PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 11, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga Planner; Hannah Turpen, Planner; Anya Grahn, Planner; Makena Hawley, Planning Technician; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

PUBLIC INPUT

ADOPTION OF MINUTES

October 28, 2015

Commissioner Joyce referred to pages 21 and 22 of the Staff report, pages 19 and 20 of the Minutes and changed Director Eddington to correctly read Director **Erickson**.

Commissioner Joyce referred to Item 5 on page 21 of the Staff report, page 19 of the Minutes and changed gas stove installed to correctly read **gas fireplace installed**.

Commissioner Joyce referred to page 27 of the Staff report, page 25 of the Minutes, Finding of Fact #24 for the CUP, which "states that no signs and lighting are associated with this proposal". He noted that signs and lighting were addressed and it was reflected in the Conditions of Approval for the CUP. He believed the Finding and Condition were conflicted. Chair Strachan recommended striking Finding #24 and renumbering the findings.

Commissioner Worel referred to page 4 of the Staff report, page 2 of the Minutes and noted that Alfred Knotts was the Transportation Director for the City and not a Consultant as stated in the Minutes.

Commissioner Phillips referred to page 18 of the Staff report, page 16 of the Minutes, first paragraph, second to the last sentence, "Mr. Phillips wanted to know where the occupants would park if the five proposed parking stall were not approved." He corrected the minutes to reflect that it was actually Commissioner Worel who had asked the question.

Chair Strachan referred to the gas fireplace and thought the Commissioners had required a gas fireplace for all units, not just the one unit. He understood that one chimney violated the height but he recalled a discussion about phasing out wood fireplaces due to health effects. Chair Strachan stated that his intention was to make all of the fireplaces gas and asked if the other Commissioners shared his recollection. Commissioner Joyce did not believe the Planning Commission actually came to that conclusion. He thought the discussion was focused on a condition of approval to address the chimney violation. Commissioner Joyce stated that he would support gas fireplaces as an LMC change but it was not a requirement for this particular application. Commissioner Band stated that she did not disagree with Chair Strachan's intention but it was not what the Planning Commission had discussed.

Planner Whetstone referred to page 52 of the Staff report, page 50 of the Minutes, the Motion to continue 900 Round Valley Drive, and corrected a typo in the date to correctly read, November 11, 2015.

MOTION: Commissioner Joyce moved to APPROVE the Minutes of October 28, 2015 as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director, Bruce Erickson, noted that it was Veterans Day. Being a Veteran himself he offered congratulations to Commissioner Worel for her veteran service, as well as all other Veterans.

Director Erickson announced that a joint meeting with the Snyderville Basin Planning Commission was scheduled for January 13, 2016. The meeting would be held in Park City and include presentations from both the County's Transportation Manager and Alfred Knotts, the City's Transportation Manager.

Director Erickson stated that if the discussion on the pending ordinance regarding historic preservation was productive this evening, the special meeting tentatively scheduled for November 17th would not be necessary. The Staff had no other items for the November 17th agenda. Unless there are unresolved issues with the pending ordinance that need further discussion the November 17th meeting would be cancelled.

Director Erickson reported that due to the holidays only one Planning Commission meeting was scheduled in December. December 9th would be the last meeting for 2015. He commented on the difficulty of parking during Sundance and unless they could avoid the parking issue the Planning Commission would only have one meeting in January.

Director Erickson commented on the pending ordinance and noted that the Historic Preservation Board had already reviewed the information that would be presented to the Planning Commission this evening. Also on the agenda were changes to the Sign Code that if approved would help during Sundance.

Commissioner Phillips congratulated Nann Worel on being elected to the City Council.

Commissioner Joyce asked if the regular meeting on January 27th could be held at a facility away from Sundance and scheduled as a working meeting. Instead of canceling the second meeting in January he thought it would be more productive to use that time to address some of the planning issues they talk about but never have time to discuss. Assistant City Attorney McLean stated that from a legal standpoint, every meeting must be noticed, it has to be recorded and there must be Minutes. However, the Commissioners could schedule a work session if they meet those requirements. Ms. McLean remarked that under State law they could hold a meeting at a different location as along as the entire meeting is conducted in that one location. The only exception is site visits. She commented on various locations where public meetings have been held outside of the Marsac Building.

Director Erickson stated that he would update the Planning Commission on December 9th on whether or not a meeting could be arranged for January 27th.

Commissioner Worel disclosed that her office is located on the IHC Medical Campus but that would not affect her decision regarding the IHC item on the agenda.

Commissioner Worel understood that the historic inventory that was being done by Vail was completed; however, she had concerns about the structures that were strapped to a tree making it through another winter. Director Erickson reported that the California Comstock building has been temporarily remediated to get it through the winter. The other structures had not moved and were still in the same condition. Mr. Erickson stated that the

Planning Department was comfortable with the structures at this point. He noted that the EPA is in Park City remediating soil and the City did not want to waste money starting remediation on mine structures in the event that it would have to be started over again. Mr. Erickson stated that the City has the money in escrow and they only pay for the work that is accomplished.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated definitions in Chapter 15-15, Defined Terms. (Application PL-15-02810)

Planner Whetstone requested that the Planning Commission continue this item to December 9, 2015 and not November 17th as shown on the agenda.

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

MOTION: Commissioner Worel moved to CONTINUE the LMC Amendments regarding vertical zoning regulations in storefronts in the HRC and HCB zoning districts to December 9, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1114 Park Avenue – 1114 Park Avenue Plat Amendment – proposal to remove interior lot lines to combine three (3) existing parcels into one (1) legal lot of record. (Application PL-15-02950)

Planner Turpen reviewed the application for a plat amendment at 1114 Park Avenue. The applicant intends to combine one parcel with two remnant parcels to create one legal lot of record. As proposed, Lot 1 would contain 3,615 square feet. A historic single-family home and a historic garage are located on the property and listed as Significant on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it would allow eliminate existing interior lot lines and create one legal lot of record. The Staff recommended that the Planning Commission 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 as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 1114 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact -1114 Park Avenue

1. The property is located at 1114 Park Avenue.

2. The property is in the Historic Residential Medium-Density (HR-M) District.

3. The subject property consists of three (3) parcels which include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 including the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

4. Parcel #1 (the northerly half of Lot 3 and all of Lot 4) contains a historic house, built in 1901. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4, Block 56, Snyder's Addition.

5. The building footprint of the historic house is approximately 1,318 square feet.

6. The historic house is listed as "Significant" on the Historic Sites Inventory (HSI).

7. A historic single-car garage accessory structure is located on Parcel #2. The historic single-car garage accessory structure encroaches into Park City Municipal Sullivan Corporation property.

8. The building footprint of the historic single-car garage accessory structure is

approximately 312 square feet.

9. The single-car garage accessory structure is associated with the “Significant” site and is also considered historic (“Significant”) as it contributes to the historic context of the house and site as a whole.

10. The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet.

11. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District.

12. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1114 Park Avenue will be 3,615.23 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.

13. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone.

14. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5’). The proposed lot is thirty-seven and one-half feet (37.5’) wide.

15. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City as approved by City Council for the encroachment into Park City Municipal Corporation property.

16. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City, as approved by City Council, and the property owner of 1108 Park Avenue.

17. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue.

18. The existing historic house does not meet the required side yard setback on the north. The side yard setback on the north side is 0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west). The existing historic house meets all requirements for front and rear setbacks and the south side yard setback. The front yard setback is 17 ft. to 16 ft. 7.2 in. (from north to south). The rear yard setback is 22 ft. 9.6 in. to 23 ft.

(from north to south).

19. The existing historic single-car garage accessory structure does not meet the required side yard setback on the south or the rear yard setback. The side yard setback on the south side is 0 ft. The rear yard setback is 0 ft. (the historic single-car garage accessory structure encroaches into Park City Municipal Corporation property). The existing historic single-car garage accessory structure meets all requirements for front and north side yard setbacks. The front yard setback is 79 ft. to 78 ft (from north to south). The north side yard setback is 24 ft. 4.8 in. to 24 ft. (from east to west).

20. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

21. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

22. The property is located within the Park City Soils Ordinance. A Certificate of Compliance will be required.

23. The proposed plat amendment will not cause undo harm to adjacent property owners.

24. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density (HR-M) District has abundant sites with similar dimensions.

25. On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. The application was approved on October 30, 2015.

26. On October 1, 2015, the applicant applied for a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015.

27. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application.

28. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1114 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 1114 Park Avenue

1. The 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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as approved by City Council, for the encroachment into Park City Municipal Corporation Property prior to recordation of the plat.

5. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue prior to recordation of the plat.

6. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue prior to recordation of the plat.

7. 13-D sprinklers are required for any new construction or significant renovation of existing and this shall be noted on the final plat.

2. 217-221 Park Avenue – 217-221 Park Avenue Plat Amendment – proposal to adjust existing interior lot line. Two (2) legal lots of record will remain (Application PL-15-02949)

Planner Turpen reviewed the application for 217 and 221 Park Avenue. The applicant intends to adjust the lot line common to Lot 5 and Lot 6 in Block 2 of the amended plat of Park City by moving it .17 feet to the south. The purpose of moving the common lot line is because Lot 6 is a substandard lot and moving the lot line will bring it into compliance with the minimum lot area for the HR-1 zone. As proposed, Lot 5R would contain 2,044 square feet and Lot 6R would contain 1,875 square feet.

The Staff recommended that the Planning Commission 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 as found in the draft ordinance.

Chair Worel asked if both lots were owned by the same owner. Planner Turpen answered yes, and noted that both lots were vacant.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce thought it was absurd that an owner is required to come before the Planning Commission and then to the City Council to obtain approval to adjust a lot line by two inches. It was a waste of time and money for the applicant and he found the process distasteful. Commissioner Joyce was dismayed that there was not an administrative process for this type of application.

Assistant City Attorney McLean was unsure of the specifics regarding this application, but she noted that there is an administrative process for lot line adjustments that is outlined in both the LMC and State Code. However, sometimes it is easier to go through this process because the administrative lot line process requires the consent of all the neighbors.

Commissioner Worel recalled in past applications the term “diminimus”. She asked what would constitute diminimus if it was not something as minor as this. Director Erickson

stated that the Staff was currently looking at three applications that were down to a hundredth of an inch of a fence encroaching on neighbors. He noted that the applicant had requested this process to avoid having to get neighbor approval.

Planner Turpen stated that because typically it is second home ownership the applicants find that it is faster to go through this process instead of having to find all of the owners and get their signatures.

Commissioner Joyce acknowledged that he has not looked at the details of the administrative process. However, if an owner wants to shift a lot line within his own lot by two inches with no one else involved, and he chooses to go before the Planning Commission and the City Council because it is easier than the administrative process, that is a clear indication that something is wrong with the process. Commissioner Joyce offered to look into the process to see if there was a way to make it easier. Director Erickson offered to help him.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 217 & 221 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact – 217 & 212 Park Avenue</u>

1. The property is located at 217 & 221 Park Avenue.

2. The property is in the Historic Residential (HR-1) District.

3. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey.

4. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location.

5. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District.

6. Lot 5 and Lot 6 are owned by the applicant and are vacant lots.

7. The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone.

8. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

9. A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District.

10. The minimum lot area for a single-family dwelling is 1,875 square feet.

11. The lots alone do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.

12. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement.

13. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3'), six feet (6') total.

14. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.

15. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.

16. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.

17. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.

18. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.

19. The proposed plat amendment will not cause undo harm to adjacent property owners.

20. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot dimensions as the entire Historic Residential-1 District has abundant sites with the similar dimensions.

21. Lot 5R will have a maximum building footprint of 911.4 square feet. Lot 6R will have a maximum footprint of 844 square feet.

22. Prior to redeveloping the lots, a Historic District Design Review (HDDR) application for each lot shall be reviewed and approved by the Planning Staff.

23. On September 28, 2015, the applicant applied for a Plat Amendment application for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 217 & 221 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 217 & 2212 Park Avenue

1. The 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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue, prior to plat recordation.

5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, prior to plat recordation.

6. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 225-235 Park Avenue, prior to plat recordation.

7. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, prior to plat recordation.

8. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, prior to plat recordation.

9. 13-D sprinklers are required for any new construction or significant renovation of existing. This shall be noted on the plat prior to recordation.

3. 422 Ontario Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development (Application PL-15-02920)

Planner Francisco Astorga reviewed the application for a plat amendment at 422 Ontario, known as the Sorensen Plat Amendment. He referred to the survey on page 102 of the Staff report. Planner Astorga reported that the site consists of one full lot of record and five remnant substandard lots with three separate tax ID numbers. A historic site on the structure was built over the two property lines. There is common ownership of the three remnant parcels along the back.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the requested plat amendment at 422 Ontario Avenue.

Chair Strachan noted that Finding of Fact #11 talks about a duplex. Planner Astorga stated that the lot would qualify for a duplex and require a conditional use permit; however, he did not believe that was the owner's intent. Planner Astorga understood that the owner intends to build an addition towards the back of the existing structure. The owner was present and confirmed that they were not planning to build a duplex. Chair Strachan recommended striking Finding #11 since it was irrelevant.

Chair Strachan asked if the applicants would have to apply for a Steep Slope CUP for the addition. Planner Astorga stated that based on a very detailed slope analysis the applicants would have to come back for a Steep Slope CUP.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Phillips referred to the aerial view on page 105 of the Staff report. He thought the four houses shown all have a 10' feet setback that created a nice line. He noted that the setbacks for this project would set it further back from the neighboring homes. Planner Astorga noted that the current standard for a standard lot of record in Old Town is 10 feet front and back. If the lot is deeper than 75' the setback changes to 12' minimum on the front and rear with a 15' total setback. Planner Astorga stated that the existing house is historic and it currently does not meet the setbacks. Per the LMC it is considered a legal complying structure. Therefore, the setback on the rear property line

would be increased from 10' to 13'. Planner Astorga agreed that the setback would change the neighborhood pattern; but it would still be restricted by the maximum building footprint which does not allow maximizing the entire building pad. The owner would also have to meet the Design Guidelines for the addition. Planner Astorga was unclear whether a setback on the rear property line that did not follow the predominant pattern of the road would create a detrimental impact. He thought the Planning Commission could have that discussion when the applicant comes back for a Steep Slope CUP.

Chair Strachan stated that the large tree in front of the lot would definitely qualify as significant vegetation because its diameter is more than six inches at the trunk. If the setbacks would not allow preserving the tree the setbacks would have to be adjusted. The owner pointed out that the tree is in the City right-of-way and not on their property.

MOTION: Commissioner Worel moved to forward a POSITIVE recommendation to the for the Sorensen Plat Amendment located at 422 Ontario Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended to remove Finding of Fact #11. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 422 Ontario Avenue

1. The property is located at 422 Ontario Avenue.

2. The property is in the Historic Residential District.

3. The subject property consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.

4. This site is listed on Park City's Historic Sites Inventory and is recognized as historically Significant.

5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels.

6. The Plat Amendment removes two (2) lot lines going through the historic structure as well as one lot line towards the back of the property.

7. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet.

8. A single-family dwelling is an allowed use in the District.

9. The minimum lot area for a single-family dwelling is 1,875 square feet.

10.The proposed lots meet the minimum lot area for single-family dwellings.

11.The proposed lot width is fifty feet (50').

12.The minimum lot width required is twenty-five feet (25').

13.The proposed lot meets the minimum lot width requirement.

14. The maximum building footprint allowed based on proposed lot size is 1,736 square feet.

15.The minimum front/rear yard setbacks are twelve feet (12').

16.The minimum total front/rear yard setbacks are twenty-five feet (25').

17.The minimum side yard setbacks are five feet (5').

18.The existing historic structure does not meet front yard setbacks as the structure was built 8.7 feet from that property line.

19. The existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line.

20. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

21.The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line.

22.Staff recommends that the property owner shall resolve the rear property line shed encroachment by either removing relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.

23.The proposed Plat Amendment consolidates five (5) remnant parcels into the requested lot of record and public snow storage and utility easements are provided

on the lot.

24.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 422 Ontario 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 lot combinations.
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 – 422 Ontario Avenue

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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.

4. The property owner shall resolve the shed encroachment over the rear property line by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.

5. The site has a planter, retaining walls, and stairs located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the planter, retaining walls, and stairs located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement.

6. This Plat Amendment does not grant or dedicate this area for parking for exclusive

use of the subject site but rather for public general use.

7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

4. 1893 Prospector Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development (Application PL-15-02698)

Planner Kirsten Whetstone requested that the Planning Commission review the Central Park City Condominiums Master Planned Development Agreement and consider ratifying this agreement to memorialize the MPD that was approved on July 8, 2015. The MPD was for 11 residential dwelling units within the 110,000 square feet building. The project is located at 1893 Prospector Avenue. Two affordable units are included in the total to meet the applicant's obligation under the Housing Resolution.

The Staff recommended that the Planning Commission approve the Development Agreement. The final form of the Development Agreement would be approved by the City Attorney.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to Ratify the Development Agreement to memorialize the MPD approval granted by the Planning Commission on July 8, 2015 for 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

5. 900 Round Valley Drive-Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development (Application PL-15-02695)

Planner Whetstone stated that at the last meeting the Planning Commission made a motion to continue the discussion regarding the density issue of the pre-MPD. In a separate motion the Planning Commission found that the pre-MPD complied with the General Plan. However, the Findings of Fact, Conclusions of Law and Conditions of

Approval that the Staff had drafted for the last meeting also included the density. Planner Whetstone had revised the Findings, Conclusions and Conditions specific to the motion that the subdivision of Lot 8 was consistent with the General Plan.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report to memorialize the finding made at the October 28th meeting that the subdivision of Lot 8 was initially consistent with the General Plan and the CT Zone requirements as conditioned.

Director Erickson noted that the Staff was also requesting that the Planning Commission continue the discussion on the additional density to December 9th.

Morgan Bush, representing the applicant, stated that based on a request by the Planning Commission IHC had submitted the MPD application for the Peace House. He reported that IHC Management has approved delaying the MPD application for density until they work through the pre-MPD process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm recalled a lengthy discussion regarding the 2.64 units per acre that were granted with the overall project. However, the Staff report was now talking about 3.0 units per acre. He asked if there was a reason why it was not consistent.

Director Erickson stated that it was one reason for requesting a continuance. He explained that basically the underlying zone density with public benefits would allow up to three units per acre. The current applied MPD approval was for 2.64 units; however, the applicant has the right to try to provide additional public benefits to allow 3.0 units per acre. Mr. Erickson remarked that since the Staff was still reviewing that information the density issue was bifurcated from the Peace House, which does not require unit equivalents by resolution of the Housing Authority.

MOTION: Commissioner Joyce moved to Ratify the Findings of Fact, Conclusions of Law and Conditions of Approval that memorialize the motion made on October 28th, 2015 that the request to subdivide Lot 8 is in initial compliance with the General Plan and CT Zone requirements. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE to December 9, 2105 the Pre-Master Planned Development discussion and public hearing regarding a request to add 15 UEs of support medical office use to the Intermountain Healthcare Master Planned Development. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Joyce recalled in the previous discussion talking about City uses of the potential UEs and IHC uses. He noted that their discussion did not include the Ski and Snowboard Association, the Summit County Health Building or other property owners who potentially may want to expand. Director Erickson stated that those facilities were included in the Staff discussions in terms of deciding whether or not unit equivalents are the correct currency of measure for that MPD; and if they are correct, whether to adjust the zoning to allow more unit equivalents in the CT zone or make some other adjustment to the LMC. Mr. Erickson pointed out that it was a complex process and it was one of three alternatives they were considering.

Findings of Fact - Subdivision of Lot 8

1. On September 21, 2015, the City received a revised application for a Pre-Master Planned Development application for amendments to the IHC Master Planned Development to subdivide Lot 8 into two lots, Lot 8 would become 3.6 acres to provide a separate lot for the Peace House and Lot 12, created from the remaining 6.33 acres, would be dedicated as an open space lot, preserving wetlands and open space within the MPD.

2. The property is zoned Community Transition- Master Planned Development (CTMPD).

3. There is no minimum lot size in the CT zone.

4. Access to the property and to Lot 8 is from Round Valley Drive, a public street.

5. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation Agreement recorded at Summit County on January 23, 2007.

6. On May 23, 2007, the Planning Commission approved a Master Planned Development for the IHC aka Park City Medical Center as well as a Conditional Use Permit for Phase One construction.

7. On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County.

8. On October 8, 2014, the Planning Commission approved MPD amendments for Phase 2 construction. These MPD Amendments transferred 50,000 sf of support medical office uses to Lot 1 from Lots 6 and 8 (25,000 sf each).

9. An amendment to the IHC Master Planned Development (MPD) requires a Pre-MPD application and review for initial compliance with the Park City General Plan and the purpose and uses of the CT Zoning District as described in Land Management Code (LMC 15-6-4(B)).

10.The CT zoning district, per LMC Section 15-2.23-2, allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi-public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc.

11.The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

12.IHC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.

13. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Sensitive wetland areas

should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.

14.Uses contemplated in the Joint Planning Principles for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

15.The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood as the development will be located on existing lots, setback from the Entry Corridor to preserve the open view from SR 248, and the impacts of parking and traffic can be mitigated per requirements of the CT zone, pedestrian connections can be maintained and enhanced by providing additional trails and open space, and the architectural character can be maintained with authentic materials and building design required to be compatible with the existing buildings.

16.Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

17.Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to ensure that the Medical Campus can continue to serve the needs of the community into the future.

18.There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services as a benefit for all of the uses in the area. Studies of transit and transportation in the Quinn's area will be important in evaluating the merits of the MPD amendments and considerations for permanent bus routes in the area.

19.The Medical Campus is located on the City's trail system and adjacent to Round Valley open space.

20.Natural Setting Goals of the General Plan include conserving a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

21.Green building requirements are part of the existing Annexation

Agreement.

22.On August 26, 2015, the Planning Commission conducted a public hearing and discussed the pre-MPD application and took action on the request to locate the Peace House on the eastern portion of Lot 8 as partial fulfillment of the affordable housing obligation for the Medical Campus.

23.On August 26, 2015, The Commission continued discussion on the proposed amendments regarding the subdivision of Lot 8 and the request for additional density.

24.On September 21, 2015, the applicant submitted a revised application regarding the subdivision of Lot 8, stating that Lot 12 would be an open space lot, and requested the 50 UE of density be restricted to Support Medical Uses to be located only on Lots 1 and 6.

25.On October 10, 2015, a legal notice of the public hearing was published in the Park Record and placed on the Utah public meeting website.

26.On October 14, 2015, the property was re-posted and letters were mailed to neighboring property owners per requirements of the Land Management Code.

27.On October 28, 2015, the Planning Commission found the proposal to subdivide Lot 8 per the revised application, to be in preliminary compliance with the General Plan. The Commission continued the density issue to November 11, 2015.

<u>Conclusions of Law - Subdivision of Lot 8</u>

1. The proposed MPD Amendments to the Intermountain Healthcare Hospital MPD initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) zone.

2. These findings are made prior to the Applicant filing a formal MPD Application.

3. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn’s Junction area and are a compatible use in this neighborhood.

4. Finding a Pre-MPD application consistent with the General Plan and general purposes of the zone, does not indicate approval of the full MPD or subsequent Conditional Use Permits.

Conditions of Approval - Subdivision of Lot 8

1. The full MPD and Conditional Use Permit applications are required to be submitted for review and approval by the Planning Commission prior to issuance of any building permits for construction related to the Peace House on Lot 8.

2. The MPD will be reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD meeting.

3. The plat amendment to subdivide Lot 8 will include Lot 12 as a platted open space lot.

6. Sign Code changes to increase clarity, bring the Code into compliance with recent US Supreme Court decisions and provide for developed recreation area freestanding signs.

Planning Technician, Makena Hawley, reported that in July 2015 the Planning Department began research to make changes and clarifications to Title 12, the Park City Sign Code. Since then the US Supreme Court Decision with Reed v Gilbert presented the need for cities to amend their sign codes in order to bring them into compliance to support neutral content based regulations.

Ms. Hawley stated that the Planning Commission was tasked with three separate recommendations this evening. The first is a recommendation to amend Title 12 to bring it into compliance with the Supreme Court decision. The second is a recommendation for amendments Chapters 2 and 9 creating greater allowances for free-standing signs in developed recreation areas. The third is a recommendation for amendments through Title 12 making minor changes for clarity and style.

Ms. Hawley introduced Assistant City Attorney Tricia Lake and Law Clerk Aaron Benson who would be giving a presentation this evening. The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Aaron Benson stated that in general one of the purposes of sign codes is to place limits to avoid a proliferation of signs. In the past there has been uncertainty and gray area within the Supreme Court as to what kind of categories cities could draw in allowing some signs but not others. Mr. Benson remarked that the Supreme Court took the case Reed v Gilbert to provide clarity on the rule with regards to regulating signs in cities by reference to their contact. The general rule that the Court stated as the government regulation of speech is content based if it applies to particular speech because of the topic discussed or the idea or the message expressed.

Mr. Benson noted that the sign code in Gilbert, Arizona prompted the court case. The actual reason for the court case was outlined in the Staff report. Mr. Benson stated that the result from the court decision is that regulations that treat a sign differently than other signs based on the message conveyed or the content of the sign would not be allowed going forward, but with one caveat. The Supreme Court has historically treated commercial speech differently than non-commercial speech. The most familiar form of commercial speech is advertising and proposes some type of commercial transaction between parties. Mr. Benson remarked that the Court has been more lenient with regulations that restrict commercial speech. The decision in Reed v Gilbert did not address commercial speech at all. The Court only focused on categories related to non-commercial speech. Mr. Benson provided examples of non-commercial speech, including campaign signs. Currently, the Park City sign code treats campaign signs separately. The other two categories the Supreme Court looked at in the Gilbert case was 1) ideological signs, which is a catch-all non-commercial category, and 2) temporary directional signs, which direct people and provide information about events.

Mr. Benson stated that examples of commercial speech included a business name on a building and real estate signs. He noted that cities treat real estate signs differently because it proposes a commercial transaction. Mr. Benson stated that because the Supreme Court skirted the question of whether commercial speech could be addressed by reference to its content, it has been allowed to some extent in the past. Park City has taken the position that for the most part they could leave in the content based distinctions as they exist in the Code with regard to commercial speech.

Mr. Benson noted that the recommended changes this evening related to non-commercial speech. Tricia Lake remarked that the approach they have taken assumes that the City is willing to tolerate some level of legal risk in order to preserve the aesthetic character of the community and to further the safety interest of community members. If the City is unwilling to accept the risks associated with this more rigorous regulation of signs, it would be advisable to take a different approach that is less aesthetically effective.

Commissioner Band asked for an example of the safety interests of the community. Mr. Benson replied that a primary example is specific signage for traffic safety. There has been concern about other signage that obscures important safety signage or signage that causes confusion because it may look similar to safety signs. A secondary safety concern is the sign structure and whether or not it creates a safety hazard.

Commissioner Band referred to the redlines in the Staff report and asked for clarification on which signs would or would not be allowed. Mr. Benson stated that over the years the sign code has been revised piece by piece which resulted in some inconsistencies, and there were definitions in Chapter 2 but also in other areas throughout the Code. The intent is to pull all the definitions together and place them in Chapter 2.

Director Erickson stated that the Staff worked hard to make sure that the Code would not reduce regulations on the signs that could be regulated. The goal was to make the sign code easier to read, easier to understand, and consistent. He personally thought they had accomplished that goal.

Chair Strachan agreed that it was better, but he believed sign Codes were inherently difficult to draft.

Director Erickson stated that after the Sign Code is finalized and approved by the City Council the Staff will review the Code to make sure nothing slipped through the cracks and nothing is left to interpretation.

Ms. Lake noted that other departments were consulted in revising the Code because they are the ones who will be interpreting the Sign Code for the public. Mr. Erickson stated that if some of the clarifications can be put in place prior to Sundance it would be easier to apply the Sign Code for that event and give the Planning Department a better Code to work with.

Commissioner Worel stated that driving to this meeting she saw on a major thoroughfare a large pole with a banner tied to it with the word Hardware written on it. She assumed that since banners were included under prohibited signs that they were talking about the banners tied to City light poles. Mr. Erickson replied that they were making a distinction between banners and flags. He noted that the banner Commissioner Worel had seen on the road was prohibited under both the old Code and the newly proposed Code. Commissioner Worel was trying to understand the difference between a banner and a flag. Mr. Erickson stated that whether it was was intended to be a flag or a banner what she saw was too big and too high.

Director Erickson remarked that the broader issue is having the ability to do correct Code Enforcement. The Planning Department writes the rules and the Building Department is responsible for Code enforcement. He believed this rewrite would make it easier to read the Sign Code and understand what they were telling people. Mr. Erickson clarified that anything that is not defined in the Code is prohibited.

Commissioner Joyce referred to page 161 of the Staff report, Item 9, Sign, Construction and noted that it was broken down into categories of construction signs: 1) marketing signs: 2) signs identifying the contractor or builder; 3) combined construction signs. Commissioner Joyce found nothing in his reading that necessitated a drill down between those three categories. Mr. Benson replied that those categories already exist in the Code and he had renamed them for clarity. He noted that there are specific restrictions for the three different types as it relates to a construction project. Commissioner Joyce clarified that there was a differentiation between the three. Mr. Benson replied that he was correct.

Chair Strachan referred to Chapter 7-Prohibited Signs, 12-7-1, and noted that some signs were not defined, such as a home occupation sign. Ms. Lake referred to an example on 12-7-1(A)(1) Animated Signs. She explained that they had moved the definitions to the definition section so everything is contained in one section and not disbursed throughout the entire sign code. Chair Strachan asked where he would find the definition of a home occupation sign. Mr. Benson replied that all of the definitions were under Chapter 2. A home occupation sign could be found under subparagraph 18 and defined as a sign that identifies home occupation as defined in the Land Management Code. Chair Strachan noted that 12-7-1(6) still contained language related to home occupation signs. He asked if that language should be stricken. Ms. Lake replied that the language was necessary because they were still prohibiting home occupation signs. The only change was to move the definition of a home occupation sign to Chapter 2. Chair Strachan thought the words home occupation should be capitalized. Mr. Benson stated that the Sign Code does not maintain the same style as the LMC. In the LMC all defined terms are capitalized, but that is not the case in the Sign Code. Chair Strachan recommended that they keep it as consistent as possible. Capitalizing the word alerts someone to check the Definition Section.

Commissioner Joyce asked if there was a reason for not being consistent with the rest of the LMC. Director Erickson believed the Planning Commission could make a recommendation moving forward that defined terms should be capitalized consistent with the LMC. He pointed out that a sign code has its own set of rules but if they make that recommendation the Staff could vet it when preparing the final ordinance. Chair Strachan stated that in most statutes defined terms are usually capitalized. He was willing to leave that decision to the City Council.

Chair Strachan had a question regarding the definitions in Chapter 2. He noted that some were stricken entirely such as “community or civic event” and “balcony”. Mr. Benson stated that the Staff reviewed it closely for purposes of the court case. A handful of defined terms were not used anywhere within the Sign Code. Balconies were one of those terms. Some of the definitions were stricken to eliminate redundancy. Others, such as “civic and community event”, were stricken because of the reference to the non-commercial speech.

Planning Tech Hawley commented on freestanding signs. She reported that in July the Deer Valley Ski Resort approached the Staff regarding the possibility of installing a large freestanding sign. However, the proposed sign was larger in size that what was currently allowed. The Staff recommended creating a definition for development recreation area, which would include major resort, and allow one larger free-standing sign for way-finding purposes for such areas. The Staff was proposing a 50 square foot sign addition similar in size to the Canyons Resort and what the County allows. Deer Valley had proposed a 70 square foot sign. Ms. Hawley stated that the Staff finds that the allowances would facilitate better resort signage.

Director Erickson stated that Deer Valley has agreed that a 50 square foot sign is appropriate and they would withdraw their application for the 70 square foot sign. The original sign that was discussed in July was 150 square feet. Mr. Erickson noted that 50 square feet is consistent with what is regulated in other jurisdictions they had researched. Mr. Erickson remarked that it was a long difficult negotiation with Deer Valley and that both developed recreation areas need to be regulated the same. PCMR has a number of different signs that he believed would be re-regulated under this new ordinance. Mr. Erickson stated that the key phrase is that a developed recreation area must be larger than 2,500 acres to allow a 50 square foot sign. Signs for the smaller master planned development areas would still be regulated at 20 square feet or 36 square feet.

Commissioner Joyce found the proposed change distasteful because it was clearly specific to Deer Valley and PCMR regardless of how it was worded. For a number of reasons he is opposed to large signs. He likes being able to drive around Park City without seeing “welcome” signs all over. Comparing this to Summit County and the Canyons was an interesting concept, but he pointed to the Kimball Junction area, which the County also allowed. Commissioner Joyce hoped they would not use what the County allows as the standard for what is good for Park City. He understood that Deer Valley was a large part of the town, but so are others such as the St. Regis, the Montage, the school district and other places that hire people and have a lot of traffic. Commissioner Joyce thought it was absurd to say that the Deer Valley sign is important for wayfinding because a sign at the roundabout points people to Deer Valley. The only

wayfinding from that point is to keep people from driving into the condos. Otherwise, continuing on the road takes everyone to the base of Deer Valley.

Commissioner Joyce reiterated that in his opinion signs that large should never be allowed in Park City, and they should never zone around specific clients. He could find no reason to approve this.

Chair Strachan summarized that the Planning Commission was being asked to forward a recommendation on three items. He asked if it could be done in one motion or whether the Staff preferred three separate motions. Assistant City Attorney McLean replied that it was all part of one ordinance and three motions were not necessary. However, if a recommendation was different on one specific part the Commissioners could separate it from the rest.

Chair Strachan opened the public hearing on the amendments to the Sign Code Title 12 to make minor changes for clarity and style and for compliance with the Supreme Court decision; and the amendments to freestanding signs.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan preferred to address the items in separate motions.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Amendments throughout Title 12 in order to bring it into compliance with a recent U.S. Supreme Court decision, Reed v. Gilbert. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Amendments throughout Title 12 in order to make minor changes for clarity and style. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to forward a NEGATIVE recommendation to the City Council for Amendments to Chapters 2 and 9 creating special regulations for freestanding signs in developed recreation areas. Commissioner Phillips seconded the motion.

Commissioner Band stated that she had agreed with Commissioner Joyce when this previously came before the Planning Commission. She recalled significant discussion about the size of the two major resorts and the number of people they employ. She understood that they were limiting other large employers by the 2,500 acre number; but she questioned how secure they were with the restricted definition. Director Erickson explained that the phrase "developed recreation" comes from the Forest Service Regulations on how they regulate ski areas. Therefore, it is a defined term across all federal lands. The staff crafted the definition knowing that Park City would want to have something similar to what Deer Valley was requesting even though Deer Valley predicated the original concept. Mr. Erickson stated that in addition to the 2,500 acres, the requirement also includes substantial outdoor recreation, and that is balanced against other Codes that talk about ski areas and having to have lifts, ski runs and summer outdoor recreation within the 2,500 acres.

Director Erickson acknowledged that someone could fight the City on it, but there is a large distinction between an individual housing unit like the St. Regis or Montage that are inside an MPD. All of those things are encompassed by the overall developing recreation area; and they are not distinct in that term. Mr. Erickson commented on the zoning and noted that RD is the base zoning of Deer Valley which why it was included in the language. The base zone at PCMC is Resort Commercial.

Assistant City Attorney McLean addressed the question of how secure or safe is the definition. She pointed out that it was a defined term that could be changed by amending the sign code in the future. Commissioner Band was concerned with how they could stop anyone else from making the same request if they make exceptions for these two Resorts. Chair Strachan stated that there was nothing to stop others from making the same request, but it would have to comply with Code and the Planning Commission would have the ability to grant or deny the request.

Commissioner Band was curious to know the zoning for the other ski towns that the Staff had researched and whether they allowed larger signs. Mr. Erickson stated that all the other towns have some variant on "developed recreation area" and assign a larger sign to those who meet the definition.

Commissioner Joyce clarified that one of his issues is that Deer Valley is zoned residential and they were talking about putting up a 50 foot sign in a residential area. He noted that Deer Valley was proposing to place the sign in front of condos. Director Erickson explained that Deer Valley was zoned RD not to promote residential densities; but because when Deer Valley was approved in the early 1980s they did not want to assign the maximum volume of density that goes in at PCMR. They also wanted the

ability to regulate height more stringently. Commissioner Joyce reiterated that he was bothered by the proposed location for the sign. The sign Deer Valley was requesting did not fit and there was nothing like it anywhere close by.

Commissioner Phillips agreed with Commissioner Joyce regarding the location. In talking about signage in other resorts, the ones he thought of had signage at the base. Commissioner Campbell remarked that placing the sign at the base would not be any guidance for those trying to find the resort. Commissioner Phillips thought it would be appropriate for Deer Valley to locate the sign a mile down the road. Commissioner Campbell thought they needed to think about people who were not local and familiar with the area because Deer Valley is difficult to find. He felt the City had an obligation to help guide people on a clear path. Oftentimes people think they are going the wrong way and turn around. Commissioner Campbell was unsure whether 50 square feet was the right size but he was not opposed to the intended location.

Commissioner Joyce agreed that people do get lost. He pointed out that Deer Valley could put up a 20 square foot wayfinding sign today without this Code amendment. It is a two lane road and he believed a 20 square foot sign would be sufficient. Commissioner Campbell understood that Commissioner Joyce was not opposed to placing the sign in the proposed location, but he was opposed to the 50 square foot size. Commissioner Joyce answered yes. It would be like having a billboard right in the middle of residential property.

Commissioner Worel agreed that wayfinding signs are needed to help people find Deer Valley, but she had a problem adjusting the size of the sign according to the perceived importance of the business or resort. That was her opinion when this was previously discussed and it had not changed.

Chair Strachan called for a vote on the motion to forward a negative recommendation to the City Council for Amendments to Chapters 2 and 9 creating special regulations for freestanding signs in developed recreation areas.

VOTE: The motion passed unanimously.

Commissioner Campbell thought it would be beneficial if someday signs in Park City could be a consistent size, color and shape that people would identify immediately as a municipal wayfinding sign.

7. Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all Historic Zones to expand the Historic Sites Inventory and require review by the Historic Preservation Board of any

demolition permit in a Historic District and associated definitions in Chapter 15-15. (Application PL-15-02895)

Planner Grahn noted that the Staff report contained the redlines of the pending ordinance, which was broken into six categories: 1) Adding demolition review to the Historic Preservation Board's purposes; 2) Modifying the language for Significance Determination to expand the inventory to incorporate more historic structures; 3) Adding the Contributory designation; 4) Defining any conditions for relocations; 5) Requiring the HPB rather than the Planning Director and the Chief Building Official to make the determination on relocations, reorientations, panelizations and reconstructions; 6) Definitions.

Planner Grahn asked if there was any objection to adding demolition review to the purpose of the Historic Preservation Board. Director Erickson stated that this item was most in alignment with the current pending ordinance. Planner Grahn noted that the Item was outlined on page 207 of the Staff report and it was also stated under 15-11-5, Purposes.

Assistant City Attorney McLean stated that the pending ordinance that was attached to the Staff report as Exhibit A was the ordinance that was published initially when it was proposed by the Planning Department. It has continued to be part of the recommendation to the City Council; however, the Staff was looking for Planning Commission input on specific issues to provide a more detailed recommendation. Ms. McLean clarified that the items were not being codified as part of the pending ordinance at this point.

The Commissioners supported Item 1 regarding demolition review as a purpose of the HPB.

Planner Grahn asked for input on the second item regarding additional criteria for the determination of Significant. She noted that the primary change was removal of the criteria that it must retain its essential historical form. It was replaced with language that it demonstrates a historical form as outlined by the criteria on page 210 of the Staff report. Planner Grahn explained that the change was an effort to expand the HSI to include properties such as 569 Park Avenue which has a very historic looking form and contributes to the streetscape and the character and integrity of the District as a whole.

Commissioner Thimm asked if they were talking about all of the redlines on pages 210 and 211. Planner Grahn suggested that they first discuss Significant Sites and then move to Contributory. Commissioner Thimm stated that after reading through the Staff

report and doing background research in terms of State and National Preservation he thought this was well-done.

Commissioner Joyce referred to page 210 of the Staff Report, 2(b) ii, which states, "It was previously listed on the Historic Sites Inventory". The only reason he could see that a site was previously listed but no longer listed was because someone had made a conscious effort to re-evaluate the site and determine that it did not belong.

Planner Grahn explained that when the Reconnaissance Level Survey was completed in 2009 they did not find new information on some of the properties. For example, a roof form might have changed, which means it did not meet the criteria originally set in the LMC in terms of retaining the essential historical form. Under the 2009 criteria a gable house had to remain a gable house. Planner Grahn remarked that the proposed change would allow the Staff to relook at structures where the gable may have turned into a hip roof, which is still a historical form even if it is not the original form, but the structure still contributes to the streetscape and the integrity of the District.

Assistant City Attorney McLean stated that another distinction is that the sub (i's) are ways that the historical form may be demonstrated, but they are not enough by themselves. The sub (i's) are only intended to help make the determination.

Commissioner Joyce still had issues with placing a site back on the HSI when it was removed for good reason. Assistant City Attorney McLean stated that some historic houses have been on and off the Inventory and then put back on again because the criteria had changed and how they look at the structures had changed. She remarked that this was a mechanism to use the prior information as evidence to make a determination of whether or not the structure is Significant. Chair Strachan provided a scenario of when this would apply and why it would protect a historic structure.

Commissioner Joyce was comfortable with the explanation. He referred to Section 2c (ii), which states that it is visually compatible to the Mining Era Residences National Register District. He thought they were being very specific about comparing things in terms of historic = mining. However, at the same time they have the floating 40 year time-frame which would not be part of the mining era. He understood the distinction between the 50 year historic and the new 40 year floating time-frame; but it appeared that the primary focus was still on the mining era. He was unsure how the A-frame structures fit in.

Director Erickson stated that the strategy the Staff was putting forward was to cast a broad net for sites to look at and to make sure there was rigorous criteria for looking at those sites. There is a distinction between a broad net of which sites to look at and the

specific review criteria to evaluate those sites. Director Erickson noted that there was different criteria for the Contributory buildings.

Assistant City Attorney McLean remarked that the Planning Department was suggesting that a site be visually compatible to the Mining Era Residence National Register District because it is the only National Register District. Commissioner Thimm clarified that it was identifying that District. Planner Grahn pointed out that Main Street was another District associated with the mining era but it was commercial buildings.

The Planning Commission was comfortable with Item 2 to modify the language for Significance Determination to expand the inventory to incorporate more historic structures.

Planner Grahn moved to the third item regarding Contributory structures as outlined on page 209 of the Staff report. The criteria for reviewing a Contributory site is 1) Assist in managing inventories of structures that contribute to neighborhood character; 2) Potentially allow structures 40 years to be eligible for the Historic District Grant program. Planner Grahn noted that the Staff was not proposing to automatically list the structures on the HSI. If an owner is awarded a Grant, a preservation easement that runs in perpetuity with the land would be required. The third criteria provides data and background for other historical eras in the City for future reference.

Planner Grahn stated that a Contributory structure is not required to go to the HPB for any type of demolition review. It would only require a Historic District Design Review. In talking internally, the Staff decided to treat it the same as they have prior to this pending ordinance. For example, if someone owning an A-frame came in, they would be asked to pull a Building Department demolition permit. As part of the Planning Department review the owner would only be asked to document the building and the Planning Department would sign off on the demolition permit. Planner Grahn clarified that a Contributory structure would only be placed on the HSI if it was a grant recipient. Commissioner Band agreed with the intent but she could not find where it was stated in the language. Planner Grahn replied that it is not specified in the language just like they do not specifically say Significant or Landmark. They just strongly discourage demolition. Director Erickson clarified that they did not want to be affirmative in the LMC. The intent is to know what is there and to conduct the same review under the current process. The only requirement is to document the building so in the future it can be identified as having been there. The City was not proposing to regulate a Contributory building. Planner Grahn noted that Item 4 on page 211 of the Staff report specifies that HPB only reviews a demolition permit if it is listed as Landmark or Significant on the HSI. If a structure is 50 years and it is not on the HSI, it would not be

reviewed. Director Erickson stated that the only way for a structure to be placed on the HSI is to go through the Significant or Landmark process.

Commissioner Joyce asked how someone would know if their house was Contributory. Planner Grahn stated that a structure could be demolished after that determination is made through the HDDR review. The exception would be if the owner applies for Grant money to remodel the property. Ms. McLean clarified that all structures within the Historic District must go through a Historic District Design Review.

Commissioner Phillips pointed out that his house was currently in the middle of an HDDR process and his house was built in 1976. It was just part of the normal process.

Commissioner Worel understood that in order to be listed as a Contributory site a Grant has to be involved. Planner Grahn replied that she was correct. Commissioner Worel wanted to know why that was not stated in the language. Planner Grahn agreed that it was omitted and she would draft language to specify that fact.

Chair Strachan stated his preference for having the Code specifically reflect the rules.

Commissioner Thimm stated that when this was presented to the Planning Commission at a previous meeting he was in a quandary as to why it is logical to start identifying structures at 40 years. He still had that same question. Planner Grahn replied that it was a way for the Staff to start inventorying so if there are future historic eras that information is available even if parts or some of the inventory has been demolished. Commissioner Thimm thought they had gone to a great extent to say that nothing different was happening from 40 to 49 years. He could not understand the point of the 40 year designation.

Director Erickson stated that it was tiered to the upcoming neighborhood compatibility and neighborhood characterization portions of the design review. What they heard from the City Council after reviewing the house on Park Avenue was that these houses are not only good because they are historic in some form, but they also contribute to neighborhood character and designate what that neighborhood character is. Mr. Erickson explained that the intent is to preserve the integrity of the list of Significant and Landmarks sites, but they also want to know what is there when they review for neighborhood compatibility. This change allows for more regulatory precision. Mr. Erickson remarked that the 40 year number was chosen because it provided a ten year window in the time when neighborhoods were being developed between the historic mining eras and evolving into the ski era.

The Planning Commission had no further comments on Contributory structures.

Planner Grahn moved to the next item regarding relocating and reorienting historic buildings, as outlined on page 212 of the Staff report. She stated that the Planning Department has been making that determination; however, under the new ordinance the HPB would make that determination. In working with the Legal Department they also noted that in the past the Chief Building Official and the Planning Director needed to determine unique conditions, but unique was never clearly defined. This ordinance provided the opportunity to give specific examples of a unique condition.

Commissioner Campbell wanted to know the process if a determination is made and the applicant did not like the decision. Assistant City Attorney McLean stated that once the HPB starts making the determination on panelizations an appeal would likely go to the Board of Adjustment, the same as the appeal of an HDDR. Ms. McLean clarified that an applicant is only allowed one appeal. If they were dissatisfied with the decision of the Board of Adjustment the applicant would have to take it to District Court. She thought Commissioner Campbell had raised a good point and she would double-check the process with the Code. Ms. McLean thought the appeal process should be specifically stated in the Ordinance. That language would be drafted once they confirm that an appeal would go to the Board of Adjustment.

The Planning Commission had no further comments regarding the process for relocation and reorientation.

Planner Grahn moved on to the next items regarding panelization as outlined on pages 212-213 of the Staff report. She noted that the process under the ordinance would remove the Planning Director and the Chief Building Official from making the determination to panelize, and instead ask that they make a recommendation to the Historic Preservation Board.

Planner Grahn stated that the only other change would be to require that a licensed structural engineer study the structure to make sure it can be moved intact. Under the current process the City requests that a licensed structural engineer possibly conduct that study.

Director Erickson stated that the City Council had difficulty understanding the prioritization of how to preserve a historic home. He asked Planner Grahn to give the Commissioners a brief update so they would have the same information that was given to the City Council.

Planner Grahn stated that the National Park Service and the Secretary of the Interior Standards are the “go to” for preservation and how to treat historic buildings.

Panelization is seen as a form of reconstruction and not the most optimal solution. Planner Grahn explained that ideally the building should be lifted in place instead of taking it apart. When a building is taken apart historic materials are lost, the building can be damaged, and it some cases it falls over. The intent is to keep the building intact unless a structural engineer determines that lifting the building would cause it to fall apart.

The Planning Commission had no further comments regarding panelization.

Planner Grahn noted that the last item was reconstruction, which means that the building is in such poor condition that only a handful of historic material could be salvaged and reapplied to new construction. She remarked that reconstruction is the bottom tier of preservation. Planner Grahn pointed out that the only change was taking it from a Planning Department determination to a Historic Preservation Board determination.

Planner Grahn reviewed the definitions on pages 214 and 215 of the Staff report. She noted that the Contributing Building definition references LMC 15-11, which was consistent with the definitions for Landmark and Significant. The Staff plans to modify all of the definitions so they refer to LMC 15-11-10, which is the specific portion of the Code that talks about Determination of Significance.

Commissioner Joyce understood that something as simple as cutting in a dryer vent in a historic house would be a modification. However, he wanted to know if tearing down a wall of a building would be deemed reconstruction or demolition. Planner Grahn replied that there were four tiers to demolition; restoration, reconstruction, rehabilitation, and renovation. Depending on whether you were looking at one wall or the whole building would determine which tier would be applied. She believed that removing one wall would become a partial reconstruction. Restoring a missing bracket on a porch would be considered restoration.

Planner Grahn commented on the noticing requirements. The Staff was proposing that any type of HPB review for demolition would require a 14 day noticing period and to property owners within 100 feet. The Commissioners supported the noticing requirement.

Planner Grahn noted that the Planning Commission previously talked about a demolition review checklist. The HPB had also requested checklist so they would have something to review against. The checklist was included on page 217 of the Staff report. Commissioner Thimm referred to Item 8 (f) and suggested changing “not Contribute” to “non-Contributory”.

Chair Strachan opened the public hearing.

Justin Keyes, an attorney with Jones and Waldo, stated that he was representing a number of the homeowners on Park Avenue who have been involved in the process since the beginning with the City Council. Mr. Keyes thanked everyone involved for a great job in putting this ordinance together. He referred to a typo on page 212, Section A, subpoint 3, and changed "determine" to "determines". Mr. Keyes liked the idea of a Contributory site. He understood that it could be confusing without being involved in the earlier discussions with the City Council in terms of its purpose. It addresses the concern to preserve homes that may not be eligible for Significant or Landmark designation, but still provide a richness to the District in general. Mr. Keyes remarked that the City Council wanted to get back to more of a window view of what looks historic when you are looking out the window at the street. He thought the Contributory designation achieves that goal without providing all the protections in place for a Significant or Landmark site. Mr. Keyes stated that the whole area needs to be historic. If they start tearing down historic homes because they do not meet specific criteria they would lose the sense and feel of the Historic District.

Mr. Keyes stated that the notice matrix was of primary interest to a lot of citizens. The noticing proposed was not the change he hoped to see to alleviate the fears he has heard from residents and second homeowners on Main Street who invested significant amounts of money into some of these properties. He recommended that they include de-listing in the subsection which covers noticing of a design review of a specific home. He also suggested mailing an actual notice in addition to posted and published notice, particular if a home is going to be de-listed and potentially demolished. He thought a mailed notice would alleviate some of the concern for second homeowners who are not here to read the Park Record or walk the streets. Mr. Keyes favored the new noticing requirements for demolitions because it would be very helpful.

Like Chair Strachan, Mr. Keyes also likes the rules and policies to be reflected in the actual Code language. He recalled a rule in the Staff report that says in the future the City would allow anyone to nominate a home for a Significant or Landmark designation. In the past only the City or the homeowner could make that nomination. He was pleased with that moving forward and asked if it was possible to include it in the Code itself.

Director Erickson noted that the discussion was in the Staff report but not the codification because the Staff was still trying to draft the language. Assistant City Attorney McLean recalled that the Staff was not recommending a change to the Code. Currently, the Staff or the homeowner can ask the HPB to review a designation, and anyone, including the Historical Society, can request a home to be listed or de-listed and the Staff will make that evaluation and determination.

Mr. Keyes understood that going forward any suggested nomination would have to go through the Staff and they would do the initial evaluation and determine whether it was worth taking to the HPB for a determination of significance. Ms. McLean replied that this was correct. It was similar to the current process and, therefore, the Staff was not recommending a Code change.

Gary Bush was struggling with the idea of changing the list or adding another list. He recalled problems with having a list where a page was missing or the address was misplaced and the building was lost. Mr. Bush thought they should eliminate the list and make everything in the Historic District go through the same process. They could still maintain Significant, Landmark and Contributory designations. Mr. Bush stated that if they were trying to sustain the Historic District there was nothing that addresses the compatibility of new structures with the Landmark and Significant structures. Mr. Bush pointed out that everyone enjoys the Historic District but they place the burden of maintaining the historic structures on the owners of those buildings. He believed this pending ordinance came about because someone felt Park City was losing its historic fabric. In his opinion, this appeared to be a knee-jerk reaction. They were casting a broader net and adding additional layers of review, and he did not believe that was sustainable. If the appeal body is the Board of Adjustment and then the District Court, they would not be able to sustain this level of control. Mr. Bush reiterated his request to treat everything in the Historic District equally; both historic homeowners and non-historic homeowners. His concern was that if the Code changes are not sustainable it might do the opposite and make the historic fabric go away more quickly. Mr. Bush asked the Staff to be reasonable in imposing the extra levels of review on the historic homeowners.

Commissioner Campbell favored anything that would turn 10 pages of regulation into four pages. Director Erickson stated that he was also concerned about the levels of regulation. They were getting direction from the elected officials to make sure they were protecting the Districts with the least amount of redlines possible.

Chair Strachan closed the public hearing.

Commissioner Joyce referred to a comment from Mr. Keyes about de-listing. Planner Grahn stated that currently when doing a determination of significance, whether it is being determined to be historic or non-historic, the property is posted for seven days. She was willing to look at doing a courtesy mailing notice as well. Commissioner Joyce favored the idea of a courtesy notice. Assistant City Attorney McLean suggested removing the language “designation of sites” on the noticing matrix and replacing it with “determination of significance on the Historic Sites Inventory.” Commissioner Joyce explained why he did not believe that language change addressed Mr. Keyes’ concern. He understood that Mr.

Keyes was suggesting that they include de-listing in the third row of the matrix and not the first row.

Assistant City Attorney McLean recommended that all determinations should be noticed the same. They have the same criteria review for structures being put on or taken off the list. She understood that Commissioner Joyce was suggesting that structures that would probably come off the list should have a longer noticing period. Commissioner Joyce thought it made sense, particularly for second homeowners, that de-listing should require a courtesy mailing.

Director Erickson was willing to make the recommendation as suggested by Commissioner Joyce. Ms. McLean asked for a head nod from the Planning Commission to see if there was consensus. All the Commissioners agreed with a courtesy mailing for anything that could be de-listed. Ms. McLean asked if the Commissioners wanted a courtesy mailing for items that would be listed. Chair Strachan answered yes. Ms. McLean asked if they wanted a greater notice for de-listing to match the HDDR noticing, which is longer than seven days. Commissioner Campbell answered yes. Chair Strachan suggested that they make the noticing consistent. It should be a courtesy mailing the same as for an HDDR review.

Assistant City Attorney McLean summarized that 1) it was a determination of significance and not just putting a structure on the HSI; 2) that the property will be posted 14 days prior; 3) a courtesy mailing to owners within a 100 feet; 4) the appeal is noticed for 7 days.

Commissioner Worel wanted to know how far in advance they do the courtesy mailing. Ms. McLean replied that it was 14 days.

Commissioner Campbell asked how the changes recommended by the Planning Commission would be presented to the City Council. Assistant City Attorney McLean stated that the text would be the initial pending ordinance with the redlined amendments.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council on the pending ordinance as shown in Exhibit A in the Staff report for the Land Management Code changes for the Historic Sites Inventory and demolition permits, and ask that the City Council consider the changes that were proposed by the Planning Commission during the discussion this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____