

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JUNE 26, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Matt Evans, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

The Commissioners met in work session prior to the regular meeting. The work session discussion can be found in the Work Session Minutes dated June 26, 2013.

**ROLL CALL**

Chair Wintzer called the meeting to order at 7:45 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

June 12, 2013

MOTION: Commissioner Wintzer moved to APPROVE the minutes of June 12, 2013 as written. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington welcomed back Kayla Sintz to the Planning Department as the new Planning Manager.

Director Eddington reported that the City was interviewing for new Planner positions in an effort to bring the Staff up to full capacity.

Director Eddington referred to the Staff Communication items on the June 12<sup>th</sup> agenda under Staff Communications. The first was Jim Tedford's letter regarding MPDs. He noted that the Staff and the Planning Commission had already addressed the issues outlined in the letter. The Staff had requested additional information based on Mr. Tedford's question as to whether or not the Planning Commission had reviewed his letter. Director Eddington clarified that Mr. Tedford's letter had been reviewed during the MPD discussion and the Planning Commission took his information into account and decided to reduce the extent of the MPD changes in their recommendation to the City Council. Director Eddington noted that the recommendation regarding MPDs was scheduled before the City Council on July 11<sup>th</sup>. Mr. Tedford would have the ability to voice further concerns or additional amendments at the City Council meeting. Director Eddington wanted the Planning Commission to clearly understand that Mr. Tedford's letter had been addressed.

Director Eddington stated that the second Staff Communication item on the June 12<sup>th</sup> agenda was the issue of SR248. He noted that Highway 248 is under construction as a UDOT project to expand and repair the road and to create an HOV lane. The project is currently on schedule.

Based on the number of excused absences submitted, Director Eddington asked how many Commissioners would attend the July 10<sup>th</sup> meeting to make sure they have a quorum. Commissioners Worel, Thomas and Wintzer would be out-of-town. Commissioners Hontz, Gross, Strachan and Savage would attend; therefore, there would be a quorum. Assistant City Attorney McLean asked the four Commissioners who would attend to check the agenda prior to the meeting to make sure they would not have to be recused from any of the items. If that occurred they would have to reschedule the item because the three remaining members would not be a quorum.

Director Eddington noted that the fourth Wednesday in July, which would be their regularly scheduled meeting was the 24<sup>th</sup> of July and a City holiday. Since there were five Wednesdays in July, he proposed to move the second meeting to July 31<sup>st</sup>. The majority of Commissioners would be available and they agreed to change the meeting to July 31<sup>st</sup>.

Commissioner Hontz asked about Planning Commission applications since terms were expiring for three of the Commissioners. Director Eddington explained that the Code is written such that the Commissioners sit as standing members of the Planning Commission after expiration of their term until the City Council accepts applications for their replacement. He recalled a discussion at the last City Council/Planning Commission joint about delaying the application process and leaving the Commissioners standing for an additional six months until the General Plan, Form Based Code, Bonanza Park and other major issues have been completed.

Chair Worel announced that due to the length of the work session and the number of items on the regular agenda, the Planning Commission had agreed to a hard stop of 10:00 to end the meeting, and to continue any remaining items at that time. The applicants on the agenda were given the option to have their items continued immediately instead of taking the chance that their items would not be heard this evening. All the applicants preferred to wait, with the understanding that the item could be continued to the next meeting if it was not heard prior to 10:00 p.m.

Commissioner Thomas disclosed that he would be recusing himself from two agenda items this evening. The first was 124 Norfolk Avenue, and the second was Lots 21-32 Echo Spur.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. 30 Sampson Avenue – Ratification of Findings (Application #PL-12-01487)**

Planner Matt Evans reported that the Planning Commission reviewed this application on April 24, 2013, at which time the applicant's representative asked to have the item continued. During that meeting the Staff offered testimony from the Chief Building Official, Chad Root, regarding the issue of connecting the elevator shaft to the Main Building via a deck, and whether that would constitute connecting the two building. Mr. Root confirmed that it would be considered a connection between the two buildings. Since that time the applicant sought clarification from the Chief Building Official and asked if it would still be considered a connection if the two structures were somehow independently separate from each other. Mr. Root told the applicant that they would not be considered one building if they were structurally independent from one another.

Planner Evans noted that the applicant also asked Mr. Root for clarification on the basement issue. The Planning Commission had made a finding that the basement was not fully below grade due to the window well issue. Mr. Root provided his opinion based on the Uniform Building Code, that the window wells would not count towards having the basement considered to be above grade. Planner Evans noted that it was only the interpretation of the Chief Building Official and the Planning Commission has the right to make their own interpretation based on their own findings, and the definitions in the LMC.

Planner Evans stated that the same Findings of Facts that applied before still apply, with the exception of eliminating the previous Finding #39, which was the CBO's determination that the structures were somehow connected if the deck structure was to connect to the elevator building.

Jon DeGray, the project architect, was available to answer questions on behalf of the applicant.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thomas stated that the application that came before the Planning Commission had the upper house and the lower house connected. Those were the drawings submitted with the application. He thought the Planning Commission should be voting on those drawings, unless they were being presented with revised drawings that change the design.

Assistant City Attorney McLean stated that the drawings had not been changed; however, the Staff had provided evidence from the Chief Building Official in the Staff report. She recalled that the Planning Commission was prepared to ratify the findings for denial at the last meeting, but the application requested time to meet the Chief Building Official. After further reflection and the fact that the applicant is able to create a separation in the same design, and the Chief Building Official

did not personally testify before the Planning Commission, the legal recommendation to the Staff was to remove Finding #39 because it was not part of the findings the day of the public hearing.

Commissioner Wintzer understood that the Planning Commission would not be voting on the comment on the drawing that changes the original plans. Assistant City Attorney McLean replied that this was correct. The Planning Commission would be voting on what they saw when this application was reviewed in April.

Commissioner Hontz referred to page 158 of the Staff report, and thought Finding of Fact #12 should be revised to reflect similar language as in Finding #11 to read, "The applicant had not submitted a streetscape analysis as required by the Land Management Code." The fact that the streetscape was not presented to Staff was not the finding. The finding is the fact that it was not submitted by the applicant. Commissioner Savage remarked that the list did not include several other things were not included in the application. He thought Commissioner Hontz had made a good point.

Commissioner Hontz referred to page 159, Finding of Fact #21 and asked if the other Commissioners thought the language should be revised to better reflect the intent. The Commissioners were comfortable with the finding as written.

MOTION: Commissioner Strachan moved to Ratify the Finding of Fact and Conclusions of Law contained on pages 158 through 161 of the Staff Report and as amended, to deny the Steep Slope Conditional Use Permit at 30 Sampson Avenue. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 30 Sampson Avenue

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet, the minimum lot size in the HRL district is 3,570 square feet.
5. The subject property is very steep ranging from flat areas near Sampson Avenue and climbing uphill with slopes reaching between 30-40% before reaching the main body of the lot.
6. The proposal consisted of a single family dwelling of 4,585 square feet which includes a 453 square foot detached garage, a 350 square foot garage entry and a 106 square foot access tunnel which is located below ground.
7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.

8. A 1998 letter from the (then) Community Development Director Richard Lewis, determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that basement areas would not count against the 3,000 square foot maximum so long as they were constructed fully below the finished grade. This letter was recorded on the title of the property.
9. The Land Management Code has been amended numerous times since 1998.
10. An overall building footprint of 2,272 square feet was proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.
11. The applicant submitted a visual analysis, and renderings showing a contextual analysis of visual impacts.
12. The applicant did not submit a streetscape analysis as required by the Land Management Code.
13. The cross canyon view contains a back drop of both structures, a two (2) story home up the hill with a two (2) story garage building in front.
14. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street and provides two (2) legal off-street parking spaces, which meets the minimum parking requirement.
15. The detached garage/elevator building is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 77 feet from the street.
16. At their closest points, the two buildings are approximately nine (9) feet apart from each other and are attached by a deck with footings, which attaches the elevator building to the upper (second) floor of the main house.
17. The proposed height of the main building (home) and the elevator building is twenty seven feet (27').
18. 2,996 square feet of the total 4,041 square feet of building space is above ground.
19. The building locations and the proposed building designs both climb up the hill from Sampson Avenue. The proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures by their placement, massing and height are not located on the lot in a manner that reduces the visual impact.
20. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.

21. The proposed home attempts to maximize the minimum setbacks on each of the property lines. The proposed garage building maximizes the setbacks on the front and on the south property line.
22. There is no proposed screening of the home from Sampson Avenue due to the fact that the home climbs up the hill from the right-of-way, and that there is proposed parking and driveway area in front of the garage. There is no proposed screening of the home between the elevator building and the home due to the fact that the applicant has proposed an attached deck and patio connecting the two structures, thus minimizing any screening opportunities with exception of adjacent properties that are already screened by existing "Gamble Oaks" and other existing vegetation.
23. The scope of the project requires extensive retention of the hillside, and no substantial mitigation has been proposed to reduce the detrimental impacts to the hillside and the design is not appropriate to the topography of the site. The revised design provided by the applicant since the original inception shows substantial retention and retaining walls around the south property line and substantial retention and retaining walls around the garage building on the north property line.
24. The visual analysis cannot include what could potentially be built around the proposed home as doing so would be purely hypothetical.
25. The lot analysis presented by staff for Sampson Avenue and adjacent properties to the subject property are irrelevant for comparison because the study only takes into consideration lot size and home size, and does not take into consideration the height, setbacks, mass and scale of existing historic homes located on adjacent property, or nearby properties, including those located within the same District on King Road, thus making the analysis dissimilar for compliance with the LMC and General Plan.
26. The Existing Home Size Analysis for neighboring properties in the Staff Report does not reflect current LMC requirements, and most of the homes in the area were built prior to the current code requirements and considerations, and thus should not be used when looking at comparable home sizes consider that some of the homes in the analysis could not be built under the current LMC requirements.
27. There are existing historic homes as listed in the Historic Sites Inventory near the proposed site on Sampson Avenue, including the adjacent 40 Sampson Avenue, (approximately 1,700 square feet), 41 Sampson which is across the street from the subject property (approximately 900 square feet) as well as nearby 60 Sampson Avenue and 115 Sampson Avenue.
28. The proposal does not meet the purpose statement of the Historic Residential Low (HRL) district, specifically §15-2.1-1(C) preserve the character of Historic residential Development in Park City.

29. The proposal does not meet purpose statement (LMC §15-2.1-1)(E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
30. The proposal does not meet purpose statement (LMC §15-2.1-1)(F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.
31. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(1) "Location of Development" due to the fact that the building locations and the proposed building designs do not reduce visual and environmental impacts because both climb up the hill from Sampson Avenue, and because the proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures are not located on the lot in a manner that reduces the visual impact.
32. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(2) "Visual Analysis" because the proposal does not provide screening, vegetation protection, or other design opportunities that could have been incorporated into the design to help mitigate these issues.
33. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(5) "Building Location" due to the fact that the proposal does not coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize parking areas.
34. The proposal has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(6) "Building Form and Scale" because the applicant is not proposing "smaller components" nor are they proposing low-profile buildings that orient with the existing contours. Both buildings are large and are not broken into the smaller components as encouraged by this sub-section of the LMC.
35. The proposed has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(7) "Setbacks" due to the fact that the proposed setbacks only help to maximize the building site and are not compatible with other historic structures in the neighborhood.
36. LMC §15-2.1-6(B)(7) requires that the variation in setbacks will be a function of the site constraints, proposed building scales and setbacks from adjacent structures, and the proposed buildings do not consider the site constraints and thus cannot be substantially mitigated.
37. The proposed home has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(8) "Dwelling Volume" due to the fact that the proposed basement adds significant volume to the building, which was an issues that was raised by the City Council in the minutes of the 1994 City Council meeting to approve the Subdivision that created the subject lot.
38. The proposed home is not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass or scale, and the proposed home and garage buildings offer

no substantial mitigation measures necessary to show compatibility with the nearby existing structures.

39. Height within the HRL District is limited to three (3) stories, and the proposal is for two buildings a main structure (home) and a garage with an elevator building that connects to the home by a patio and a deck. The two buildings appear by their placement to be a five (5) story building. Connecting the buildings in this manner does not meet the intent of the LMC §15-2.1-5(B).
40. The basement proposed does not meet the criteria for not having it count against the overall building size maximum of 3,000 square feet as noted on the 1995 Millsite Supplemental Plat, because there are windows and a window well in the basement, making the basement not fully below grade, which was the criteria as described in the Plat note for the property, as stated in Finding of Fact #8.
41. The visual mass of the proposed dwellings have not been mitigated by this home design.
42. Additional parking beyond the minimum two (2) required spaces might be necessary due to the location of the home on a sub-standard street that offers no off-site parking.
43. This Ratification was continued from the April 24, 2013 Planning Commission meeting.

#### Conclusions of Law – 30 Sampson Avenue

1. The proposed development does not meet the “Purpose” of the HRL District, specifically with respect to LMC §15-2.1-1(C)(E) and (F).
2. The proposed does not meet the criteria for development on steep slopes, specifically Land Management Code §15-2.1-6(B)(1-2), and (6-9).
3. The proposal is not historically compatible with other buildings within the HRL District, or areas nearby with respect to setbacks, height, mass or scale.
4. The proposed development does not meet the intent of the maximum height requirement restriction of no more than three (3) stories as required in LMC §15-2.1-5(B).
5. The reasonably anticipated detrimental effects of the proposed home and garage buildings on a steep slope cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with the applicable standards specifically LMC §15-2.1-6(B)(1-2) and (6-9).

#### Order

The Steep Slope Conditional Use Permit for the proposed new single-family dwelling 30 Sampson Avenue is hereby denied for the reason specified within the Findings of Fact and Conclusions of Law listed herein.



**2. 415 Deer Valley Drive – Plat Amendment  
(Application PL-13-01910)**

Planner Matt Evans reviewed the application for a plat amendment to combine four Park City Lots and two partial lots into one new lot of approximately 8200 square feet. There is an existing home on the property and the applicant is contemplating an addition to the home. In order to achieve the addition the applicant is required to consolidate the lots into one parcel.

Planner Evans distributed copies of an illustration and noted that the green color identified what exists on the site and the blue color indicated what was being proposed. He had also added a proposed deck.

Planner Evans stated that the applicant was also aware that the back part of the property, which has frontage on to platted, but unbuilt Coalville Avenue, is a steep area and they do not contemplate future development in that area. Therefore, the applicant proposes a non-building limit just beyond the hot tub. The area is approximately 3,375 square feet or 60' x 56.25 feet.

Planner Evans noted that page 189 of the Staff report incorrectly showed the lot width as 50 feet. The correct lot width is 56.25.

Commissioner Savage asked if the unbuildable area described included the setback areas. Planner Evans replied that this was correct. He explained that the setback area was shown on the illustration to give an idea of how the house fits within the setback area now, as well as what the applicant was proposing. He stated that the setbacks were the typical 5-foot, 10-foot rear, 15-foot front yard setbacks as required by the zone.

Planner Evans remarked that the garage encroaches over the front property line. As indicated in the Staff report, there is a discrepancy between the built right-of-way and the actual platted right-of-way of approximately 30 feet, and it occurs where Deer Valley and Heber Avenue meet. Planner Evans believed the house was built around 1977. The applicant would be required to obtain an encroachment agreement from the City Engineer for the garage as it currently extends over the front property line.

David White, the project architect, was available to answer questions on behalf of the applicant.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz stated that if the plat amendment was approved and the applicant proposed new additions, with the garage already has a zero setback, she asked if they would be further impacting a non-conforming use. Planner Evans stated that if the applicant wanted to do anything with the garage, including tearing it down, she would be required to conform to the setback requirement.

Assistant City Attorney McLean explained that under there is a non-conforming use section under the Code which states that the degree of non-conformity cannot be increased. Any change to the garage would have to comply with that Code section.

Commissioner Hontz asked about fencing. She noted that one of the neighbors had fenced around their entire hillside and it is an eyesore and it impedes wildlife movement. She recommended that they prohibit fencing along the proposed non-buildable area or behind the deck.

David White noted that the original site plan shows a fence along both sides of the property line. He asked if the existing fence would have to be taken down. Commissioner Hontz pointed out that the existing fence belongs to the neighbor. Diana Thompson, the applicant, stated that there are stacks of wood in areas where the fence has come down. She was unsure who owned the fence. Mr. White informed Ms. Thompson that the fence was shown on her property. He noted that on the east side the fence was shown going up as far as the hot tub. On the west side it was shown going all the way up.

Director Eddington thought it looked like the neighbor's fence was on Ms. Thompson's property. The Commissioners agreed. Commissioner Hontz assumed that the applicant would not want the neighbor to rebuild the fence on her property. Therefore, the neighbor neighborhood would have to go through the process to build the fence on their property.

Assistant City Attorney McLean pointed out that the Code only requires permits for fencing over 4 feet.

Commissioner Hontz referred to page 193 of the Staff report, Finding of Fact #11. She felt the language was confusing and the finding should be revised to indicate that future development must meet the setback requirements at the time of application. Commissioner Hontz corrected Condition of Approval #6 to indicate that there was only one ten foot (10') wide public snow storage easement. The word "easements" should be changed to "easement."

Commissioner Strachan thought Finding of Fact #11 could be deleted because the Code would address the setbacks for future development. Commissioner Hontz agreed.

Director Eddington suggested a revision to Finding # 7 to replace the word "non-conforming to with "non-complying". The revised Finding would read, "The homes is **non-complying** with respect to the front yard setback requirement, and the existing garage has a zero foot setback where fifteen feet is required."

Commissioner Hontz asked if the Commissioners thought Condition #4 needed further clarification regarding the non-buildable area and fencing. Director Eddington recommended adding a sentence to Condition #4 stating that, "This no-build area shall include all structures (e.g. buildings, fencing, etc.). No vegetation shall be disturbed in this area." The Commissioners were comfortable with the revision to Condition #4 as stated.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment a 415 Deer Valley Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 415 Deer Valley Drive

1. The property is located at 415 Deer Valley Drive within the Residential (R-1) District.
2. The overall property is made up of four (4) full Park City Survey Lots and two partial lots totaling 8,437 square feet.
3. There is an existing home on the property that straddles two lots.
4. The applicant is proposing to combine the lots in order to construct a rear addition to the home, as well as an interior remodel. The plat amendment is necessary due to the fact the home straddles two lot lines and the required setbacks would encroach on the other two lots (as well as the partial lots).
5. Although the existing home is near Old Town, it is not historic and is not identified on the Historic Sites Inventory.
6. There is a discrepancy between the platted location of where the Heber Avenue and Deer Valley Drive rights-of-way converge and the physical location of Deer Valley Planning Commission - June 28, 2013 Page 192 Drive, which has left a gap of approximately twenty-five to thirty feet (25'-30') between the street and the garage.
7. The home is non-complying with respect to the front yard setback requirement, and the existing garage has a zero foot (0') setback where fifteen feet is required.
8. The property has frontage onto both Deer Valley Drive and Coalville Avenue. However, Coalville Avenue is not a built roadway, and is likely never to be built due to the steep terrain of its location.
9. The proposed lot meets and exceeds the minimum lot size established in the R-1 District as the minimum lot size is 2,812, and the proposed plat amendment will create a lot of 8,437 square feet.
10. Potential development on the property is limited by the steep terrain in the rear. For this reason, the applicant has voluntarily agreed to limit the potential development area within the back 60 feet of the proposed lot.

Conclusions of Law – 415 Deer Valley Drive

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
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.
4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conditions of Approval – 415 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
  2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
  3. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.
  4. A proposed no-build area shall be shown on the final mylar which delineates the rear sixty feet (60') of the lot as a "non-buildable area." This no-build area shall include all structures (e.g. buildings, fencing, etc.). No vegetation shall be disturbed in this area.
  5. The garage encroachment agreement from the City Engineer will be required prior to the recording of the plat.
  6. A ten foot (10') wide public snow storage easement will be required along the Deer Valley Drive side of the property only.
- 3. 124 Norfolk Avenue – Plat Amendment  
(Application PL-13-01880)**

Commissioner Thomas recused himself and left the room.

Planner Astorga reviewed the application for a plat amendment to accommodate an addition to an existing non-historic structure at 124 Norfolk. The request was to combine 2-1/2 Old Town lots into one lot of record. Summit County records indicated that the existing structure was built in 1981 and it was constructed over two lot lines.

Planner Astorga reported that the applicant had also submitted a Historic District Design review for a proposed remodel and a small 46 square foot addition to the existing house, but within the current footprint, which is 2-1/2 lots of record. Planner Astorga pointed out that the applicant could not move forward with a remodel or the addition until the platted lot lines are moved.

Jonathan DeGray was present to answers questions on behalf of the applicant.

The Staff recommended that the Planning Commission conduct a public hearing, review the application and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Chair Worel asked about the encroachment of the retaining wall onto 52 King Road, as stated in the Staff report. Planner Astorga replied that a wood tie retaining wall encroaches onto the property by a foot or less. He noted that a condition of approval requires the applicant to resolve the issue by working out an encroachment agreement with the neighboring property owner. Removing the retaining wall would be another option if the applicant and the neighbor could not come to an agreement. Chair Worel asked if removing the retaining wall was realistic. Planner Astorga replied that it was not a realistic solution, but the adjacent property has to approve the encroachment of the wall in its existing location. He noted that it could become a civil issue between the two owners. Planner Astorga pointed out that if the applicant could not resolve the issue with the neighbor, the retaining wall would need to moved and relocated fully on their property.

Commissioner Strachan asked if the addition to the house would come back for a CUP. Planner Astorga answered no, because the proposed addition would be less than 1,000 square feet and the addition itself would not be on a steep slope.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Strachan reiterated the need for a Land Management Code change for the standard of plat amendments. In his opinion, Good Cause was nowhere near being stringent enough.

Commissioner Gross requested that for future applications the Staff label and identify the site better. Planner Astorga noted that it was an issue they have with the PDF. The mark- ups do not show up when the exhibits are printed. He would try to rectify that for the future.

**MOTION:** Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the 124 Norfolk Subdivision Plat amendment, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the draft ordinance. Commissioner Savage seconded the motion.

**VOTE:** The Motion passed unanimously. Commissioner Thomas was recused.

Findings of Fact – 124 Norfolk Avenue

1. The property is located at 124 Norfolk Avenue.
2. The property is located in the HR-1 District.
3. The proposed lot is 4,687.5 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is sixty two and a half feet (62.5').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The maximum footprint for a lot this size is 1,801 square feet.
8. The site contains a single family dwelling.
9. The applicant would like to remodel the existing non-historic structure.
10. The existing non-historic structure was built over two (2) lot lines.
11. There are no other violations or non-compliances found on the site.
12. No remnant parcels of land are created with this plat amendment.
13. According to the certified Existing Conditions & Topographic Survey, a wood tie retaining wall encroaches onto the neighboring property, 52 King Road.
14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 124 Norfolk Avenue

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

Conditions of Approval – 124 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
  2. If recordation has not occurred within one 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 applicant shall resolve the wood tie retaining wall which encroaches onto 52 King Road by obtaining an encroachment agreement from that neighboring property owner or by removal of the wood tie retaining wall before the plat recordation.
  4. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the Property's frontage on Norfolk Avenue.
4. **489 McHenry Avenue, Echo Spur – Plat Amendment**  
**(Application PL-12-01629)**

Planner Astorga reviewed the application for Lots 17, 18 and 19 of the Echo Spur Development Replat located at approximately 489 McHenry Avenue, which is to be known as Echo Spur Drive in the future. The request is to combine the three Old Town lots into one lot of record.

Planner Astorga reported that the Planning Commission reviewed this request during a work session on September 12<sup>th</sup>. 2013. The various items discussed at the work session were outlined on page 214 of the Staff report. A site visit and another work session were held on December 12<sup>th</sup>. Items for discussion included specific questions related to the road dedication, the 2007 Settlement agreement, discussions regarding ridgeline development, a vantage point analysis, and possibly placing a square footage limitation on the proposed plat amendment and future plat amendments for the adjacent property owners to the south. The discussion also addressed traffic and access, and height and topography.

Planner Astorga stated that the applicant was proposing to build a single-family dwelling over the three lot combination of these platted historic Old Town lots. The applicant was not interested in building a duplex and has already moved forward with plans to build a single-family dwelling. Planner Astorga noted that the applicant had submitted a model that was prepared by his architect.

Planner Astorga reviewed the plat amendment and the associated exhibits. He presented an Alta Survey that was done on a previous submittal. The Alta Survey showed the original topography before the road was built. Planner Astorga reviewed the plat map showing the three lots at the very end of what is being called Echo Spur Drive.

Planner Astorga reviewed a vantage point analysis provided by the applicant. He clarified that Deer Valley Drive was not an official vantage point; however, the applicant had submitted the analysis to show the project would look from Deer Valley Drive from the roundabout, as well as a closer view.

The applicant had also submitted a cross-valley view analysis showing the approximate elevations from PCMR.

Commissioner Savage asked Planner Astorga to further explain the cross-valley analysis. Planner Astorga stated that as defined in the LMC, the point of the ridge analysis from various vantage points is to determine whether or not the structure breaks the skyline. If it does, it creates an issue. The applicant had taken the photograph from the same elevation on the opposite side of the valley.

Commissioner Wintzer assumed the proposed house would come down to the lowest lot. Commissioner Savage asked if the house was modeled into the photograph presented. Planner Astorga answered no. Commissioner Savage asked if they would eventually see it modeled into the photograph.

Scott Jaffa, representing the applicant, explained that the analysis was only done to show that the site did not break the ridgeline. The house would be located further down the hill. Commissioner Savage asked where the photo was taken from. Mr. Leeto Tlou, the applicant, replied that it was taken from the Green Condos on the Aerie, which is an equivalent elevation to the site.

Planner Astorga clarified that there was no dispute with the elevation. The issue is that the elevation goes down and then up again on both sides, regardless of whether it is viewed from east to west or north to south.

Planner Astorga reviewed the elevations. Mr. Jaffa stated that the houses in front were the existing elevations that were surveyed on those homes. The proposed single-family house would be behind those homes. They had projected how the neighborhood would look at build-out.

Planner Astorga noted that the Staff and applicant had spent time reviewing the minutes from the September 12<sup>th</sup> and December 12<sup>th</sup> meetings, and believe they have addressed all the concerns.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval. Planner Astorga stated that if the Planning Commission were to forward a positive recommendation and the City Council approved the plat amendment, the application would have to come back to the Planning Commission for a Steep Slope CUP.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Wintzer questioned how the Staff could find that it was not on the ridgeline. Going through the topo map and what he saw on Google Earth, he was certain it was a ridge. He could run a pencil lines down the contour line on the map provided as an exhibit and it was clearly a ridge.



Planner Astorga replied that they were calling it a ridge and read the language on page 217 of the Staff report. "The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City." He stated that of the ten listed vantage points, the only one that would qualify as being visible was the cross valley view. Commissioner Wintzer noted that the Staff report also states that, "The Staff does not consider this area to be a ridge due to the difference in the ridgelines." He disagreed with that statement.

Planner Astorga stated that the Staff could change that specific finding based on the statement read from page 217. He clarified that it would be a ridge; however, it is not a ridge that needs to be protected because as viewed from the cross valley view it does not break the skyline.

Commissioner Wintzer emphasized the importance of having it defined. They have all said that ridges are the most important views in Park City and they cannot choose to say this was not a ridge but argue that the next application is a ridge. They need to call it a ridge and specify the reasons why it can be developed on. Planner Astorga commented on development that has already occurred on that ridge.

Commissioner Hontz pointed out that some of those developments may have come in before the ridgeline Code. She knew for sure that most of the developments came in before they had the Steep Slope CUP, which would have affected where those could have been built and probably would have restricted them from going as high up on the ridge. Planner Astorga agreed. However, he noted that most of those developments would not break the skyline. Commissioner Hontz did not believe those developments set a precedent because they were done under a different Code and a different time. They could not be compared.

Commissioner Wintzer stated that if the Planning Commission were to approve this plat amendment, he wanted to make sure they had a good reason they could defend on the next ridgeline.

Assistant City Attorney McLean stated that with the surrounding developments, it would be challenging to defend a lawsuit. She recognized that things have been built over a series of years, but some of it was built recently.

Commissioner Hontz referred to page 243 of the Staff report, the minutes of September 12, 2012, fifth paragraph, and the question she had asked about the road. As reflected in the minutes, she was told that it would go before the City Council for dedication in December 2012. She noted that when the Planning Commission visited the site it still had not been done and she asked if progress has been made. Planner Astorga replied that there was some progress. The City Engineer, Matt Cassel, intend to have the City Council review it during a meeting in May and accept the road and dedicate it. However, the City Council decided to move the item to a date in September. Planner Astorga reported that he had received additional clarification from Matt Cassel that if for some reason the City Council does not accept the road, it would then become a private drive.

Commissioner Hontz pointed out that in September 2012 the Planning Commission was told that there were issues with that road that would have to be addressed, paid for, managed and mitigated. In December 2012, as reflected in the minutes on page 255 of the Staff report, they were told that

there were issues with the road. She noted that the issues are still pertinent and it road is still not dedicated to the City. Commissioner Hontz stated that it would be an entire year from the first time the Planning Commission heard it and the issues still remain. There are obviously problems and she had concerns related to the safety of that road as well as the roads around it.

Council Member Alex Butwinski explained that there were two primary issues. One is that the gate at the end of the road was not adequate and it basically ended in a cliff. The City Council had other issues with accepting the road itself, such as the retaining wall and how it was mitigated. The City Council also wanted time to discuss whether or not they had any recourse for the way it was mitigated.

Commissioner Wintzer asked if the City Council would eventually accept it as a City road. Council Member Butwinski stated that it would depend on what the Staff comes back with in September. He recalled that safety was the main reason for the delay. Council Member Butwinski stated that there was an issue that the aesthetics of the wall and the way it was built did not conform. The wall started to fail and it was mitigated again, but not to their satisfaction.

Commissioner Hontz asked about the bond for the landscaping. Council Member Butwinski stated that the applicant could have bonded for that but the City decided not to.

Commissioner Wintzer referred to page 294 of the Staff report, and asked for the dimension from the lowest lot line to the house and the setback. Mr. Jaffa replied that it was 15-feet. The Code requires 10-feet.

Commissioner Thomas asked if all the topos were taken off of the Alta Survey that were done by Jack Johnson. He also asked if the existing natural grade had been documented based on the Alta Survey. Planner Astorga stated that the discrepancy between the Alta Survey and the other survey was a 6-foot difference from the highest to lowest elevation.

Commissioner Hontz pointed out that the front yard setback would be Third Street. Planner Astorga stated that if that were the case, the minimum setback would be 10-feet. Commissioner Thomas recommended that they establish that for the applicant moving forward. Planner Astorga remarked that if this plat amendment is approved, a condition of approval would prohibit access off of Third Street. Commissioner Hontz clarified that every time this application came before the Planning Commission, access from Third Street has been a significant concern. Planner Astorga replied that the Staff heard her concerns, which is why they added the condition of approval prohibiting construction and access.

Commissioner Hontz stated that as she goes through the previous minutes and details the Planning Commission's concerns and issues, she did not believe any of their requests or issues had been addressed. In her opinion, the design does not do enough to mitigate the ridge. Commissioner Hontz stated that the issue is not whether or not it breaks the skyline. The issues relates to LMC Section 15-7.3-1(D) Subdivision requirements, where the Planning Commission can place restrictions due to the character of the land. She believed the LMC requirements make it very challenging to build on these lots in this manner.

Commissioner Hontz had concerns about the road dedication. Based on their capabilities in terms of reviewing a plat, the streets master plan, street development patterns and public health, safety and welfare are issues they can take into consideration. Those issues have not been addressed because they do not know whether the road and the retaining wall are safe and would be accepted by the City. She personally preferred that they not be accepted because she would not want the taxpayers to pay for any of that moving forward; however, it stills needs to be safe.

Commissioner Hontz commented on the landscaping and stated that the bare retaining wall from all the vantage points is a concern. She noted that in addition to the combination of these lots, they have to take into account the other lots in the vicinity, which was an application they would discuss later this evening. They need to consider how the cumulative impacts of these plat amendments would impact the neighborhood. Commissioner Hontz referred to page 256 of the Staff report and noted that the first, third, and fourth paragraphs mention that Third Street is a dedicated roadway that is unacceptable for access, and the traffic impacts generated from this one proposed house. She pointed out that it was a public health, safety, and welfare good cause limitation that the Planning Commission needed to understand before they could move forward. She reiterated that none of the issues have been addressed and they keep coming back.

Planner Astorga asked if the other Commissioners concurred with Commissioner Hontz. Commissioner Wintzer agreed with her comments with the exception of traffic. These are platted lots and thought it would be difficult to say that the roads to not accommodate the lots; particularly since the applicant was reducing the density from what could be built. Commissioner Hontz clarified that she based her comments on the plat amendment checklist, which indicates that the Planning Commission can use the streets master plan and their limitations as substandard. In her opinion, the roads are dangerous, which is much worse than substandard. She did not believe the burden should be on the public to accommodate any extra traffic that might be unsafe to themselves or to others.

Commissioner Savage questioned the statement that it should not be the burden of the public to make sure that the roads to platted lots are safe. Commissioner Hontz replied that it was her personal opinion, but she felt the burden should be on the developer if they want to develop the property. The road is not suitable, which is why the City has not accepted it as a public road.

Commissioner Savage understood that the road would either be integrated into the City public road system or not. If not, the developers would be responsible for it as a private road, and he assumed the City Engineer would have oversight to make sure it adhered to a certain level of standards related to health, safety and welfare.

Assistant City Attorney McLean understood that the road has been built to City standards. Commissioner Wintzer argued that her understanding was not quite correct. The road failed once and it was corrected; therefore, he was uncertain whether it was built to City standards. Commissioner Wintzer pointed out that it was an issue for the City Engineer and not the Planning Commission.

The applicant, Leeto Tlou recalled from another meeting that the City Engineer had said that Rossi Hill and the proposed Echo Spur were built to Code, and that Ontario was the only substandard

road. Commissioner Wintzer believed that both Rossi Hill and Ontario were substandard streets.

Commissioner Savage commented on the ridgeline issue and noted that the current Code is ambiguous as to the definition of a ridge line. He noted that Planner Astorga had tried to provide examples of the current definition as it relates to breaking the skyline from various vantage points, which was better than nothing. He agreed with Commissioners Wintzer and Hontz, that if you look at the piece of property within the context of a relatively small geographic area, it is an elevated feature. In the process of working on the next iteration of amending the Land Management Code in conjunction with the General Plan, Commissioner Savage thought it was important to come up with a geometric model that defines whether something is or is not a ridgeline within the context of a topological map of the area and certain agreed to distances from which that metric would be measured. As opposed to taking photographs, it would produce a straightforward topological analysis. Commissioner Savage stated that on every topological map things go up and things go down. Wherever something goes up, stops and starts going down could be called a ridgeline. He pointed out that it can happen on a large or small scale, and the Planning Commission needs to determine how they want it defined in a way that is consistent with the objectives of how they want development to proceed as a consequence of the revisions of the General Plan.

Planner Astorga remarked that another provision in the Code, the Sensitive Lands Overlay, talks about various features such as waterways, etc., and it mentions specific mitigation and prohibiting construction on specific ridgelines. He noted that this property was not within the Sensitive Lands Overlay which would prohibit such development on these geographic features.

Commissioner Savage stated that he was not in favor of allowing people to build houses on ridgelines. However, he was also not in favor of prohibiting people from building homes in areas where there may be a ground swell that could be conceived as a ridge by looking at a relatively close-in topological map. Commissioner Savage thought it was important to resolve that issue in an appropriate way in the LMC. The Staff would be able to do the analysis and the result would be black and white without any ambiguity.

Commissioner Thomas agreed with the idea of being able to define a ridge in both written word and geographically on drawings. However, that is a future process and they needed to resolve the current issue. He stated that 100 years ago they would have defined it as a ridgeline, but as it was pointed out early, now it would not be defensible in a court case. Commissioner Thomas was comfortable with the ridgeline aspect.

Commissioner Strachan believed it was a ridgeline from the beginning as evidenced in previous minutes. However, that would be the end of the analysis, assuming the applicant would get enough votes to move forward. Commissioner Strachan felt the good cause standard could not be met because of the unique attributes of the site. Good cause standards require mitigation of the negative impacts. The Planning Commission has not been able to see how combining these lots together would mitigate the impacts. They have seen a proposal but no mitigation solution efforts. They have also seen health, safety and welfare concerns with the road and the access on the substandard streets. Commissioner Strachan questioned how they could find good cause for this plat amendment. He stated that without the combination, if they were kept as three separate lots,

they would still have the problems of substandard streets, building on a ridgeline and mitigating the negative impacts that would be caused by building in that location.

Regarding the fact that other houses were built around the ridgeline, Commissioner Strachan stated that the problem was that a prior owner came in and destroyed the ridgeline. Therefore, the other houses viewed at this point in time all look different than they would have if that ridgeline had remained intact. He did not think they could say it did not violate the Code because other houses exist around it and there is no ridgeline. He believes it violates the Code now and it certainly would have violated the Code before any illegal activity of removing the ridge occurred. Commissioner Strachan thought the applicant had an uphill battle on Good Cause.

Mr. Tlou how much weight the Planning Commission puts on documentation, the LMC, the vantage points and documentation to support, and the professional opinions of others versus a declaration of I'll know it when I see it. Commissioner Strachan replied that it is not a simple declaration that it is a ridgeline, because there is a ridgeline definition in the Code that says, "Breaks the skyline from certain vantage points." It defines the vantage points and one is the cross canyon view. He noted that the Staff report contained a cross canyon view, which is objective documentation of a violation of the ridgeline ordinance. Commissioner Strachan stated that regardless of whether the applicant had pictures taken from other vantage points that did not show ridgeline violations, if there is a ridgeline violation from the cross canyon view or any of the formal vantage points outlined in the Code, they could not build on it.

Commissioner Savage was unclear why Commissioner Strachan thought the cross canyon view showed that the house would break the skyline. Commissioner Strachan clarified that the broken skyline is one that is created by the ridge they were proposing to develop on or around. Mr. Tlou stated that if that is the skyline that is broken and it is declared a ridgeline, anything over 150 feet in any direction could not be built upon. Commissioner Strachan replied that this was correct based on his reading of the Code.

Commissioner Savage stated that from his reading of the Code, the house shown on the left-hand side of the slide did not break the ridgeline from that particular vantage point, which differed from Commissioner Strachan's opinion. However, if he were to move closer and close to the house and his relative perspective gets larger and larger, it would eventually break the skyline and he would see the shape of the house in the sky. Commissioner Strachan pointed out that Commissioner Savage would no longer be cross across canyon if he moved closer and closer to the house. Commissioner Savage stated that in looking across the canyon, the ridgeline that you see according to the skyline is the highest most ridgeline. That is the ridgeline that meets the sky. He did not think it was every ridgeline below it. Commissioners Hontz and Strachan disagreed. The Commissioner discussed several examples with differing opinions on what breaks the skyline.

Commissioner Savage stated that as a practical definition of ridgeline as something that intersects the skyline, there is no way to convince him that the cross valley view is a skyline.

Commissioner Thomas stated that in his mind there was no doubt that it was a ridgeline based on the topography seen from an aerial photo. He pointed out that whether or not the house breaks the skyline depends on where you stand. Commissioner Savage agreed. His point is that the Staff had

done an analysis consistent with the definition in the Code. According to their interpretation, the house does not break the skyline from any of the vantage points. Commissioner Savage agreed that it was a ridge, but he also agreed that it did not break the skyline. Commissioner Strachan stated that the Code does not use the word "Skyline". He read the definition of a ridgeline area from the LMC, "The top ridge or crest of a hill or slope." Crest of a hill is defined as, "the highest point on a hill or slope that is measured continuously throughout the property. Any given property may have one crest of hill." He reiterated that Skyline is never mentioned.

Planner Astorga referred to LMC Section 15-7.3-2(D) and the language that mentions skyline. Commissioner Strachan read the languages, "...which development would be visible on the skyline from the designated vantage points." He pointed out that skyline was not in the definition of a ridgeline. Commissioner Hontz stated that the paragraph she was reading had other concerns for subdivision, including ridgelines. She had identified other general health, safety and welfare concerns related to that and not just the ridgeline issue. She agreed with Commissioner Strachan that the ridgeline definition was not tied to the skyline.

Commissioner Savage stated that if the ridgeline does not include a skyline based definition, he estimated that 50% of the homes in Park City violate the definition of ridgeline.

Planner Astorga clarified that he was not disputing that this was a ridgeline or an elevated feature. However, the language in LMC Section 15-7.3-2(D) stated that they shall protect ridges which will be visible on the skyline from a designated vantage point. In this case, the structure would not be visible from nine of the ten vantage points. The tenth vantage point where it was visible was the cross valley view. Commissioner Strachan did not think it was possible to ever break the skyline on a cross valley view. Commissioner Savage disagreed.

Since the Commissioners had agreed to a 10:00 stop time and it was evident that this item needed further discussion, Assistant City Attorney McLean advised the Planning Commission to conduct a public hearing and continue the item to the next meeting.

Chair Worel opened the public hearing.

Sean Kelleher commented on the wall and the road. He stated that the wall was completed approximately two years ago and it has gone through the last two winters. He explained that the road was not brought to dedication because the City Engineer, Matt Cassel, was very sick last fall and the entire process was delayed. Mr. Kelleher stated that everything done for both the wall and the road were done to Mr. Cassel's specifications. He noted that the retaining wall was entirely rebuilt after it collapsed and it was rebuilt to the City specs. The road was always fine, but they spent the last year working on bullet points to make sure some of the minor elements were addressed. Mr. Kelleher stated that Matt Cassel had recommended that the City Council accept all the infrastructure. At the time that was done, two remaining items were in the process of being complete. One was the barrier at the end of the road, which is now complete. The second was the removal of landscape. Mr. Kelleher remarked that the City remains fully bonded with a deposit for more than the value of what is left to do. They plan to take it back to the City Council for acceptance within the next few months. He pointed out that the road was built with a sidewalk and to the right

width. Therefore, he could not imagine why they could consider the road or the retaining wall to be substandard.

Commissioner Wintzer indicated two large planters at the bottom of the retaining wall. He was always under the impression that they would be planted with landscaping that would screen the concrete face of the wall.

Mr. Kelleher understood that originally it was part of the landscaping plan, but that was before he became involved. In discussions with the neighbors, they adjusted some of the landscaping to the top of the wall and along the sides too meet the requests of the neighbors.

Commissioner Wintzer suggested that putting landscaping in those planters would soften the wall and make it a nicer looking project.

Mr. Kelleher understood from Matt Cassel that acceptance of the infrastructure and whether the road is public or private was a separate issue from any of the replats being discussed in Echo Spur.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 10, 2013 with direction to Staff to clarify and state the interpretation of the ridgeline requirements and analysis with respect to this particular application and in general, with respect to the current generation of the Land Management Code.

Planner Astorga was concerned that July 10<sup>th</sup> would not give the Staff or the applicant time to address the issues and meet the deadline for the Staff report.

Assistant City Attorney McLean suggested that the Planning Commission provide their direction to Staff and then make a motion to continue. Commissioner Savage withdrew his motion.

Commissioner Savage pointed out that there was a fundamental disagreement between certain Commissioners as to what the appropriate definition of a ridgeline and its interpretation within the context of the LMC, and it was causing polarity on this particular application. He did not think the Commissioners could resolve the issue amongst themselves without further clarification from Staff regarding the basis for their interpretation. Commissioner Savage stated that his direction would be for the Staff to clarify, substantiate and make their position known so the Planning Commission could understand it and decide whether or not they agree with it.

Commissioner Wintzer stated that his concern with combining the lots was the ridgeline encroachment on Lot 19. It is a plotted lot with access to a street. By combining the lots and going further down the hill, they increase the ridgeline encroachment. If the applicant was willing to increase the setbacks on the downhill side as a way of mitigating some of that on Lot 17, he thought they could find a way to make it work by controlling how far it goes down the hill. If the applicant was willing to look at decreasing the setback, he would feel like they had tried to mitigate the ridgeline encroachment.

Commissioner Thomas agreed with Commissioner Wintzer about mitigating the effect of the ridgeline. He noted that as it gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

Commissioner Strachan thought the analysis of the ridgeline on page 217 of the Staff report was the Staff's best attempt at their interpretation of the ridgeline ordinance, and he was comfortable with that. He also agreed with Commissioner Wintzer. If they could pull back Lots 17 and 18 from the nose of the ridgeline it might resolve the problem.

Commissioner Savage supported the interpretation of the ridgeline analysis that was incorporated in the Staff report. He personally could see no reason to modify the application design in a way that changes the boundary conditions on the lot to change the ridgeline encroachment. In his opinion, if it encroaches it should not matter by how much. It was either encroachment or not encroachment.

MOTION: Commissioner Hontz moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 31, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Due to the late hour and the earlier decision for a 10:00 p.m. stop, the remaining agenda items were continued.

**5. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3 and Chapter 2.16 regarding Building Height (Application PL-13-01889)**

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the LMC Amendments to July 10, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**7. Lots 21-32, Echo Spur – 9 Lot Subdivision (Application PL-12-01717)**

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.



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MOTION: Commissioner Savage moved to CONTINUE Lot 21-32, Echo Spur 9 lot subdivision to July 10, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed 6-0. Commissioner Thomas abstained.

The Park City Planning Commission meeting adjourned at 10:30 p.m.

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