LMC § 15-2.4-3.
10. Single-Family Dwellings are an Allowed Use in the HRM Zoning District and requires a minimum Lot size of 1,875 square feet. The combined Lot size is 4,750 square feet.
11. The width the Lot is 50 feet and meets the HRM Zoning District requirement.
12. The required Front Setback is ten feet. The Landmark Historic Structure is set back 11 feet from the front property line. LMC Section 15-2.4-3(E)(3) outlines Front Setback exceptions, which include porches no more than 10 feet in length that project into the Front Setback no more than three feet in width. The Landmark Historic Structure has a porch that is 26-feet long and 5-feet in width. However, LMC Section 15-2.4-4 establishes Historic Buildings as valid Non-Complying Structures and creates exceptions for Setbacks.
13. The required Rear Setback is 10 feet. The Rear Setback of the Landmark Historic Structure is 40 feet.
14. The required Side Setback is 5 feet. The north Side Setback is 6 feet; the south Side Setback is 11 feet.
15. An Accessory Building is an Allowed Use in the HRM Zoning District. The existing site conditions survey shows that an Accessory Building is on the property.
16. According to the Summit County Assessor's website, the Accessory Building was constructed in 1977. The 1976 LMC required a one-foot Side and Rear Setback for Accessory Buildings. The Accessory Building complies with the 1976 LMC Side Setback requirements because it meets a one-foot Setback, but the Structure does not comply with the Rear Setback requirements because it is built along the rear property line and encroaches 0.2 feet into City-owned property.
17. Building Height in the HRM Zoning District is 27 feet.
18. Staff finds good cause for removing two Lot lines common to Lots 12 and 13 and the block line common to the additional parcel to create one Lot because (A) present land Uses and the Character of the HRM Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4, *Historic Residential – Medium Density (HRM) Zoning District* and LMC § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. Any additions or modifications to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.
5. Any development on the Lot including additions to existing Structures shall comply with the LMC in effect at the time an application is submitted.
6. The non-conforming Accessory Building shall not be increased.
7. To address the existing Accessory Building that encroaches into City-owned property, the Applicant shall remove the encroachment or enter into an encroachment agreement with the City and record the agreement with Summit County prior to recordation of the Plat.
8. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. Nightly rentals are restricted to the primary Landmark Historic Structure and require an active Business License. Nightly rentals are prohibited in the Detached Accessory Apartment in Accessory Building.
10. The property owner shall retain one code-compliant parking space per Accessory Apartment Bedroom on the site for as long as the Accessory Apartment is retained on the property.

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

PASSED AND ADOPTED this 9th Day of March 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

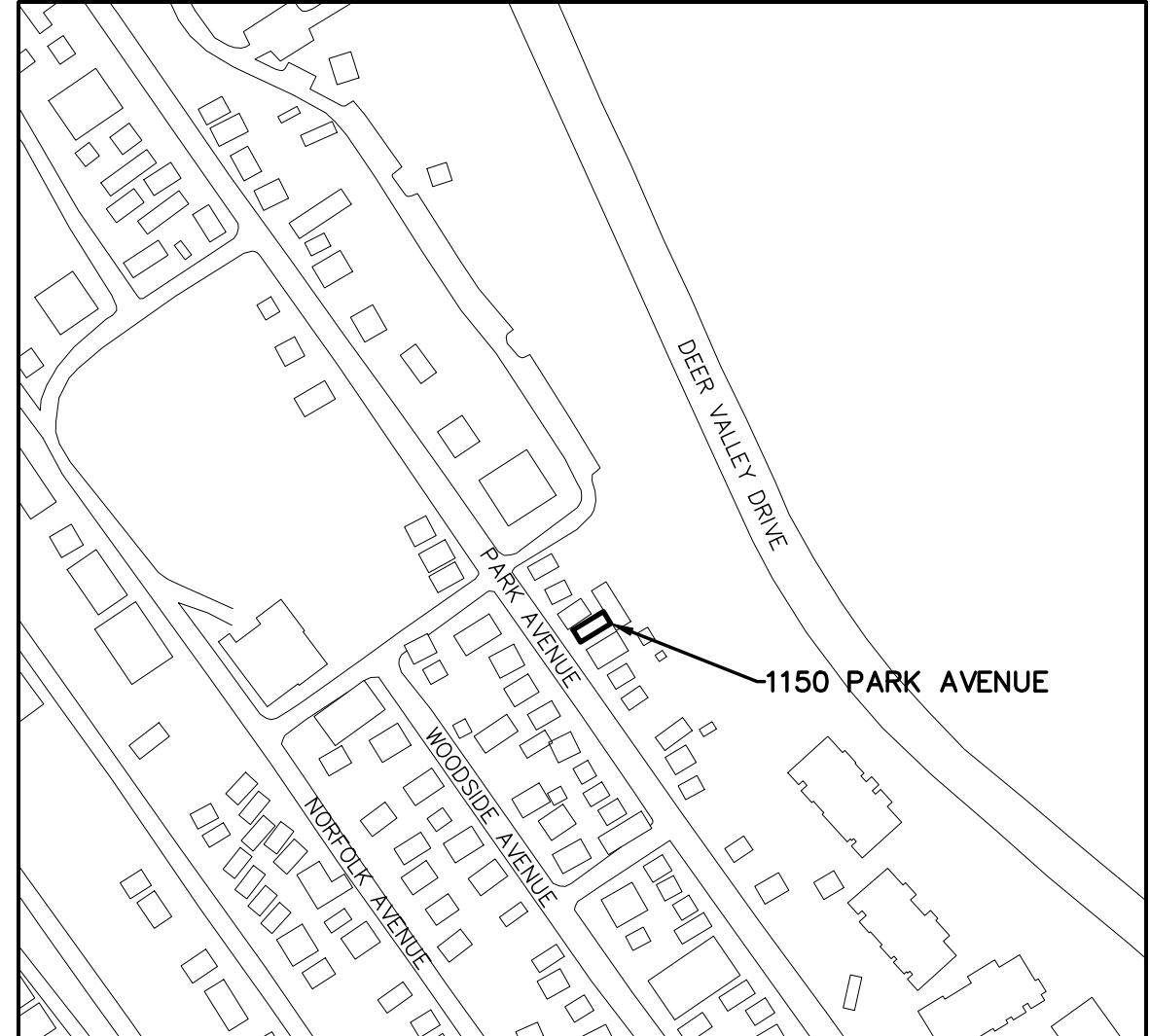
ATTEST:

City Recorder

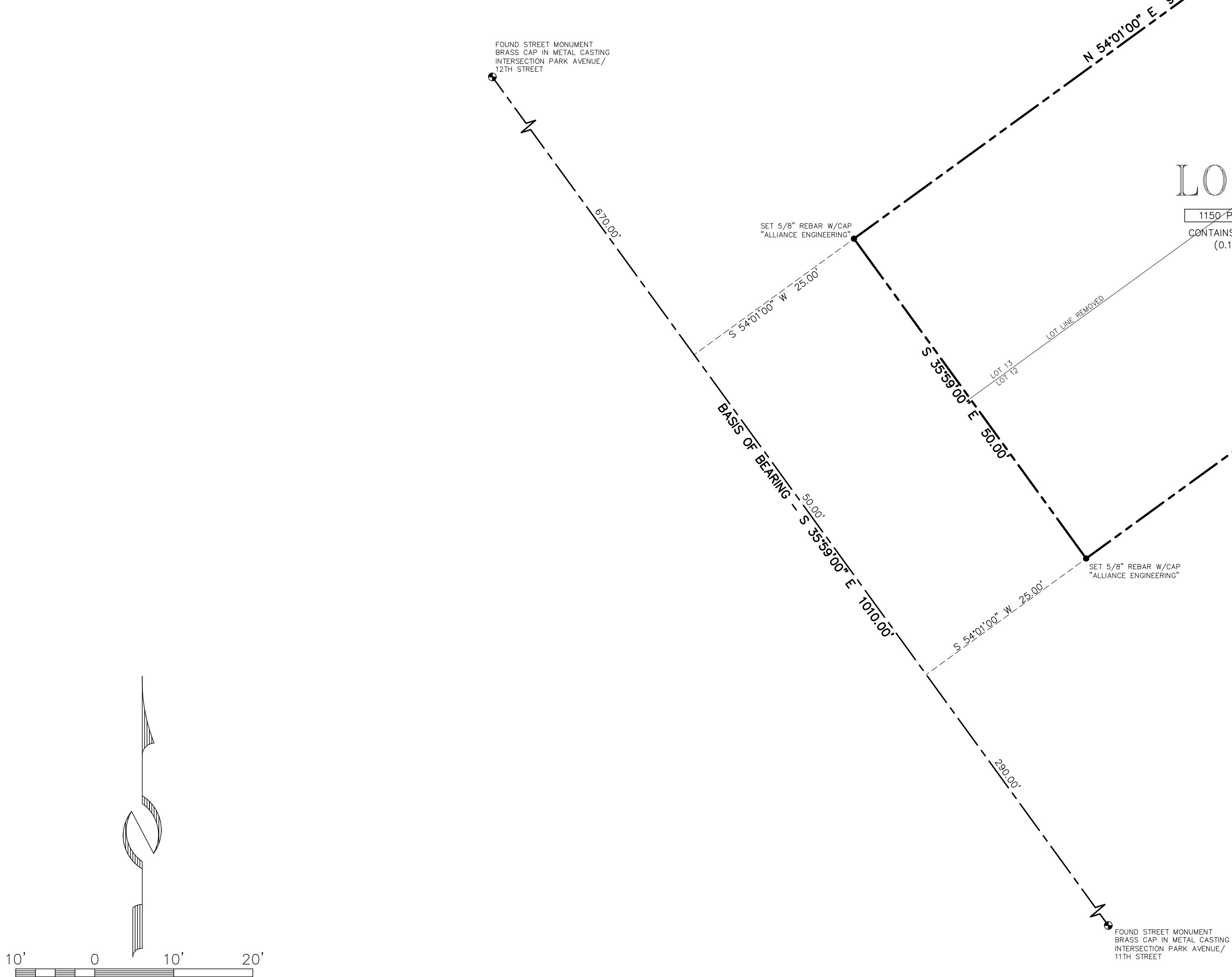
APPROVED AS TO FORM:

City Attorney's Office

Attachment 1 – Proposed Plat



VICINITY MAP



(435) 649-9467
Alliance
Engineering Inc.
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

1150 PARK AVENUE PLAT AMENDMENT

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

SHEET 1 OF 1

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____, 2023 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THE DAY OF _____, 2023 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2023 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 2023 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____, 2023 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THE DAY OF _____, 2023 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS DAY OF _____, 2023 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____
--	--	---	---	---	--	--	---



I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described herein, and have combined said land into one (1) lot, hereafter to be known as 1150 PARK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of Lots 12 and 13, Block 56, Snyders Addition to Park City Amended, according to the official plat thereof on file and of record in the Office of the Summit County Recorder.

Also

Beginning at the northernmost corner of Lot 13, Block 56, Snyders Addition to Park City and running thence North 54°0'1" East 20.00 feet to a point on the westerly line of an unimproved road; thence South 35°59' East along said westerly line 50.00 feet; thence South 54°0'1" West 20.00 feet to the easternmost corner of Lot 12 of said Block 56; thence North 35°59' West along the easterly line of said Block 56, 50.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned are the owners of the above described tract of land, and hereby cause the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1150 PARK AVENUE PLAT AMENDMENT and do hereby dedicate for the perpetual use of the public all areas shown on this plat as intended for public use. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown herein.

In witness whereof, the undersigned set her hand
this _____ day of _____, 2023.

By: _____
 Mary Kallher

By: _____
 Matteo Perale

ACKNOWLEDGMENT

STATE OF _____)
 :ss.
 COUNTY OF _____)

On this _____ day of _____, 2023, Mary Kallher personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed 1150 PARK AVENUE PLAT AMENDMENT.

By: _____
 Notary Public

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

ACKNOWLEDGMENT

STATE OF _____)
 :ss.
 COUNTY OF _____)

On this _____ day of _____, 2023, Matteo Perale personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed 1150 PARK AVENUE PLAT AMENDMENT.

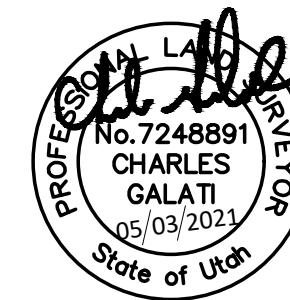
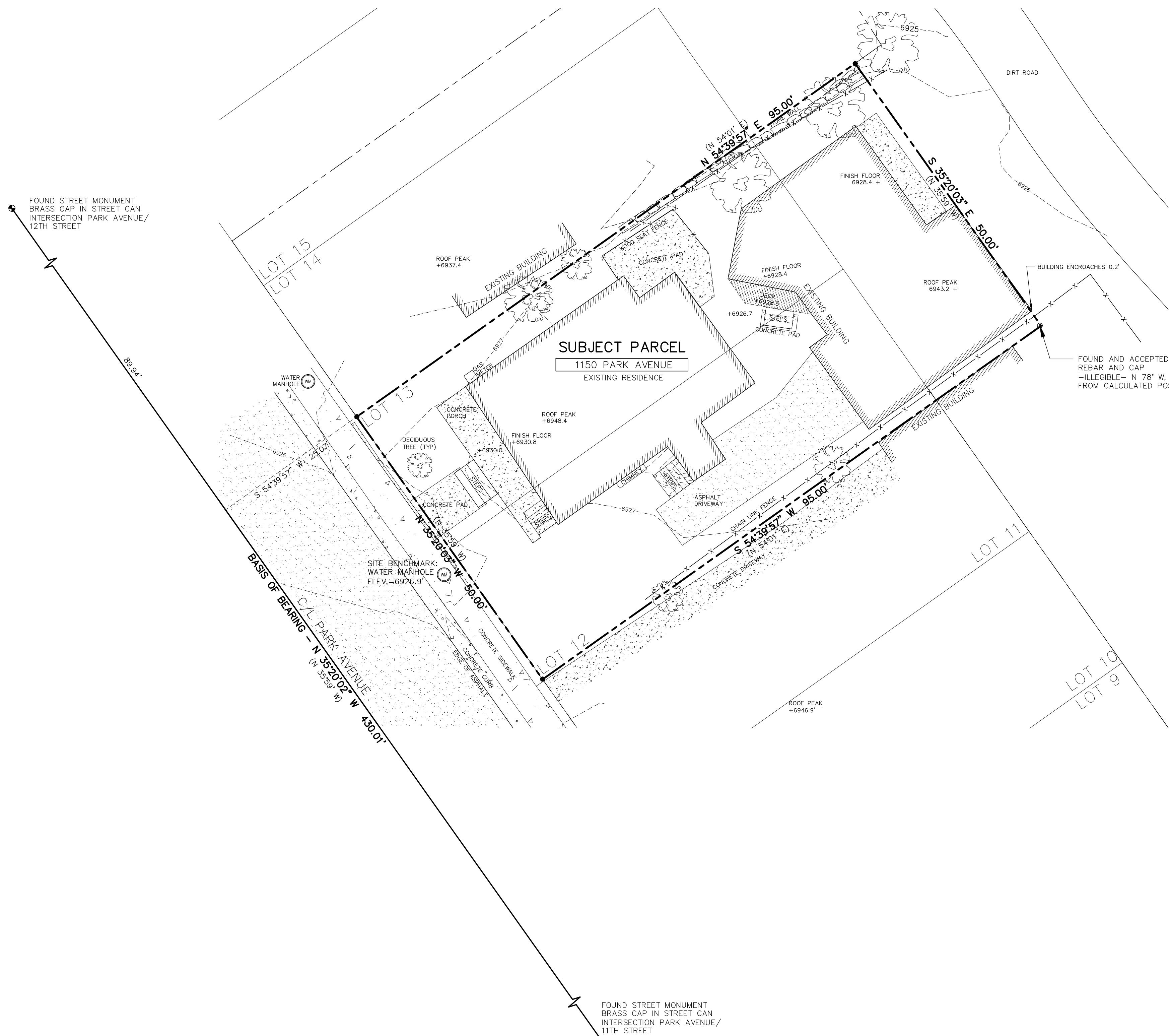
By: _____
 Notary Public
 Printed Name _____
 Residing in: _____
 My commission expires: _____

NOTE

This plat amendment is subject to the Conditions of Approval in Ordinance 2023-_____.

1150 PARK AVENUE

LOCATED IN THE NORTHEAST QUARTER
AND NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
LOTS 12 & 13, BLOCK 56,
SNYDER'S ADDITION TO PARK CITY AMENDED
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

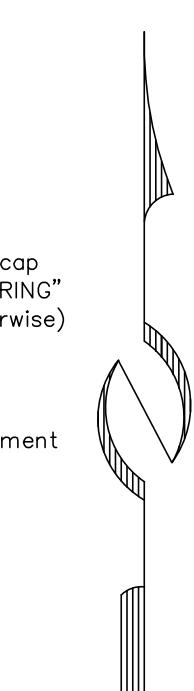
ALL OF LOTS 12 AND 13, BLOCK 56, SNYDERS ADDITION TO PARK CITY AMENDED,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT
COUNTY RECORDER'S OFFICE.

ALSO

BEGINNING AT THE NORTHERNMOST CORNER OF LOT 13, BLOCK 56, SNYDERS ADDITION TO PARK CITY AND RUNNING THENCE NORTH 54°01' EAST 20.00 FEET TO A POINT ON THE WESTERLY LINE OF AN UNIMPROVED ROAD; THENCE SOUTH 35°59' EAST ALONG SAID WESTERLY LINE 50.00 FEET; THENCE SOUTH 54°01' WEST 20.00 FEET TO THE EASTERNMOST CORNER OF LOT 12, OF SAID BLOCK 56; THENCE NORTH 35°59' WEST ALONG THE EASTERLY LINE OF SAID BLOCK 56, 50.00 FEET TO THE POINT OF BEGINNING.

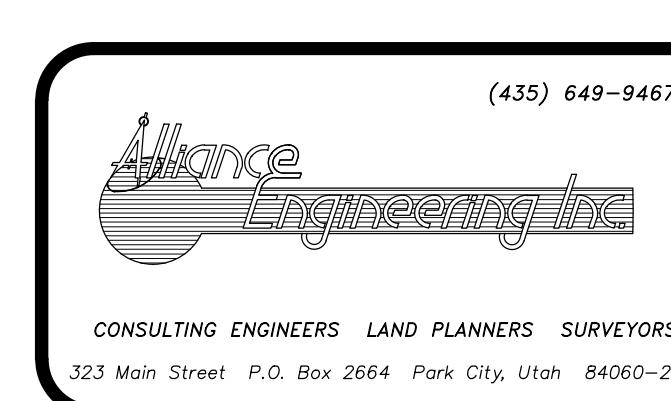
NARRATIVE/NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
 2. Field work for this survey was performed April 4, 2021 and is in compliance with generally accepted industry standards for accuracy.
 3. The purpose of this survey was to perform a Boundary, Existing Conditions and Topography survey for the possibility of future improvements to the property.
 4. A Title Report was not provided to the surveyor and only easements and setbacks per subdivision plat were located as part of this survey. This owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
 5. County tax maps, recorded deeds, SNYDER'S ADDITION TO PARK CITY PLAT, Record of Survey S-6450 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
 6. Site Benchmark: Water manhole, Elevation=6926.9' as shown.
 7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
 8. Property corners were found or set as shown.
 9. Snow coverage at the time of the survey was approximately 0-12". As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.
 10. Record bearings and distances when different than measured are in parenthesis ()



LEGEND

- Set 5/8" rebar w/cap
"ALLIANCE ENGINEERING"
(Unless noted otherwise)
 - Found Monument
(As-Noted)
 - Found Street Monument
(As-Noted)



STAFF:
CHARLES GALATI
CHIP TOMSUDAN
TOM LUND
TIM WILSON
JASON WYNNE

EXISTING CONDITIONS & TOPOGRAPHIC MAP
1150 PARK AVENUE
PARK CITY, UTAH

FOR: LYN PUSKUS
JOB NO.: 24-3-21
FILE: X:\SnydersAddition\

**SNYDER'S ADDITION TO PARK CITY SURVEY
BLOCK 56
LOTS 12 & 13 PLUS ADDITIONAL LAND**

(1150 Park Avenue)

December 6, 2022

PROJECT INTENT

The property at 1150 Park Avenue is in Block 56, Snyder's Addition to Park City Survey and consists of Lots 12 and 13 plus an additional 1,000 square feet of land to the east. The property is currently occupied by a single family residence and is designated as a Landmark site in the Historic Sites Inventory. The owner is submitting this plat amendment application with the goal of removing the internal lot line common to Lots 12 and 13 and the block line common to the additional parcel to create a single lot of record. The existing single family residence is currently used as a nightly rental. The owner is proposing to renovate the existing residence with an addition at the rear of the residence.



1150 Park Ave - looking easterly



1150 Park Ave - looking northeasterly



1150 Park Ave - looking northwesterly



1150 Park Ave - looking southwesterly



1150 Park Ave - looking westerly

CHAPTER IV. DISTRICTS AND REGULATIONS

HR-1 HISTORIC RESIDENTIAL

1. PURPOSE. To allow continuation of the land uses and architectural scale and styles of the original Park City residential area and to encourage densities that will preserve the desirable residential environment and that will allow safe and convenient traffic circulation.

2. PERMITTED USES.

- (1) Single-unit detached dwelling.
- (2) Two-unit dwelling.
- (3) Home Occupation.

3. CONDITIONAL USES.

- (1) Three and four-unit dwelling.
- (2) Child nursery.
- (3) Private Educational Institution.
- (4) Public and quasi-public institutional use.
- (5) Lodge (limited to four rental units).
- (6) Nursing Home.
- (7) Accessory buildings and uses customarily incidental to a main use.
- (8) Nightly rentals.

4. LOT AND SITE REGULATIONS.

(a) Lot Size. The minimum lot area for a single-unit dwelling shall be 2,812 square feet. Two-, three-, and four-unit dwellings shall have a basic lot size as indicated below. Minimum lot size for all other uses shall be 3,750 square feet.

<u>Number of Dwelling Units</u>	<u>Basic Lot Size</u>
Two	3,750 square feet
Three	4,687 square feet
Four	5,625 square feet

The minimum width of a lot shall be 37½ feet, 15 feet back from the front lot line.

(b) Side Yard.

- (1) The minimum side yard for any dwelling or other building shall be five (5) feet except that a side yard shall not be required where structures are designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed eighty(80) feet.
- (2) The minimum side yard for a private garage or other structure located at least six (6) feet from the rear of the main building shall be one (1) foot, except when

openings are proposed on an exterior wall adjacent to the property line, at which time the minimum shall be three (3) feet.

- (3) On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than eight (8) feet.

(c) Front Yard.

The minimum depth of the front yard for all main buildings and accessory buildings except garages, shall be fifteen (15) feet, or the average of the existing buildings where more than fifty (50) percent of the frontage of the block is developed, abandoned and uninhabitable structures are not to be included. Garages shall be placed no closer than ten (10) feet from the front property line.

(d) Rear Yard.

The minimum depth of the rear yard for all main buildings shall be ten (10) feet; and for accessory buildings or structures one (1) foot. On corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than five (5) feet to such rear yard.

5. BUILDING HEIGHT. Buildings shall be erected to a height no greater than twenty-eight (28) feet, measured from natural grade at the building site.

HRM HISTORIC RESIDENTIAL - MEDIUM DENSITY

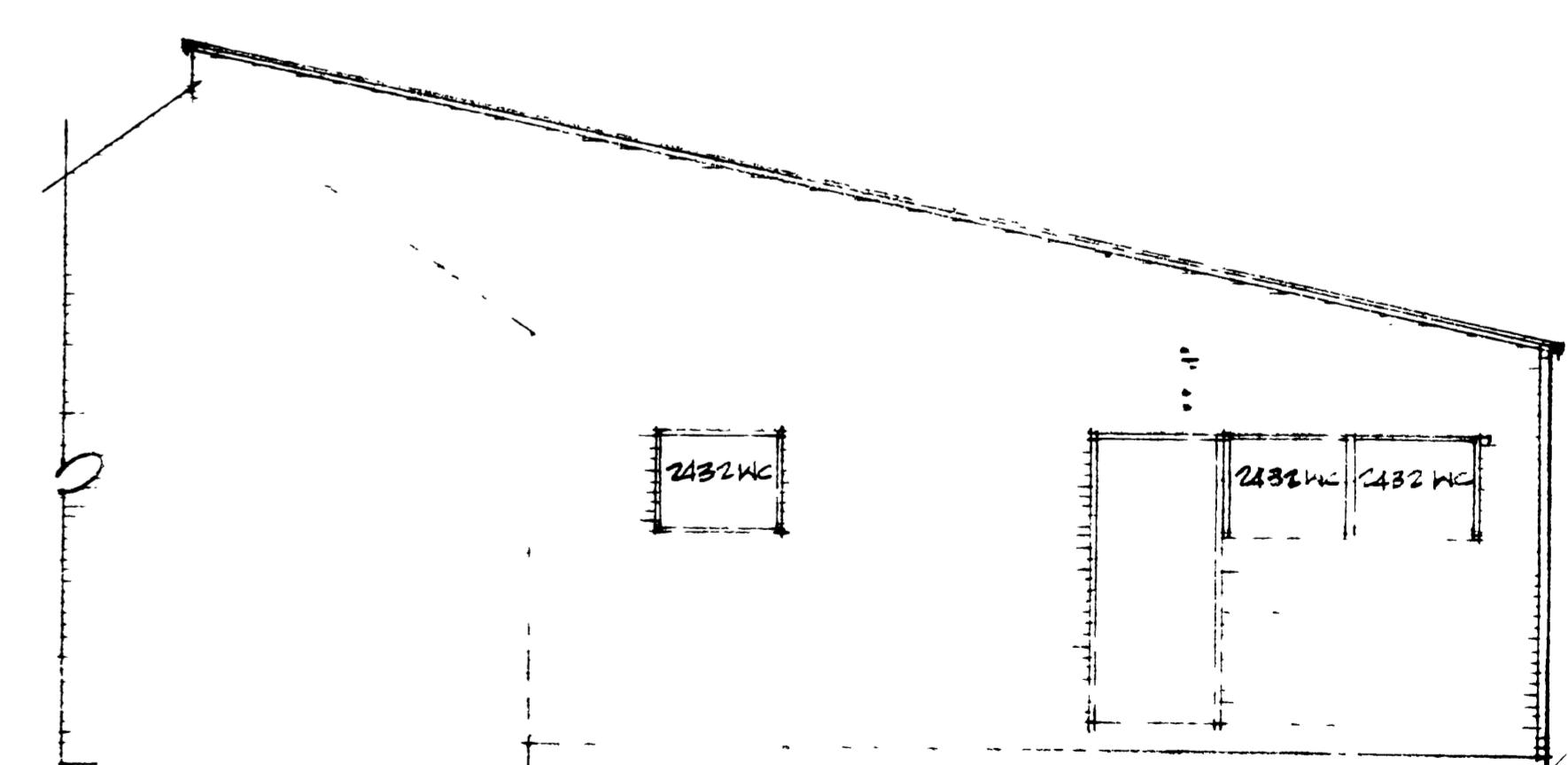
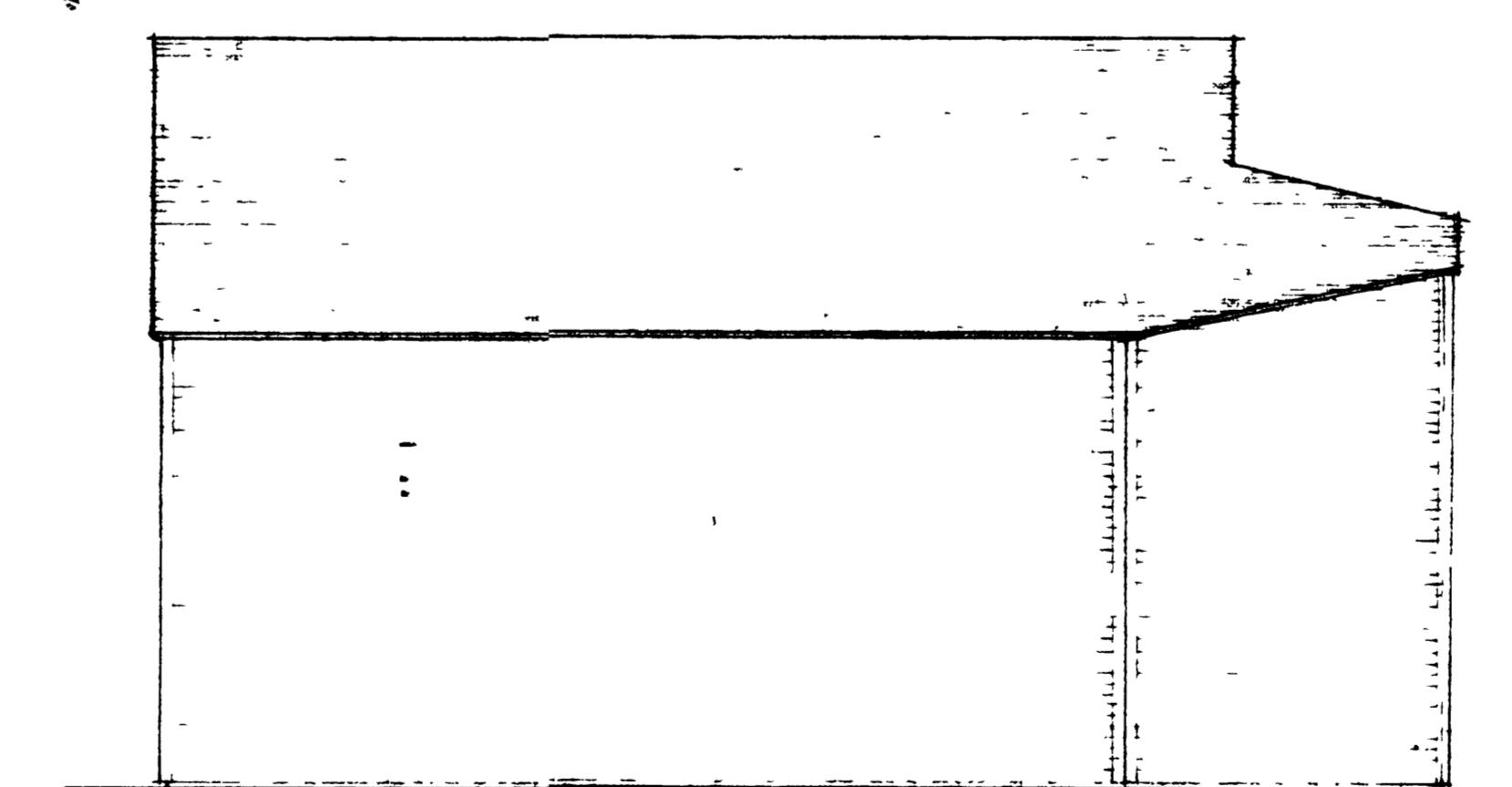
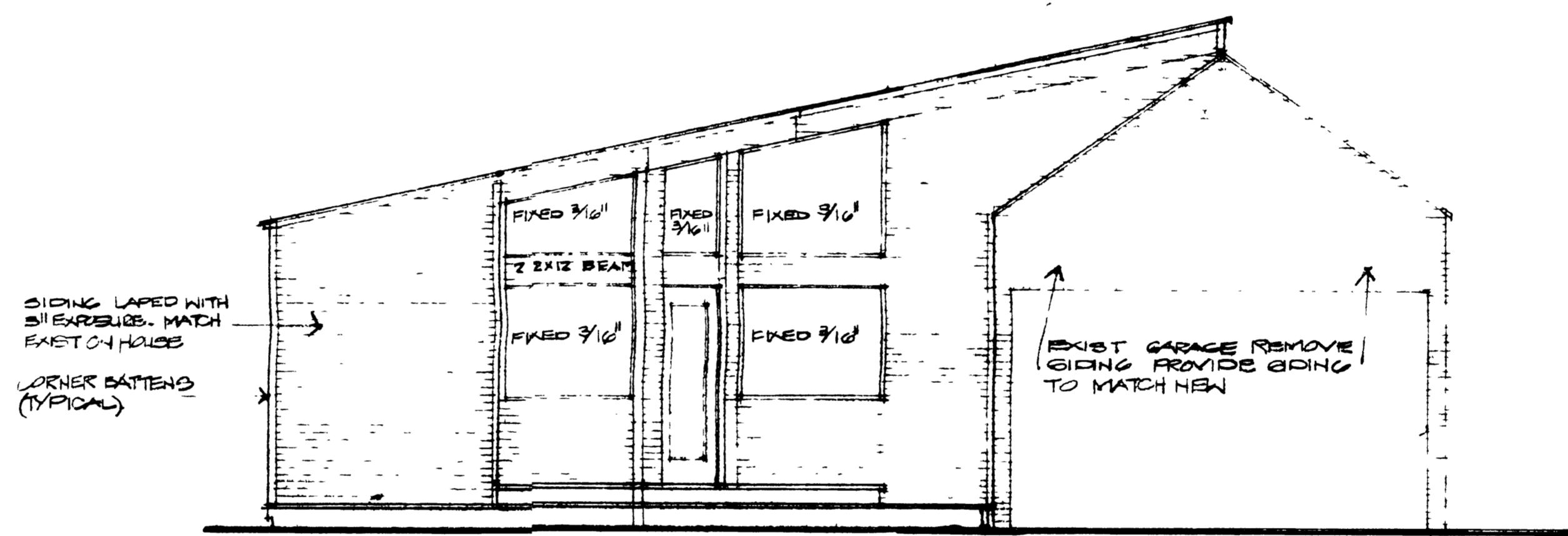
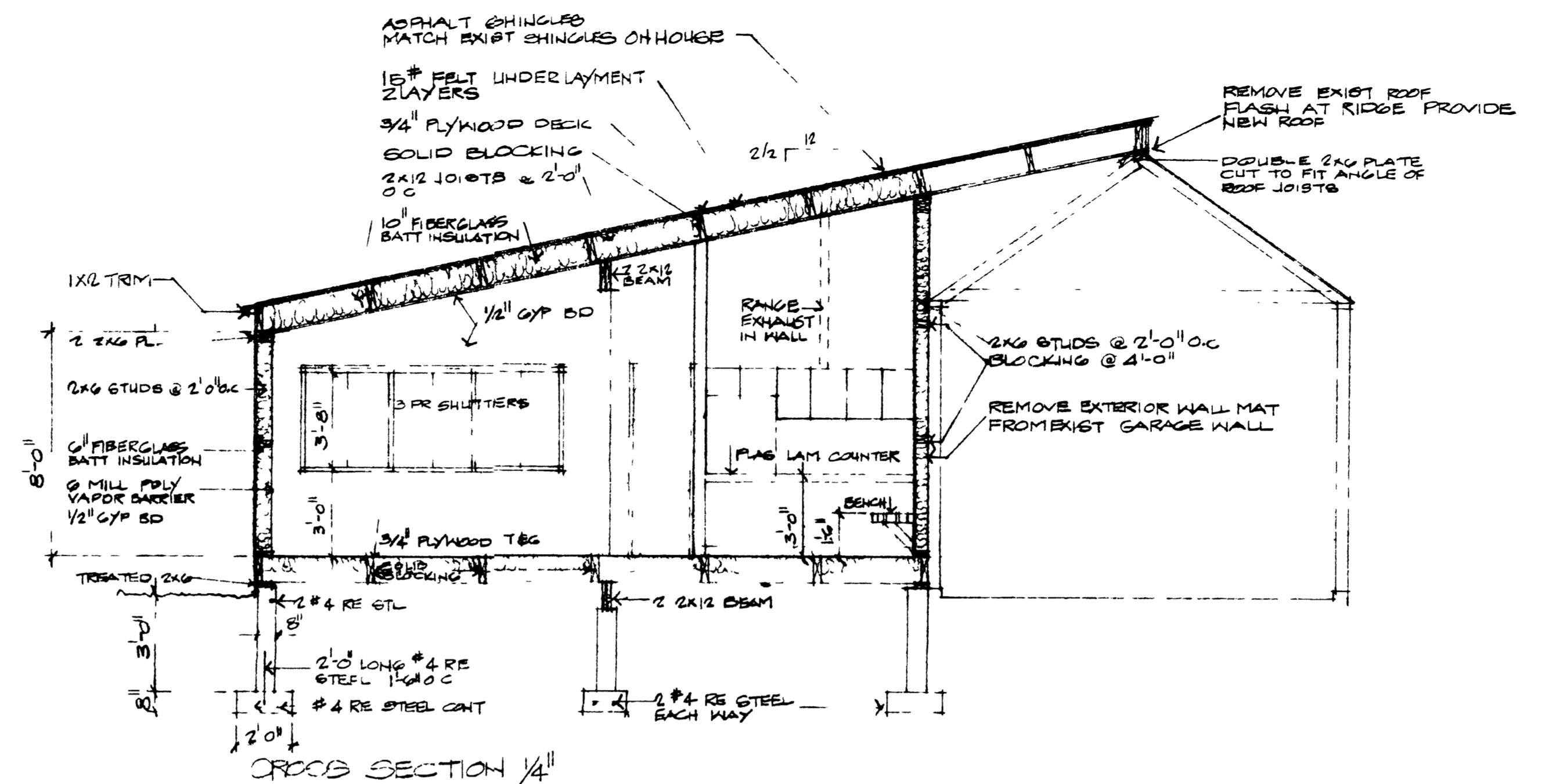
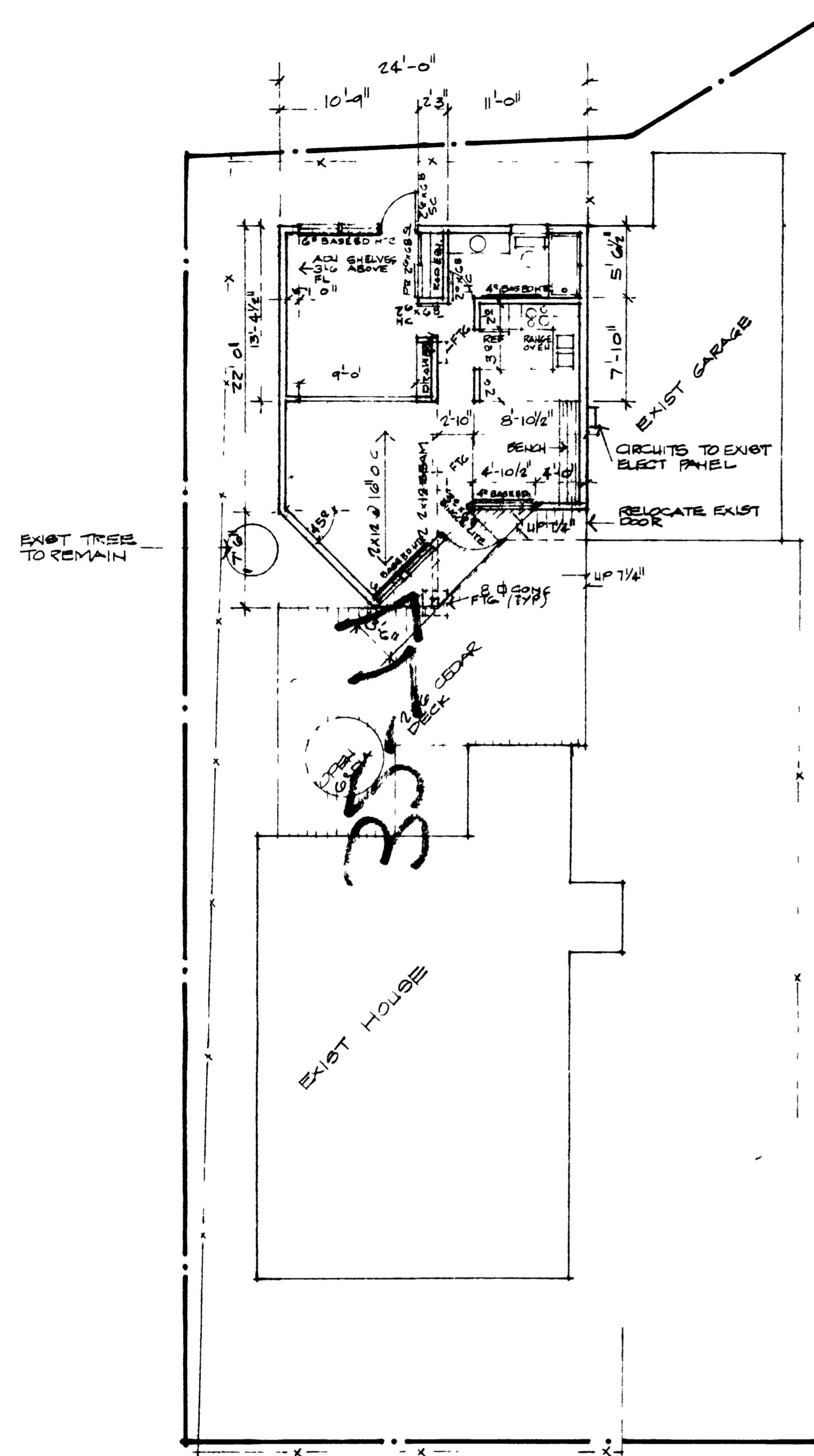
1. PURPOSE. To allow for the continuation of the land uses and architectural scale and character of the original Park City residential area and to allow for medium-density residential development at a density that will maintain the satisfying residential environment and safe and convenient traffic circulation.

2. PERMITTED USES.

- (1) Single-unit detached dwelling.
(2) Two-unit dwellings.
(3) Home occupation.

3. CONDITIONAL USES.

- (1) Clinic, medical or dental.
(2) Lodge (limited to 15 rental bedrooms).
(3) Multi-unit dwellings (limited to 8 dwelling units).
(4) Office, professional.
(5) Public and quasi-public institutions.
(6) Three-and four-unit dwellings.
(7) Nightly rentals.



NOTES
CONCRETE TO BE 2400 PSI OR BETTER
5 SACK PER CUBIC YARD OR BETTER
ALL STRUCTURAL LUMBER TO BE DOUGLAS
FIR #1 DENSE OR BETTER
OPENABLE WINDOWS TO BE PELA, ANDERSON,
OR MARVIN

Planning Commission Staff Report



Subject: Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 (The Bellevue at Deer Valley Homeowners Association)

Application: PL-23-05509

Author: Spencer Cawley, Planner II

Date: February 8, 2023

Type of Item: Legislative – Land Management Code Amendment

Recommendation

(I) Review the proposed Land Management Code amendment to prohibit Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 (The Bellevue at Deer Valley Homeowners Association), (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on March 9, 2023.

Description

Applicant: Bob Sertner, HOA Vice President, representing The Bellevue at Deer Valley Homeowners Association

Amended LMC Section § 15-2.13-2 *Residential Development – Uses*

Zoning District: Residential Development

Reason for Review: Land Management Code amendments require Planning Commission review and recommendation to the City Council for Final Action¹

CC&Rs Covenants, Conditions, & Restrictions
HOA Homeowners Association
LMC Land Management Code
RD Residential Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

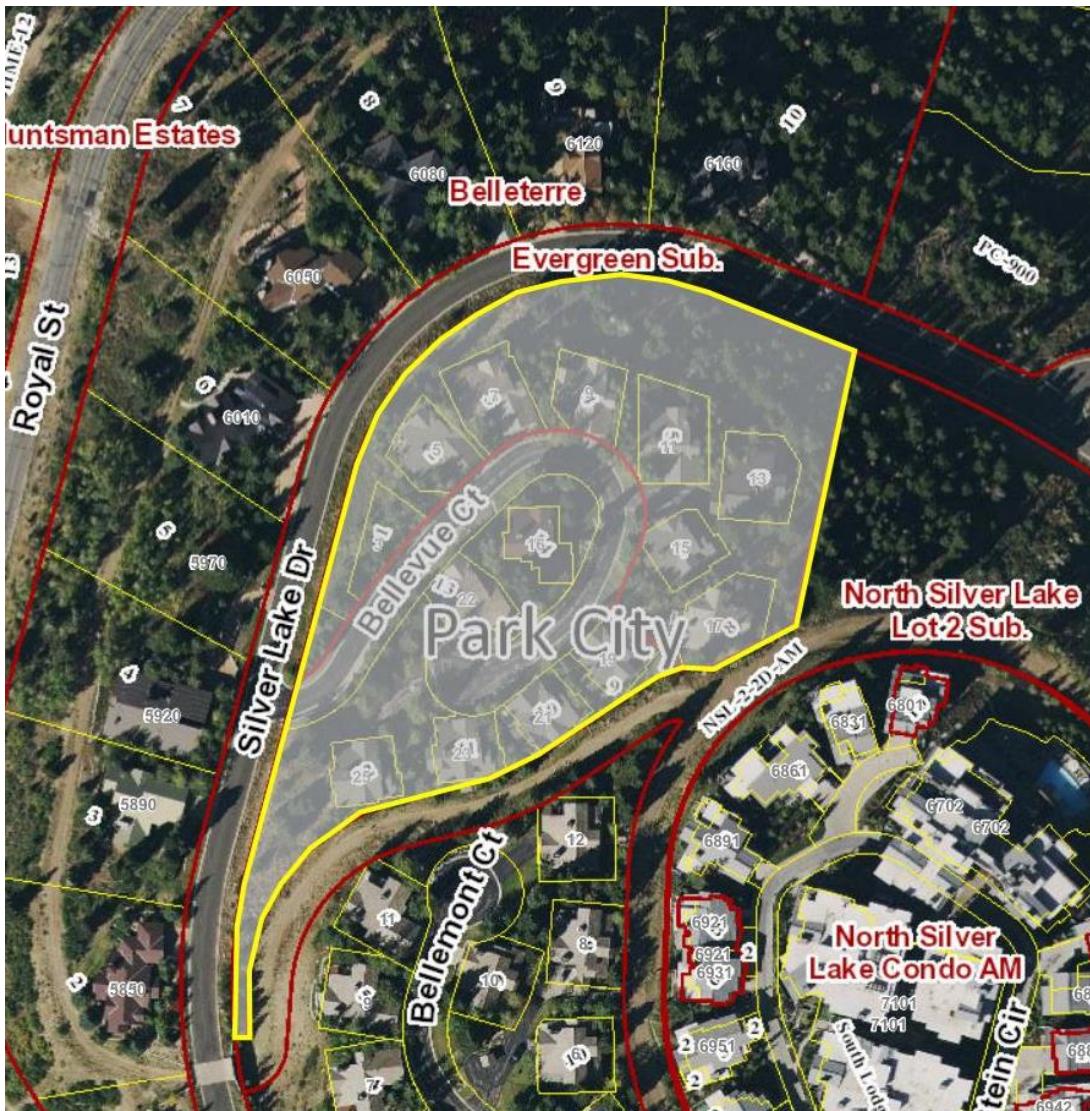
Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 (Bellevue Subdivision) is in the Residential Development (RD) Zoning District. Pursuant to LMC [§ 15-2.13-2 Uses](#), Fractional Use and Private Residence Clubs are Conditional Uses in the RD Zoning District.² The Bellevue Subdivision is in the Upper Deer Valley Neighborhood, as identified by the Park City General Plan.

¹ LMC [§ 15-1-7\(B\)\(1\)](#)

² On October 28, 2022, at the direction of City Council, a pending ordinance was issued prohibiting Fractional Use of Dwelling Units and Private Residence Clubs in the Residential Development Zoning District for a six-month period while additional amendments are considered.

Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 – Upper Deer Valley Neighborhood

On January 6, 2023, the Bellevue Subdivision applied to amend Land Management Code (LMC) [§ 15-5.13-2](#) to prohibit Fractional Use and Private Residence Clubs in their subdivision. The Bellevue Subdivision contains 14 Lots. One Lot within the Subdivision is undeveloped (93% is developed). The map below is from the Summit County Parcel Viewer and shows the general location of the Bellevue Subdivision in the Upper Deer Valley Neighborhood:



The following map shows the location of the Bellevue Subdivision within the RD Zoning District. Although the subdivision does not touch other zones, the Recreation And Open Space and Estate Zoning Districts cover the Upper Deer Valley Neighborhood.



Of the 14 property owners in the Bellevue Subdivision, 12 have expressed support to amend the LMC to prohibit Fractional Use and Private Residence Clubs (86%). This pending LMC amendment prohibits any property owner in the subdivision from obtaining the required Land Use approvals to convert their property for Fractional Use or a Private Resident Club.

Analysis

(I) The proposed Land Management Code Amendment to prohibit Fractional Use and Private Residence Clubs in the Bellevue Subdivision complies with the Park City General Plan and Land Management Code.

The LMC implements the goals and policies of the Park City General Plan.³ The General Plan identifies *Sense of Community* as one of the core values and a key method to preserving areas within Park City for primary residents. Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents. Objective 7B is to focus efforts on diversity of primary housing stock

³ LMC § 15-1-2

within primary residential neighborhoods to maintain majority occupancy by full-time residents within these neighborhoods.⁴

Goal 8 of the General Plan is to increase affordable housing opportunities. Objective 8C of the General Plan is to increase housing ownership opportunities for workforce within primary residential neighborhoods.⁵

The purposes of the RD Zoning District are to:

1. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
2. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
3. allow commercial and recreational activities that are in harmony with residential neighborhoods,
4. minimize impacts of the automobile on architectural design,
5. promote pedestrian connections within Developments and between adjacent Areas; and
6. provide opportunities for variation in architectural design and housing types.⁶

Per LMC [§ 15-2.13-2](#), the RD Zoning District allows Fractional Use and Private Residence Clubs as a Conditional Use in the Bellevue Subdivision.⁷

Prohibiting Fractional Use and Private Residence Clubs in the Bellevue Subdivision is consistent with the General Plan. Also, there is precedent for the proposed LMC amendment within the RD Zoning District in Upper Deer Valley because other Subdivisions have restricted similar transient uses through an LMC amendment. Furthermore, these same Subdivisions were included as prohibiting Fractional Use pursuant to [Ordinance No. 2022-21](#).

Since 2014, the City Council has approved LMC amendments prohibiting transient uses in several other instances within the Residential Development Zoning District, described below.

On June 26, 2014, the City Council approved [Ordinance No. 14-35](#), amending LMC [§ 15-2.13-2](#) to prohibit Nightly Rentals in the April Mountain and Mellow Mountain Estates Subdivisions. According to the June 26, 2014 City Council Staff Report ([page 184](#)), the LMC Amendment was suggested by the Planning Department Staff:

At the time of approval and recordation of the April Mountain and Mellow

⁴ Park City General Plan Volume I, [Sense of Community](#), p. 5

⁵ Park City General Plan Volume I, [Sense of Community](#), p. 8

⁶ LMC [§ 15-2.13-1](#)

⁷ Fractional Use and Private Residence Clubs are currently prohibited in the RD Zoning District due to the pending ordinance issued by City Council on October 28, 2022. These regulations are undergoing Planning Commission and City Council review and may change.

Mountain Estates Subdivisions, Nightly Rental Uses were prohibited from these subdivisions. There are notes on the Plats stating that Nightly Rental is prohibited within these subdivisions. Nightly Rentals are an Allowed Use in the Residential Development (RD) Zoning District where these subdivisions are located. To reduce confusion, Staff recommends that a footnote be added to the “Nightly Rental” listing under Allowed Uses to codify the prohibition of Nightly Rentals within these two subdivisions.

This is an administrative amendment . . .

In 2020, the Meadows Estate Homeowners Association petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in Phases #1A and #1B of their subdivision. On July 8, 2020, the Planning Commission unanimously forwarded a positive recommendation to City Council for consideration ([Staff Report](#); [Minutes](#), p. 43). On July 30, 2020, the City Council passed [Ordinance No. 2020-38, An Ordinance Amending the Land Management Code of Park City § 15-2.13-2 to Prohibit Nightly Rentals in the Meadows Estates Subdivision Phases #1A and #1B](#) ([Staff Report](#); [Minutes](#), p. 16).

In 2021, the Fairway Meadows Homeowner Association petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in their subdivision. On March 24, 2021, the Planning Commission unanimously forwarded a positive recommendation to City Council for consideration ([Staff Report](#); [Minutes](#), p. 31). On April 15, 2021, the City Council passed [Ordinance No. 2021-16, An Ordinance Amending the Land Management Code Section 15-2.14-2 to Prohibit Nightly Rentals in the Fairway Meadows Subdivision](#) ([Staff Report](#); [Minutes](#), p. 6).

In 2021, the Hidden Oaks at Deer Valley Subdivision, Phases 2 and 3 petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in their subdivision. On November 10, 2021, the Planning Commission unanimously forwarded a positive recommendation to City Council for consideration ([Staff Report](#); [Minutes](#), p. 8). On December 16, 2022, the City Council passed [Ordinance No. 2021-52, An Ordinance Amending Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3](#) ([Staff Report](#); [Minutes](#), p. 14).

On October 27, 2022, the City Council directed Planning Staff to evaluate Timeshares, Private Residence Clubs, and Fractional Use in three Zoning Districts. One of those zones is the Residential Development Zoning District. On October 28, 2022, staff issued a pending ordinance temporarily prohibiting these uses in the RD Zoning District as part of the evaluation ([Minutes, p. 10-13](#)).

On January 11, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration to prohibit Nightly Rentals and Fractional Use in the Chatham Crossing Subdivision and the West Ridge & West Ridge Phase 2 Subdivision. The same ordinance prohibits Fractional Ownership in the Solamere Subdivision No. 1 & No. 2 A and is scheduled for City Council consideration on February 16, 2023 ([Staff](#)

[Report](#); [Meeting Audio](#)).

Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 request an amendment to the LMC as indicated in the Summary of this report. Staff recommends amending LMC [§ 15-2.13-2](#) as follows:

Existing Footnote #10:

Requires an Administrative Conditional Use permit.

Proposed Footnote #10:

Requires an Administrative Conditional Use permit. Private Residence Club Project and Conversion is not permitted in the Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2.

Existing Footnote #19:

Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use. Dwelling Unit, Fractional Use is not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley Phases 2 and 3, Chatham Crossing Subdivision, West Ridge Subdivision and West Ridge Subdivision Phase 2, and Solamere Subdivision No.1 and No 2A.

Proposed Footnote #19:

*Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use. Dwelling Unit, Fractional Use is not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley Phases 2 and 3, Chatham Crossing Subdivision, West Ridge Subdivision and West Ridge Subdivision Phase 2, **and** Solamere Subdivision No.1 and No 2A, **and** Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2.*

Department Review

The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on January 25, 2023. Staff posted notice to each Subdivision and mailed courtesy notice to all property owners within each Subdivision on January 25, 2023. The *Park Record* published notice on January 25, 2023.⁸

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

⁸ LMC [§ 15-1-21](#).

- The Planning Commission may forward a positive recommendation for the City Council's consideration on March 9, 2023;
- The Planning Commission may forward a negative recommendation for the City Council's consideration on March 9, 2023; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance and Proposed Amendment to LMC § 15-2.13-2

Exhibit B: The Bellevue at Deer Valley Homeowners Association Statement

Ordinance No. 2023-XX

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-2.13-2 TO
PROHIBIT FRACTIONAL USE AND PRIVATE RESIDENCE CLUBS IN THE
BELLEVUE SUBDIVISION PHASE 1 FIRST AMENDMENT AND BELLEVUE
SUBDIVISION PHASE 2**

WHEREAS, property owners within the Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 petitioned the City Council to amend the Land Management Code to prohibit Fractional Use and Private Residence Clubs Bellevue Subdivision Phase 1 First Amendment Bellevue Subdivision Phase 2; and

WHEREAS, on January 25, 2023, staff posted notice according to the requirements of the Land Management Code; and

WHEREAS, on January 25, 2023, staff mailed courtesy notice to all affected property owners and legal notice was published in the Park Record and the City and Utah Public Notice Websites; and

WHEREAS, on February 8, 2023, the Planning Commission held a public hearing to receive input on the proposed Land Management Code amendments;

WHEREAS, on February 8, 2023, the Planning Commission forwarded a positive/negative recommendation to the City Council;

WHEREAS, on March 9, 2023, the City Council held a public hearing;

WHEREAS, it is in the best interest of Park City, Utah, to amend the Land Management Code to prohibit Fractional Use Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment Bellevue Subdivision Phase 2; and,

WHEREAS, the proposed Land Management Code amendment is consistent with the following purposes of the Utah Municipal Land Use, Development, and Management Act (LUDMA) Section 10-9a-102, Purposes – General land use authority.

1) The purposes of this chapter are to:

- a. provide for the health, safety, and welfare;
- b. promote the prosperity;
- c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
- d. protect the tax base;
- e. secure economy in government expenditures;
- f. foster the state's agricultural and other industries;
- g. protect both urban and nonurban development;
- h. protect and ensure access to sunlight for solar energy devices;
- i. provide fundamental fairness in land use regulation;

- j. facilitate orderly growth and allow growth in a variety of housing types; and
- k. protect property values.

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

SECTION 1. FINDINGS. The analysis section of the staff reports of February 8, 2023, and March 9, 2023, are incorporated herein. The recitals above are incorporated herein as findings of fact.

SECTION 2. AMEND MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code § 15-2.13-2 *Residential Development*, is hereby amended as outlined in Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of March 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachment 1

1 **15-2.13-2 Uses**

2 Uses in the RD District are limited to the following:

3 A. **ALLOWED USES.**

- 4 1. Single-Family Dwelling
- 5 2. Duplex Dwelling
- 6 3. Secondary Living Quarters
- 7 4. Lockout Unit¹
- 8 5. Accessory Apartment²
- 9 6. Nightly Rental³
- 10 7. Home Occupation
- 11 8. Child Care, In-Home Babysitting⁴
- 12 9. Child Care, Family⁴
- 13 10. Child Care, Family Group⁴
- 14 11. Accessory Building and Use
- 15 12. Conservation Activity Agriculture
- 16 13. Parking Area or Structure with four (4) or fewer spaces
- 17 14. Recreation Facility, Private
- 18 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 19 16. Food Truck Location¹⁶
- 20 17. Internal Accessory Dwelling Unit¹⁷

21 B. **CONDITIONAL USES.**

- 22 1. Triplex Dwelling⁶

- 23 2. Multi-Unit Dwelling⁶
- 24 3. Guest House
- 25 4. Group Care Facility
- 26 5. Child Care Center⁴
- 27 6. Public and Quasi-Public Institution, Church, and School
- 28 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 29 8. Telecommunication Antenna⁷
- 30 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
- 31 10. Raising, grazing of horses
- 32 11. Cemetery
- 33 12. Bed and Breakfast Inn
- 34 13. Hotel, Minor⁶
- 35 14. Hotel, Major⁶
- 36 15. Private Residence Club Project and Conversion¹⁰
- 37 16. Office, General^{6,9}
- 38 17. Office, Moderate Intensive^{6,9}
- 39 18. Office, Medical^{6,9}
- 40 19. Financial Institution without drive-up window^{6,9}
- 41 20. Commercial Retail and Service, Minor^{6,9}
- 42 21. Commercial Retail and Service, personal improvement^{6,9}
- 43 22. Commercial, Resort Support^{6,9}
- 44 23. Café or Deli^{6,9}
- 45 24. Restaurant, Standard^{6,9}

- 46 25. Restaurant, Outdoor Dining¹⁰
- 47 26. Outdoor Event¹⁰
- 48 27. Bar^{6,9}
- 49 28. Hospital, Limited Care Facility^{6,9}
- 50 29. Parking Area or Structure with five (5) or more spaces
- 51 30. Temporary Improvement¹⁰
- 52 31. Passenger Tramway Station and Ski Base Facility¹¹
- 53 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- 54 33. Recreation Facility, Public
- 55 34. Recreation Facility, Commercial⁶
- 56 35. Recreation Facility, Private¹⁸
- 57 36. Entertainment Facility, Indoor^{6,9}
- 58 37. Commercial Stables, Riding Academy¹²
- 59 38. Heliport¹²
- 60 39. Vehicle Control Gate¹³
- 61 40. Fences and walls greater than six feet (6') in height from Final Grade¹⁰
- 62 41. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴
- 63 42. Amenities Club
- 64 43. Club, Private Residence Off-Site¹⁵
- 65 44. Dwelling Unit, Fractional Use^{3, 19}

66 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use

67 is a prohibited Use.

68 ¹Nightly rental of Lockout Units requires a Conditional Use permit

69 ²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

70 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals are not
71 permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision
72 Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley Phases 2 and 3,
73 Chatham Crossing Subdivision, West Ridge Subdivision and West Ridge Subdivision Phase 2.

74 ⁴See LMC Chapter 15-4-9 for Child Care Regulations

75 ⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
76 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
77 on the original Property set forth in the services agreement and/or Master Festival License

78 ⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

79 ⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

80 ⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

81 ⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a
82 convenience for residents or occupants of adjacent or adjoining residential Developments.

83 ¹⁰Requires an Administrative Conditional Use permit. Private Residence Club Project and Conversion is
84 not permitted in the Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2.

85 ¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

86 ¹²Omitted.

87 ¹³See Section 15-4-19, Review Criteria For Control Vehicle Gates.

88 ¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
89 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
90 in an Area other than the original location set forth in the services agreement and/or Master Festival
91 License.

92 ¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit.
93 Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more
94 units with approved Support Commercial space. A Parking Plan shall be submitted to determine site
95 specific parking requirements.

96 ¹⁶The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with
97 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

- 98 ¹⁷See Section 15-4-7.1, Internal Accessory Dwelling Units.
- 99 ¹⁸See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.
- 100 ¹⁹Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use. Dwelling Unit,
- 101 Fractional Use is not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows
- 102 Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley
- 103 Phases 2 and 3, Chatham Crossing Subdivision, West Ridge Subdivision and West Ridge Subdivision
- 104 Phase 2, ~~and~~ Solamere Subdivision No.1 and No 2A, and Bellevue Subdivision Phase 1 First
- 105 [Amendment and Bellevue Subdivision Phase 2.](#)

DRAFT

EXHIBIT A

PROPOSED LAND MANAGEMENT CODE CHANGES For the Bellevue Court HOA

The Bellevue Court HOA consists of 14 lots on Bellevue Court in Upper Deer Valley, and we consider ourselves a primarily-residential neighborhood, despite the fact that we are in the RD district. We are therefore requesting an amendment to the LMC to prohibit Fractional Ownership and Private Residence Clubs on our street. (We understand that Timeshares are already prohibited in the LMC.)

At our most recent HOA meeting on 12/27/22 we voted to simultaneously change our CC&Rs while we apply to the city for an LMC amendment, and we had 12 of 14 votes (85.7%) to do so. We are currently in the process of doing the legal paperwork to amend the CC&Rs to reflect these changes.

Planning Commission Staff Report



Subject: Water Wise Landscaping
Application: PL-21-05064
Authors: Spencer Cawley
Lillian Zollinger
Date: February 8, 2023
Type of Item: Land Management Code Amendments

Recommendation

(I) Review the proposed Land Management Code amendments to improve Water Wise Landscaping and clarify current landscaping regulations, (II) hold a public hearing, and (III) consider forwarding a positive recommendation to City Council for review on March 9, 2023, as outlined in Draft Ordinance No. 2023-XX (Exhibit A).

Description

Applicant:	Planning Department
Zoning District:	All Zoning Districts
Land Management Code Sections Amended:	§ 15-5-5(N) <i>Landscaping</i> § 15-15-1 <i>Definitions</i>
Reason for Review:	The Planning Commission reviews Land Management Code amendments and forwards a recommendation for City Council's consideration. The City Council conducts a public hearing and takes Final Action. ¹

Background

On May 30, 2019, the City Council adopted [Ordinance No. 2019-30](#), amending the Land Management Code to implement Water Wise Landscaping to reduce the need for supplemental irrigation. The Water Department is preparing to implement a landscape rebate pilot program (Landscaping Incentive Program) in 2023 to incentivize residents to replace lawn with Water Wise Landscaping. On September 23, 2021, City Council directed the Planning team to evaluate the landscaping regulations to identify opportunities to improve water conservation in preparation for the landscape rebate pilot program and to further conserve water use for new construction landscaping moving forward ([Staff Report](#); [Land Management Code Exhibit](#); [Minutes, p. 4](#)).

On April 27, 2022 ([Staff Report](#); [Minutes, p. 2](#)) and October 12, 2022 ([Staff Report](#);

¹ LMC § 15-1-7

[Minutes, p. 12](#)), the Planning Commission conducted work sessions and directed the Planning team to implement changes regarding Water Wise definitions, investigate graywater use/regulations, and create a user-friendly website for residents to find information regarding water conservation.

The Planning Department reviewed the Planning Commission's input and developed proposed amendments to the Land Management Code Sections 15-5-5(N) *Landscaping* and 15-15-1 *Definitions*. On October 26, 2022, due to a full agenda, the Planning Commission continued the item to January 11, 2023. During the January meeting ([Staff Report](#); [Audio](#)) the Planning Commission directed staff to make several changes that are found in blue text below.

Additionally, Municipal Code of Park City [Section 14-1-5](#) includes a plant species list that identifies vegetation allowed in the City's Rights-of-Way. Residents are recommended to plant, but are not limited to, the plants listed. The current list identifies Fire Wise Plants. The Planning Team proposed to update the plant list to identify Water Wise Plants as part of this LMC amendment. However, the Team now proposes to create and maintain a "living list" on the Park City Website, to avoid amending the Park City Municipal Code (PCMC) every time a plant is added or removed.

The Planning Team has been monitoring the pending water wise legislation, including [Utah House Bill 272 Water Efficient Landscaping Amendments](#) which recommends lawn/turf restrictions for front and side yards. The Team has updated the amendments to reflect the pending legislation and have highlighted the changes in the redlines below.

Analysis

Natural Setting is one of the core values in the Park City General Plan and Goal 5 is to implement mitigation for environmental impacts. Objective 5.3 is to adopt new landscaping requirements to decrease water utilization and preserve native landscape.

The Land Management Code (LMC) implements the goals and policies of the General Plan in part to promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City, and to protect and enhance the overall quality of life.²

The following changes primarily reorganize the current LMC Landscaping Section to make it easier to understand for both staff and residents. Additionally, the Planning team incorporated changes that clarify and promote Water Wise Landscaping best practices. The section has been reorganized and the proposed amendments are found in red with updated changes from the Planning Commission in blue as follows:

N. LANDSCAPING.

- 1. PURPOSE.** Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months, **creating a**

² LMC [§ 15-1-2](#)

significant risk of wildland fire. The largest single water demand is for irrigation of landscaping. Water Wise Landscaping incorporates non-invasive, native drought-tolerant plants that require little or no supplemental irrigation once established, includes water conserving irrigation, and requires uses Hydrozoning in which plants, ~~trees, and shrubs~~ with similar water needs are planted in the same area with mulches that prevent water evaporation. Water Wise Landscaping protects the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought.

2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped area shall be Water Wise Landscaping containing approved non-invasive native drought tolerant plants, ~~trees, and shrubs~~, and/or minimal irrigation. Water Wise Landscaping may be constituted satisfied through approved vegetation, location of planting methods such as Xeriscaping or Hydrozoning, using healthy soil practices that promote soil moisture retention such as compost, biochar, and/or biodiverse plantings, or approved based on a site-specific Planning Department review.
3. **HOMEOWNER ASSOCIATION LANDSCAPING REGULATIONS.** Homeowner Associations may not prohibit a property owner from installing Water Wise Landscaping.
4. **LANDSCAPE PLAN.** A complete landscape plan is required for (I) new Development and/or Construction Activity proposed for an unimproved Lot or property and/or undisturbed natural Lots or property; and (II) renovations or Construction Activity that modifies the Building Footprint. Landscape plans shall incorporate best practices for water conservation.
 - a. The landscape plan shall:
 - i. Identify the intended plant materials indicating the botanical name and the common name ~~planting depth, quantity, mature height and width (both untrimmed), and container or caliper size and/or height~~ for:
 - (A) Plants (includes, but is not limited to trees and shrubs),
 - (B) Grasses,
 - (C) Mulches,
 - (D) Rocks (greater than 3") and Gravel (less than 3")
 - a. Gravel is only allowed in the following applications:
 - i. as an approved walkway;
 - ii. patio;
 - iii. drainage plan; and/or
 - iv. defensible space
 - b. Gravel is prohibited in areas adjacent to the Right-of-Way.
 - c. Any Gravel, rocks, or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of the Design Guidelines for Historic District and Historic Sites in Chapter 15-13.

- d. Gravel and rocks are not an allowed surface for parking, ground cover on berms, or finished grade with a ratio greater than 3:1, within platted or zoned open space. Rock-cover should be no more than 20% of the new ground cover. Wood chip mulch is encouraged for water retention on the landscape.

Refer to the Planning Department for a City-approved Plant List. A diverse selection of plantings, **and the use of clumping and clustering**, is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety, and to prevent ~~the spread of wildfire. and the spread of disease between the same species.~~

- ii. Utilize the concept of Water Wise Landscaping for selecting plants, plant location, irrigation methods, and mulching of all landscaped areas.
- iii. For properties not included in a Historic District and for properties listed Landmark or Significant on Park City's Historic Sites Inventory, include foundation plantings and ground cover in the Wildland Urban Interface Immediate Ignition Zone 0-5 feet and the Wildland Urban Interface Intermediate Ignition Zone 5-30 feet (Park City Municipal Code § 11-21-1(I) The 2006 Utah Wildland-Urban Interface Code).
- iv. Indicate the percentage of the lot that is landscaped.
- v. Indicate the percentage of the lot containing Impervious Surfaces, including driveways, parking areas, patios, and decks.
- vi. Indicate the percentage of the landscaping that is irrigated.
- vii. Identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate approved native drought-tolerant plants, trees, and shrubs.
- viii. Identify Hydrozoning (grouping of plants based on irrigation needs) or Xeriscaping (sustainable, low-water landscaping) locations.
- ix. Identify all existing Significant Vegetation, which shall remain and be maintained on Site and protected during construction.
 - (A) If the Significant Vegetation is determined to be unhealthy and/or unsafe under a Site-Specific review conducted by the Forestry Manager and Planning Director in conjunction with a Conditional Use, Master Planned Development, Historic District Design Review approval, or building permit review, it may be replaced with equivalent landscaping in type and size.
 - (B) The Forestry Manager and Planning Director may grant exceptions if upon their review it is found that equivalent replacement is impossible, would be detrimental to the site's existing and/or proposed vegetation, or violates Chapter 11-21 Utah Wildland-Urban Interface Code.
 - (C) Multiple trees from the City's approved Wildland Urban Interface Planting List, clumped and grouped together with

canopies of the clusters being no closer than 18 feet to the next closest cluster within the Intermediate Zone, no cluster exceeding (5) five trees or cover more than 15% of the Intermediate Ignition Zone, whichever is lesser, and with vegetation not closer than 10 feet to any portion of a structure with vegetation at full grown height and size, equivalent in caliper to the size of the removed Significant Vegetation ~~in the Intermediate Ignition Zone~~ may be considered instead of replacement in kind and size.

(D) Significant Vegetation preservation ~~and/or replacement~~ shall be prioritized. When applicable, Significant Vegetation may be removed or replaced to comply with Firewise Landscaping and/or Defensible Space regulations in Chapter 11-21 *Utah Wildland-Urban Interface Code*. ~~and/or to allow for replacement of Significant Vegetation with Water Wise Plants~~, as approved by the Planning Director or Forestry Board.

- x. Identify Artificial turf, ~~which is recommended to be non-toxic synthetic, plant based, and/or made of recycled materials with reduced petroleum-based polymers~~. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, ~~or as a limited landscaping material on areas in which vegetation may be unsuccessful~~. Installation of artificial turf shall not pool water and be installed to allow for drainage.
- xi. Comply with Park City Municipal Code Chapter 11-21 Utah Wildland-Urban Interface Code.
- b. The Planning Director or designee may determine if proposed defensible space areas outlined in Chapter 11-21 Utah Wildland-Urban Interface Code ~~may be exempt from 50% Water Wise landscaping requirements~~.
- c. All noxious weeds, as identified ~~on the State of Utah or Summit County website~~, shall be ~~continually~~ removed from the Property in a manner acceptable to the City and Summit County ~~regardless of development stage~~. ~~All noxious weeds shall be removed~~ prior to issuance of Certificate of Occupancy.

5. **IRRIGATION PLAN.** A detailed irrigation plan shall be drawn at the same scale as the landscape plan and shall include:
- a. The layout of the heads, lines, valves, controller, backflow preventer, and drip irrigation;
 - b. A WaterSense labeled irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities;
 - i. Overhead Spray Irrigation shall be no greater than 12" above ground. Overhead irrigation is not permitted within 18" of any non-permeable surface. Overhead Spray Irrigation may be used for Lawn/Turf, but

does not constitute a Water Wise landscaping method when used with other vegetation.

- c. Greywater System locations.
6. **LAWN/TURF**.
- a. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.
 - b. Irrigated Lawn/Turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or Impervious Surfaces, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or Impervious Surfaces
Greater than one (1) acre	<u>25%</u> 20%
0.50 acres to one (1) acre	<u>35%</u> 30%
0.10 acres to 0.49 acres	<u>45%</u> 40%
Less than 0.10 acres	No limitation

- c. Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width in new Residential Development.
- d. No more than 35% of the Front and Side Yard Landscaped Area in new Residential Development is lawn/turf. If there is an Active Recreation Area on the lot, then no more than 20% total Landscaped Area in new Residential Development is lawn/turf.
- e. Lawn/Turf limitations do not apply to small Residential Lots with less than 250 square feet in Landscaped Area.
- f. **Lawn/Turf area limitations apply to all city-owned property with the exception of an Active Recreation Area or as determined by the Planning Commission under a Conditional Use Permit review.**

Encouraged Lawn/Turf practices include:

1. Only using Lawn/Turf in areas where it is functional, such as play areas, and areas needing temperature, noise, or dust mitigation;
2. Choosing non-irrigated Lawn/Turf or Lawn/Turf species with lower water requirements;
3. Not planting Lawn/Turf in narrow, small, or oddly shaped areas that are difficult to efficiently irrigate;
4. Mowing Lawn/Turf at a height of four inches (4");
5. Planting Lawn/Turf in shaded areas on the lot;
6. Planting deep-rooted turfgrass on slopes.

7. Using healthy soil practices, such as biochar and/or compost.
8. Artificial turf is not recommended in any landscaping due to its impact on the Urban Heat Island Effect.
9. Per PCMC Title 13 Section 1-21(A): Areas using City water will be restricted to every other day from May 1 to September 30. Outside watering at even-numbered street addresses shall be limited to even-numbered days of the month and outside watering at odd-numbered addresses shall be limited to odd-numbered days of the month. Hours of outside watering shall be restricted to between 7:00 p.m. and 10:00 a.m.

LMC Section 15-15-1

DEFINITIONS

ACTIVE RECREATION AREA. An area of a lot or parcel that is: not in low density residential development, comprised of lawn or turf dedicated to active use; installed or maintained on areas with a slope of not more than 25%. Active use means regular use for playing, exercise, recreation, or regular outdoor, activities that are ordinarily associated with lawn or turf, such as: a sports field, a social gathering area, an amphitheater, a public or private park, the playing area, including rough, driving ranges, and chipping and putting greens, of a golf course.

ARTIFICIAL TURF. Simulated or artificially created life-like individual blades of Lawn/Turf that emulate natural Lawn/Turf in look and color.

GRAVEL. Round rock or crushed stone less than three inches (3") in diameter.

GRAYWATER. Wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs used for landscaping as approved by the Summit County Health Department.

IMPERVIOUS SURFACES. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

LAWN/TURF. Nonagricultural land planted in closely mowed, managed grasses.

MULCH. Organic and inorganic material such as rock, bark, wood chips, or other materials left loose and spread over an area of landscape.

Organic mulches. Wood, bark chips, pole peelings, wood grindings, shredded bark, nut shells, pine needles, discarded plant parts.

Rock mulches. Crushed rock, stone, lava, pea gravel or other small stones or inorganic material.

OVERHEAD SPRAY IRRIGATION. Above ground irrigation heads that spray water through a nozzle.

ROCKS. Stones greater than three inches (3").

SIGNIFICANT VEGETATION. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

1. **HISTORIC SIGNIFICANT VEGETATION.** Includes vegetation identified as part of a Historic District Design Review Application and compliant with Chapter 15-13.

VEGETATIVE COVER. Ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity, excluding trees.

WATER WISE LANDSCAPING. A landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques such as the use of ~~non-native, non-invasive~~ drought-tolerant plants, mulch, and efficient irrigation that reduces the need for supplemental irrigation. ~~Xeriscape~~" is a form of Water Wise Landscaping. ~~Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off.~~ Installation of plant materials suited to the microclimate and soil conditions that can remain healthy with minimal drip irrigation once established, be maintained without the use of overhead spray irrigation, use water for outdoor irrigation through proper and efficient irrigation design and water application such as Hydrozoning, use of other landscape design features that minimize the need of the landscape for supplemental water from irrigation, or reduce the landscape area dedicated to Lawn/Turf.

~~Water Wise Landscaping is a mix of plantings, rocks, and other landscaping materials with at least fifty percent (50%) of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without fifty percent (50%) plantings does not constitute Water Wise Landscaping.~~

Hydrozones/Hydrozoning. Plant grouping according to water needs, allowing for more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off.

Xeriscaping. Sustainable landscape that conserves water and is based on sound horticultural practice designs that incorporate low-water-use plants planted in Hydrozones.

WILDLAND URBAN INTERFACE IMMEDIATE IGNITION ZONE. The area extending from zero (0) to five (5) feet from any Structure, any overhang, or deck attached to a Structure.

WILDLAND URBAN INTERFACE INTERMEDIATE IGNITION ZONE. The area extending from the edge of the Immediate Ignition Zone to a distance not to exceed 30 feet.

Several of the proposed definitions incorporate changes from Utah House Bill 282

Water Wise Landscaping Amendments.

Exhibits

Exhibit A: Draft Ordinance 2023-XX

Exhibit B: Survey Input and Public Comment

Ordinance No. 2023-XX

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-5-5
ARCHITECTURAL DESIGN GUIDELINES, AND 15-15-1 DEFINITIONS TO UPDATE
WATER WISE LANDSCAPING REGULATIONS, TO REDEFINE “WATER WISE
LANDSCAPE/LANDSCAPING”, AND TO DEFINE, “LAWN/TURF”, “MULCH”,
“HARDSCAPE”, “IRRIGATION PLAN”, AND “ROCKS”**

WHEREAS, Water Wise is a landscape planning technique to reduce water usage;

WHEREAS, *Natural Setting* is one of the core values in the Park City General Plan, Goal 5 of the General Plan is to implement mitigation for environmental impacts and Goal 6 is to adapt for climate change;

WHEREAS, Objective 5.3 of the General Plan is to “adopt new landscaping requirements to decrease water utilization and preserve the native landscape. Encourage the use and protection of landscaping requirements to enable the continued utilization of renewable energy sources”;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health of both the residents and the City and to encourage responsible environmental stewardship;

WHEREAS, to protect, preserve, and conserve water, and to educate residents on Water Wise landscaping techniques;

WHEREAS, the Planning Commission conducted duly noticed work sessions on April 27, 2022, and October 12, 2022, and a duly noticed public hearing on October 26, 2022, January 11, 2023, and February 8, 2023, and forwarded a _____ recommendation, to the City Council;

WHEREAS, the City Council conducted a duly noticed public hearing on March 9, 2023.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT
CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code § 15-5-5 *Architectural Design Guidelines* and § 15-15-1 *Definitions* are hereby amended as outlined in Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 9th DAY OF MARCH 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

DRAFT

1 **Attachment 1**

2 **15-5-5 Architectural Design Guidelines**

3 ~~LANDSCAPING. A complete landscape plan must be prepared for the limits of~~
4 ~~disturbance area for all Development activity. The landscape plan shall utilize the~~
5 ~~concept of Water Wise Landscaping for plant selection and location, irrigation, and~~
6 ~~mulching of all landscaped areas. The plan shall include foundation plantings and~~
7 ~~ground cover, in addition to landscaping for the remainder of the lot. The plan shall~~
8 ~~indicate the percentage of the lot that is landscaped, the percentage of the landscaping~~
9 ~~that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify~~
10 ~~all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of~~
11 ~~any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs.~~
12 ~~Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel~~
13 ~~must be identified. Materials proposed for driveways, parking areas, patios, decks, and~~
14 ~~other hard-scaped areas shall be identified on the plan. A list of plant materials~~
15 ~~indicating the botanical name, the common name, quantity, and container or caliper size~~
16 ~~and/or height shall be provided on the plan. Refer to the Municipal Code of Park City~~
17 ~~Title 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested~~
18 ~~to provide plantings appropriate to the Park City climate and growing season, to provide~~
19 ~~aesthetic variety and to prevent the spread of disease between the same species.~~
20 ~~Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation~~
21 ~~and play areas, or as a limited landscaping material on areas in which vegetation may~~
22 ~~be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow~~
23 ~~for drainage. Areas of mulch shall be identified on the plan. Approved mulches include~~

24 natural organic plant based or recycled materials. Gravel is only allowed in the following
25 applications: as an approved walkway, patio, drainage plan, and/or defensible space.
26 The Planning Director or his/her designee may determine if proposed defensible space
27 areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1,
28 HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of Park City's
29 Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed
30 surface for parking, ground cover on berms or finished grade with a ratio greater than
31 3:1, within platted or zoned open space, or as a material in parking strips or City rights-
32 of-way. To the extent possible, existing Significant Vegetation shall be maintained on
33 Site and protected during construction. When approved to be removed, based on a Site
34 Specific plan, Conditional Use, Master Planned Development, or Historic District Design
35 Review approval, the Significant Vegetation shall be replaced with equivalent
36 landscaping in type and size. The Forestry Manager or Planning Director may grant
37 exceptions to this if upon their review it is found that equivalent replacement is
38 impossible or would be detrimental to the site's existing and/or proposed vegetation.
39 Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may
40 be considered instead of replacement in kind and size. Where landscaping does occur,
41 it should consist primarily of native and drought tolerant species, drip irrigation, and all
42 plantings shall be adequately mulched. Significant Vegetation preservation and/or
43 replacement shall be prioritized, but where applicable, Firewise Landscaping and/or
44 Defensible Space landscaping plans for Property within the Wildland-Urban Interface
45 area that include Significant Vegetation removal shall be in accordance with Municipal
46 Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale as the

47 landscape plan including, but not limited to: a layout of the heads, lines, valves,
48 controller, backflow preventer, and a corresponding legend and key. Landscaped areas
49 shall be provided with a WaterSense labeled smart irrigation controller which
50 automatically adjusts the frequency and/or duration of irrigation events in response to
51 changing weather conditions. All controllers shall be equipped with automatic rain delay
52 or rain shut-off capabilities. Irrigated lawn and turf areas are limited to a maximum
53 percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not
54 covered by Buildings, Structures, or other Impervious paving, based on the size of the
55 Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

56 Where rock and boulders are allowed and identified on the Landscape Plan, these shall
57 be from local sources. All noxious weeds, as identified by Summit County, shall be
58 removed from the Property in a manner acceptable to the City and Summit County, prior
59 to issuance of Certificates of Occupancy.

60 N. **LANDSCAPING.**

61 1. **PURPOSE.** Park City is in a mountainous, semi-desert environment where much
62 of the precipitation occurs as snow during the winter months and the highest
63 demand for water occurs during the summer months, creating a significant risk of

64 **wildland fire.** The largest single water demand is for irrigation of landscaping.
65 Water Wise Landscaping incorporates **non-invasive**, drought-tolerant plants that
66 require little or no supplemental irrigation **once established**, includes water
67 conserving irrigation, and **uses** Hydrozoning in which plants with similar water
68 needs are planted in the same area with mulches that prevent water evaporation.
69 Water Wise Landscaping protects the health, safety, and welfare of the
70 community from impacts of water shortages likely to occur during cycles of
71 drought.

- 72 2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped
73 area shall be Water Wise Landscaping containing approved non-invasive drought
74 tolerant plants, and/or minimal irrigation. Water Wise Landscaping may be
75 satisfied through approved vegetation, location of planting methods such as
76 Xeriscaping or Hydrozoning, using healthy soil practices (that promotes soil
77 moisture retention), such as compost, or biochar, and/or biodiverse plantings, or
78 approved based on a site-specific Planning Department review.
- 79 3. **HOMEOWNER ASSOCIATION LANDSCAPING REGULATIONS.** Homeowner
80 Associations may not prohibit a property owner from installing Water Wise
81 Landscaping.
- 82 4. **LANDSCAPE PLAN.** A complete landscape plan is required for (I) new
83 Development and/or Construction Activity proposed for an unimproved Lot or
84 property and/or undisturbed natural Lots or property; and (II) renovations or
85 Construction Activity that modifies the Building Footprint. Landscape plans shall
86 incorporate best practices for water conservation. The landscape plan shall:

87 i. Identify the intended plant materials indicating the botanical name
88 and the common name for:

89 (A) Plants (includes, but is not limited to trees and shrubs),

90 (B) Grasses,

91 (C) Mulches

92 (D) Rocks (greater than 3") and Gravel (less than 3")

93 a. Gravel is only allowed in the following applications:

94 i. as an approved walkway;

95 ii. patio;

96 iii. drainage plan; and/or

97 iv. defensible space

98 b. Gravel is prohibited in areas adjacent to the Right-of-
99 Way.

100 c. Any Gravel, rocks, or stone within the HRL, HR-1,
101 HR-2, HRM, HRC, or HCB Zoning Districts must meet
102 the requirements of the Design Guidelines for Historic
103 District and Historic Sites in Chapter 15-13.

104 d. Gravel and rocks are not an allowed surface for
105 parking, ground cover on berms, or finished grade
106 with a ratio greater than 3:1, within platted or zoned
107 open space. Rock-cover should be no more than 20%
108 of the new ground cover. Wood chip mulch is
109 encouraged for water retention on the landscape.

110 Refer to the Planning Department for a City-approved Plant List. A
111 diverse selection of plantings, and the use of clumping and
112 clustering, is suggested to provide plantings appropriate to the Park
113 City climate and growing season, to provide aesthetic variety, and to
114 prevent the spread of wildfire.

- 115 ii. Utilize the concept of Water Wise Landscaping for selecting plants,
116 plant location, irrigation methods, and mulching of all landscaped
117 areas.
- 118 iii. For properties not included in a Historic District and for properties
119 listed Landmark or Significant on Park City's Historic Sites Inventory,
120 include plantings and ground cover in the Wildland Urban Interface
121 Immediate Ignition Zone 0-5 feet and the Wildland Urban Interface
122 Intermediate Ignition Zone 5-30 feet (Park City Municipal Code § 11-
123 21-1(I) The 2006 Utah Wildland-Urban Interface Code).
- 124 iv. Indicate the percentage of the lot that is landscaped.
- 125 v. Indicate the percentage of the lot containing Impervious Surfaces,
126 including driveways, parking areas, patios, and decks.
- 127 vi. Indicate the percentage of the landscaping that is irrigated.
- 128 vii. Identify the 50 percent (50%) of any Water Wise Landscaped area
129 comprised of appropriate approved native drought-tolerant plants,
130 trees, and shrubs.
- 131 viii. Identify Hydrozoning (grouping of plants based on irrigation needs) or
132 Xeriscaping (sustainable, low-water landscaping) locations.

133 ix. Identify all existing Significant Vegetation, which shall remain and be
134 maintained on Site and protected during construction.

135 (A) If the Significant Vegetation is determined to be unhealthy
136 and/or unsafe, under a Site-Specific review conducted by the
137 Forestry Manager and Planning Director in conjunction with
138 a Conditional Use, Master Planned Development, Historic
139 District Design Review approval, or building permit review, it
140 may be replaced with equivalent landscaping in type and
141 size.

142 (B) The Forestry Manager ~~and~~ Planning Director may grant
143 exceptions if upon their review it is found that equivalent
144 replacement is impossible, would be detrimental to the site's
145 existing and/or proposed vegetation, or violates Chapter 11-
146 21 *Utah Wildland-Urban Interface Code*.

147 (C) Multiple trees ~~from the City's approved Wildland-Urban~~
148 ~~Interface Planting List, clumped and grouped together with~~
149 ~~canopies of the clusters being no closer than 18 feet to the~~
150 ~~next closest cluster within the Intermediate Zone, no cluster~~
151 ~~exceeding (5) five trees or cover more than 15% of the~~
152 ~~Intermediate Ignition Zone, whichever is lesser, and with~~
153 ~~vegetation not closer than 10 feet to any portion of a~~
154 ~~structure with vegetation at full grown height and size,~~
155 ~~equivalent in caliper to the size of the removed Significant~~

156 Vegetation **in the Intermediate Ignition Zone** may be
157 considered instead of replacement in kind and size.

158 (D) Significant Vegetation preservation shall be prioritized, but
159 where applicable, Significant Vegetation may be removed or
160 replaced to comply with Firewise Landscaping and/or
161 Defensible Space regulations in Chapter 11-21 *Utah*
162 *Wildland-Urban Interface Code as approved by the Planning*
163 *Director or Forestry Board.*

- 164 x. Identify Artificial turf, **which is recommended to be non-toxic**
165 **synthetic, plant based, and/or made of recycled materials with**
166 **reduced petroleum-based polymers.** Artificial turf is allowed to be
167 used in limited quantities on decks, pathways, recreation and play
168 areas. Installation of artificial turf shall not pool water and be installed
169 to allow for drainage.
- 170 xi. **Comply with Park City Municipal Code Chapter 11-21, Utah Wildland-**
171 **Urban Interface Code.**
- 172 b. The Planning Director or designee may determine if proposed defensible
173 space areas outlined in Chapter 11-21 *Utah Wildland-Urban Interface*
174 *Code may be exempt from 50% Water Wise landscaping requirements.*
- 175 c. All noxious weeds, as identified by **the State of Utah or** Summit County,
176 shall be removed from the Property in a manner acceptable to the City
177 and Summit County regardless of development state. All noxious weeds
178 **shall be removed** prior to issuance of Certificates of Occupancy.

179 5. **IRRIGATION PLAN**. A detailed irrigation plan shall be drawn at the same scale

180 as the landscape plan and shall include:

181 a. The layout of the heads, lines, valves, controller, backflow preventer, and

182 drip irrigation;

183 b. A WaterSense labeled irrigation controller which automatically adjusts the

184 frequency and/or duration of irrigation events in response to changing

185 weather conditions. All controllers shall be equipped with automatic rain

186 delay or rain shut-off capabilities;

187 i. Overhead Spray Irrigation shall be no greater than 12" above ground.

188 Overhead irrigation is not permitted within 18" of any non-permeable

189 surface. Overhead Spray Irrigation may be used for Lawn/Turf, but

190 does not constitute a Water Wise landscaping method when used

191 with other vegetation.

192 c. Greywater System locations.

193 6. **LAWN/TURF**.

194 a. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.

195 b. Irrigated Lawn/Turf areas are limited to a maximum percentage of the

196 allowed Limits of Disturbance Area of a Lot or Property that is not covered

197 by Buildings, Structures, or Impervious Surfaces, based on the size of the

198 Lot or Property according to the following table:

199

Lot Size	Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or Impervious Surfaces
Greater than one (1) acre	20%
0.50 acres to one (1) acre	30%
0.10 acres to 0.49 acres	40%
Less than 0.10 acres	No limitation

200

201 c. Lawn/Turf is prohibited on parking strips or areas less than eight feet (8')
 202 in width in new Residential Development.

203 d. No more than 35% of the Front and Side Yard Landscaped Area in new
 204 residential development is lawn/turf. If there is an Active Recreation Area
 205 on the lot, then no more than 20% total Landscaped Area in new
 206 Residential Development is lawn/turf.

207 e. Lawn/Turf limitations do not apply to small Residential Lots with less than
 208 250 square feet in Landscaped Area.

209 f. Lawn/Turf area limitations apply to all city-owned property with the
 210 exception of an Active Recreation Area or as determined by the Planning
 211 Commission under a Conditional Use Permit review.

212

213 Encouraged Lawn/Turf practices include:

1. Only using Lawn/Turf in areas where it is functional, such as play areas, and areas needing temperature, noise, or dust mitigation;

2. Choosing non-irrigated Lawn/Turf or Lawn/Turf species with lower water requirements;

3. Not planting Lawn/Turf in narrow, small, or oddly shaped areas that are difficult to efficiently irrigate;

4. Mowing Lawn/Turf at a height of four inches (4");

5. Planting Lawn/Turf in shaded areas on the lot;

6. Planting deep-rooted turfgrass on slopes.

7. Using healthy soil practices, such as biochar and/or compost.

8. Artificial turf is not recommended in any landscaping due to its impact on the Urban Heat Island Effect.

9. Per PCMC Title 13 Section 1-21(A): Areas using City water will be restricted to every other day from May 1 to September 30. Outside watering at even-numbered street addresses shall be limited to even-numbered days of the month and outside watering at odd-numbered addresses shall be limited to odd-numbered days of the month. Hours of outside watering shall be restricted to between 7:00 p.m. and 10:00 a.m.

233 HISTORY

234 Adopted by Ord. 02-07 on 5/23/2002

235 Amended by Ord. 06-56 on 7/27/2006

236 Amended by Ord. 11-05 on 1/27/2011

237 Amended by Ord. 12-37 on 12/20/2012
238 Amended by Ord. 2018-27 on 5/31/2018
239 Amended by Ord. 2019-30 on 5/30/2019
240 Amended by Ord. 2020-19 on 4/16/2020
241 Amended by Ord. 2020-35 on 7/9/2020
242 Amended by Ord. 2020-42 on 9/17/2020
243 Amended by Ord. 2021-05 on 1/21/2021
244

245 Section 15-15-1 Definitions

246 . . .

247 **ACTIVE RECREATION AREA.** An area of a lot or parcel that is: not in low density
248 residential development, comprised of lawn or turf dedicated to active use; installed or
249 maintained on areas with a slope of not more than 25%. Active use means regular use
250 for playing, exercise, recreation, or regular outdoor, activities that are ordinarily
251 associated with lawn or turf, such as: a sports field, a social gathering area, an
252 amphitheater, a public or private park, the playing area, including rough, driving ranges,
253 and chipping and putting greens, of a golf course.

254

255 **ARTIFICIAL TURF.** Simulated or artificially created life-like individual blades of
256 Lawn/Turf that emulate natural Lawn/Turf in look and color.

257

258 **GRAVEL.** Round rock or crushed stone less than three inches (3") in diameter.

259

260 **GRAYWATER.** Wastewater from bathtubs, showers, bathroom washbasins, clothes
261 washing machines, or laundry tubs used for landscaping as approved by the Summit
262 County Health Department.

263

264 **LAWN/TURF.** Nonagricultural land planted in closely mowed, managed grasses.

265

266 **MULCH.** Organic and inorganic material such as rock, bark, wood chips, or other
267 materials left loose and spread over an area of landscape.

268 **Organic mulches.** Wood, bark chips, pole peelings, wood grindings, shredded bark,
269 nut shells, pine needles, discarded plant parts.

270 **Rock mulches.** Crushed rock, stone, lava, pea gravel or other small stones or
271 inorganic material.

272

273 **OVERHEAD SPRAY IRRIGATION.** Above ground irrigation heads that spray water
274 through a nozzle.

275

276 **ROCKS.** Stones greater than three inches (3").

277

278 **SIGNIFICANT VEGETATION.** Includes all large trees six inches (6") in diameter or
279 greater measured four and one-half feet (4.5') above the ground, all groves of small
280 trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or
281 more measured at the drip line.

282 1. **HISTORIC SIGNIFICANT VEGETATION.** Includes vegetation identified as part

283 of a Historic District Design Review Application and compliant with Chapter 15-
284 13.

285

286 **VEGETATIVE COVER.** Ground level surface area covered by the exposed leaf area of
287 a plant or group of plants at full maturity, excluding trees.

288

289 **WATER WISE LANDSCAPING.** A landscaping method developed especially for arid
290 and semiarid climates utilizing water-conserving techniques such as the use of **non-**
291 **invasive** drought-tolerant plants, mulch, and efficient irrigation that reduces the need for
292 supplemental irrigation. Installation of plant materials suited to the microclimate and soil
293 conditions that can remain healthy with minimal drip irrigation once established, be
294 maintained without the use of overhead spray irrigation, use water for outdoor irrigation
295 through proper and efficient irrigation design and water application such as
296 Hydrozoning, use of other landscape design features that minimize the need of the
297 landscape for supplemental water from irrigation, or reduce the landscape area
298 dedicated to Lawn/Turf.

299 **Hydrozones/Hydrozoning.** Plant grouping according to water needs, allowing for
300 more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local
301 climate are used, and care is taken to avoid losing water to evaporation and run-off.

302 **Xeriscaping.** Sustainable landscape that conserves water and is based on sound
303 horticultural practice designs that incorporate low-water-use plants planted in
304 Hydrozones.

305

306 **WILDLAND URBAN INTERFACE IMMEDIATE IGNITION ZONE.** The area extending
307 from zero (0) to five (5) feet from any Structure, any overhang, or deck attached to a
308 Structure.

309

310 **WILDLAND URBAN INTERFACE INTERMEDIATE IGNITION ZONE.** The area
311 extending from the edge of the Immediate Ignition Zone to a distance not to exceed 30
312 feet.

DRAFT

Survey Input

As of October 20, 2022

No new sod. Many new homes and remodels near me are putting down sod.

Focus first on properties that will save water. Don't waste effort on "1-size fits all" solutions that don't have a proportionate yield for the effort. Don't make me subsidize others aesthetics

water wise first

Allowing a property to keep its existing grass without allowing watering unless a drought condition no longer exists.

Less water on the municipal golf course !

Have to give people plans (native plants) so they do not have to spend time on research
Make it simple Show cost savings of no water landscape with no grass Significant
Additional saving ... don't need to cut grass!

As a city resident for the last 25 years, I am aware that the cost of water for PC city residents is significantly over and above any other locations in Utah. Whether you compare Park City to Jeremy Ranch or Park City to Salt Lake City or any other location, PC residents are paying an extremely high price. It would be wise for the City's decision makers to make themselves aware of just how bad this disparity is.

We live in a desert in Utah and we should stop wasting water

Imposing grossly different restrictions on new builds from existing homes is unfair and leads to un-cohesive neighborhoods - and resentment

I definitely believe that the City should give monetary incentives for creating water wise landscaping instead of whacking us with enormous impact fees.

Stop it with all the regulations! Everywhere I go now, there are more signs, more gates, more liberal Bull shit. Put a bounty \$\$ out for us to turn in the businesses that water during daylight hours. Set an example and stop watering the goat trail muni golf course. My Yard is my business and not Park City

Restrict water use on golf courses and residential landscaping

Realize that this is an issue that needs to be urgently addressed. The Water shortage is only going

severely fining non compliance. There needs to be consequence.

Defense strategies against wildfire.

Notify the residents that water their massive lawns excessively EVERY afternoon! (Our sprinkler system was unavailable

until early August and the lawn recovered nicely in 6 weeks with a short once a morning watering on even days.)

Provide some financial incentive for landscapers to do Xeriscapes, maybe some sort of tax break that will make it more profitable for them to do them?

Instead of charging fees for folks to change out their landscaping you should be providing fee waivers and paying people as incentives to reduce landscaped areas and you should on new construction really limit areas of disturbance to keep native plants and weeds/grasses in place.

Increase water usage rates. The only way to change the majority of peoples behaviors is by impacting them financially. Might not be as effective in this town full of people that are richer than god, but worth a shot

Green grass lawns should not exist in Park city. There are many wonderful alternatives that are far more water wise and conducive to the area.

STOP issuing building permits. Park city is built out y'all. WAKE UP

No lawns, just keep trees alive....and no Christmas lights after 10: wildlife and birds and humans need darkness. Make us a dark skies community like Heber.

The City should consider subsidizing projects completed over the past 5-10 years where they REQUIRED lawn to be installed (historic district).

Commercial landscaping should be limited to water wise plants. Planting aspen in areas where sage brush is growing is too common. This type of bad landscape management should be stopped.

The City's bureaucrats should avoid regulation whenever possible. Let citizens decide for themselves what is best for them and their community.

The City needs a policy which is not punitive to current homeowners. The cost the City currently charges is ridiculously high and a rebate might spur a change in behavior. New construction might have water wise regulations. I have lived in Park City 25 years and feel older residents and retirees didn't create the problem. The City approved all those building permits

Providing contact information for landscaping companies Cost incentives

How can we prioritise water use for important trees (eg spruce etc) and divert water from non native plants and lawns. Trees remain important.

The PC Golf Course wastes more water than the whole surrounding Thaynes neighborhood combined. They are still watering every day, and it is Oct 13 as I type this. If the City can't set the example, no one should be encouraged to follow.

All irrigation systems should have a water sensor that turns off irrigation if it is raining or has rained within a certain timeframe

City property, including golf course must reduce water usage also

Impact of new building on water use.

Careful on mandates. People will find ways to work around them. Focus on communication and education. How about having someone go to HOA's to work with them to understand the challenges and provide recommendations? The cost to change landscaping can be large. Need to think about time to transition.

Working with local landscape designers, native plants that benefit our environment. Educating HOA's to not require sod. We live in a high alpine desert, keep it native and add things that help our soil and help our wildlife.

No new lawns over 20% of lot size

I did look into xeriscaping a few years ago. It was very expensive - more than 10 years of my water bill. I would be happy to see water-wise landscaping being adopted, but the City needs to lead the way, adopting better practices itself and helping with the costs.

rules should be consistent - suggestions on how to maintain the natural landscape - and make it more a common practice to keep in place.

Irrigation installers should have to have take educational classes to receive certifications in order to install. There are so many new landscapes put in with horrible irrigation designs. There really is no code. And point source drip irrigation should be mandated where possible instead of all this drip tubing being placed everywhere that actually wastes water.

Get rid of the ridiculous bonding requirements and provide incentives for those who do change over from irrigated lawns to water wise landscaping.

Go slow. It will take time to convert people's perception of what is beautiful and attractive. I can be done if care is taken and people aren't "forced" to do something due to government mandate.

Replace ALL curb-side and public facility (including schools) grass areas that are not specifically athletic-activity-related with true native and xeriscape plantings. Allow specific fields such as library field to remain as grass but ... convert ALL citybased grounds maintenance equipment with NON-GAS-POWERED equipment, prohibit use of leaf blowers by city and landscaping companies (yes, good gold-fashioned raking should be used!), prohibit ALL landscaping companies within city limits from using GAS-POWERED equipment. The amount of noise and air pollution generated by landscaping contractors for maintaining private properties is insane. Provide incentives for households to reduce/replace lawn areas with native plants (limit hardscapes, too), impose PENALTIES for households that have more than some determined square footage of lawn, require HOA's to install water meters on irrigation pumps from creeks and other HOA-maintained water sources and determine an equitable use-based sliding scale for individual properties' use of such water sources.

Stop building to decrease water need. Charge Vail, Alterra, and other businesses such as hotels, vrbos, and airb&bs a surcharge for their water usage for guests and snow making.

Encourage non water use landscaping such as wood chips, rock, etc.

Regulate Catholic church water usage on their land where horses graze in Summer (across from Asep Springs). They run water 24/7 for Summer mos. Total waste! They also overgraze the land. Also, do NOT allow Bill White to graze his cows on open space at McPolin Farm. The cows are major consumers of water and trash the land plus they STINK. I much prefer seeing the open space with occasional Elk, Great Blue Herring, and other wild life than a bunch of obese, stinky cows adding methane gas to the environment further adding to Global Warming

Reduce the permit cost for water usage

Clear and consistent communication with residents and visitors about the need to reduce water usage, including reminders that we live in what is effectively a high desert environment.

I live in aspen springs across from catholic church property. There is an excess of horses living there all summer overgrazing. Their water is on almost 24h 7 days a week which is such a waste. Notice the difference on the two sides of the street w natural landscape which is not watered and has sand hill cranes and beautiful grasses vs churches property... I also notice that the lower meadows below the barn on 224 and above contender bike shop have water running non stop. The presence of cows in Mcpolin barn open space disgusts and disappoints me. They are frequently in the creek which is unbelievable and they are disturbing local wildlife. If we are a town trying to encourage steps to curb global warming and conserving water the cows must go.

Giving residents the option to make their own choices

Tightening regulations to force HOAs to adopt water wise landscaping.

I think full time residents should receive a discount on City water rates. Let the visitors (including commercial owners) and part-timers (short term rental owners) incur the current City water rates. We have some of the original signage ('We water every 3 days') as we have been residents for 20+ years. We have not increased our watering, but the City rates have made it nearly prohibitively expensive, despite our goal of keeping our trees from dying. Park City would lose a lot of appeal, without its trees in our neighborhoods..

the HOA's are an issue for changing any landscaping.

Feasibility - especially for those with lower income levels and inability to hire out.

There are a number of things: 1.) Before beginning to update landscaping regulations, the city would benefit by knowing who the largest water users are. Landscaping may in itself not be the culprit. What percentage of water usage is now being attributed to landscaping? We need to be looking ahead at water requirements for all new housing

and business developments. Some of this may be happening now, but most likely not enough information is available. The city could benefit by knowing who the largest water users are and making an effort to prioritize their usage habits. 2.) All new developments should be asked to adopt some sort of water wise landscaping. 3.) Older properties need help in transitioning to water wise landscaping - with incentives to both reduce water use and in the transition to water wise landscaping. 4.) This is a longterm problem for our community as well as all western states that can be solved or least mitigated with thoughtful and careful input from all water users - let's think about it thoroughly before jumping into more regulations. More rules and regulations don't always solve the problems we face, sometimes we need to look at the problems with a new and different prospective.

Educate landscape companies from outside Summit County as to what type of plant material is needed / accepted in Park City. Create ordinance to match expectations. Planting lawns or importing sod can only be on 10% of your total property. (That's when you have kids or dogs!)

Allow for retroactive rebate for removing grass. We re-landscaped our property this summer and removed all grass in our front and back yards. We are also in the process of removing sprinklers/rain birds and installing a drip system. It was expensive and currently there is no incentive of any kind to become more water conservative. We felt it was something we needed to be proactive about and just do it. It is difficult to watch all the new hotels and residential construction being built (with landscaping and many toilets, tubs, and pools) and we as long time residents are being asked to cut back and conserve.

Future building and growth that is not tied to water use is not wise. Even with water wise landscaping there are more and more bathrooms, showers, tubs and toilets, kitchens, etc. I have lived here for 48 years and when we landscaped water was not an issue. I realize that things have changed, climate, snow pack, etc., but the City keeps allowing more and more building of residential and commercial without having the builders and developers show where they will get the water from. I am fortunate to have use of irrigation ditch water for several summer months, but not everyone does. More and more development means less water for everyone. We have discussed removing some of our lawn and upgrading our landscape but the cost is very expensive and with the new property tax rates, we personally will not be able to afford it. Thank you for your time and consideration.

Golf course chemicals and water use

city needs to make it easier for people to make changes, and less costly. And they should not allow anyone to just put grass in for landscaping anywhere and they should

follow what Nevada did and get rid of all the grass between the sidewalks and the curbs...Embrace the use of rock instead of mulch

Educate as much as you can. When we have new residents from other parts of the country that have no water issues sometimes they just don't understand why we have such a need to conserve water.

Show public that beautiful landscaping is possible with native plants and a minimum of water usage

The expense to homeowners to make the switch

Insist the farm on 224 curtail their watering which is more than excessive and incredibly frequent. It is absurd and embarrassing when you're asking homeowners to curtail their usage. Similarly, the golf courses need to curtail their watering.

Allow grey water systems and other water or snow-melt capture for use in landscaping or other uses. Like using gray water to flush toilets, etc.

Fire risk, such as trees and other tall vegetation too close to structures.

COST! You come up with all these ideas but few of you actually live here. Where are we going to get the money to do your latest project?

Enforce compliance.

I don't think money is really the object to getting owners to update as there are enough wealthy homeowners who want to have the yard they want and don't care about paying for it so I think it's updating our code and then if someone doesn't follow it and goes way over on water, cut them off..

The state needs to regulate also. Salt Lake City also.

October 15, 2022 – 8:00 PM

Hi. Just wanted to suggest that in addition to encouraging water wise plants the information include asking homeowners/businesses plant native species (which will also be water wise) that benefit various wildlife - especially pollinators! Utah is home to about 1100 native bee species!

Also, I don't think the information should be too preachy. It does not take too many Google searches to conclude that residential water use in Utah pales in comparison percentage wise to the amount used to grow alfalfa - a huge water hog.

Thanks!

Sybil Burrus
Park Meadows

October 20, 2022 – 10:54 AM

It would be important for the City to demand the farm on 224 curtail their watering, which is excessive and way too frequent. You can't ask homeowners to cut back when we see the farm watering so much. Similarly, you need to insist the golf courses cut back. I'm willing to do my part, but unless these major players change, you'll get limited buy in from individuals.

Thanks for listening

Mark Goldfarb
full time Park Meadows

From: [planning](#)
To: [Lillian Zollinger](#)
Subject: FW: [External] Park City Landscaping Ordinance
Date: Wednesday, January 11, 2023 1:18:10 PM

From: Sara Jo Dickens <jo@ecologybridge.com>
Sent: Wednesday, January 11, 2023 12:58 PM
To: planning <planning@parkcity.org>
Subject: [External] Park City Landscaping Ordinance

[CAUTION] This is an external email.

Dear Planning Commission,

I am the owner and operator of Nourish Landscaping and Ecology Bridge, a member of the Summit County Weed Board and Project Manager for the Summit Cooperative Weed Management Area, as well as, a lead on bringing the Trout Friendly Landscaping program to Summit County.

I reviewed your Landscaping Ordinance changes and have a few comments. I hope to making the Planning Commission meeting tonight but am at a water conservation conference in Ogden until 4 today.

I will keep my comments brief, but am happy to make myself available to staff to further discuss comments.

Landscaping Plan

- I wonder how closely the final planting will be expected to be relative to the submitted plan. My concern is that plant availability is challenging and the quality/health of plants at planting may be more important than the species (replacement species should be a similar species) or size. I have seen plenty of near dead trees planted to meet plan requirements. Planting method is also equally important.

Noxious Weeds: as the ordinance reads now., it fails to recognize that noxious weeds are first determined by the state of Utah and additional species can be added by counties and cities.

In addition, I am concerned that the wordage requiring removal of noxious weed as a requirement to obtain Certificate of occupancy sends the message that they can be ignored before and during projects and fails to recognize that weeds can be persistent if a seed bank develops or complex root systems form. Weed control should be a pre, during and after project activity.

Lawn/Turf

I am in complete support of the turf reduction and use of grasses with low water requirements. I am surprised that the mow height recommendation is 2-3 inches rather than the research supported 4inch optimal height. Mowing at a height of 4in overtime leads to a 1% increase in soil carbon which equates to a capacity to absorb a 1 in rain event. Not to mention reduced evaporation with taller grass.

Given more time, I know I would have more comments but unfortunately my schedule is tight this week. I am happy to talk with staff further if that would be appreciated.

Thank you
Sara Jo Dickens

--

Sara Jo Dickens
Principal Ecologist and Owner
Ecology Bridge LLC
303-549-2089

From: [Sally Wilson](#)
To: [Rebecca Ward](#)
Cc: [Sarah Hall](#); [Lillian Zollinger](#); [Spencer Cawley](#); [Ken Wilson](#)
Subject: Re: [External] Re: LMA15-5-5(N)
Date: Thursday, October 27, 2022 1:28:24 PM

We plan to continue to work with the city on best practices for nze. We broke ground a couple of weeks ago and our footers were poured just in time. Next step is to form the walls and complete insulated slab. You are welcome to stop by the site anytime.

WRT permit incentives. The easiest way would be to subtract the cost of the added measures that allow us to achieve nze. For example: insulated crawl, double wall system, 2-3x insulation in the envelope and triple glaze windows. It's a similar concept to the renewable energy rebate.

With that said, I told Celia that I felt the permit fee was reasonable even before rebates. Ours was roughly 15k. Whereas our water fees were over 60k (this includes 22k to Summit for sewer) which is absurd. I'm aware of the rebate upon completion of the drip system as an optional measure (in place since early 2000s). In addition, fixtures today are far more water wise than what the indoor impact calculation are based. Finally, I have been discussing the calculation for exterior water impact fee with Brenda Turnblom. The LMC is vague for new builds.

My main point is I think the city needs to update the water calculations and include In the package to Counsel.

Sally Wilson, LEED Fellow
202-309-4861
Sent from my iPhone

On Oct 27, 2022, at 11:41 AM, Rebecca Ward <rebecca.ward@parkcity.org> wrote:

Sally,

Thank you for taking time to provide input on the proposed landscaping amendments. The amendments will be reviewed again by the Planning Commission, but not until January 11 due to full agendas in November and December.

I have copied the project planners, Spencer Cawley and Lillian Lederer, who will add your comment to the public record.

Municipal Code of Park City [Section 11-13-7\(G\)](#) establishes a potential water impact fee rebate for installation of drip irrigation and drought tolerant landscaping; [here](#) is an application if you are interested.

Celia has provided updates regarding your net zero home. Next year, we will be evaluating code amendments to incentivize more of this net zero development. Would you be open to meeting with us? We would love to hear about your experiences and project.

Best,
Rebecca

From: Sally Wilson <pcskichick59@comcast.net>
Sent: Thursday, October 27, 2022 9:49 AM
To: Sarah Hall <sarahmckennanhall@gmail.com>
Cc: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] Re: LMA15-5-5(N)

[CAUTION] This is an external email.

Thanks Sarah.

I have continued to work with Celia, Luke and Utah Clean Energy on the net zero building initiatives. I shared my research on grey water treatments with them as well. C&L have passed it along to engineering and health department for review. This system is scalable and I hope it will be approved so we can use it. It would also be great if the city would install at the Marc for irrigation purposes! <https://www.hydraloop.com/>

Sally Wilson, LEED Fellow
202-309-4861
Sent from my iPhone

On Oct 27, 2022, at 9:31 AM, Sarah M. Hall
<sarahmckennanhall@gmail.com> wrote:

Hi Sally- Thank you for your public comment. I have added Rebecca Ward who will add it to the official public record so we can all write your input. I was really bummed that we did not get to this code as I'm personally very interested in updating the LMC, in particular this topic. Please feel free to email Rebecca with any further thoughts regarding the proposed amendment that will be discussed in January. Thanks!

Sarah M. Hall

On Wed, Oct 26, 2022 at 9:21 PM Sally Wilson
<pcskichick59@comcast.net> wrote:

Hello Sarah:

I attended the beginning of the planning comm meeting to comment on LMA15-5-5(N) but as you know it was moved. I'm now participating online but might not make it to the end.

I wanted to tell the PLC that I'm in total support with the revision staff recommended to the LMC. However there is a disconnect in the the LMC that needs to be coordinated with roast amendments and fees.

My husband and I just received a permit for a new build in Park Meadows. Our intention is to build a net zero energy home as well as maintain native grasses on site, zeroscape as well as a grey water system. Yet, the impact water fees (permit) we are paying are over 60k and based on past codes.

My question for tonight was if the PLC would consider reducing permit fees rather than just offering a prescriptive measure.

Happy to have a conversation if you are free.

Sally Wilson, LEED Fellow
202-309-4861
Sent from my iPhone

From: [Spencer Cawley](#)
To: [Lillian Zollinger](#)
Subject: FW: [External] Planning Meeting 1/11/23
Date: Friday, January 20, 2023 1:17:21 PM

Spenser,

Thanks for the help with Solamere. Although not involved in the plant/fire/water discussion last night I had two thoughts after the agenda item was over.

1. Several neighbors in Solamere have installed artificial brooks or water features on the past few years. Should these be allowed?
2. For years I have been involved with the Solamere Oaks Swim and Tennis Club. Water is a major expense. The bill is more than 80% based on a flat charge for service and less than 20% for water. We should be paying more for the amount of water and less for the service to force conservation.

Thanks, Bill Watson

Planning Commission Staff Report



Subject: Accessory Uses in Master Planned Developments
Application: PL-22-05447
Author: Rebecca Ward, Assistant Planning Director
Date: February 8, 2023
Type of Item: Legislative – Land Management Code Amendments

Recommendation

Provide input on Land Management Code amendments for Accessory Uses in Master Planned Developments.

Background

Commercial development 10,000+ square feet and residential development 20,000+ square feet requires a Master Planned Development (MPD) application and review by the Planning Commission pursuant to Land Management Code (LMC) [Chapter 15-6](#). LMC [§ 15-6-5\(A\)](#) *Master Planned Development Requirements – Density* states:

The Planning Commission shall approve the type of Development, number of units, and Density permitted on a given Master Planned Development Site based on a Site Suitability Analysis. The Master Planned Development shall not exceed the maximum Density in the Zoning District, except as otherwise provided in this Section.

LMC [§ 15-6-8](#) *Unit Equivalents* establishes a formula for MPD Density. 1,000 square feet of commercial use is one Unit Equivalent and one Single-Family Lot or 2,000 square feet of Multi-Unit Dwelling residential use is one Unit Equivalent.

LMC [§ 15-6-8](#) *Unit Equivalents* exempts certain Support Commercial, Residential, and Resort Accessory Uses¹ from counting toward the total Unit Equivalents within an MPD. These Accessory Uses are intended to provide services and support uses for patrons, employees, and residents within the development, and not for the general public.

The Accessory Use exemptions from Unit Equivalents present challenges for some MPD reviews because they may result in increased mass and bulk of proposed projects and pose a potential risk that the Accessory Uses intended for patrons, employees, and residents already on site may eventually be opened to the general public without mitigating impacts like increased traffic and parking, and without contributing to affordable housing obligations pursuant to the City's [Housing Resolution No. 05-2021](#).

¹ LMC [§ 15-15-1](#) defines an Accessory Use as a land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

On December 14, 2022, the Planning Commission conducted a work session on these Accessory Uses ([Staff Report](#); [Minutes](#), p. 25). The Commission's input is outlined in the Analysis Section below.

Analysis

The LMC implements the goals and policies of the General Plan in part to protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and the unique mountain town community.² The Planning Commission reviews LMC amendments and forwards a recommendation to City Council for final action.³

Possible amendments based on Commission input to clarify Accessory Uses within MPDs are outlined below:

Support Commercial Accessory Uses

When the MPD process was first established in the 1980s, the LMC allowed Support Commercial Facilities, which were defined as commercial uses oriented toward the internal circulation of the development "for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development." The definition included examples like barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops or other hotel lobby type uses.

Each Support Commercial Facility was capped to no more than 2,000 gross square feet of floor area and the total Support Commercial Facilities were capped to no more than 10% of the total gross floor area. Signage for Support Commercial Facilities could only be visible from within the development. The 1980s LMC also allowed up to 5% of the total floor area to be dedicated to meeting spaces without requiring Unit Equivalents.

The definition of *Support Commercial Use* has been slightly modified since the 1980s, but still establishes the requirement that the Use serve the needs of residents or users of the development. LMC [§ 15-15-1 Definitions](#) outlines the following:

Commercial Use, Support. A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

When the City re-wrote the LMC in the early 2000s, the LMC continued to allow within a Residential MPD for a Hotel or Nightly Rental condominium up to 5% of the total floor

² LMC [§ 15-1-2](#)

³ LMC [§ 15-12-15\(A\)\(3\)](#)

area for Support Commercial and 5% of the total floor area for meeting spaces. This has not changed. LMC [§ 15-6-8\(C\)](#) *Unit Equivalents* currently establishes the following for residential MPDs:

SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED

DEVELOPMENTS. Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

And LMC [§ 15-6-8\(D\)](#) *Unit Equivalents* further allows the following:

MEETING SPACE. Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

The Planning Commission recommended the following:

- Limit signage and marketing for Support Commercial to interior spaces
- Meeting spaces create event spaces and may be converted over time to other uses – remove the allowance
- Limit Support Commercial density bonuses to a Hotel under one ownership and remove from Nightly Rental condominium projects
- Capture affordable housing obligations for employees generated as part of Support Commercial Uses
- Tie the maximum Support Commercial to net square footage with a cap rather than a percentage of the total Floor Area
- Consider the impacts of a Conventional Chain Business, a business with more than ten other businesses that meets the definition criteria outlined in [Section 15-15-1](#), that may operate as a Support Commercial Use – even if the signage is limited to interior signage only, through online resources, the Conventional Chain Business location may become known broadly and attract customers from beyond the project site

As a result, the following amendments are recommended:

SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED

DEVELOPMENTS HOTELS. Within a Hotel or Nightly Rental condominium project, the The Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents or [number to be determined] square feet in total, whichever is lesser. Conventional Chain Businesses are prohibited as Support Commercial Use. Any unused support commercial floor area

~~may be utilized for meeting space Uses. Support Commercial within Hotels shall be included in Affordable Housing obligations and calculations subject to Housing Resolution No. 25-2020, as amended.~~

MEETING SPACE. Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

Residential Accessory Uses

The 2002 LMC update further exempted administrative and banquet offices, as well as Residential Accessory Uses from Unit Equivalents, which included ski lockers, lobbies, registration, concierge, bell stand/luggage storage, maintenance areas, mechanical rooms, laundry facilities, employee facilities, common pools, saunas, and hot tubs not open to the public, telephone areas, public restrooms, administrative offices, hallways and circulation, elevators and stairways, and back of house uses. There is no square footage or percentage cap on Residential Accessory Uses.

LMC § 15-15-1 Definitions does not define Residential Accessory Uses. However, LMC § 15-6-8(F) Unit Equivalents includes the following description:

RESIDENTIAL ACCESSORY USES. Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms and shafts
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs, and exercise areas not open to the public
- Telephone Areas
- Guest business centers
- Public restrooms
- Administrative offices

Hallways and circulation
Elevators and stairways

The Planning Commission recommended the following:

- Limit Residential Accessory Uses to functional spaces and clearly define these spaces
- Evaluate whether public restrooms should be included in the density bonus
- Add Child Care Facilities to the list and exempt them from density
- Consider vehicle miles traveled when evaluating whether laundry and employee facilities should be included in the bonus density

The Building team reviewed a proposed definition that aligns with building codes to help clarify and limit density bonuses provided for functional space, outlined in the redlines below. The Building team also provided information on when public restrooms are required. For any project that includes common areas, public restrooms must be provided based on occupancy and use. The only instance where public restrooms may not be required in a residential development is if it is a residential condominium with no common areas. As a result, staff recommends removing the density bonus for public restrooms.

LMC [Section 15-15-1](#) defines *Child Care Center* as “[a] Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty-four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.”

As a result, the following amendments are recommended:

RESIDENTIAL ACCESSORY USES. Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms and shafts limited to electrical, heating, ventilation, plumbing, and air conditioning equipment and ductwork necessary for the operation of the Building
Laundry facilities and storage

Employee facilities
~~Common pools, saunas and hot tubs, and exercise areas not open to the public~~
Telephone Areas
Guest business centers
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways
A Child Care Center

Resort Accessory Uses

The 2002 LMC added Resort Accessory Uses, exempting lost and found, mountain patrol, mountain administration, mountain maintenance, emergency medical facilities, public lockers, public restrooms, employee restrooms, ski school/day care facilities, ticket sales, ski check, circulation, and hallways from Unit Equivalents. There is no square footage or percentage cap on Resort Accessory Uses.

The General Plan and recommended strategies acknowledge the need for flexibility with resort development, while preserving the City's core values. Goal 11 of the General Plan is to support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. Objective 11A states the vibrancy of Park City's resorts is essential to the success of resort support businesses and the City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City. Objective 11B is to preserve our community core values of Small Town, Natural Setting, Sense of Community, and Historic Character to maintain the unique Park City experience for visitors and residents.⁴

LMC [§ 15-15-1 Definitions](#), while defining *Resort Support Commercial Use* and *Resort Support Commercial* as shown above, does not define *Resort Accessory Uses*. LMC [§ 15-6-8\(G\) Unit Equivalents](#) includes the following:

RESORT ACCESSORY USES. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to,

⁴ General Plan Volume I, [Sense of Community](#), p. 20 – 22

such Uses as:

Information
Lost and found
First Aid Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

The Planning Commission recommended the following:

- In general, there is support for Resort Accessory Uses
- Capture affordable housing obligations and parking and traffic impacts
- Remove uses required for business operations like administration
- Remove terms like “instruction facilities” that could be broadly interpreted
- Consider vehicle miles traveled when evaluating maintenance and storage facilities

As a result, the following amendments are recommended:

RESORT ACCESSORY USES. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are ~~considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent,~~ but shall be included in Affordable Housing obligations and calculations subject to Housing Resolution No. 25-2020, as amended, and shall be calculated as part of the parking demand requirements and traffic impact studies. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid Mountain patrol
Administration

Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas
Ski school/day care facilities
~~Instruction facilities~~
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

Resort Support Commercial

Support Commercial is also defined for the resorts. [§ 15-15-1 Definitions](#) outlines the following:

Commercial Use, Resort Support. A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

RESORT SUPPORT COMMERCIAL. Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

However, LMC [Chapter 15-6](#) outlining MPD regulations is silent regarding Resort Support Commercial. Resort Support Commercial is established through the Park City Mountain Resort and Deer Valley Development Agreements specific to each project and no proposed amendments to the LMC would impact what is already defined and established specific to each resort (Exhibit B).

Resort Support Commercial uses are allowed in the Recreation Open Space,⁵ Residential Development,⁶ Residential Development Medium,⁷ Regional Commercial Overlay,⁸ General Commercial,⁹ and Light Industrial¹⁰ Zoning Districts. All Zoning Districts establish Resort Support Commercial as a Conditional Use, requiring Planning

⁵ LMC [§ 15-2.7-2\(C\)\(19\)](#)

⁶ LMC [§ 15-2.13-\(B\)\(22\)](#)

⁷ LMC [§ 15-2.14-2\(B\)\(22\)](#)

⁸ LMC [§ 15-2.17-2\(B\)\(26\)](#)

⁹ LMC [§ 15-2.18-2\(A\)\(23\)](#)

¹⁰ LMC [§ 15-2.19-2\(A\)\(18\)](#)

Commission review, and include a footnote stating the Resort Support Commercial must be approved as part of an MPD except for the Recreation Open Space, General Commercial, and Light Industrial Zoning Districts.

Staff recommends the Planning Commission consider updating the *Uses* Section of the Recreation Open Space, General Commercial, and Light Industrial Zoning Districts to shift the use from an Allowed Use to a Conditional Use, triggering Planning Commission review, as well as adding a footnote that Resort Support Commercial may only be allowed when part of an MPD approval.

The Planning Commission requested information on whether Resort Support Commercial should be removed entirely from the LMC. Because Resort Support Commercial is not outlined in LMC [Section 15-6-8 Unit Equivalents](#), it is not exempt from density. Its inclusion in certain Zoning Districts outlines where Resort Support Commercial—when approved as part of a resort Master Planned Development—is allowed. As a result, staff recommends retaining Resort Support Commercial in the Use tables of the Zoning Districts listed above, with the update that a footnote link allowable Resort Support Commercial to an approved Master Planned Development.

Exhibits

Exhibit A: Public Input

Exhibit B: Resort Development Agreements and Support Commercial Uses

Exhibit A: Public Input

Thursday, December 15, 2022, 10:48 AM

All,

Thank you for such a robust discussion on the potential amendments to the LMC regarding Support Commercial, Residential Accessory and Resort Accessory code. I applaud the level of scrutiny given to each category. The takeaway appears to be a strong desire by this Commission to tighten up the density/square footage allowances and have certain uses counted in the totals and therefore figured into the affordable housing requirement calculation. It will come as no surprise that I couldn't agree more.

Functional use vs Amenity - similar to a needs vs wants review. Hallways, stairs, elevators and related are all needs. Swimming pools, concierges, fitness centers and so on are all wants - certainly not required in order for the project to meet building code.

Revenue generation is another lens for review. If it's part of a line item or its own line item on an Income Statement, it's probably not a need. As pointed out by at least one commissioner, if its revenue generating it may down the road be available to the general public to attain additional revenues. Also, agree 100% with Commissioner Sigg on his assessment of Meeting Space - should always be counted in total density and square footage. As a former youth sports team travel manager for many years, I can assure you almost all hotels (both high and low end) often require money for a team to congregate in a "meeting space" to review game footage, eat dinner together or whatever. This would sometimes be waived if we booked enough rooms which is just another means for revenue generation. In addition, meeting space may also come with requirements such as on-site catering be used which is another revenue generating tool. Ski School is a desirable component of a resort, but is it not a cost of doing business in the ski industry which results in revenue generation? Ski School also increases the number of staff needed which in turn generates parking and traffic mitigation needs. As Assistant Director Ward pointed out, additional staffing requirements is another lens for review of a use. With regards to daycare, while it generates revenue, if it's for employee/staff use, it's help meeting a need and perhaps some allowance should be granted on a case-by-case review basis.

There are clearly some differences between a residential project versus a hotel and it makes identifying what should be considered a Residential Accessory Use murky at best when looking at the lists in the staff report. Perhaps part of the consideration should be "can the space be built into the individual unit"? For instance, laundry facilities can be placed in each individual condominium or apartment of a residential project and that square footage would count as part of each unit. If the developer doesn't put it in each unit and opts to make it a shared laundry facility under Residential Accessory

Exhibit A: Public Input

Uses, why shouldn't that space still count towards total square footage? I understand it prevents them from having to drive to a laundromat, but again, the developer could have put laundry in each individual unit. Currently, the developer could instead make the individual units larger, then build shared laundry facilities and not have to count that square footage. This potentially increases the mass and bulk of a project as Assistant Director Ward pointed out in her staff report. A guest business center, public restrooms, concierge and more are all 'amenities' of a residential project (non-hotel). Commissioner Hall pointed out people will duck into a hotel to use the public restrooms but generally do not duck into a condo or apartment project.

Administrative offices or C-Suites are often quite magnificent. To Chair Suesser's point, perhaps this and similar uses should be counted or at a minimum a cap placed on the total square footage for this category of use.

Reverting back to prior code signage limiting to on-site visibility makes sense, but to a commissioner's point, if it's a Starbucks or something, word will get out without a sign and the public will use it.

Commissioner Frontero requested additional research on Support Commercial Use versus Resort Support Commercial which may serve to simplify the code and review process; it's a good idea.

In the end, none of the adjustments to the code discussed will actually remove the option to build a certain space into a project. It's a change in what gets counted in the total density/square footage and affordable housing requirement calculations.

Thank you all again for your hard work on these amendments; I look forward to the February discussion.

Sincerely,

Deb Rentfrow

Exhibit B: Resort Development Agreements

The Deer Valley Master Planned Development establishes Commercial Space, Support Commercial Space, and Meeting Space. Support Commercial is permitted as defined in the Land Management Code at the time of project application and is restricted to specific parcels.

12th Amended Deer Valley Master Planned Development (p. 5):

H. Commercial Space, Support Commercial, and Meeting Space. Exhibit 2 hereto lists commercial and support space allotted to the Project. The General Snow Park Commercial category is restricted in utilization within the Project to the following parcels in the Snow Park area:

Pine Inn Multi-Family Parcel
Snow Park Lodge Multi-Family Parcel (Black Diamond Lodge)
Snow Park Village (Combination of Snow Park Hotel Parcel and
Snow Park Parking Area Parcel)
Snow Park Day Center Parcel

Utilization of portions of the General Snow Park Commercial category within any of the above listed parcels is subject to the specific approval of both Permittee and Commission.

In addition to the Exhibit 2 Commercial Space permitted in the Project, Support Commercial shall be permitted and used as defined in the Code, as amended, at the time of application.

Exhibit 2 is included below:

Exhibit B: Resort Development Agreements

**DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 2
COMMERCIAL AND SUPPORT SPACE**

LOCATION	RETAIL	RESTAURANT (3)	COMM'L OFFICES	ADMIN., SUPPORT & OTHER	TOTAL	TRANSFER TO RESIDENTIAL		
						DEVELOPED	REMAINING	
SNOW PARK LODGE	13807	26958		85578	126343	126343	0	
SNOW PARK TICKET SALES BUILDING				5112	5112	5112	0	
SNOW PARK PLAZA BUILDING	3100		16000	4180	23280	23280	0	
GENERAL SNOW PARK COMMERCIAL (1)	21890				21890	0	21890	
SILVER LAKE LODGE	1200	29160		15790	46150	46150	0	
EMPIRE LODGE (4)		22456		12544	35000	30453	4547	
SILVER LAKE COMMUNITY (2)	27962		4265	12938	45165	1243	31954	11968
NORTH SILVER LAKE COMMUNITY	8000			6525	14525	0	14525	
MAINTENANCE, WHSE, & SHOPS				31724	31724	31724	0	
TOTAL	75959	78574	20265	174391	349189	295016	52930	

NOTES:

(1) General Snow Park Commercial may only be utilized on certain parcels with approval of Commission and Permittee. 18110 square feet of General Snow Park Commercial has previously been allocated to and is included in totals for Snow Park Lodge.

(2) 10125 square feet of Silver Lake Community commercial has previously been allocated to and is included in totals for Silver Lake Lodge (1994 Silver Lake Lodge expansion 6990 sf and 1998 Silver Lake Lodge expansion 3135 sf). Remainder of Silver Lake Community commercial consists of:

Developed Space:	
Royal Plaza	14312
MI. Cervin Plaza	8080
Goldener Hirsch Inn	2062 (see note #5)
Chateaux at Silver Lake	7500
Total	31954
Transferred to Royal Plaza Residential	1243
Allocated but Undeveloped Space:	
Silver Lake Village Lot C	7000
Remainder Unallocated	4988
Total	45165

(3) Includes kitchen, receiving and storage.

(4) Maximum size of Empire Lodge is 35000 sf of which 30453 sf has been developed.

(5) Commercial uses on Silver Lake Village Lot D includes 2,062 sf as allocated from this Amended and Restated Large Scale MPD, plus support commercial uses.

The Park City Mountain Resort [1998 Development Agreement](#) outlines the following (p. 3-4):

Exhibit B: Resort Development Agreements

(d) "Residential Accessory Use" means an approved use for the benefit of Project residents that does not require the use of Unit Equivalents and includes, but is not limited to, the following:

- Health Clubs and Fitness Centers
- Pools, Saunas and Hot Tubs
- Ski Lockers
- Lobbies
- Meeting Rooms
- Storage
- Laundry

Employee Facilities

(e) "Residential Support Commercial Use" means a commercial use that is oriented toward the internal circulation of the development, to serve the needs of the residents or users of that development and otherwise meets the definition of a support commercial use found in the 1997 Land Management Code. Residential Support Commercial Uses do not require the use of Unit Equivalents.

(f) "Resort Accessory Use" means an approved use for Developer's winter and summer operations that does not require the use of Unit Equivalents. Resort Accessory Uses include the following, as well as other uses that are not listed below but which qualify as "accessory" because they are clearly incidental to and customarily found in connection with the principal building or use and are operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors to the principal building or use:

- Information/Lost and Found
- Maintenance Facilities
- Mountain Patrol
- Mountain Administration
- Mountain Patrol Medical Facilities
- Base Day Lodge and Food Service
- Public Lockers
- Public Restrooms
- Horseback Riding and Stables

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- Mountain Bike Rental, Repair, and Sales
- Ski/Snowboard (etc) Repair, Rental and Sales
- Ski School/Skiwee/Kinderschule/Day Care
- Ticket Sales
- Summer Recreation Facilities
- Public Convention Facilities

Planning Commission

Staff Communication



Subject: Affordable Master Planned Development Consultant Report Update
Author: Rebecca Ward, Assistant Planning Director
Date: February 8, 2023
Type of Item: Work Session

Recommendation

Review the items proposed to be evaluated in the consultant reports that outline best practices and recommendations for Affordable Master Planned Developments (AMPDs).

Summary

On January 25, 2023, the Planning Commission discussed amendments prioritized for 2023 ([Staff Report](#); [Audio](#)). One topic scheduled for review this year is the AMPD code, which incentivizes development of affordable housing through reduced setbacks and open space, increased building height, and the potential for parking reductions. Last fall, the Planning Commission reviewed the City's first ever AMPD and identified opportunities to further evaluate the AMPD criteria.

Staff recommends hiring a consultant to review the initial studies, reports, and recommendations that were the basis of the AMPD code amendments to provide updated information and to address questions that have been raised as part of AMPD project review. The Planning Commission was supportive of this approach and requested a work session to discuss the topics to be updated and evaluated by the consultant.

Background

As a result of [a 2016 Housing Policy Study](#), the City Council established a community goal of 800 new affordable units by 2026 to maintain 15 percent of the workforce in town. In 2021, James Wood with the University of Utah completed an updated [Park City Housing Market Assessment](#), finding the 800-unit goal is no longer sufficient and the need for affordable rental units has increased significantly.

Since 1984, the Land Management Code (LMC) allowed for a density bonus for AMPDs that provided 100% affordable housing. However, in 34 years, no AMPD was constructed by a private developer or through a public-private partnership. In 2018, the City Council directed the Planning and Housing teams to evaluate the AMPD code to identify obstacles to affordable housing development.

In 2018, staff proposed AMPD amendments to (1) reduce the requirement from 100% to 50% affordable or attainable housing; (2) create a sliding scale for density bonuses based on the total percentage of affordable units and the Area Medium Income served; (3) reduce Off-Street Parking to match general Master Planned Development parking

requirements; and (4) exempt micro-units 500 square feet or less from parking requirements.

The Planning Commission forwarded a positive recommendation to City Council but requested continued work on height, micro-unit limitations, and clarification with respect to market-rate units and the density bonus, parking restrictions, and rental units ([Staff Report](#), p. 52; [Minutes](#), p. 11).

The City Council requested further study to demonstrate whether the proposed AMPD amendments went far enough to incentivize public-private partnerships ([Staff Report](#); [Minutes](#), p. 12). As a result of the AMPD review in 2018, the City hired Cascadia Partners to audit the proposed AMPD code.

Cascadia Partners produced two reports:

2019 – [*Affordable Master Planned Development Code Audit Report*](#)

2020 – [*Height and Parking Best Practices Research*](#)

In addition to the work completed by Cascadia Partners, the City Budget and Housing teams worked through several tests of potential development projects to evaluate the effectiveness of the proposed amendments.

The Planning Commission reviewed the consultant reports and recommendations for the amended AMPD code and conducted a series of work sessions:

October 28, 2020	Parking Reductions Staff Report ; Minutes , p. 3
November 11, 2020	Increased Height Staff Report ; Minutes , p. 4
December 9, 2020	Separating the AMPD from the MPD code, establishing a 50% affordable unit minimum, allowing mixed-use development, and restricting nightly rentals Staff Report ; Minutes , p. 14

On February 10, 2021, the Planning Commission forwarded a positive recommendation for City Council's consideration on amendments to the AMPD code ([Staff Report](#); [Minutes](#), p. 4). On February 25, 2021, the City Council approved [Ordinance No. 2021-10](#), adopting the AMPD code amendments ([Staff Report](#); [Minutes](#), p. 18).

The following list has been identified by the Planning Commission for further evaluation in the updated consultant reports:

- Reevaluate building height, allowable roof forms, and side and rear stepbacks;

- consider requiring mechanical equipment limitations and setback requirements to reduce visual impacts
- Consider an increase in allowable commercial square footage, which is currently limited to 10,000 square feet
- Consider allowing market-rate nightly rentals when a project offers units affordable to those at 30 – 40% AMI

The proposed updates for the consultant reports include:

- Updating the result of reduced open space and setbacks, increased height, and potential reductions to parking that reflect current market conditions
- Evaluating the financial implications of additional commercial uses and parking impacts
- Evaluating the financial implications of allowing limited nightly rentals and the potential for some units aimed at lower Area Median Incomes
- Evaluating opportunities to incentivize more affordable units at 30 – 40% Area Median Income

Are there additional items the Planning Commission would like to include in the consultant report updates?