



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF FEBRUARY 9, 2011

ADOPTION OF MINUTES OF FEBRUARY 23, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Development Review process

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

Park City Heights – Master Planned Development

PL-10-01028

Public hearing and continuation to March 23, 2011

2800 Deer Valley Drive, Silver Baron – Amendment to Record of Survey

PL-11-01151

Public hearing and continuation to March 23, 2011

Deer Valley – 11th Amended Master Plan

PL-11-01150

Public hearing and continuation to March 23, 2011

CONSENT AGENDA – *Public hearing and possible action as outlined below*

44 Prospect Avenue – Plat Amendment

PL-10-01057

71

Public hearing and possible recommendation to City Council

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

2300 Deer Valley Drive, St. Regis – Conditional Use Permit

PL-11-01160

83

Public hearing and possible action

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

Park City Heights – Informational Update

PL-10-01028

99

Training with legal department

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

WORK SESSION NOTES – FEBRUARY 9, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
FEBRUARY 9, 2011**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Kayla Sintz, Katie Cattan, Polly Samuels McLean, Matt Cassel, Phyllis Robinson

Commissioner Strachan arrived late.

Work Session Items

Traffic and Transportation Master Plan - Informational Update

City Engineer, Matt Cassel, reported that on February 15th another stakeholders meeting would be held for the Transportation and Traffic Master Plan. A public meeting would be held on either February 28th or March 1st to discuss the elements presented this evening. Mr. Cassel stated that the goal this evening was to update the Planning Commission on the information that would be taken to the public and the stakeholders. He was not looking for input this evening, but he would come back to the Planning Commission for a more in-depth discussion following the stakeholders and public meetings.

City Engineer Cassel stated that the elements contained in the Staff report were the proposed road cross sections, neighborhood connections, and gateway corridors. He clarified that the Staff was not recommending any of the alternatives. The objective was to present them for discussion. Mr. Cassel assumed that some of the alternatives would not be seen as favorable. However, they were trying to collect as much data as possible and to keep emotions from driving the alternatives. They were applying the alternatives to the model to see which alternatives are viable and which ones need to be eliminated.

Mr. Cassel reviewed the proposed road cross sections being proposed for all streets within Park City, including UDOT arterial roads. He noted that the criteria used for the streets was listed in the Staff report. The biggest criteria was not using a physical separation until it is required by increased speeds, and at the minimum, meet fire code requirements. Mr. Cassel stated that in the 1980's they started putting in wider roads, which resulted in traffic speed issues. The City then tried to control speed by narrowing the roads with bulb-outs and medians. He stated when the roads developed and rebuilt, the goal is to have narrower roads. When speeds are reduced the reaction time increases and the roads become safer.

Mr. Cassel believed that neighborhood connections and gateway corridors would be larger issues with the public.

Commissioner Savage noted that during the visioning meeting, there was a brief discussion regarding development of the computational model that allowed the simulation of traffic flows in Park City. He wanted to know the relationship between that project and the work being done by the transportation committee.

Director Eddington replied that it was all part of the same plan. Commissioner Savage clarified that the elements presented this evening were parameters that could be put into the model to understand the impacts on traffic flow. Mr. Cassel replied that this was correct.

Mr. Cassel reviewed the five neighborhood connections, which included the Solamere connection between Solamere and Chatham Crossing and Three Kings to the Park City Mountain Resort bypass Road. He noted that Bonanza Park is not a connector, but the study looks at how that area can be utilized to intercept traffic before it starts up the hill. Other connections included the Kearns to Meadow Drive connector and the School Frontage Road connector. Those connections will be presented to the stakeholders and the public for their reaction.

Mr. Cassel reported that the study looks at two existing gateway connections, SR224 and SR248, and what can be done on those roads. Possible new gateway connections are Meadow Drive to I-80, Guardsman Pass road, and the tunnel from Deer Valley to US40. Mr. Cassel noted that the tunnel has the potential to decrease traffic on SR248 by 20%, however, the cost is extensive and hinders the idea.

Mr. Cassel stated that UDOT is currently holding public meetings for their long range plan. One of those long range plans is from 2021-2031 is to expand SR224 and SR228 by two additional lanes. If UDOT expands SR224 and SR248, the majority of traffic will go through or around the Bonanza Park Avenue. From a traffic standpoint, Mr. Cassel believes there is the potential to stop or halt traffic in that area and keep it from heading up the hill into Old Town and other areas.

Chair Wintzer commented on the School bypass and Frontage Road. He recommended that Mr. Cassel look at ways for children and parents to get from Park Meadows to the school without going on to Kearns Blvd. If that could be accomplished, it would make a big difference in traffic and safety. He recalled that in the past they had talked about connecting the North 40 road to Prospector. If that was done, they could then put the frontage road on the back side of the school rather than the front side.

Commissioner Luskin recalled a previous discussion for a tunnel from Park City to Big Cottonwood Canyon. He asked if that was still being considered. Mr. Cassel stated that the tunnel was briefly discussed but it was not seen as a viable alternative. He explained that one of the goals with the gateway connectors was trying to find or establish a possible third route in and out of town. Connecting to Big Cottonwood Canyon would create more of a problem than it would solve. Commissioner Luskin assumed that the proposed Guardsman Pass connector would go toward Midway as well as Big Cottonwood. Mr. Cassel replied that this was correct.

Mr. Cassel stated that Guardsman Pass is a bigger discussion because of development rights. He noted that Wasatch County has been paving Pine Canyon Road and the power company has been requested to put in a substation up there. Development is more likely to occur and Park City needs to decide what it wants to do from this side of the mountain.

Commissioner Pettit asked Mr. Cassel if there has been further discussion about extending Daly Avenue up in that direction. Mr. Cassel replied that the Daly Avenue extension has not been considered as part of this plan. Daly Avenue is not considered a standard primary road. It is only being looked at as a secondary emergency access.

Commissioner Savage asked Mr. Cassel to provide an overview at a future meeting to demonstrate

how the model operates. Mr. Cassel stated that he intended to meet with the Planning Commission two or three times. At the next meeting he would review the alternatives and discuss the advantages and disadvantages. At the following meeting the Planning Commission would be asked to forward a recommendation to adopt the plan. He will bring the model to one of those meetings, along with all the elements of the master plan.

Commissioner Savage stated that the ability to provide input on recommendations is enhanced by the ability to look at the model prior to the time of approval. Mr. Cassel pointed out that the model is truly a black box. Commissioner Savage remarked that this was the reason why he wanted to see it and understand how it works before making a recommendation. Commissioner Savage pointed out that a discussion at the visioning session talked about the fact that this would be a tool that could be utilized in conjunction with the General Plan in looking at long term vision and traffic flow. He wanted to validate that indication. Commissioner Savage questioned why the City would spend money developing the model if it is not useful. Mr. Cassel explained that the model is used by traffic engineers, but it cannot be taken apart and dissected. It is validated because traffic counts are taken at certain time periods. The model is run during specific time periods to make sure the loads represent the loads they see during those time periods. The model is another tool to help with the process, but there is not exactness to the model.

Director Eddington remarked that one advantage is that a number of scenarios have already been put into the model with regard to peak traffic in winters so they have that information. To help Commissioner Savage, he thought they could program the model to run differently for different scenarios and roads. Commissioner Savage still questioned the merit of the model from a planning perspective. Mr. Cassel explained that the true model is the statistical model, which is a number of Excel spreadsheets and formulas. In addition, they have a visom, which allows you to visually see the cars and the traffic at specific times. Director Eddington clarified that the visom can be modeled to look at different scenarios and he believed that information would be helpful to Commissioner Savage.

Park City Heights - Master Planned Development (Application #PL-10-01028)

Spencer White, representing the applicant, noted that at the last meeting the Planning Commission request a physical model. That model had been prepared and was presented this evening. In addition, graphic presentation boards were available showing perspectives and sections within the project. Mr. White noted that the master plan had also been updated.

Mr. White presented the master plan from the last meeting to show as a comparison to the revised master plan. He noted that one area that was changed was the loop road at the bottom of the project. It was elongated to run more with the contours. It was a utility issue where they could get the sewer to gravity feed and flow. It allowed for more homes along the open space edge that would provide a buffer with Highway 40.

Mr. White stated that additional areas that changed from the last concept plan were the homes on the other side of the power corridor. He indicated an area where the roadways was eliminated due to grade changes and he tried to enhance that area as a trail corridor. They left the 60 foot right-of-

way, which allows them to meander the trail through there and provide a great connection. For anyone who lives mid-block, it is an easy walk to the trail corridor and then links them back down to the community center.

Mr. White reported that they met with Rocky Mountain Power and increased the utility corridor through the project. It was a 50 foot corridor that was increased to a 60 foot corridor, which provides more cushion from the adjacent homes. It also provides potential for future growth in the trail corridor.

Commissioner Luskin asked if the power lines would be underground. Mr. White replied that the lines would be underground within the project. An existing overhead power line within the power corridor would not be buried.

Mr. White stated that the current master plan concept was what they have shown as the preliminary plats. Lots were adjusted and homes, trails and sidewalks were located accurately. This plan is how the project would be developed and what they can do with grades, etc.

Chair Wintzer asked if the engineering had been done on the entire site and they were ready to move forward. Mr. White answered yes. He explained that the last concept plan was engineered and cleaned-up. Using that information, they updated the concept plan to reflect those changes.

Mr. White reviewed the affordable housing plan. The bright pink color indicated the 28 IHC units. The blue color represented the 35 Park City affordable units, which comprises a mix of attached and detached units. The purple color represented the Park City Heights internal affordable housing units. He explained how the affordable units were mixed in with the market rate units.

Mr. White noted that an extensive study was done for snow storage and they met with Park City a number of times. In addition to the snow storage easements on the sides of the road and within the right-of-way, he identified additional snow storage areas where snow could be pile and/or picked up and placed in those areas.

Mr. White briefly reviewed the trail legend. The dark blue color represented the existing trail that goes to the sports complex and the tunnel that goes under SR248. The light blue color identified the future connection. He stated that they are currently working with the City to improve that connection from the tunnel down to the Rail Trail. This would require a bridging of wetland areas and other issues. Mr. White stated that they would provide easements where possible and they are trying to find available funding.

Commissioner Savage questioned why they would not bring the trail over closer to the road to avoid additional bridging over the wetlands. Mr. White replied that most people do not want the trail next to the road. Planner Whetstone pointed out that there is a large ditch next to the road with running water. Mr. White remarked that they were still looking at all the options. The applicant agreed to design the entire trails system to see how it works, and then look at the cost to implement. If it turns out that the best location is next to the road, they would put it there. Mr. White recalled that a concern throughout the process was that the Richardson Flat Road is a busier road and it would be better to take the trails off of that road for safety reasons.

Mr. White reviewed three different trail/sidewalk scenarios within the Park City Heights project. He then reviewed a number of perspectives of the project showing the Park Homes, the Cottage Homes and community gardens, and the Homestead Homes. He noted that the perspectives were created through Google Earth.

The Commissioners left the dias to look at the model.

Mr. White stated that throughout the process they have talked about a commercial component with the project. In going through the engineering process, they added two small parcels. One was on the west side and the other on the east side. One parcel was 10,000 square feet and the other was 16,000 square feet. The intent was to add those two parcels to provide the potential for a future commercial component. Commissioner Savage wanted to know who would own the property and how it would be sold or entitled. Mr. White replied that it would be owned by Park City and the Boyer Company as the co-owners of Park City Heights. If or when those parcels are developed, it would go through the City process and the issues could be addressed at that time.

Mr. White presented a virtual tour through the project that correlated with the physical model.

Commissioner Luskin recalled from previous comments that the idea was to create a visual impression similar to Old Town. However, the first visual entering the project are the larger attached units. He thought it would have been better to have the cottage units in the front on the perimeter as the first visual impression.

Mr. White noted that some of the cottage units front the park. He noted that in several earlier meetings they provided significant details on the attached units. Besides the fact that they are affordable units, one reason for putting the attached units at the entrance was to create density at the entrance and around the amenities. Another reason was to create a street scene with the attached units at the entrance of the project. Commissioner Luskin recalled those previous conversations, but he thought the basic premise was to create a similar impression as Old Town. Seeing the multi-dwelling units gives the same impression as coming in from Kimball Junction, which he personally finds offensive. Commissioner Luskin stated that the plan show was not how he pictured it in his mind from prior discussions.

Mr. White pointed out that besides the reasons he stated, the terrain is flatter at the entrance, which makes it the best location for the attached units. That location is also closest to the trail corridors and the bus stop.

Chair Wintzer recalled going through the process and spending a considerable amount of time talking about the location of the attached unit. He thought they had decided that the entrance was the best location for those units because it was easier for kids and families to access the recreation facility. Commissioner Luskin stated that he was aware of the conversation because he had used the analogy of driving into Yosemite through the tunnel. For that reason, he was looking for the first impression coming into Park City.

Commissioner Peek referred to the principle view points that were designated at the beginning and

thought it would be interesting to see the model from those view points. He believed the initial impression would come from those view points.

Commissioner Pettit remarked that the impression coming in from the SR248 Corridor is consistent with what exists all along SR248 with the affordable housing projects on either side of the road. Commissioner Luskin remarked that his goal was not to replicate the view along SR248.

Mr. White stated that the design guidelines were another topic for discussion. The concept of the attached homes is to them mimic the cottage homes in terms of colors and materials.

Commissioner Peek stated that the model and the views from the designated view points shows the importance of the roof forms and how they would affect the overall project. In looking at the model from down low, it is basically a scene of roof forms. He believed the roof forms mixed together would be the main view of this project from US40 and SR248.

Eric Langvardt, representing the applicant, remarked that the key for both the plan and the design guidelines is the emphasis on the front doors. He noted that front doors face US40 and SR248 so the view from the road does not look at garages or back doors. He pointed out that roof forms are an important element in the design guidelines. In addition, the guidelines stated that no more than three similar massings can be placed together, which requires the roof forms to be broken up.

Commissioner Pettit commented on the use of solar and making sure that the guidelines reflect what is yet to come with solar. She wanted to make sure they were not limiting the ability and flexibility to incorporate those types of products once they become available and affordable. Commissioner Pettit referred to page 83 of the Staff report, page 47 of the design guidelines, and expressed confusion over the concept with respect to ground mounted. She noted that in some cases roof mounted solar is not an option or ground mounted may be a better option. In addition, Commissioner Pettit was concerned about limiting the use of solar on rooftops to flush mounted, given the fact that a lot of tracking systems are being developed to take advantage of solar. Commissioner Pettit understood that the applicant was trying to create guidelines from an aesthetic standpoint, but she did not think it was being consistent with best practices in terms of being proactive and thinking ahead.

Commissioner Hontz thought the trail corridor appeared to be used in the snow storage diagram. It may work but it would limit the months that the trail corridor could be used and the trail would be unusable in the winter. Commissioner Hontz preferred to see clearer language in the exterior section of the guidelines to better clarify what is and is not allowed. She did not believe that pure white and light gray were good main house colors in Park City. Commissioner Hontz concurred with Commissioner Pettit regarding the solar. She would like to see the entire sustainability section beefed up with more explanation and details. Regarding the density, Commissioner Hontz thought the homes could be placed closer together in some areas to create more usable space, or in some cases add more units. She provided examples with the Cottage homes to clarify her comment. Commissioner Hontz concurred with Commissioner Peek regarding the roof forms, and she suggested that the applicants make sure the design guidelines help achieve a mix in roof forms.

Commissioner Luskin complimented the applicants for listening to the concerns and working with

the Commissioners to design this project. If it ends up looking like the renderings, they have all succeeded. Commissioner Luskin stated that he was always hesitant about building a project this large in Quinn's Junction and resistant from the beginning. His heart pounds when he is around Old Town Park City because the rest of the city looks like the rest of America. That was the basis for his original comment about the multi-dwelling units. In his opinion, the multi-dwelling units should be in the center of the project and the cottage units on the periphery so the view is from the cottage home perspective. Aside from that, he appreciated what the applicants have done and their willingness to cooperate.

Commissioner Savage echoed Commission Luskin regarding the idea of putting the cottage homes on the periphery and placing the higher density units on the inside. He believed it would improve the aesthetics. However, he believed the applicants have come a long way and he commended them on the work they have done.

Commissioner Pettit asked if heated driveways were prohibited in the design guidelines. Mr. White was unsure if heated driveways had been addressed. Commissioner Pettit noted that heated driveways could be allowed if they were heated through solar power. In her opinion, it is a big issue that needs to be addressed from a sustainability perspective.

Mr. White did not think heated driveways would be an issue based on the price points they are anticipating, as well as the cost of installing a heated driveway. He offered to look into the matter as a sustainability component.

Planner Whetstone explained that the design guidelines would be a guide for development, but anything required would be a condition of approval of the master plan and the plat. Director Eddington stated that the Planning Staff is working with other City Departments to make sure the guidelines are reviewed by Staff and all the ideas are incorporated.

Commissioner Peek agreed with Commissioners Luskin and Savage regarding the placement of the multi-family units. He would like to see that from the view corridors. The entry experience of the tourists would be from US40 and SR248 and he wanted to know how the massing works.

Director Eddington noted the Staff received comments on the guidelines with regard to repetition. He believed that addressing those comments would answer some of the questions related to style, color, materials, fenestration and articulation. He would work with the applicants to address those concerns.

Chair Wintzer noted that page 5 of the guidelines refers to a basement as defined by the Building Code. He suggested that the language in the guidelines be more specific because the Building Code could change. Chair Wintzer pointed out that a periodic phrase in the guidelines is, "strongly advised". He recommended that they remove that phrase and specify what they want to avoid problems with interpretation. Chair Wintzer commented on the reference to skylights. In some cases skylights can be big and obnoxious at night and he thought that section should be better defined. Chair Wintzer thought Park City Heights was a good place to prohibit wood burning fireplaces. Mr. White pointed out that wood burning fireplaces were addressed in the guidelines. Chair Wintzer referred to language in the guidelines that talks about 6 foot high fences to screen a pool or to contain pets. He thought the idea would be to have open fences that could be seen through rather than a six foot solid fence. The pictures represented open fences but it was not

reflected in the language.

Chair Wintzer was impressed with the presentation and the model. He encouraged the Commissioners to continue asking for this information. He thanked the applicants for their efforts and encouraged the Planning Commission to push for this type of information on other projects.

Mr. White commented on the amount of work involved to bring this presentation to the Planning Commission. The goal is to move forward to an approval. He asked when they could expect to have all the comments back from the City so they can respond and come back for the next meeting. Planner Whetstone assumed the comments would be available the end of next week.

Commissioner Peek commented on various places in the guidelines where the language was inconsistent. He wanted to know who would be on the design review committee. Mr. White replied that it would be determined at a future date. He assumed it would be three to five members chosen by the owners. Commissioner Peek indicated language stating that shared driveways are allowed. He suggested that shared driveways should be discouraged or limited in width. Commissioner Peek asked if the photos could be captioned to indicate what example the picture was showing. Commissioner Peek asked if LEEDS would be the standard during the build out of this project. Mr. White answered yes. He noted that a previous rendition of the annexation agreement had Build Green Utah 100 points or Silver Leeds standard. The Build Green is basically defunct and in order to be clear, they strictly using the LEED Silver rating on all homes. He clarified that LEEDs or an equivalent was specified as part of the annexation agreement. Commissioner Peek noted that the guidelines emphasize the desirability of maintaining an east/west access to the roof lines. He wanted to know what percentage of homes have that orientation. Regarding architectural sustainability and construction waste recycling, Commissioner Peek thought they should specify a time in the course of development that the developer must provide a construction waste recycling facility to centralize the recycling for a period of time. Commissioner Peek requested a high resolution PDF of the plat with topo overlay for the next meeting.

Planner Whetstone suggested that the Planning Commission continue this item to February 23rd for a public hearing and further discussion. If no further information is needed at that time, it could be continued to March 9th for possible action. The motion for a continuation would be made during the regular meeting.

The work session was adjourned.

MINUTES – FEBRUARY 9, 2011

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 9, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES OF NOVEMBER 10, 2010

December 7, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes from the joint session with the Snyderville Basin Planning Commission on December 7, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

January 12, 2011

MOTION: Commissioner Savage moved to APPROVE the minutes of January 12, 2011. Commissioner Hontz seconded the motion.

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

III. PUBLIC COMMENT

Joe Tesch, representing the applicant for Alice Lode, stated that he had submitted a letter regarding Alice Lode, which was included in the Staff report. He also had several conversations with City Attorney Mark Harrington on this matter to address legal and other issues.

Mr. Tesch noted in his letter that the change in Staff personnel over the years has been problematic for the planning process, particularly in trying to provide historical and accurate information to the

Planning Commission. Mr. Tesch requested that the City consider forming a subcommittee to review the issues in depth and report back to the Planning Commission in a more efficient and timely manner.

Chair Wintzer stated that when he was on the subcommittee for Park City Heights, he felt it tied the hands of the other Commissioners. Once the subcommittee presented their recommendations to the Planning Commission, the Commissioners were put in the position of speaking against something that had been moving forward for a year and a half with the subcommittee. Chair Wintzer did not favor subcommittees and preferred to address the issues in a regular meeting with all the Commissioners present.

Commissioner Pettit concurred with Chair Wintzer. It is a difficult process to manage from the expectation perspective of the applicant. The applicant vests in the process of what they believe is an understanding, but another group of people still need to come to an understanding. Commissioner Pettit stated that she and Chair Wintzer have history with the Alice Lode project and she believed they could be helpful to the applicant and the other Commissioners.

Chair Wintzer suggested that the Staff could set up a work session on Alice Lode to address specific issues. That would help everyone get informed and updated before it comes before the Planning Commission at a regular meeting.

Mr. Tesch understood the concerns and how it may work as a disadvantage to the applicant, however, they were willing to take that risk. He stated that one of the issues that came up between he and Mr. Harrington, was how to represent Ron Ivie and the discussions he was involved in regarding support issues. Mr. Tesch understood that they could obtain a statement from Ron Ivie or ask him to attend a meeting, and that would be a more favorable approach than having someone else try to represent what Mr. Ivie had said. Mr. Tesch did not intend for any member on the subcommittee to take a position, but they may be able to take factual information from an interview. He stated that it has become a due process issue for the applicant, due to the multiple layers of people who were involved and left. Mr. Tesch believed a subcommittee could present information more credibly than the applicant. He stated that a subcommittee would provide the applicant with a vehicle to flush out their case in a comfortable and informal format.

Commissioner Pettit wanted to make sure that the City legal counsel could help guide the process in terms of what information was relevant or irrelevant to the application. She stated that some extraneous evidence is not necessarily relevant for what the Planning Commission needs to do as a body. In addition, a member of the Planning Commission participating on the subcommittee would be able to review and evaluate extraneous information, but other Commissioners would not have that benefit. Commissioner Pettit was concerned about trying to create the subcommittee process and sharing information so they are all on the same page.

Mr. Tesch clarified that he contacted City Attorney Harrington to inform him that he was stating in his letter that Mr. Harrington concurred with the subcommittee process for Alice Lode and believed it would be helpful. Mr. Harrington gave him the authorization to include that statement in his letter. Mr. Tesch stated that Mr. Harrington was trying to give the applicant the due process they were

looking for in light of a number of things, particularly the unavailability of Staff who dealt with Alice Lode earlier in the process.

Commissioner Savage asked if Assistant City Attorney McLean could speak on behalf of the Legal Department in Mark Harrington's absence.

Assistant City Attorney McLean stated that the Planning Commission has the ability to make the decision on whether or not to form a subcommittee, and the Legal Department does not have a strong recommendation either way. Mr. Tesch was correct in saying that City Attorney Harrington had given authorization for Mr. Tesch to include his concurrence in his letter. Ms. McLean remarked that there is no legal reason not to form a subcommittee, however, the concerns expressed by Commissioners Pettit and Wintzer were valid. Ms. McLean clarified that the applicant wants to make sure that the factual history is reflected correctly before the Planning Commission. She believed the same result could be achieved either through a subcommittee or before the entire Planning Commission.

Commissioner Strachan stated that his experience with subcommittees has always been negative. It typically means that the parent body does not want to tackle the issues itself and prefers to have a subcommittee make the decisions. Commissioner Strachan was willing to support a subcommittee if it was favored by the other Commissioners.

Commissioner Peek did not believe the Alice Lode issues were complicated enough to need a subcommittee. His last experience was with the Town Lift Design Review Task Force, which was a larger, complicated issue. The Task Force was formed by the City Council because the project rose to that level of review. If the City Council ever feels that the Alice Lode project rises to the level of requiring a task force or subcommittee, he would support that decision. However, at this point he believed the Planning Commission could adequately address the issues through work sessions.

Commissioner Hontz concurred with the concerns expressed by Commissioner Pettit. She did not believe a subcommittee was necessary in this instance.

Commissioner Luskin stated that his only experience with a subcommittee was the Quinn Junction MPD and he came away feeling like the Planning Commission was stuck with a pre-supposed decision. Commissioner Luskin was not familiar with the Alice Lode project, however, coming on to the Planning Commission during a time of projects with a long history, the Planning Commission was always able to work through them without a subcommittee. Commissioner Luskin did not advocate for a subcommittee and he would not volunteer to participate if one was formed.

Commissioner Savage remarked that they had a body of experience relative to the subject at hand, and a request from the applicant that was supported by the legal department, for a process that they believe would make things happen more efficiently. Commissioner Savage thought the Planning Commission as a group, should highly prioritize opportunities to make the process more efficient and more effective. He supported the applicant's request.

Chair Wintzer summarized that only one Commissioner favored forming a subcommittee.

Mr. Tesch stated that the applicant had a separate concern with the TDR process, understanding that Alice Lode is identified as a sending station for the purpose of maintaining open space. Mr. Tesch suggested that the applicant be allowed to have a discussion off the record with the City to clarify the intent of the TDR and how it relates to processing their application.

Chair Wintzer stated that if the Alice Lode site was designated as a sending zone, it would not affect the application and the Planning Commission would not be obligated to consider the TDR process in reviewing an application. He explained that the TDR is an opportunity available to the applicant if they did not want to go through the process of finding another location for density.

Assistant City Attorney McLean replied that Chair Wintzer was correct. Director Eddington clarified that TDRs are not mandatory.

Mr. Tesch understood the clarification, but he still thought it raised concern.

Commissioner Peek asked if a subcommittee meeting would be publicly noticed. Ms. McLean replied that the meetings would probably be noticed, but it would not be a quorum of the Planning Commission. Chair Wintzer pointed out that formal votes are never taken by the subcommittee. The subcommittee agrees on recommendations that are presented to the Planning Commission.

Commissioner Strachan pointed out that a subcommittee could be formed at any time if the Planning Commission finds it would be beneficial. Commissioner Pettit questioned why a subcommittee could not be formed without Planning Commission representation.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Thomas Eddington reported that the Park City and Snyderville Planning Commissions held a joint meeting a few months ago and another meeting was being scheduled for March 15th or 16th. He would be contacting the Commissioners to see which date was best.

Director Eddington noted that the Planning Commission had requested an update on the City's development review process. The Staff would provide that update at either the next meeting or the first meeting in March.

Commissioner Savage felt the Planning Commission and the City were in a season where it was important to make progress on certain matters. As a member of the Planning Commission, he thought they were well below quota in spending quality time discussing the matters in enough depth to have a common understanding of the real issues and the solutions to those issues. Commissioner Savage supported meeting and collaborating with the Snyderville Basin Planning Commission, however, we was more supportive for making sure they were taking care of their own City and paying attention to matters that needed additional quality time. Commissioner Savage requested that the Planning Department consider his concern as it relates to forum and frequency for a more meaningful discussion.

Director Eddington asked if Commissioner Savage was referring to larger scale planning issues. Commissioner Savage clarified that he was talking about a large list of important issues related to

TDR proposals that have been raised in the last two or three meetings, but have not been properly addressed. They are being asked this evening to make a recommendation to approve an ordinance, and from his perspective it is putting the cart ahead of the horse. He believed that if there had been a better process for vetting all the concerns, the Planning Commission would have had a better opportunity to make the type of progress that people have been pushing for. Commissioner Savage pointed out that his same comments are true for the General Plan and Bonanza Park and Treasure Hill. He felt the Planning Commission was spending too much time on smaller matters that are less important in terms of getting the big picture. He thought they should discipline themselves and spend quality time to get the big picture right.

Chair Wintzer suggested a general work session where the Planning Commission could sit as a body and find out what each Commissioner thinks is important and what issues need more clarification.

Director Eddington noted that for a while the second Planning Commission meeting of the month was devoted to the General Plan. At this point the number of applications have increased and the agendas are back to normal in terms of project review and actions by the Planning Commission. He stated that the Staff would look at ways to schedule work session time to address their concerns.

Planner Kayla Sintz reported that the next evening the City Council was hearing the 1440 Empire CUP appeal. She requested that a representative from the Planning Commission attend that meeting.

CONTINUATION(S) AND PUBLIC HEARING

4. Park City Heights - Master Planned Development
(Application PL-10-01028)

Chair Wintzer opened the public hearing.

John Stafsholt, a resident at 633 Woodside Avenue, believed that adding a dog park would help bring the community together.

Planner Whetstone offered to pass on his suggestion to the applicants.

MOTION: Commissioner Pettit moved to CONTINUE the Park City Heights - Master Planned to February 23, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 1109-1139 Woodside Avenue - Amendment to Record of Survey
(Application PL-10-01083)

Commissioner Peek assumed that the Building Department had reviewed the application and the applicants would need a building permit to enclose the garages. Commissioner Peek noted that each condominium exits through the proposed garage area and he was unsure whether the Code allows a garage exit as the main entrance to a structure.

Planner Whetstone replied that the Building Department had reviewed the application and building permits would be required. She understood that the limited common area that comes down the stairs from the units goes to the outside, and a door could be cut there if a separate entry is required.

Commissioner Pettit noted that a condition of approval requires building permits for all construction and approvals per the building code.

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

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the condominium record of survey amendments for 1109-1139 Woodside Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1109-1139 Woodside Avenue

1. The property is located at 1109-1139 Woodside Avenue.
2. The property is located in the HR-1 zoning district.
3. The Resort Townhomes condominiums records of survey plat was approved by the City Council on May 18, 1984 and recorded at Summit County on May 18, 1984.
4. The Resort Townhomes condominiums record of survey plat recorded 12 residential condominium units of 587 sf each. The actual private area is 573.64 sf for each unit.
5. The current Land Management Code requires 1 parking space for condominiums that are less than 650 sf and 2 parking spaces for duplex units with private garages.
6. There are two parking spaces for each duplex unit located in the unenclosed garage areas beneath the units. The existing garages have 2 side walls and a rear wall, but are open in the front. The parking spaces are 31.16' deep and 17.79' wide. The current Land Management Code requires two car garages to be 20' by 20'. The existing parking spaces are non-conforming in width. The applicant/owners desire to enclose the garages with garage doors and convert the current limited common garage and storage space to private area.

7. The buildings were constructed in 1984 and are not listed on the Park City Historic Sites Inventory. The buildings are located within the Park City Historic District and are subject to the Design Guidelines for Historic Districts and Sites.
8. On November 9, 2010 the Resort Townhomes Owner's Association unanimously voted to approve the condominium records of survey plat amendments as described herein (83% of the owners were represented).
9. On December 3, 2010, the City received a complete application for a condominium record of survey plat amendment as described herein.
10. All units are currently 573.64 sf in floor area. The existing limited common areas range in area from 606.11 sf to 639.69 sf. The proposed plat amendment will result in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The increase in private area is the result of converting the limited common area of the existing garages and storage spaces on the ground level. There are no additions to the floor area on the second floor and no new building footprint is proposed.
11. The existing building footprint for each duplex building complies with the HR-1 zoning district requirements, with the exception of Buildings E and F (Units 9/10 and 11/12). Buildings E and F are existing legal non-conforming structures in terms of building footprint as they exceed the footprint by 14 sf.
12. There are no floor area limitations in the HR-1 zone or on the plat.
13. The buildings do not exceed the allowable 27" building height and there are no non-conforming setback issues.

Conclusions of Law - 1109-1139 Woodside Avenue

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

Conditions of Approval - 1109-1139 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and these conditions of approval.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval unless an extension to the recordation date is granted.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. Any exterior changes to the buildings or site require a pre-HDDR application and subsequent Historic District Design Review.
4. The recorded Snyderville Basin Water Reclamation District (SBWRD) easements on the property shall be shown on the plat with the recording information noted.
5. A note shall be added to the plat stating that "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the SBWRD standards. Prior notification of the adjustments and inspection by the SBWRD is required."
6. The property is located within the Park City Soils Ordinance and compliance with the requirements of this Ordinance are required for all construction and/or disturbances of the soil or landscaping on the site.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

7. Land Management Code - Consideration of an additional chapter titled Chapter 2.24 Transfer of Development Rights Overlay Zone and related amendments to Chapter 15 - Definitions
(Application #PL-10-01104)

Jack Thomas introduced Ron Lee and Ken Pollard, and noted that the three of them were asked by the City to develop a massing model of Bonanza Park, showing the existing conditions and existing building massing in context with the topography of the site.

Mr. Thomas explained that the model was based on several assumptions. The first was to get the existing heights of the existing buildings. He reviewed the model and drawings of the Bonanza Park District and identified roadways to orient the Planning Commission with the area. Mr. Thomas stated that they started with the topography and tried to build in actual topographic information into the site to better understand the volumetrics. The second step was to introduce the existing roads and existing footprints into the site. Everything shown in gray was the existing parking.

Mr. Thomas presented another level, which was the existing buildings present day. Everything that exists within the Bonanza Park District was represented in brown. Anything shown in white was outside of the District.

Mr. Thomas remarked that the first step was to get a sense of what could be done with the massing under the existing Code. He presented a volumetric that made several assumptions. The first version is that everything is done under an MPD and respects the existing setbacks. It also respects the entry corridors, which has a hundred foot setback on both Kearns Boulevard and Park Avenue. The first version had 30% open space. Mr. Thomas believed this version provided a sense of what the massing could be without planning. He was certain that every developer would manipulate open space and create their own project. Mr. Thomas noted that the 30% open space was in narrow strips around the perimeter of the buildings. He thought it raised the question of the definition of open space and how is it perceived in the community.

Mr. Thomas stated that they were also asked to introduce square footage from two other parts of the community. He noted that the blue represented 485,000 square feet as a one to one TDR from the Sweeney project. The yellow represented 87,000 square feet of TDR as transferred from Old Town. Mr. Thomas clarified that the locations were arbitrarily selected. The orange color represented a buildout of 35 feet, which is the existing maximum height. The blue area added another level of height above that 35 feet, spread across the site. It gave a sense of the footprint that would result from that amount of square footage.

Commissioner Luskin asked about the parking with that much buildout. Mr. Thomas replied that the parking was underground in this scenario. He pointed out that putting the parking underground on the pads and providing 30% open space is doable under the existing Code and the existing zoning.

Mr. Thomas presented another slide that imposed the existing footprints on what could be built out. He intended to have DVDs available to the Planning Commission and the community so they could have the opportunity to digest and understand the impacts and the direction this would be taking.

Mr. Thomas presented a second version with the same basic parameters, but with 60% open space. Comparing that with the 30% open space version, he noted that doubling the open space had minimal impact. He thought this begged for an interpretation of open space. The question is whether open space can be strips of land around buildings or if it should be conglomerated into a single place or a number of single places. Mr. Thomas reiterated that there was no planning in any of the scenarios presented. It was only a matter of following the Code under the existing guidelines and allowances.

Mr. Thomas noted that the Frontage Protection Zones were shown at 100 feet as required by Code, unless an applicant moves forward with a CUP. A CUP can reduce the Frontage Protection Zone to 30 feet.

Mr. Thomas reviewed a number of images taken from various points to demonstrate height, mass, and setbacks. He noted that in looking at computer simulations and visual images, different angles can change the picture. He had taken the pictures himself and tried to provide an accurate representation. Mr. Thomas presented fly-arounds to give a sense of what it would look like from the air. Mr. Thomas remarked that currently the General Plan suggests moving the verticality to the interior of the blocks. He thought the images showed why that would be a favorable idea. He

stated that their intention was to explore further possibilities and introduce some of the amenities they would like to see in the Bonanza Park District, as well as to show three different massing options that increase verticality at the inner blocks and reduce it at the edges. That would not avoid impacting the view corridor. Another option is to open and close the buildings to create a variation in the facade treatment.

Mr. Thomas stated that they would eventually show optional massing in various locations on the site and collect more open space in more definable areas. They would also explore ways to introduce walkways, etc.

Mr. Thomas noted that if you build up to the 100 feet of setback with a 35 foot building, the shadows will extend all the way across Kearns Boulevard at some part of the day. He commented on the impacts related to that scenario. Park City craves sunlight and open space and those have to work in conjunction with each other.

Mr. Thomas remarked that Bonanza Park is a ripe area for redevelopment and it is disturbing to think about what could occur under the existing Code.

Chair Wintzer disclosed that he owns property in the Bonanza Park area.

Chair Wintzer asked Director Eddington what direction they should take with the information they have obtained. After seeing the presentation this evening, he agreed with Mr. Thomas that it can be frightening. He did not want the model to stop at this point and not go any further.

Director Eddington replied that the model illustrates what could be built under the current zoning. That was one reason for wanting to see a model and for looking at TDRs in a number of sub-planning areas as they go into the General Plan. The objective is to know what is out there rather than wait for the regulatory process. Director Eddington requested input from the Planning Commission in terms of what they would like to see.

Chair Wintzer stated that he was surprised to see that there was very little difference between the 30% and 60% open space. Director Eddington remarked that the way the Code is set, some of the open space is not much different from the setback lines. He questioned how usable some of the open space really is as part of the MPD. It is mostly utilizing setbacks, parking lots and walkways to create open spaces. None of those are bad in and of themselves, but they do not create the type of planned open space they would like to see.

Commissioner Savage asked if Director Eddington was asking what the Planning Commission wanted the Planning Department to do as it relates to a plan for Bonanza Park, or whether he was talking about TDRs.

Director Eddington clarified that he was talking about what the Planning Commission wanted to see in terms of planning for Bonanza Park. However, the TDRs are part of that discussion. Commissioner Savage stated that from his perspective, the plan for Bonanza Park is neo-natal at this point in time, and a lot of work needs to be done to formulate a master plan for that area. In his opinion, it represents the best opportunity Park City has to have a meaningful, differentiated, high

quality area as part of the community on a 15 to 30 year basis. He felt it was important to do the work necessary to get it right. Commissioner Savage stated that from a preliminary point of view, everything being done is important and valuable. He thought they should work hard to build on that information to achieve a vision for that community that results in a product that the residents will love and those who participated can be proud. Commissioner Savage believed that had nothing to do with TDRs. There is no reason to think that the current density allowed in that area is insufficient to achieve the vision people are talking about with Bonanza Park.

Director Eddington agreed that they need to plan for this area. However, the issue regarding TDRs, is not specifically tied to Bonanza Park. The Planning Commission will also be looking at Treasure Hill, Alice Claim and Ridge Avenue. The issue will be the most appropriate place to put density.

Planner Katie Cattan requested that the Planning Commission provide their comments on the model.

Commissioner Pettit thought the model demonstrated the need to master plan the area in order to take advantage of different variations to improve the circulation, create more meaningful open space, and create a more desirable walkable/livable community. She believed the presentation this evening clearly pointed out the reason why they need to pay attention to how the area is built out, and the importance of having a vision for the entire area instead of facilitating piecemeal development.

Commissioner Luskin found it hard to comprehend the model. He understood that they need to move density into Bonanza Park and he was impressed that it could fit. However, he could not decipher what that amount of density would look like in reality and how it would work with underground parking and limited traffic flow. Commissioner Luskin believed the model was a starting point, but he would like to flush out different scenarios and how they might work. In his opinion, knowing how much building space can fit in one area is only the first step in a series of processes. In terms of the TDRs, Commissioner Luskin believes the Bonanza Park area has the potential for transferring density.

Commissioner Hontz stated that the model begs for another solution in terms of the Code. She thought form based code was a great solution. In her opinion, a logical way to get to the next step is to apply form based code principles and apply it to a development scenario master plan to see how it works. She believed that tool was necessary regardless of TDRs or whatever else happens in the community.

Chair Wintzer favored the idea of looking into form based code and using it in a model of a specific scenario. He agreed that form base code is a great tool and this would be a good opportunity to see if it works.

Commissioner Peek agreed that it would be nice to see a model using form base code and to phase it according to the current ownership of the land. Developer X could come in with specific plat amendments, and they could phase the form base code into the District in this scenario. As it grows through the area it should all work in its own phasing.

Commissioner Strachan understood that Commissioner Peek was suggesting that they put a form base code overlay on it and have the City try to predict which developers would come in first and which parcels of land they would try to do under an MPD.

Commissioner Savage felt the Planning Commission needed to spend time on what they think this area should be within the context of the guidelines from both the existing and the evolving General Plan and the Visioning. He suggested that they develop a set of conceptual designs for Bonanza Park that would fulfill the "should be" diagram that includes consideration for economic development, work force housing, and sustainability, and incorporate some of the deliverables along the lines of a conference center and whether or not a film studio or other uses would make sense in that location. Commissioner Savage believed this was an opportunity to think about a development plan that would help secure the desire for a long term relationship with Sundance. If they could come up with three or four ideas of how it would look and be positioned in that space, it would give them something to work from. They could then form a time line with a set of constraints and a set of objectives, and start matching up the "should be" statement with the "is now" statement to come up with a game plan and a way to move from where they are now to where they want to be.

As these proposals come in, they would have a guideline and a reference framework they could use to make intelligent decisions. Commissioner Savage did not believe any of this related to TDRs at this time.

Mr. Thomas stated that during the phasing portion he failed to point out that the existing square footage in Bonanza Park is approximately 780,000 square feet. With the 35 foot buildout scenario, underground parking allows approximately 5 million square feet, with 30% open space. At 60% open space the square footage decreases with the MPD process. Mr. Thomas remarked that there is no magic number or density that would achieve what they are looking for in the community. He believed that form base code would help to focus on the things that they value such as open space, walkability, mixed-use, affordable housing, etc. Mr. Thomas encouraged the Planning Commission to begin thinking about how those values could be integrated into a master plan.

Planner Cattan clarified that transfer of development rights was an option and not a mandatory requirement. Therefore, a density transfer requires someone who wants to buy the rights and another person to sell them. Planner Cattan wanted it clear that in talking about the buildout of Bonanza Park, the numbers were calculated through a formula to quantify the number of UEs in certain locations, but the numbers are not a base density. The full planning process would be required.

Planner Cattan noted that at the last meeting, Commissioner Hontz had asked the Staff to look into the Snow Creek Subdivision as a receiving zone. She pointed out that in going through the Bonanza Park model they learned that nothing is predictable because each developer would come in with their specific project. However, the Snow Creek area is already developed and according to the original annexation agreement and the master plan, 90,500 square feet was allowed. The Snow Creek area is built to capacity, however, it could potentially become a receiving zone in the future, after additional analysis on the annexation agreement. Planner Cattan reported that the Snow Creek area is 15.3 acres with a maximum square footage of 90,000 square feet. Twenty-two acres of open space was dedicated in the proposal. Planner Cattan stated that Snow Creek is a

single-story area that could be looked at as a receiving area. Since it has met its maximum density, it is more predictable in terms of what additional density would look like.

Planner Cattan noted that previous requests to the Planning Commission for Alice Claim was nine lots. Upper Ridge was eight lots. Lower Ridge had an approval for three lots and recently returned with a request for six lots. She explained that her equation to incentivize sending by allowing more density would be creating one unit equivalent per existing minimum lot area within the underlying zone. The lot area includes existing right-of-ways that go through these parcels. Planner Cattan requested discussion on the numbers this evening. The acreage for Alice Claim was 6.65 acres. Portions of Alice Claim are in the Estate zone, which requires a three acre minimum per unit. The acreage for Upper Ridge is 1.52 and 1.65 for Lower Ridge.

Commissioner Savage referred to the proposed multiplier and asked Planner Cattan to explain the rationale for having a multiplier of two for Treasure Hill and only one at the other locations. Planner Cattan replied that for Alice Claim and Upper Ridge, their multiplier took into consideration what was asked for by the Planning Commission, compared to the calculation of one UE per existing minimum lot area. As an example, for Upper Ridge one UE for existing minimum lot area results in 17 unit equivalents. The developer had asked for eight units, therefore, the formula doubles the density. There is a multiplier in the way it is calculated because through the planning process and the subdivision process, they would not be able to realize the 17 units based on existing conditions of the land.

Commissioner Savage did not understand the point of having a larger number. Planner Cattan replied that the larger number benefits ski in/ski out properties on the hillside. She explained how the lot area is calculated. Commissioner Savage clarified that the analysis was based upon the existing zoning relative to a flat piece of property. However, the property is not flat, but the numbers calculated give full credit as if it were flat. Planner Cattan replied that this was correct. Commissioner Savage wanted to know the rationale for Treasure Hill having two. Planner Cattan explained that Jonathan Weidenhamer, the Economic Development Director, was asked to look at values comparing a property such as Treasure Hill to Bonanza Park and what the value would be in the analysis. Mr. Weidenhamer determined that two to one was the correct calculation.

Commissioner Savage understood that the Staff was using a multiplier methodology for Treasure Hill that was different than the methodology applied to other the locations. Director Eddington replied that it was different, however, part of the issue is looking to incentivize some of the relocation of density from Treasure Hill. Another issue is the difference in property values with regard to ski in/ski out slope sites and Bonanza Park property values. In comparing one square foot on Treasure Hill to one square foot in Bonanza Park, Treasure Hill would have a higher per square foot value. Commissioner Savage clarified that the formula makes the assumption that a square foot of property in a high end home on an Estate lot is lower by a factor of two, than a condo in Treasure Hill. Director Eddington replied that this was correct.

Director Eddington remarked that the Staff was not suggesting that the Planning Commission was tied to believing that value assumption. Commissioner Savage pointed out that the Planning Commission was being asked to approve an ordinance that codifies that assumption. Director

Eddington noted that there are various values and different appraisals would result in different multipliers.

Commissioner Strachan remarked that the ordinance does not ask the Planning Commission to codify the values. The ordinance asks the Planning Commission to determine the best sending and receiving areas. Director Eddington remarked that most TDR ordinances have various multipliers and much of it is based on either appraised value or anecdotal value, or where density should be transferred to and from. The Planning Commission could determine that it is better to go straight across the board and keep it all equal. His concern with that approach is that the tool may not be as effective for slope side development on Treasure Hill as it may be for Upper Ridge and Alice Claim. He assumed those people would sell their TDRs first. A straight across the board method is acceptable, but it may not be as effective in the private market.

Planner Cattan pointed out that they are not comparing apples to apples in this situation. Treasure Hill has unit equivalents at 2,000 square feet per unit, but they cannot determine a house in Alice Claim without knowing what will be built. The Staff derived what they thought was the most consistent way to quantify something, so the developer or property owner has an expectation. In TDRs it is important to make sure the economic analysis works, because if that fails the tool will never be used.

Director Eddington noted that the Staff had also discussed other multipliers for the Old Town areas in terms of Planning Commission review numbers. Planner Cattan reviewed a slide showing other options to be considered if the Planning Commission wanted the Staff to look at different methods for calculating the areas.

Director Eddington reiterated a previous question regarding how much information the Planning Commission wanted the Staff to provide on Bonanza Park in terms of planning, renderings, 3-D graphics, street network, etc. Based on earlier comments, he assumed that the Planning Commission wanted in-depth detail and a sub-MPD for that area.

Chair Wintzer stated that based on the model presented this evening, he was not comfortable adding any additional density without first seeing a master plan. Director Eddington believed that tied back to what the Commissioners requested earlier in terms of examining the use of form base code and additional analysis.

Commissioner Peek was interested in seeing additional analysis. He believed the TDR is a valuable tool and they should proceed with looking at other receiving zones. Commissioner Peek explained why adding an additional story to the Snow Creek density would create very little impact. He stressed the importance of getting the TDR tool on the books.

Chair Wintzer felt it was important to do an inventory of the town. There may be other scenarios like Snow Creek that they have not considered. He felt the incentive for Bonanza Park is not workable right now because so much density is still unbuilt. It could be ten to fifteen years before additional density is needed in Bonanza Park. Chair Wintzer thought an area that has reached its maximum density under the zone might be more interested in the incentive if the density could be increased.

Commissioner Savage clarified that he was not opposed to TDRs as a tool and he thought it was a good idea. However, it should be implemented thoughtfully and with consideration of the economics to make sure there is enough demand on the buy side to provide an incentive on the sell side. He did not believe this was the case based on the proposal as presented today. Commissioner Savage thought it was important to understand how it would be administered from an organizational point of view and from a budgetary point of view. He did not think they had a clear understanding of who would be responsible for the long term maintenance of properties that become open space as a consequence of a TDR. The ordinance states that it is the responsibility of the title holder, but in his opinion that was not sufficient in terms of long term care of those properties. Commissioner Savage did not think they had a clear understanding of the mechanism and how the "banking" process would work with the City. If there is meaningful incentive to include Treasure Hill, an interim banking solution would be necessary if it becomes part of a long-term solution.

Commissioner Savage believed there were conflicting agendas related to the upcoming bond season, as well as other negotiations in process. He was certain there were conflicting agendas regarding the implementation of TDRs, in the absence of a more robust discussion of their context relative to the evolving General Plan. Commissioner Savage stated that if they intend to approach an ordinance for TDRs, it must be based upon more thoughtful analysis and simple understanding of sending and receiving zones, where they can believe the economics will justify what they are trying to accomplish.

Planner Cattan addressed the concern regarding thoughtfulness. The reason for recommending the sending of Treasure Hill and not the Alice Claim, Upper Ridge and Lower Ridge was based on the Treasure Hill meeting that was held at the Yarrow to accommodate the number of people who wanted to speak at the public hearing. As planners, they have the job of trying to consider the interest of the public.

Planner Cattan presented a table showing traffic count calculations. The top part of the table was for Treasure Hill. The bottom portion was the Alice Claim development. She thought it was interesting to show the difference between a residential development. One would think that a large hotel would generate more traffic trips, however, because it is in a walkable location, the traffic counts for Treasure Hill were lower and the impact evaluation between the two were comparable.

Planner Cattan reviewed a comparison of the view shed analysis. One was a rendering of the view from the corner of Heber and Main, looking up at the Treasure project. A second was the view shed analysis for Alice Claim.

Commissioner Savage asked if Planner Cattan had a before and after of the Treasure impact picture. Planner Cattan replied that there was one, but she did not have it with her.

Assistant City Attorney McLean remarked that there were two parts to the issue. The first was whether or not they want the tool. If they do, they should possibly consider starting with something smaller before getting into master planning and other major analysis. She advised that if they move into another level of layering, they would not have the TDR tool for a long time. Ms. McLean recommended that the Planning Commission begin their discussion with whether or not they want

the tool and if so, what is the minimal amount they feel comfortable putting into place in an effort to move it forward. Once the TDR is in place, additional density and locations could be added or changed in the future.

Commissioner Savage recalled that previously there was a sense of urgency with respect to TDRs and pending State legislation that may prohibit an ordinance in the future. Ms. McLean stated that to her knowledge, nothing has been raised in the State legislature concerning TDRs. However, there is a current bill limiting historic districts and she intends to follow that discussion. Ms. McLean pointed out that the Legislature is still in session and it is difficult to know what issues will come up between now and when they adjourn in March. She emphasized that getting the tool through the process would be helpful to the City and the public in terms of using it as a possibility for Treasure Hill.

Commissioner Savage stated that with respect to Treasure Hill or any TDR process, he asked if the City was willing to state that it does not intend to be a bank as it relates to TDRs. Ms. McLean replied that it would depend on how the Planning Commission institutes the tool. The Planning Commission can address that issue in approving a TDR. Commissioner Savage clarified that he was asking about the City's intention on being a bank. Ms. McLean believed that was up to the City Council and she was unprepared to answer that question on their behalf.

City Council Member Liza Simpson stated that if the Planning Commission makes a recommendation on a proposed ordinance, they could include that as part of their recommendation. Assistant City Attorney McLean remarked that the Planning Commission would either put a tool in place that allows for banking or one that does not. If the ordinance is adopted with that framework, the market and other factors would dictate whether or not it is actually used.

Director Eddington clarified that currently the proposed ordinance does not recommend that the City would be a bank. It would be through private transactions. Commissioner Savage understood that under the Staff recommendation, a TDR would require one seller and one buyer without a third party holding the asset. Director Eddington replied that this was correct. Commissioner Savage clarified that as proposed, the ordinance would preclude the City from participating. Planner Cattan replied that there would not be an intermediary step. The density would be transferred upon approval of a master plan in the receiving zone. Director Eddington explained that a seller of TDRs would negotiate with a buyer of TDRs. The person buying it would come before the Planning Commission and request approval for an increased density MPD. The Planning Commission would know the number of TDRs and the Staff would have a calculation sheet with regard to certificates. They are not proposing to be a bank.

Commissioner Savage stated that in the case of Treasure Hill, if the Planning Commission was to approve sending a 1,000 square foot unit to a receiving area, that mechanism would not generate cash until such time a the receiving unit had implemented an MPD that had gone through the approval process. They would be entitled to take advantage of that incremental density and receive that approval. Planner Cattan noted that at the same time, a conservation easement would be adopted on the sending zone.

Chair Wintzer opened the public hearing.

John Stafsholt, a resident at 633 Woodside, stated that the model was very good and helpful, but it was showing a 100% underground parking. Mr. Stafsholt suggested that they also look at the model with a 100% above ground parking. Since Bonanza Park does not currently have underground parking, he thought it would be more realistic to see the maximum density in the current situation.

Director Eddington replied that without underground parking the maximum density would be approximately 1.5 million square feet.

Mr. Stafsholt stated that based on public input on Treasure Hill over several years, he urged the Planning Commission to consider moving forward to adopt TDRs as a tool. He thought it was a great idea to look at additional receiving zones.

Mary Cook, representing the Homestake Homeowners Association, asked for clarification on the correct pronunciation and spelling of form base planning.

Director Eddington replied that it is form base code, spelled f-o-r-m. He noted that the Planning Department has a number of documents available if Ms. Cook or anyone else was interested in reading about form base code.

Chair Wintzer closed the public hearing.

Commissioner Hontz referenced pages 152-153 of the Staff report outlining the pros and cons and additional considerations. She understood that Planner Cattan was asked to compile a list of pros and cons, however, she would characterize those differently because in her opinion the cons were not true cons, etc. Commissioner Hontz wanted it clear for the record that she had a hard time finding the bullet points as a strong pro or a strong con.

Commissioner Hontz understood from previous discussions that the Planning Commission wanted to start with a good ordinance that was essentially basic. That would allow them to move towards more specifics once they find out how it works and as the market changes. As they learn more, they could add to it and make it work better for the community. Commissioner Hontz stated that she wanted the TDR tool and she wanted it in place now.

Commissioner Hontz was comfortable about forwarding a recommendation to the City Council this evening, if the recommendation includes matters they have already discussed. She understood the rationale for including some of Treasure Hill, and the concern for what they would end up with in a receiving zone. Commissioner Hontz was comfortable adding a percentage of Treasure Hill as the total amount that could go forth in the TDR ordinance if they could also open up Snow Creek and include it as a potential receiving zone. She did not favor specifying a percentage of Treasure Hill if Bonanza Park was the only receiving zone. At the same time, she would not forward a positive recommendation unless they also included all Old Town lots as sending zones. Commissioner Hontz remarked that the economics need to work and if they include Alice Lode, Upper and Lower Ridge and some of Treasure Hill, it creates the potential for sellers to price their TDRs more

realistically. Commissioner Hontz stated that the potential positive impact of eliminating all density on some of the Old Town sites would be a positive traffic benefit.

Planner Cattan asked if Commissioner Hontz had a definite percentage in mind for Treasure Hill. Commissioner Hontz replied that up to 20% would be reasonable. Commissioner Hontz stated that she struggled with the numbers in the middle column of the sending zones as outlined in the Staff report.

Commissioner Luskin stated that he was a strong advocate of TDRs because the more tools they have available the better they can do their job. He was still digesting all the numbers and information presented. Commissioner Luskin felt it was important to keep moving forward and to keep working on the ordinance. He was prepared to advocate for a positive recommendation this evening.

Commissioner Pettit concurred with Commissioner Luskin. She wanted the ordinance and she wanted it sooner rather than later. She agreed with Commissioner Hontz on having a variety of landowners designated as sending zones to promote competition and the opportunity to test the market. Commissioner Pettit thought they should also be thinking about more than one receiving zone.

Commissioner Strachan stated that he generally thinks the tool is good, however, he thought it was premature to forward a positive recommendation this evening. He believed they had already covered their bases by having a pending ordinance. If the Legislature changes the State law they would still be able to have a TDR ordinance because a public hearing was held this evening. Commissioner Strachan was uncomfortable mandating the ratios and felt it was best to leave it up to the private market. He did not believe the City should dictate a ratio in the ordinance. For that reason, Commissioner Strachan was hesitant to forward a positive recommendation this evening.

Assistant City Attorney McLean stated that the Planning Commission needed to define the ratio, otherwise, they would not know what receiving density would be allowed. She noted that it could be changed in the future or determined on a case by case basis. From a legal perspective, she was uncomfortable leaving the numbers unpredictable. Commissioner Strachan wanted to know the difference between that thought and subparagraph B, which states that, "if requested, the calculation will be made by the Planning Director". Planner Cattan replied that the Staff tried to make it predictable within the ordinance. Ms. McLean clarified that the language was intended to mean that the Planning Director would provide a letter specifying the number of units agreed upon in a specific transfer. Commissioner Strachan thought the language was improperly worded to reflect that intent. Planner Cattan offered to reword the language. Commissioner Strachan suggested adding the criteria into the ordinance. Ms. McLean agreed that they could remove the language and make sure the ordinance itself was very predictable.

Planner Cattan pointed out that it would be necessary to re-visit the multiplier and adjust it as the market demands. If they find it is not working, they would need to evaluate why and also do an economic analysis.

Chair Wintzer asked if the Planning Commission passes an ordinance with specific numbers, could the Planning Department request that the ordinance be re-opened to change the numbers. If so, could it be opened to only address one specific area. Assistant City Attorney McLean answered yes to both questions. Commissioner Strachan questioned whether that provided enough flexibility and gave an example to explain his concern. Chair Wintzer felt it would be foolish not to have a number in the ordinance. The City can control the number and two private individuals can decide if there is enough incentive to do it.

Commissioner Strachan stated that his concern was whether or not there was enough incentive to encourage a sender to send. Chair Wintzer was unsure, but he thought price would also be a factor.

Commissioner Peek was comfortable proceeding with the ordinance to get something on the books. He thought a high priority was extending the receiving areas to create more demand. In terms of the UEs in the sending zones, Commissioner Peek was concerned about creating a specific number and giving the incentive through the transfer of a UE number. He thought it was better to give a realistic number and then possibly increase the ratio. Assistant City Attorney McLean stated that if Commissioner Peek was talking about sending zones outside of Treasure Hill, she was comfortable that only having the multiplier was a good approach.

Commissioner Savage fully supported a mechanism to implement TDRs. However, he felt that it was premature at this juncture because there was a lot of ambiguity surrounding the question of implementation and the market associated with TDRs. Commissioner Savage was mindful of the recent discussions that have taken place in the community relative to MIDA and how an early expectation was set for 2,200,000 square feet being appropriate for a particular type of development. He believed they should earnestly try avoid that same situation with this matter. He noted that the Staff report contained a list of pros and cons that were thoughtfully prepared, but had not been addressed. In addition, the urgency associated with legislative actions appears to be less urgent. Commissioner Savage pointed out that there is no indication from any party that there is a demand on the receiving zone side of the equation. In addition, it has been clearly indicated that the implementation of TDRs is not a concern as it relates to the negotiation with Treasure Hill. In light of all those considerations, Commissioner Savage recommended that the Staff come back with a simplified version of a TDR ordinance that properly addresses the question of economics, and to the best degree possible, address the unaddressed pros and cons and other considerations prepared by Planner Cattan.

Commissioner Savage strongly recommended that the Planning Commission delay forwarding a recommendation to the City Council until they have clarity on those particular issues. He believed the change in events allows them time to do it more thoughtfully.

Chair Wintzer stated that after looking at the model and walking the neighborhood, he was not convinced that Bonanza Park could handle more density. At this point, it is the only receiving zone proposed. Chair Wintzer was uncomfortable specifying 20% of Treasure Hill. He could support the ordinance without Treasure Hill in the mix at this time. If someone wants to look at that size of a

project, they need to show him that it can fit in an area and there is a demand for it. Chair Wintzer recommended that the Planning Commission forward a recommendation for the TDR ordinance without Treasure Hill. He also recommended that the Planning Commission direct Staff to inventory the City for other receiving zones.

Planner Cattan stated that she had calculated 20% of Treasure Hill and that number with a multiplier of 2 is 86.4 units. She explained that 20% is 43.2 multiplied by 2. The credits would be 86.4 and the MPD units would be 43.2.

Chair Wintzer felt it was important to know the amount of bulk and mass they would be sending, rather than the number of units. He believed additional analysis was needed. He was also concerned about sending density to Bonanza Park without knowing how it would be used.

Commissioner Savage requested an analysis on viable buyers who have an interest for being on the other end of the equation. Director Eddington replied that the City may not always know the buyer, but it would be no different than the current zoning. Not knowing who would or would not build out without TDRs makes it difficult to provide that analysis. The City is not involved in TDR transactions and they will not seek out buyers or sellers.

Director Eddington noted that there is a preliminary concept for Bonanza Park in terms of planned heights, networking, road networks, etc. He did not believe the Staff had done a good job of presenting that plan to the Planning Commission and they would present that plan again with a more visual presentation.

Commissioner Luskin clarified that if the Planning Commission recommends the ordinance, they would not be bound to the sending and receiving zones discussed and they could always add or subtract. Director Eddington replied that this was correct.

Commissioner Hontz was prepared to make a motion based on her understanding that a master plan for Bonanza Park would be done in conjunction with form base code, and that they would continue to refine the TDR ordinance and ask more questions about receiving zones. She understood that they would go back and verify the values of what would be proposed in her motion.

MOTION: Commissioner Hontz made a motion to forward a positive recommendation to the City Council that amends the proposed TDR ordinance and adds: 1) add Snow Creek as an additional receiving zone; 2) includes all of the other Old Town areas as identified in the Staff report as sending zones; 3) takes those sending zone values from the middle column on page 157 of the Staff report, which takes 43.46 for Alice Claim down to 9 with a multiplier of two to match Treasure Hill. It would be 9 times 2, so it would be 18, 8 times 2, so on and so forth; 4) reduces the amount of Treasure Hill as recommended in the draft TDR ordinance to 22 MPD units or 44 development credits. Commissioner Luskin seconded the motion.

Planner Cattan clarified that Lower Ridge had a previous approval of three lots and recently came back to the Planning Commission requesting six lots. Commissioner Hontz suggested that Planner Cattan base the calculation on three lots.

Chair Wintzer felt it was important to specify new numbers for all of the middle column mentioned in the motion. Alice Claim changes from 9 to 18, Upper Ridge from 8 to 16, and Lower Ridge from 3 to 6. Treasure Hill goes from 22 units to 44 credits.

Commissioner Savage pointed out that the Planning Commission was making decisions and changing the Staff recommendation without any reason or consideration. He felt they were shooting from the hip and he could not support it.

VOTE: The motion passed 4-2. Commissioners Hontz, Pettit, Luskin and Peek voted in favor. Commissioners Strachan and Savage voted against the motion.

The Park City Planning Commission meeting adjourned at 9:30 p.m.

Approved by Planning Commission: _____

WORK SESSION NOTES – FEBRUARY 23, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
FEBRUARY 23, 2011**

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Julia Pettit, Dick Peek, Mick Savage, Adam Strachan, Thomas Eddington, Katie Cattan, Polly Samuels McLean

WORK SESSION ITEMS

Ordinance for Transfer of Development Rights (Application #PL-10-01104)

Planner Katie Cattan reported that on February 9th, 2011 the Planning Commission passed a Transfer of Development Rights Ordinance. The Staff had returned this evening to discuss a formula that they felt was a better method than basing unit equivalents on previous subdivision applications.

Planner Cattan presented a chart of unit equivalents based on previous subdivision applications. She then showed a comparison of what was recommended by the Planning Commission versus the Staff's newly recommended method. She noted that the numbers were significantly different for Alice Claim. The numbers for Upper Ridge and Lower Ridge were similar to the original recommendation.

Planner Cattan explained the revised formula. There is one unit per underlying lot size for the zone. That number is multiplied by a multiplier of 1 for areas with five lots and a multiplier of .5 for areas with metes and bounds parcels, and a multiplier of .25 for areas with an SLO. Planner Cattan remarked that this is a consistent method that can be utilized to decide if other areas should be sent.

Commissioner Hontz supported the new recommended formula. Planner Cattan took the Planning Commission's intent and the rationale to logically support why development credits would be given to these lots, and then applied a fair methodology. Commissioner Pettit concurred.

Commissioner Savage noted that the Planning Commission voted in favor of passing this ordinance on to the City Council. He wanted to know why this would not go to the City Council to be resolved, rather than back to the Planning Commission.

Assistant City Attorney, Polly Samuels McLean, explained that the Planning Commission made the recommendation to City Council and the proposed ordinance is scheduled before the City Council on March 10, 2011. Ms. McLean understood that in re-evaluating what had occurred at the last meeting, the Staff had a different recommendation, independent from the Planning Commission recommendation to the City Council. The Staff wanted the Planning Commission to be aware of the change and why it was made. They did not want the Planning Commission to be blind sided or confused as to why the recommendation was slightly different.

Commissioner Savage recalled that Planner Cattan had prepared a Staff report for the Planning Commission prior to the February 9th meeting, in which she went through a fairly extensive analysis of pros and cons relative to the implementation of the TDR ordinance. Other than this particular issue where the formula was changed for determining the exchange ratio, he asked if Planner Cattan had re-looked at other points to come up with additional suggestions or recommendations

for how this ordinance would be implemented. Planner Cattan replied that this was the only one that was inconsistent with the State ordinance.

Commissioner Savage reiterated his opinion from the last meeting that they were moving something forward that had not been thoroughly discussed, analyzed and reviewed. They started with one proposal regarding exchange ratios, the Planning Commission forwarded a recommendation on another mechanism of exchange ratios, and now there is a third one that appears to be better. Commissioner Savage sensed that the iterative process they went through is probably coming to a good conclusion, but that same iterative process should be applied to a number of the other outstanding concerns about the way the TDRs are implemented and the fact that they are now in a situation of having sending zones without a valid receiving zone. Commissioner Savage believed they still had the cart ahead of the horse on TDRs in general.

Planner Cattan assumed that the Planning Commission would be seeing amendments to the TDR ordinance as it moves along, to make sure the ratios are correct as the market changes. Her assumption was based on conversations communities who already have TDRs.

Commissioner Pettit clarified that this was the process that other communities have utilized in terms of starting with the framework. As market conditions change and the City sees what is and is not working, they have the ability to go back and amend the ordinance as appropriate.

Director Eddington noted that Treasure Hill was not included in the revised table because it was not analyzed based on square footage of land. It was based on UEs and remains the same as how the Planning Commission originally recommended.

Commissioner Strachan thought they should consider a better multiplier for the Sensitive Lands Overlay Zones. Those are the areas where they really want to incentivize people to transfer density off that land because it is sensitive. He could not understand why SLO land would only be given a quarter of a credit. Planner Cattan replied that the underlying zone for Alice Claim is the Estate zone, which is one unit per three acres. Only the Estate portion is in Sensitive Lands. SLO is not applied in the HR Districts. Planner Cattan understood Commissioner Strachan's point about creating a greater incentive with a higher multiplier. Commissioner Strachan replied that a larger multiplier would be his preference.

Commissioner Savage asked for the logic behind the .25 number. Planner Cattan replied that a certain amount of land is set aside for open space and the development rights decrease as the slope gets steeper. The land is not as developable as an HR1 or HRL, which lessens the value. Because it is Estate, the larger portion is typically a larger house. The SLO process is more restrictive depending on the site conditions. However, because it is more restrictive and an area that should be protected, they could justify incentivizing so it would be protected.

Commissioner Hontz wanted to know what would happen if a platted lot was in the Sensitive Lands Overlay. She asked if the multiplier would be 1.25, since it is in SLO and platted. She felt that needed to be clarified. Commissioner Hontz stated that she could argue it both ways. She has seen it done both ways in different communities, but she had not spent enough time thinking about the sensitive lands and what it does to a property value, to know whether it should be a double

bonus or single bonus.

Commissioner Savage remarked that if the objective is to get an ordinance on the books, he could not understand why they would not pick one sending zone and one receiving zone, and keep it as simple as possible. Planner Cattan replied that the Planning Commission passed an ordinance with specific sending areas, and it was too late to go back.

Assistant City Attorney McLean clarified that the Planning Commission did not pass the ordinance. They forwarded a positive recommendation for the ordinance in a certain form to the City Council. The City Council is the body who will adopt the actual ordinance. She explained that this is a work session item to discuss the tweak that the Staff is going to recommend to the City Council. The Staff would also take their positive recommendation to the City Council.

Commissioner Hontz recalled that at the last meeting she talked about how this was not a perfect formula and the Planning Commission was struggling with it. For that reason, this is exactly what was supposed to happen. The Planning Commission was told that it would come back to them before it went to the City Council and this work session is a logical step in the process.

Commissioner Savage asked if the City Council has the ability to modify the proposed ordinance in the context of what has been forwarded, before making a final decision. Planner Cattan explained that the City Council has the ability to make changes on a Land Management Code recommendation.

City Council Member, Liza Simpson, clarified that the current City Council would not disregard the Planning Commission's recommendations without sending it back to them for discussion. She believed the Staff was acting appropriately by bringing this forward as a work session item. If it had not come before them at all, the Council's first question would be what the Planning Commission thought.

Commissioner Savage encouraged the City Council to look at all the information in the February 9th Staff report as it relates to how this ordinance was being put forward. Planner Cattan replied that her Staff report would be included in the documents to the City Council.

Director Eddington asked if the Planning Commission wanted to further discuss the .25 multiplier for the SLO. The Staff could rework the number to see if there is a better multiplier. Commissioner Strachan suggested that Planner Cattan research other communities to see if anyone has incentivized to keep off sensitive lands. Chair Wintzer preferred to have Planner Cattan come back with other suggestions and examples. He agreed that incentivizing to move the density would solve many of the problems related to traffic and environmental issues.

Planner Cattan asked if the priority would be to send a development right from the HR-1 or the SLO. She stated that their response could help determine the appropriate multiplier. Commissioner Strachan replied that the hierarchy was the SLO, the HR-1 and the HR-L. Commissioners Peek and Wintzer concurred.

Commissioner Hontz pointed out that the platted lot is 1 and sensitive lands is .25. If they had a platted lot within the sensitive lands and they had to use both multipliers, combined with a metes

and bounds parcel, that would give 1.25 plus another 1. She thought that made more sense because in addition to valuing the sensitive lands, they also recognize that there is more of a right with the lot than with a metes and bounds parcel.

The Work Session adjourned.

DRAFT

MINUTES – FEBRUARY 23, 2011

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 23, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 5:55 p.m. and noted that all Commissioners were present.

II. APPROVAL OF MINUTES - February 9, 2011

Chair Wintzer referred to page 31 of the Staff report, page 11 of the minutes, and the discussion regarding the model that was presented for the Bonanza Park area. He noted that five Commissioners had wanted to see that proceed further. Chair Wintzer wanted to make sure the Staff had enough direction to meet that request.

Director Eddington replied that the Staff had sufficient direction, and he asked if the Commissioners had specifics for taking this to the next level in terms of massing, modeling, planning, and design. The model showed what the massing could be with the General Commercial zoning for Bonanza Park. He understood from the last meeting that the Planning Commission wanted to look at better positioning the massing in Bonanza Park with lower and higher heights, open space, transportation linkages, and streetscapes.

Commissioner Savage remarked that during the visioning meeting they talked about possible uses in the Bonanza Park area, including the idea of a conference center or a meeting facility that would accommodate larger groups. He thought it would be beneficial to have someone from a community planning point of view to participate in discussions regarding large scale uses. From that point they could try to derive ideas about mass and scale in conjunction with the concept of use.

Director Eddington understood that the next level would be to see what the mass feels like and looks like, and how it can be manipulated in an MPD.

Commissioner Savage personally thought use was the primary factor. If they are going to talk about the idea of a certain density in Bonanza Park, it raises the question of how that density

will be used. Director Eddington stated that they could begin to look at percentages with regards to mixed use per commercial, per residential, etc. He pointed out that it is close to impossible to know exactly what the market would bear, but they could determine calculations based on what has occurred in other areas around town.

Commissioner Pettit thought that correlated back to their discussion about form base coding and the tools that can be implemented through changes to the LMC. It would help them plan that area and make sure the results are more consistent with their visions for that area. Commissioner Pettit definitely wanted to see how utilizing the tools for form base coding would impact what could be built and what it would look like.

Commissioner Savage asked Commissioner Pettit to clarify her intent when she talks about their "vision" for that area. Commissioner Pettit replied that the vision is developing. They know what it is today, and there are many ideas about what it could be in the future. She felt it was more of a mixed use commercial/retail/residential. What the mix is and the percentage of mix is still unknown because they do not know what could be supported based on the current population and the future of the economy. Commissioner Pettit stated that from her perspective, Bonanza Park has always been a great location for services that are important to the locals, and she hoped that would continue for that area. She remarked that various elements are being flushed out as part of the General Plan, and they are trying to do everything at the same time in terms of determining the ultimate vision. However, that vision is unknown at this point in time.

Chair Wintzer stated that the City previously spent a year re-writing the General Plan for that area. He noted that the model presented at the last meeting did not meet one criteria of the General Plan, it only showed the massing. Chair Wintzer requested that they keep the General Plan in mind while determining what can be done in that area and what it would look like. Director Eddington stated that the Staff would also look at transportation linkages for vehicles and pedestrians.

Commissioner Hontz felt there was a quick and easy way to work with the model to help formulate words on paper for the form base code and relative to the General Plan. She suggested that they pick specific view corridor points along Kearns and Bonanza and add height and move it around. That would help the Commissioners see which areas are better suited for height so it can be included in the language of the code.

Commissioner Pettit questioned the way in which the minutes reflected Commissioner Hontz's motion to forward a positive recommendation for the TDRs. She noted that the motion talks about the amendments to the proposed TDR ordinance with enumerations, one being adding Snow Creek as an additional receiving zone. Commissioner Pettit referred to bullet #3, which states, reduces the sending zone values from the middle column on page 157 of the Staff report. She noted that the motion as written did not mention the Ridge properties, however, it was mentioned in the discussion on the motion.

Commissioner Hontz clarified that the Ridge properties were included in bullet #2, which states, "includes all of the other Old Town areas as identified in the Staff report as sending zones". Commissioner Hontz thought she had identified the specific areas in her motion, but it was not reflected in the minutes and she could not recall for certain.

Commissioner Pettit was more comfortable having the minutes reflect the entire motion that was made. Even though it is picked up later in the discussion she wanted the exact motion clear for the record.

Director Eddington offered to have the motion clarified from the recording.

MOTION: Commissioner Peek moved to CONTINUE the minutes of February 9, 2010. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONER COMMUNICATIONS/DISCLOSURES

Director Eddington thanked the Commissioners who attended the meeting and tour of Park City with the University of Utah Planning and Architecture Departments. Interesting points and observations about Park City were raised and there is interest in doing it again. Commissioner Savage asked if it would be possible to have a summary of their comments and key ideas. Director Eddington stated that the ideas are still being developed and the City is hoping to establish a working relationship with the University. Some of the professors have a keen interest in doing some work in Park City.

Commissioner Pettit remarked that the take-away metaphor from the evening was that Planning is like acupuncture in that they are trying to relieve pressure points within the community. That comment resonated with everyone in terms of taking a more holistic view on how to move forward to help the community grow in a healthy way that relieves a lot of pressure. Commissioner Pettit thanked the group responsible for putting the meeting together, which included, Director Eddington, Commissioner Wintzer, and Kayla, and Myles Rademan. She felt it was important to recognize this opportunity to tap into fabulous resources and cross-disciplines through the University of Utah and contacts with the Departments of Architecture and Planning. It allows them to bring some good best practices, good minds and great local resources to bear. Many people are excited about this opportunity and it would be a great learning experience for the students who participate in the process.

Director Eddington stated that he would notify the Planning Commissioner for the next meeting, and keep them updated in terms of creating the link and how it evolves.

Commissioner Strachan asked if it was possible for the Staff to create a matrix of all the one-year reviews that are pending and when they come due. He noted that one item on the agenda this evening was a proposal for a one-year review of Deer Crest. This has been done in the past a number of times, however it is difficult to keep track of all the ones they have approved and when the review comes due. Commissioner Strachan thought that information would help give the Planning Commission a heads up on what is coming and what to expect.

Director Eddington stated that each planner keeps a project matrix with current projects, those that are ongoing, and those that have follow up. He thought they could extract the CUPs and one year approval projects, and provide the Planning Commission with that matrix.

Chair Wintzer thought it would be helpful to see how it all plays out and whether the process is working. If not, they could discuss ways to make it work better.

Commissioner Pettit asked about a second joint meeting with the Snyderville Basin Planning Commission. Director Eddington stated that the Commissioners should have received an email with the dates of March 29th and March 30th. He would ask Patricia to send a reminder. Commissioner Savage requested that Patricia send a reminder every time she sends a message to the City account because he and others do not check that account regularly.

Director Eddington stated that March 29th and 30th fall on the 5th week in March and neither Planning Commissions have scheduled meetings. The email asked the Planning Commission to respond with the best date and time.

V. CONTINUATION(S) AND PUBLIC HEARING.

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

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

MOTION: Commissioner Pettit moved to CONTINUE 573 Main Street - plat amendment to a date uncertain. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - Discussion, public hearing and possible action.

1. 2300 Deer Valley Drive, St. Regis - Conditional Use Permit (Application #PL-11-01189)

Planner Kirsten Whetstone reviewed the application for a conditional use permit for an amenity club at the St. Regis Hotel. The Staff analysis was included in the Staff report, as well as the fifteen criteria for CUP review from LMC 15-1-10(E).

Planner Whetstone reported that the amenity club would be located within the existing St. Regis Hotel and would use existing amenities, including the restaurant, bar, spa, ski lockers, fitness center and pool. The applicant proposes to limit the number of memberships to 195. The applicant has also agreed to the conditions of approval recommended by Staff, one being a one

year review by the Planning Commission. Planner Whetstone stated that no physical changes are proposed to the building or the site. There would be no change in residential density or the total support commercial area.

Planner Whetstone noted that the membership agreement would be reviewed by the City for compliance with the conditions of approval and the conditions of the Deer Crest CUP.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for an amenity club at the St. Regis Hotel, according to the findings of fact, conclusions of law and conditions of approval.

Tom Bennett, representing the applicant, recalled a discussion by the Planning Commission when they were considering amenity clubs as an amendment to the Land Management Code. Mr. Bennett introduced Ryan Hales, the traffic engineer, and noted that Mr. Hales had done a preliminary parking study of the project to analyze what impact the Club might have on parking at the St. Regis. Mr. Bennett pointed out that parking is the only potential impact the Club use might have on the community.

Planner Whetstone distributed copies of a letter she received from the Deer Crest Master Association indicating that they were not opposed to the Amenity Club. Commissioner Savage clarified that this application had been presented to the Homeowners Association at Deer Crest and they support the privileges entitled to members of the Club in terms of access to the Deer Crest development area. Planner Whetstone replied that this was correct.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Chair Wintzer wanted to know how Club members living in Old Town would reach the Hotel. Mr. Bennett stated that one option is to drive their personal vehicle through Snow Park, drop off their car at valet parking, and go up the funicular. Another option is to call for the hotel shuttle, which would pick them up and take them as far as Snow Park. Chair Wintzer clarified that members from Old Town would not be adding traffic to the Deer Crest neighborhood. Mr. Bennett replied that people would not be driving through the Deer Crest neighborhood.

Commissioner Hontz referred to condition of approval #6 and felt it thoroughly addressed her concerns on paper. However, in practice she thought they could see something different. Commissioner Hontz did not believe the one year review gives the Planning Commission the ability to make changes or to discontinue the use, and she preferred to add language to Condition #6 to allow that ability.

Planner Whetstone stated that the language gives the Planning Commission the ability to require the applicant to mitigate any identified impacts, which is the basis of a conditional use

permit. Commissioner Hontz did not think the language as written provided the Planning Commission the ability to work through the CUP and either change it or deny it. She wanted to see stronger language with more teeth for authority. Planner Whetstone suggested language stating that any impacts that are identified in the one-year review shall be mitigated or the CUP is void.

Mr. Bennett noted that there is no such thing as a one-year CUP. A CUP is granted after considering all the impacts and whether those impacts were appropriately mitigated. In his opinion, the one-year review allows the applicant to meet with the Planning Commission to address any issues that need to be fixed. Mr. Bennett could see problems if the CUP was subject to termination after one-year, because at that point there would be paying members who have certain expectations. Mr. Bennett remarked that a condition of approval connected to the St. Regis Hotel requires the applicant to report back with an updated traffic and parking study after the hotel has been in operation for two seasons. That review would occur this summer and would provide another opportunity to discuss the amenity club. Mr. Bennett pointed out that if the report finds something unfavorable with the Hotel, it would not mean the Hotel could be shut down. The applicant and the City would work together to resolve the problem.

Commissioner Savage questioned the purpose of the one-year review, particularly if no unmitigated impacts are reported. Planner Whetstone explained that because an amenity club is a new use, it provides the opportunity to discuss how it works and to see if the use creates impacts that no one thought about. Commissioner Savage wanted to know what they could do if they were dissatisfied after hearing the report, since the applicant would have a valid approved CUP. Commissioner Strachan stated that the Planning Commission would review the CUP and work with the applicant to address the issues. Based on that explanation, Commissioner Savage believed that condition of approval #6 as written was sufficient to allow that process.

Commissioner Peek noted that the Planning Commission had placed a condition on the Yard for three complaints. The idea was that the complaints may result from impacts that were not reasonably anticipated. This would allow the Planning Commission to work through those issues and place additional conditions if necessary.

Commissioner Pettit suggested adding language to supplement condition of approval #6 to read, "In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the CUP to address such unmitigated impacts." The Commissioners favored adding that language.

Chair Wintzer stated that since this was the first application for an amenity club, a one-year review would give the Planning Commission an idea of whether or not they made the right decision by amending the LMC to allow amenity clubs.

Mr. Bennett did not think the added language was unreasonable, as long as the record is clear that the CUP does not terminate at the end of one year.

Commissioner Pettit clarified that the added language would not terminate the CUP. However,

it allows the Planning Commission to further condition the CUP to address unforeseen impacts that surface during that one-year review.

Commissioner Savage understood that the Planning Commission could impose additional conditions on unmitigated issues that were not part of the original CUP approval process and the approved CUP, or they would have the right to discontinue the use. He did not believe that was fair. He was not opposed to conditioning issues that violate what has already been approved, but he was uncomfortable constraining new issues outside of the original CUP approval.

Director Eddington clarified that the Planning Commission was suggesting to add additional or new mitigation procedures to address the existing conditions. It would not be adding new conditions to the CUP. Director Eddington pointed out that the process is similar to what was done with other CUP applications. Commissioner Pettit pointed out that it is only a one-year review and that the CUP would not come back every year. Commissioner Savage was satisfied with the explanations.

Commissioner Strachan pointed out that the Planning Commission could request another one-year review at the time of the first review, if they are not satisfied that all the problems have been mitigated. Chair Wintzer agreed. If no issues were raised during the first year, he would not expect the applicant to come back. However, if problems were addressed, the Planning Commission would most likely require another review one year later to see if the mitigation measures had worked.

MOTION: Commissioner Pettit moved to APPROVE the Deer Crest Amenity Club at the St. Regis Conditional Use Permit, according to the Findings of Fact, Conclusions of Law and Conditions of Approval, and subject to the amendment of Condition of Approval #6 to read as follows: "The applicant shall submit to the City Planning Department for review by the Planning Commission, a one year review of the Club, including the use, operation, membership, parking, and traffic impacts, and a summary of complaints received regarding impacts of the Club on the hotel operations, guests, and owners of adjacent or nearby property. In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts." Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Deer Crest Amenity Club

1. On February 3, 2011, the City received a complete application for a conditional use permit for an amenities club to be located within the St. Regis Resort hotel and to utilize existing hotel amenities, including the restaurant, bar, spa, ski lockers, fitness center, and pool. A total of 195 memberships are requested for the initial one year review period with a limit of 150 members residing outside of the Deer Crest gates. Membership is expected to include owners of units at the St. Regis Resort, homeowners in the Deer Crest residential area, and others from the community. Membership is for singles, couples, and families.

2. This application is reviewed under Section 15-1-10(E) of the Land Management Code.
3. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
4. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
5. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
6. Amenity Clubs require a Conditional Use Permit in the RC zone.
7. No physical changes are proposed to the existing restaurant, bar, spa, fitness center or pool to increase the posted capacity limits. No exterior changes are proposed to the building or site.
8. The applicant provided a parking analysis (Exhibit B) demonstrating that there is adequate parking available for the parking requirements of the Club activities. During the busiest weeks (Christmas and Sundance) when the hotel was at its maximum occupancy, the parking use was at 46% of capacity.
9. The approved Deer Crest Hotel CUP for the St. Regis Resort allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and 67 valet parking spaces at Snow Park with access to Roosevelt Gap via the funicular. There are 185 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle.
10. The St. Regis Resort utilizes a guest shuttle service. The shuttle service is available for Amenity Club members for transportation to and from the St. Regis.
11. The Amenity Club will be operated and managed in accordance with provisions of the Membership Agreement. Access to the Amenity Club uses shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. Restrictions on access to the Hotel and parking requirements that are consistent with the conditions of approval of the Deer Crest Hotel CUP will be spelled out in the Membership Agreement.
12. The St. Regis hotel has a total of approximately 225 pillows. One or two additional employees are anticipated for the Club.
13. No additional signs or lighting are proposed with this application.
14. The Findings in the Analysis section are incorporated herein.

Conclusions of Law - Deer Crest Amenities Club

1. The use as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The use as conditioned is consistent with the Park City General Plan.
3. The use as conditioned is compatible with surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits.

Conditions of Approval - Deer Crest Amenities Club

1. A Membership Agreement shall be reviewed and approved by the City, as to form and compliance with the conditions of approval, prior to commencing operation of the Amenity Club. Access shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. The Agreement shall reiterate conditions of approval for the Deer Crest Hotel CUP regarding access to the hotel and parking requirements and restrictions.
2. The applicant is responsible for management of the club and enforcement of the Membership Agreement.
3. The applicant stipulates to a condition of approval limiting this Conditional Use Permit approval to a maximum of 195 memberships with a limit of 150 memberships allowed for members residing outside of the area bounded by the Deer Crest gates.
4. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
5. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
6. The applicant shall submit to the City Planning Department for review by the Planning Commission, a one-year review of the club, including the use, operation, membership, parking and traffic impacts, and a summary of complaints received regarding impacts of the club on the hotel operations, guests and owners of adjacent or nearby property. In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts.

Commissioner Pettit commented on how under parked this particular project is based on the parking study. For planning purposes, she suggested that they begin thinking about other projects. Commissioner Peek thought hotel projects in general should add that type of parking study to their format. Commissioner Pettit stated that the St. Regis has been successful in encouraging people to come in without cars and to rely on shuttle service, and she felt this was an example, with supporting statistics, of parking being utilized for a project of that size and type of use.

Planner Whetstone offered to look at the numbers in the study based on the number of units. Currently, two and three parking spaces per unit are required for larger units. Director Eddington noted that the Code currently reads off of minimums and the Staff is looking at adding maximums.

2. 29-83 Silver Strike Trail, Christopher Homes at Empire Pass - Amendment to Record of Survey (Application #PL-10-01140)

Planner Whetstone reviewed the applications for two condominium of survey plats at Empire Pass. The first one was the Belles at Empire Pass, which was a new record of survey plat that is now an amended, consolidated and restated condominium plat. The proposed amended condominium plat would supercede Plats I, II, III, and IV of the Christopher Homes condominium plats. Those plats identified an area on the ground for a two-dimensional condominium with a private area. Planner Whetstone explained that a requirement was to come in with a supplemental plat once the units were built and those supplemental plats would be approved. The owner of those units have to sign the plats.

Planner Whetstone presented a reconfiguration of the four Christopher Homes plats and noted that the number of units was reduced from 18 to 17. The original configuration was ten detached units and four duplexes. The current proposal is 11 detached units and three duplexes.

Planner Whetstone stated that all conditions of approval of the underlying approvals apply, which are the Village at Empire Pass MPD and the Silver Strike Subdivision. Therefore, they still need to track the unit equivalents and maximum square footage.

The Staff recommended that the Planning Commission conduct a public hearing on the Belles at Empire Pass condominium plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the ordinance attached to the Staff report.

Chair Wintzer clarified that the proposal does not change the outside of the units, the open space, or the number of units. Planner Whetstone replied that the unit count decreased by one unit in the configuration. Planner Whetstone pointed that more of the building footprint is now private area that a person could purchase and build on.

She noted that the next item was the supplemental plats for units 1, 2 and 12, which are under

construction, to create the actual private space for those units.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for lots 1 and 2 of the Silver Strike Subdivision and Pod A, Village at Empire Pass according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2983 Silver Strike Trail

1. The plat incorporates property located on Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, known as the Village at Empire Pass.
2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004 the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 detached single family homes and duplexes.
5. On June 29, 2006 the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while Lot 2 contains 1.99 acres.
6. On August 17, 2007 the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase 1 condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass II condominium plat creating an additional 4 units on Lot 2. The plat as recorded at Summit County on February 20, 2008.
8. On April 23, 2008 the City Council approved two more condominium units on Lot 1 of the

Silver Strike Subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.

9. On August 28, 2008 the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/7, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010 the Planning Department received a complete application for an amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV. The amended plat is an amended, consolidated, and restated condominium plat of The Belles at Empire Pass that supersedes, amends, replaces, and consolidates the Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV.
11. The purpose of the plat amendment is to describe and plat the private area for construction of the 17 condominium units as contemplated by the Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. Units 1-8 are located on Lot 2 and Units 9-17 are located on Lot 1 of the Silver Strike Subdivision.
12. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
13. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable, such as crawl spaces and mechanical chases.
14. As conditioned, the proposed Belles at Empire Pass condominium plat is consistent with the approved Flagstaff Development Agreement, the Master Planned Development for the Village at Empire Pass and the conditions of approval of the Silver Strike Subdivision.
15. Units 1, 2 and 12 are constructed and Unit 9 is currently under construction. An application for the supplemental plat for Units 1, 2 and 12 has been submitted by the owners as the First Supplemental Plat for Constructed Units at the Belles at Empire Pass a Utah Condominium project. A supplemental plat for Unit 9 will be submitted upon completion of this unit.
16. The Silver Strike subdivision plat requires that after construction of the units, and prior to issuance of a final certificate of occupancy, the boundaries of the units shall be amended to reflect the final as-built conditions identifying the entire structure as private

with the driveways and patio areas as limited common and the remainder of the land identified as common area in accordance with the Utah Condominium Act.

17. Analysis section is incorporated herein.

Conclusions of Law - 29-83 Silver Strike Trail

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

Conditions of Approval - 29-83 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers and compliance with the interface zone landscaping requirements is required to be submitted to the Building Department prior to issuance of building permits for the units.
5. All existing recorded easements shall be reflected on the plat prior to recordation.
6. Prior to issuance of final certificates of occupancy by the Park City Chief Building Official for completed units, a supplemental plat or plats shall be submitted to the City for review by the City Council and recorded at Summit County.
7. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor exempts basement areas below final grade and 600 square feet of garage area.
8. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior

square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable.” A total of 45 UE (90,000 square feet) are permitted for the units designated by this plat.

3. 29, 32, and 39 Silver Strike Trail - Supplemental Plat for Units 1, 2 and 12 of the Belles at Empire Pass Record of Survey (Application # PL-10-01023)

Planner Whetstone reviewed the request for a supplemental condominium record of survey for the existing units 1, 2 and 12 of the Belles at Empire Pass subdivision plat. The units are constructed and there is no change to the existing units. The supplemental plat creates the as-built conditions and identifies the private and limited common and common space associated with these units.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Commissioner Pettit referred to the table on page 85 of the Staff report, the maximum house size permitted and proposed, and the unit equivalent calculations. She understood that the calculation for the proposed was greater than the maximum house size because it includes the basement. Planner Whetstone replied that this was correct. She explained that per the development agreement, the maximum house size limitation on the pods are based on the Land Management Code, and excludes any basement area below final grade. However, the development agreement specifies that unit equivalents include all of the area minus 600 square feet for a garage.

Commissioner Peek referred to the elevations and asked if the basement area was limited common. Planner Whetstone answered yes. Commissioner Peek asked if that was dirt. Planner Whetstone replied that it is dirt below the basement. Commissioner Peek asked if they have ever had dirt as limited common in the past. Planner Whetstone stated that it can be done in a condominium, as well as making the roof private. In this case the HOA wants to be responsible for the roof. She pointed out that because the dirt is limited common, if someone wanted to excavate to create additional space, it would take UEs away from other units and would require approval of the entire HOA.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Belles at Empire Pass Condominium Units 1, 2, and 12 according to the Findings of Fact, Conclusions of Law and Conditions of Approval included in the draft ordinance.

Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 29, 32 and 39 Silver Strike Trail

1. The supplemental plat includes Units 1, 2, and 12 of the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass and associated common area. The property is located on portions of Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass. The properties are addressed at 29, 39 and 32 Silver Strike Trail.
2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village at Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD-style detached single family homes and duplexes.
5. On June 29, 2006 the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres.
6. On August 17, 2007 the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007 the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010 the Planning Department received a complete application for an

amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV. The amended plat is an amended, consolidated and restated condominium plat of the Belles at Empire Pass that in whole supersedes, amends, replaces, and consolidates all of the Christopher Homes at Empire Pass condominium plats I, II, III, and IV. The amended plat is being reviewed concurrently with this First Supplemental plat.

11. On January 21, 2011, the Planning Department received a complete application for the First Supplemental Plat for Constructed units at the Belles at Empire Pass a Utah Condominium project amending Units 1, 2, and 12.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and UE calculations for the constructed Units 1, 2, and 12 prior to issuance of a Certificate of Occupancy and to identify private, limited common, and common area for these units.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated and Restated Condominium plat of the Belles at Empire Pass, that is reviewed concurrently with this plat amendment. In addition, the three units are consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.
14. Units 1 and 2 are located on Lot 2 and Unit 12 is located on Lot 1 of the Silver Strike Subdivision.
15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf, and Unit 12 house size is 4,984.9 sf.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable as the plat". Within the Flagstaff Development Agreement on residential unit equivalent equals two thousand square feet.
17. Unit 1 contains 6010.8 gross square feet and utilizes 3.005 Ues. Unit 2 contains 6,614.1 gross square feet and utilizes 3.307 Ues. Unit 12 contains 5,175.8 sf and utilizes 2.637 Ues. These three units utilize 8.949 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As condition, this supplemental plat is consistent with the approved Flagstaff

Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.

19. The Analysis section is incorporated herein.

Conclusions of Law - 29, 32 and 39 Silver Strike Trail

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

Conditions of Approval - 29, 32 and 39 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. Unit 1 utilized 3.005 UEs. Unit 2 utilized 3.307UEs. Unit 12 utilized 2.637 UEs. The total UEs utilized for each unit must be written on the plat under the unit name.
5. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf., and Unit 12 house size is 4,984.9 sf.
6. The supplemental plat shall be recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy for these units by the Park City Chief Building Official.
4. Park City Heights - Master Planned Development
(Application #PL-10-01028)

Planner Whetstone reported that the Planning Commission has been reviewing this item for the

past several months. At the last meeting the public hearing was continued to this meeting. The main objective this evening was to open the public hearing on the project plan and model that was available in the Planning Department. Following the public hearing, the Staff requested additional questions or comments from the Planning Commission regarding the proposed master planned development. Planner Whetstone noted that on February 9th the Planning Commission reviewed the model, as well as the design guidelines. She outlined the documents and plans provided in the Staff report. A comprehensive Staff analysis would be prepared for the meeting on March 9, 2011.

Spencer White, representing the applicant, stated that this evening he was handed comments from the Planning Staff regarding the design guidelines. They would combine those comments with comments the Planning Commission made at the last meeting to make the requested changes. He anticipated having the revised guidelines back to the Staff within the next few days.

Mr. White recalled that the issues raised at the last meeting were the additional visuals from the four perspectives, which were included in the Staff report. Setback distances was another issue that was addressed. Mr. White stated that the intent was to show the existing setbacks off of Highways 248, 224, I-80 and Highway 40. He reviewed the setbacks as outlined in the packet. Mr. White remarked that the reason for showing the setback distances was to help with perspective. The closest building, which is the cottage homes product, is 1,365 feet at the intersection of Highway 248 and Richardson Flat Road. The closest distance for the attached units is 1,735 lineal feet. Mr. White stated that the reason for showing the setback distances was to show comparisons to help the Planning Commission understand the distances. He thought some of the structures may appear closer in the visuals, particularly in the Google Earth images. Mr. White remarked that the distance to the attached affordable units off of Highway 40 is 350 feet. The distance to the single family detached and cottage homes is 425 feet. He explained how they tried to buffer the homes from those distances and those roads.

Mr. White explained that the reason for placing the density in the proposed locations was based off of sensitive lands. The density is out of flood plain, wetlands, and off of slopes greater than 30%.

Mr. White requested additional comments from the Planning Commission and the public. He had previously submitted plat maps to the Staff, and the Planning Commission had been provided with those maps. Mr. White hoped to address all the issues for a final vote on March 9th.

Commissioner Pettit requested to see slides of some of the views that were included in the Staff report. Mr. White had the slides available and noted that they were the visual assessments that were done when the application was submitted in June. The first view was a photo from the intersection at 248 and the old intersection that used to go into the National Ability Center. He presented a before and after view, noting that it was a slightly different master plan that what is currently proposed. Mr. White presented a new view with the new plan. View 1 was from the new intersection going into the IHC hospital. View 2 was from the intersection of Highway 248 and Old Dump Road. He pointed out that it was the highest cul-de-sac and only the tops of the roofs of the two houses at the end of the cul-de-sac were visible. Commissioner Peek pointed

out a discrepancy between the visuals shown and the Google view. He believed what they were seeing was the upper house on the second cul-de-sac down to the north. Mr. White explained that the distance needed to be taken from the pivot point of where the photo was taken. He and Commissioner Peek discussed the view.

Mr. Spencer clarified the issue being discussed for the public. He explained what they were looking at from the intersection of Highway 248 and Old Dump Road. Going up the ridge they were looking at the buildings he previously described, which were four rows of cottage homes. He indicated the lower cul-de-sac with two homes on the end, and the upper cul-de-sac with the home that he believed had the visible roof top. He noted that Commissioner Peek was correct in his perspective because there was another home on the upper right. Mr. White stated that the roof he spoke about earlier was the upper home on the first cul-de-sac. He then pointed out the homes on the upper, furthest cul-de-sac, which is the uppermost development area. Mr. White stated that the Staff had expressed concern about those homes, and he had told them that the homes do not skylight at any point. There is always something behind them as viewed from Highway 248. Those homes do not break into the blue.

In response to a question about the hillside, Mr. White replied that the hillside is part of the project. The hillside with the road cut is owned by the Byers and they own approximately 12 acres of land that was part of the annexation. He clarified that the Byer's land is part of the annexation, but not part of the master planned development.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to view 2 that was included on page 123 of the Staff report. She noted that it was a view from Highway 40 looking towards the project and asked if that reflected the current plan. Mr. White answered no and explained that it was the visual massing that was done as part of the June 10 packet. Mr. White showed that same image with the current Google earth, taken from the edge of the road on Highway 40. It was the same view as view 2.

Commissioner Hontz believed that comparing that view with the view on page 123 showed how the project was evolving in massing and breaking up forms. However, she thought they needed to pay particular attention to the design guidelines in terms of what those units look like. Commissioner Hontz remarked that the project was going in the right direction, but she still did not like it. She believed that the project could look better as long as the design guidelines are clear. She thought they could solve the problems with design.

Mr. White clarified that the views were solely to show visual massing and not for detail. They do not reflect the design guidelines. Commissioner Hontz felt that went to her point of what would occur without clear design guidelines. Massing matters and she like this view the least in terms of how the massing appears to hulk on the edge of the property. Commissioner Hontz reiterated that those issues could be resolved in the design guidelines.

Commissioner Peek referred to the view from the intersection of Highway 248 and Old Dump Road. looking at the cottage homes stacked along the ridge. He pointed out the plat for Lots 20, 24, 30 and 31 and asked if those were the four cottage homes that stack up the ridge. Mr. White answered yes. Commissioner Peek suggested adding variation to those four homes as part of making the entry statement. Planner Whetstone remarked that those four structures could be specifically addressed in the design guidelines.

Commissioner Savage asked about landscape plans, particularly large trees to break up the massing. Mr. White stated that the intention is more towards sustainability and water issues. A primary issue is the amount of available water and trying to limit water use, especially in individual yards. Mr. White noted that the design guidelines established landscape requirements that do not require lawn and vegetation maintenance. The landscaping will be drought tolerant plants and trees. There will be trees along the trails and through the project, however, at this point, the guidelines do not identify specific standards or details. Planner Whetstone noted that the design guidelines address large scrubs that would get larger over time. It was important that the guidelines address some of the landscaping along the perimeter, particularly at the view corridors.

Commissioner Savage understood environmental sensitivity and water conservation. However, he thought many of the concerns regarding visual impacts could be significantly buffered by rows of aspens or other trees. Mr. White remarked that computer modeling provides the topography, but it does not give the existing vegetation. There is a significant amount of existing scrub brush that is 6' to 8' tall in the summer. He was amenable to possibly looking at landscaping along the view corridors.

Commissioner Peek commented on the Cottage Homes and Park Homes perspective and asked if the landscaping in the drawings reflected the landscape list. Mr. White answered yes. They gave the designer a list of plants and landscaping that would be allowed in the design guidelines and those were included in the perspective.

Commissioner Pettit asked if there would be a noxious weed management plan, given the amount of open space in the area and the continuing problem in the County with noxious weeds. She wanted to know who would be responsible for weed control. Mr. White replied that it is the developer's responsibility and this developer does a good job of regulating noxious weeds.

Commissioner Hontz asked for the purpose of the biological resources overview. Mr. White replied that it was a requirement of the master planned development process and application. In addition, the developer wanted to make sure they took proper steps to mitigate any habitat impacts. Commissioner Hontz asked if the Planning Department had previously seen the biological study and she was told they had. Commissioner Hontz noted that the recommendations speak to noxious weeds and she understood the State and County law requirements. However, she did not believe the laws go far enough, and specifically not for this project. She read Recommendation #2 on page 159 of the Staff report, "Noxious weeds in the project area could be treated to prevent their spread into adjacent areas". Commissioner Hontz

needed to see a specific noxious weed plan for this project that goes further than the recommendation. She read the first recommendation, "Any future project area developments could minimize impacts to riparian areas and wetland in the project area". She wanted to know how, where, and the benefits. Mr. White clarified that there are wetlands in the project boundary but not in the areas being developed.

Chair Wintzer noted that wetlands may be disturbed when they put in the path away from the road, but that would be addressed in that particular permitting process.

Commissioner Hontz questioned how the biological resource report could have been part of previous project reviews when it was recorded December 10, 2010. Mr. White understood that her initial question was whether the Planning Staff had seen the report prior to this meeting. He reiterated that the Staff has had this report for quite a while.

Commissioner Hontz asked if this was the first time the Planning Commission had seen the biological research report. Mr. White answered yes. Commissioner Hontz clarified that other than the Planning Commission, the only ones who had seen this report was the Planning Staff. Planner Whetstone replied that this was correct. Commissioner Hontz pointed out that this was the first opportunity the Planning Commission had to express an opinion that the report is not sufficient enough for what they want to see as a wildlife biological survey. Mr. White stated that the wildlife study was turned in well before the February 9th meeting. He had assumed that the biological report had been included in the February 9th packet.

Commissioner Peek stated that the original wildlife study was part of the notebook the Commissioners received. Mr. White remarked that it was the original wildlife study submitted with the June application. The biological resource was a more recent study that was submitted to the Planning Staff shortly after the December meeting.

Commissioner Hontz stated that her issue was not with the timing, but rather the fact that this was their opportunity to tell the applicant that the report is insufficient. She has dealt with a number of wildlife habitat and related reports, and she did not believe this was sufficient in any way, particularly the recommendations. It did not meet the baseline standards that she would expect from a biological resource. Commissioner Hontz commented on areas where the wildlife habitats were enhanced with development, and she believed the same could occur with Park City Heights.

Commissioner Strachan pointed out that the indicated conclusions were missing from the report.

Commissioner Savage asked if the Planning Staff was equally qualified to review this type of report within the context of completeness and substance. He noted that the Staff had included the report for the Planning Commission to review and he wanted to know if the Staff supported it. Planner Whetstone replied that the Staff would prepare a complete analysis for the next meeting. They also ask others with that expertise to review it and provide input. Commissioner Hontz stated that as an example, the wildlife study for Flagstaff was excellent. Park City Heights is a smaller project and would not need the same level of study as Flagstaff, but there is a standard and the biological resource study does not meet that standard.

Chair Wintzer requested that the Staff review the biological study in-depth and provide the Planning Commission with recommendations. He agreed with Commissioner Savage that the Planning Commission is not qualified to assess the study and it is important to have it reviewed by someone who is qualified. Commissioner Strachan suggested that Mr. White have the biological review experts from the Utah Department of Natural Resources look at the study.

Mr. White expressed a willingness to address all their concerns. He understood that Commissioner Hontz was looking for recommendations that address responsible mitigation if issues are found, and how that mitigation would occur. Commissioner Hontz answered yes. In addition, she felt it was a great opportunity for a wildlife biologist to suggest how the wetland areas could be enhanced for wildlife and ways to make this a positive development. In order to meet the standards, the study needs to go beyond a report that just says whether or not there are threatened species on the site.

Commissioner Savage suggested that the Staff and the applicant communicate with Commissioner Hontz and draw from her knowledge and experience.

Planner Whetstone reiterated that the Staff would provide a full analysis on all the elements for the next meeting. Mr. White referred to the comments regarding noxious weeds and noted that it is part of the bond that is put in place when development begins. Money for the bond will not be released until those issues have been resolved. Commissioner Hontz understood the process, but she was concerned about responsibility and maintenance once the project is completed. She felt that needed to be clearly addressed and defined in some type of agreement.

Chair Wintzer asked Mr. White to bring up the slide of the site plan with contours. He requested some type of cut and fill analysis on all three of the cul-de-sacs, because he never anticipated the cuts and fills that were showing. Commissioner Peek stated that he had zoomed in on the cul-de-sac that was closest to the power line easement and counted a 36 foot cut. Chair Wintzer wanted to see a section through each one with a plan for retaining and re-vegetating. He also wanted to see what the cuts would look like from various vantage points. Commissioner Peek wanted to know the nature of the cuts based on the preliminary geo-tech.

The Commissioners and Mr. White discussed phasing for the project. Director Eddington stated that if development starts at the lower level and moves up, he wanted to know how they would handle a potential buyer who wanted something higher up before they reach that phase, and whether the developer would be required to provide the necessary transportation. Mr. White replied that a \$300,000 lot in place of \$2 million worth of infrastructure would not be enough incentive to move to the next phase. It might be considered if a buyer wanted to develop several lots.

Planner Whetstone summarized the discussion and requests. 1) The guidelines should address the views in terms of massing, specifically views 1 and 2; 2) Landscaping concerns need to be

addressed in the design guidelines; 3) A noxious weed management plan for both construction and completion of the development; 4) Better recommendations for the wildlife study was requested. The Staff would review the study and seek input; 5) An analysis of cuts and fills was requested for the cul-de-sacs; 6) Provide additional information on phasing. The Staff and applicant would be prepared to respond to these concerns at the next meeting.

MOTION: Commissioner Pettit moved to CONTINUE Park City Heights MPD to March 9, 2011. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

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

Approved by Planning Commission _____

CONSENT AGENDA

Planning Commission Staff Report



Subject: 44 Prospect Street
Author: Jacquelyn Mauer
Project Number: PL-10-01057
Date: March 9, 2011
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 44 Prospect Street Plat and consider forwarding a positive recommendation for the 44 Prospect Street Plat to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Len and Diane Pearson, represented by Todd Arenson (contractor)
Location: 44 Prospect Street
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

This is a request to combine two lots into one lot of record by removing a lot line at 44 Prospect Street. There is an existing non-historic structure that was constructed across existing property lines in 1973.

Background

The City received a complete application for the 44 Prospect Street plat amendment on November 4, 2010. The property is located at 44 Prospect Street in the Historic Residential (HR-1) zoning district. The proposed plat combines the south 20 feet of Lot 3 and all of Lot 4, Block 18, Park City Survey, into one lot of record. The applicants are the owners of all of the above stated property. The remaining five feet (5') of Lot 3 has the same ownership as its neighboring Lots 1 and 2 of Block 18, Park City Survey. The proposed new lot will be .08 acres or 3484.8 square feet. The property is improved with a non-historic single-family dwelling constructed in 1973 across the property line and landscaping which includes retaining walls.

In the fall of 2010, the homeowners of 44 Prospect Street proposed a small expansion of the existing front entrance porch bump-out. Since the house currently sits across property lines, this alteration triggered the plat amendment to bring the existing non-complying structure into compliance. The building

permit was issued for the modification of the front entrance with a concurrent submittal of a plat amendment application to combine the lots. The twenty-five (25) square foot front porch addition did not increase the building's footprint as the addition is located under the existing second story cantilever. The front porch addition meets required front yard setbacks.

A Pre-application Historic District Design Review was submitted for this property on August 4, 2010. The proposed modifications/repairs to this non-historic structure were found to be minor and exempt from the full Historic District Design Review process.

Analysis

Historic Residential (HR-1) District

The purpose of the Historic Residential (HR-1) District is to:

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City;
- (B) Encourage the preservation of Historic Structures;
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
- (D) Encourage single family development on combinations of 25' by 75' Historic Lots;
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Staff finds good cause for this plat amendment as two lots will be combined into one lot of record so the existing house and addition to the front entrance will no longer cross lots lines. The lot size is consistent with the pattern of development in the neighborhood.

| | Per HR-1 Zone | Proposed |
|----------------------|-------------------------------|-------------------|
| Area of Lot | Minimum of 1875 sq. ft. | 3484.8 sq. ft. |
| Area of Footprint | 1432.53 sq. ft. | 870 sq. ft. |
| Side Setback (North) | 5 ft. | 1.5 ft. – 3.5 ft. |
| Side Setback (South) | 5 ft. | 5.8 ft – 13.3' |
| Front Setback | 12 ft. (25' total with Rear) | 14.3 ft. |
| Rear Setback | 12 ft. (25' total with Front) | 21.3 ft. |

Setbacks

Removing the lot line to combine the lots will bring the structure into compliance with all setbacks except the existing non-compliant north side yard setback. The required setbacks of the proposed lot configuration are five (5) feet for each side

yard and a minimum of twelve (12) feet for the front and rear yards requiring a total of twenty-five (25) feet for the rear and front yards combined. The structure meets all of the setbacks of the proposed lot configuration except the north side yard setback which ranges from almost three and a half (3.5) feet to one and a half (1.5) feet instead of the required five (5) feet. The existing structure is 21.3' from its closest point to the rear property line and 14.3' from its closest point to the front property line. The structure ranges from 5.8' to 13.3' to the south property line.

Any expansion to the structure will need to comply with required setbacks. According to the Land Management Code, "No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in Section 15-9-6." The existing non-compliance of the north setback may remain as it is not being altered and is legally non-conforming.

Encroachments

There are multiple encroachments onto 44 Prospect Street from the neighboring property to the south, 52 Prospect Street. These encroachments include a corner of the 52 Prospect Street house as well as a corner of 52 Prospect Street's deck which extends 5.8' into 44 Prospect Street. There are also three separate retaining walls that span across both properties (44 Prospect and 52 Prospect). One is constructed of railroad ties, one of concrete, and one of stones. All encroachments will either need to be removed or have encroachment agreements recorded with the County prior to recordation of this plat. If the properties rely on the walls to retain soils and drainage adequately, it would need to be included and worked out in a reciprocal encroachment agreement that these walls remain and are necessary for both properties.

Parking

There is one off-street parking space located on the concrete drive in front of the house. Under today's code, two parking spaces are required for a single family residence. The parking requirement at 44 Prospect Street is legally non-conforming since it was not a requirement at the time the house was constructed in 1973. No change is being made to the structure or use that increases the parking demand.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

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

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 44 Prospect Street plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 44 Prospect Street plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 44 Prospect Street plat amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The extension of the front entrance porch bump-out would need to be removed and no further construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 44 Prospect Street plat and forward 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.

Exhibits

Exhibit A – Proposed Plat

Exhibit B – Record of Survey & As-Built Map

Ordinance No. 11-

AN ORDINANCE APPROVING THE 44 PROSPECT STREET PLAT AMENDMENT LOCATED AT 44 PROSPECT STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 44 Prospect Street have petitioned the City Council for approval of the 44 Prospect Street plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 9, 2011, to receive input on the 44 Prospect Street plat amendment;

WHEREAS, the Planning Commission, on March 9, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 44 Prospect Street plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 44 Prospect Street plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 44 Prospect Street.
2. The zoning is Historic Residential (HR-1) District.
3. The plat amendment combines the south 20 feet of Lot 3 and all of Lot 4, Block 18, Park City Survey, into one lot of record.
4. The proposed lot is 3484.8 square feet in size. Minimum lot size in the HR-1 District is 1,875 sf.
5. The property is improved with a non-historic single-family dwelling constructed in 1973 across the lot line.
6. This plat amendment will bring the structure into compliance with all setbacks except the north side setback which is legally non-complying.
7. There is one off-street parking space on the property.
8. The deck of 52 Prospect encroaches onto 44 Prospect Street. There are also three retaining walls that span across both properties.

9. No change is being made to the structure or use that increases the parking demand.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The deck encroachment, corner of house encroachment, and retaining wall encroachments will either need to be removed or have reciprocal encroachment agreements recorded with the County prior to recordation of this plat.

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

PASSED AND ADOPTED this 32nd day of April, 2011.

PARK CITY MUNICIPAL
CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A – Record of Survey plat

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land known as _____ to be known hereafter as the _____ do hereby certify that I have caused this Plat to be prepared, and we, _____ hereby consent to the recording of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this _____ day of _____, 2010.

BY: NAME _____
NAME OF COMPANY/CORP. _____

NAME _____

NAME _____

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of _____, 2010, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, _____ the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public _____ My Commission Expires: _____

LIEN HOLDER'S CONSENT TO RECORD

State of Utah
County of Summit

The undersigned lien holder hereby consents to the recordation of this plat.

BY: _____
The foregoing consent to record was acknowledged before me this _____ day of _____, 2004, by: _____

Notary Public _____ My Commission Expires: _____

PLAT NOTES:

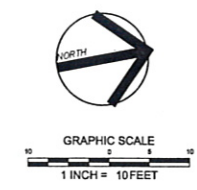
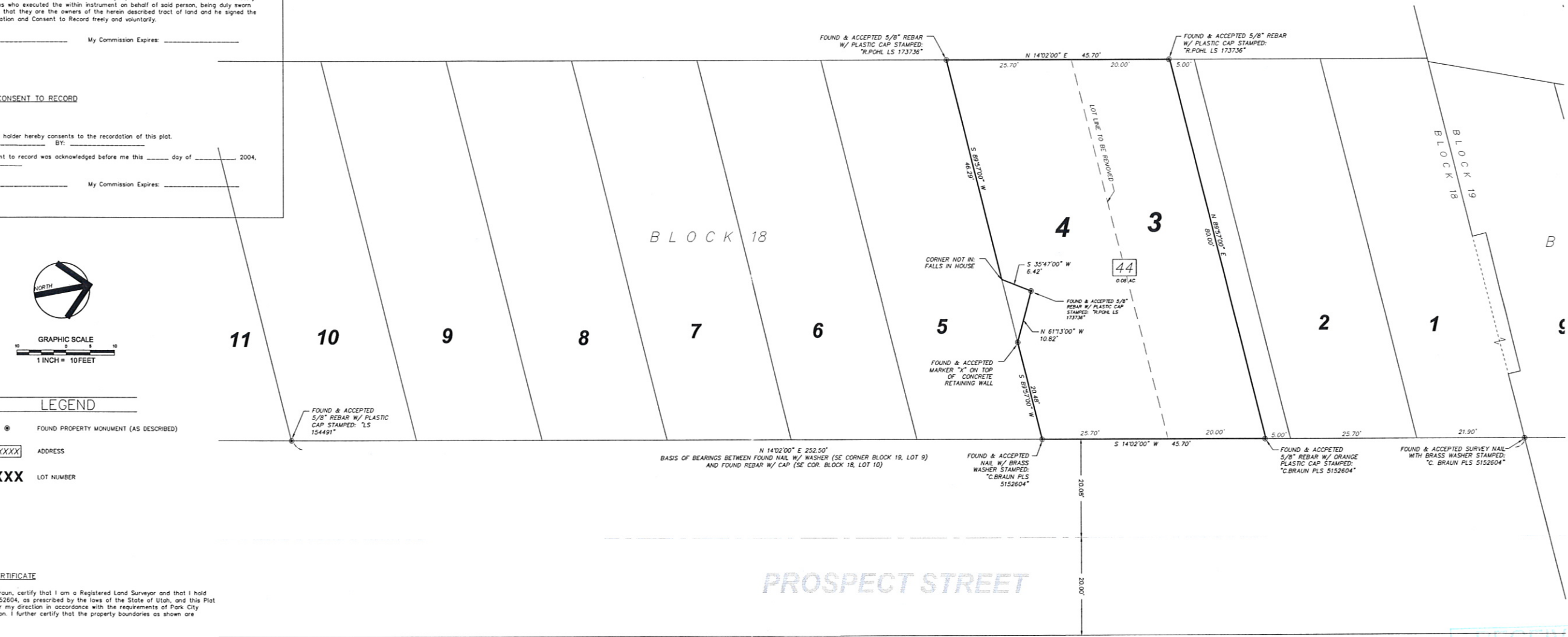
1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE PORTIONS OF BLOCK 18, LOT 3 AND LOT 4 INTO ONE LOT.
2. ALL NOTES AND COVENANTS OF "AMENDED PLAT OF PARK CITY" SUBDIVISION REMAIN IN EFFECT ON THIS PLAT AMENDMENT.

LEGAL DESCRIPTION:

THE SOUTH 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 18, OF AMENDED PLAT OF PARK CITY.

LESS AND EXCEPTING THE FOLLOWING PORTION:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 18, PARK CITY SURVEY (SAID POINT BEING SOUTH 14°02' WEST 8 FEET FROM A STONE WALL ON GRANTOR'S PROPERTY) AND RUNNING THENCE WEST 20.48 FEET, THENCE NORTH 61°13' WEST 10.82 FEET, THENCE SOUTH 35°47' WEST 6.42 FEET, THENCE WEST 46.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 18, PARK CITY SURVEY, THENCE SOUTH 13°59' WEST TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE EASTERLY TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTHERLY TO THE POINT OF BEGINNING.
CONTAINS 3511 SQUARE FEET, 0.08 ACRES, MORE OR LESS.

44 PROSPECT ST. AMENDED PLAT
A PORTION OF LOTS 3 & 4 OF AMENDED PLAT OF PARK CITY
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

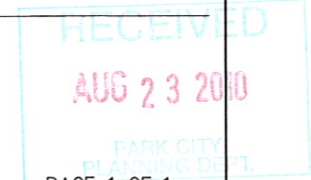


LEGEND

| | |
|------|--|
| ⊙ | FOUND PROPERTY MONUMENT (AS DESCRIBED) |
| XXXX | ADDRESS |
| XXX | LOT NUMBER |

SURVEYOR'S CERTIFICATE
I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

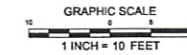
Christopher R. Braun _____ Date _____
PLS 5152604



AUGUST 2010 PAGE 1 OF 1

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|--|---|--|--|--|--|--|
| | PARK CITY FIRE SERVICE DISTRICT THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE PARK CITY FIRE SERVICE DISTRICT. DATE _____ PARK CITY FIRE MARSHALL _____ | COUNTY ASSESSOR APPROVED AND ACCEPTED BY: I HEREBY CERTIFY THAT ALL TAXES, INTEREST AND PENALTIES OWING ON THE LAND INCLUDED IN THIS PLAT HAVE BEEN PAID. DATE _____ COUNTY ASSESSOR _____ | COUNTY ENGINEER I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ COUNTY ENGINEER _____ | APPROVAL AND ACCEPTANCE ON BEHALF OF THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS THIS _____ DAY OF _____, 2010 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. ATTEST COUNTY CLERK _____ BY SUMMIT COUNTY COMMUNITY DEVELOPMENT DIRECTOR _____ | APPROVAL AS TO FORM APPROVED AS TO FORM ON: THIS _____ DAY OF _____, 2010. COUNTY ATTORNEY _____ | RECORDED ENTRY NO. _____ BOOK _____ PAGES _____ STATE OF _____ COUNTY OF _____ DATE _____ TIME _____ FEE PAID _____ RECORDED AND FILED AT THE REQUEST OF: _____ DATE: _____ TIME: _____ FEE: _____ COUNTY RECORDER _____ |
| | | | | | | Park City Surveying DORA BROWN 68-2993 Park City, UT 84302 435-634-2325 435-634-2327 fax |

RECORD OF SURVEY & AS-BUILT MAP
 A PORTION OF LOTS 3 & 4 OF AMENDED PLAT OF PARK CITY
 LYING WITHIN THE NORTHEAST QUARTER OF
 SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 SUMMIT COUNTY, UTAH



LEGEND

- FOUND OR SET REBAR W/ CAP (AS DESCRIBED)
- ⊙ WATER METER MANHOLE
- ▭ STORM DRAIN
- ▬ CONCRETE RETAINING WALL
- ▬ RAILROAD TIE RETAINING WALL
- ○ ○ ○ ○ STACKED ROCK WALL

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES AND EXISTING STRUCTURES OF THE SUBJECT PROPERTY.
 EXISTING SURVEY MONUMENTS ON ADJACENT LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.
 THE BASIS OF BEARINGS IS BETWEEN FOUND LOT CORNERS. BEARINGS AND DISTANCES SHOWN HEREON ARE PER SUBDIVISION PLAT OF RECORD.
 SURVEY COMPLETED: 11/18/2008
 SEE SAID OFFICIAL "AMENDED PLAT OF PARK CITY" FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.
 NOTE: OTHERS MAY APPLY.
 THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT; THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.
 EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

LEGAL DESCRIPTION:

THE SOUTH 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 18, PARK CITY SURVEY.
 LESS AND EXCEPTING THE FOLLOWING PORTION:
 BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 18, PARK CITY SURVEY (SAID POINT BEING SOUTH 14°02' WEST 8 FEET FROM A STONE WALL ON GRANITORS PROPERTY) AND RUNNING THENCE WEST 20.48 FEET, THENCE NORTH 61°13' WEST 10.82 FEET, THENCE SOUTH 35°47' WEST 6.42 FEET, THENCE WEST 46.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 18, PARK CITY SURVEY, THENCE SOUTH 13°59' WEST TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE EASTERLY TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTHERLY TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

CHRISTOPHER R. BRAUN

DATE:



Park City Surveying
 P.O. Box 682993
 Park City, UT 84308
 (435) 798-2578
 (435) 798-2600 fax

| DATE | BY | REVISIONS |
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SURVEYED BY:
TM/BO
 DRAWN BY:
MN
 DATE:
NOVEMBER 2008

RECORD OF SURVEY & AS-BUILT MAP
 LOTS 3 & 5, BLOCK 18
 AMENDED PLAT OF PARK CITY
 PEARSON
 PCS B1K18 L3-4 ROS-ASH.DWG

SHEET 1 OF 1

REGULAR AGENDA

Planning Commission Staff Report



Subject: 2300 Deer Valley Drive
Author: Katie Cattan
Date: March 9, 2011
Project Number: PL-11-01160
Type of Item: Conditional Use Permit

Summary Recommendation

Staff recommends that the Planning Commission review the application for a temporary structure, open the public hearing, and consider approving the application in accordance with the finding of fact, conclusions of law, and conditions of approval.

Description

Project Name: St. Regis Hotel
Applicant: Lauren Eatchel
Location: 2300 Deer Valley Drive
Proposal: Conditional Use Permit for Tent
Zoning: RC-MPD (subject to the 1995 Deer Crest Settlement Agreement/MPD)
Adjacent Uses: Ski resort and related uses, hotels/condominium units, open space, single-family residences and lots

Proposal

- This is a request for a CUP for a temporary tent to be located within the existing St Regis Resort hotel property.
- A CUP is required for tent that is installed more than 5 times per year or more than 14 days in a row.
- The applicant proposes an increase in tent occurrences from 5 to 15 times per year with the duration of one tent proposed to be a maximum of 60 days.
- The existing temporary structure currently utilized as a sales office at Snow Park must be taken down by June 1, 2011 or else the CUP will be void.

Background

The property is located at 2300 Deer Valley Drive in the Recreation Commercial (RC-MPD) zoning district and subject to the 1995 Deer Crest Settlement Agreement and the Deer Crest Hotel Conditional Use Permit.

The Land Management Code (LMC) was revised in 2009 to address the duration in which temporary tents may be installed. There were several tents located on hotel properties in town that had been approved as temporary structures but

were left standing year round. To make sure this trend would not continue, new duration parameters were adopted in 2009. Tents are allowed as administrative conditional use permits (approved by the Planning Department) if a tent is not installed for longer than fourteen days and for not more than 5 times a year. Any longer duration or increase occurrence must be approved by the Planning Commission.

On January 25, 2011, the Planning Department received a complete conditional use permit (CUP) application for a tent at the St. Regis Hotel. Without this CUP, the Hotel would be permitted to put up a tent 5 times for 14 consecutive days if they apply for a building permit and an administrative CUP each time. During the summer months, the St. Regis Hotel has numerous weddings and parties in which the client prefers to be outside with a temporary tent. In 2010, the hotel pulled 5 separate building permits for temporary tents. The applicant is requesting receive a condition use permit to allow them to install a tent a maximum of 15 times per year with one tent receiving a longer duration of 60 days during the summer months. There may be times when two tents would be used for an event.

Analysis

Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five (5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC section 15-1-10 and the criteria for temporary structures in LMC section 15-4-16(C). The applicant is requesting that the Planning Commission consider approving a conditional use permit to allow up to fifteen (15) tents per year with one tent receiving a longer duration of 60 days during the summer months, due to the higher frequency of weddings and outdoor parties. A maximum of two tents could be up at a time, each of which would count toward the fifteen (15) total tents per year.

The following are the review criteria for temporary structures on private property (LMC 15-4-16(C)):

(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.

Complies. The tent is within the private property of the St. Regis Hotel and the owner has given consent for this application.

(2) The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.

Complies. The proposed use will result in an increase in cars attending the event in the tent. The additional cars will have to be accommodated within the

existing parking areas of the St. Regis hotel. Currently, there are 146 spaces at Roosevelt Gap and 67 spaces at Snow Park. The applicant did a parking study on the busiest day of the year and found 49% usage of the parking lot. They estimate that the addition of a tent at maximum capacity and all guest arriving from off-site would diminish the parking by an additional 30%. Therefore, parking would be 79% of total parking capacity.

(3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.

Complies as Conditioned. Consistent with Condition of Approval #1, all tents must be inspected by the building department prior to occupancy. The building department will inspect circulation, emergency access, and all other applicable public safety measures. *The location of the proposed tents would not impede pedestrian circulation as it would be on a private deck of the St. Regis that is not typically used for circulation.*

(4) The Use shall not violate the City Noise Ordinance.

Complies as Conditioned. Consistent with Condition of Approval #2, the use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Condition Use Permit becoming void.

(5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.

Complies. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

(6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

Complies. All uses within the temporary structure must be permitted. The property owner is responsible for obtaining the correct permits for each proposed use, including Summit County Health Code permits, Fire Code permits, and permits issued by the State of Utah.

(7) The Use shall not violate the International Building Code (IBC).

Complies as Conditioned. Consistent with Condition of Approval #1, all tents must be inspected by the building department prior to occupancy. The building department will inspect the tent for compliance with the IBC.

(8) The Applicant shall adhere to all applicable City and State licensing ordinances.

Complies. All commercial activities within the temporary structure must be licensed. The property owner is responsible for obtaining the correct City and State licensing for each proposed use within the temporary structure.

Condition Use Permit Criteria (LMC 15-1-10 (E))

The Planning Commission must review each of the following Condition Use Permit Criteria (LMC 15-1-10 (E)) and considering whether or not the proposed Conditional Use mitigates impacts of and addresses each of the items:

(1) Size and location of the Site;

No Unmitigated Impacts. The St. Regis Hotel has two locations for tents. One is on the Astor Terrace and the second is within The Great Lawn. The Astor Terrace is located outside of the main floor of the St. Regis. It is accessed through the Lobby and Pre-Function room outside the Astor Ballroom. The Great Lawn can be accessed off the patio on the main floor or the funicular landing floor. It is located on the hillside within the St. Regis property. The largest tent is 2800 square feet and measures 40' x 70'.

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

No Unmitigated Impacts. The St. Regis may be accessed via Roosevelt Gap or Deer Valley Drive East. People using the tents would have to abide by the same parking restrictions as other hotel users outlined in the original Conditional Use Permit conditions of approval. Any extra parking caused by the activity in the tent must be accommodated within the St. Regis parking lots. According to a recent parking analysis (Exhibit B), forty-nine percent (49%) of the parking spaces were utilized during peak season (Sundance 2011). If the tents were at maximum capacity and all guests came from off-site, an additional 30% of parking would be utilized, bringing the total to seventy-nine percent (79%) of total parking.

(3) Utility capacity;

No Unmitigated Impacts. Any additional utilities that are necessary for the temporary tents are available through the hotel. The increase in guests will result in an increase in demand for water, gas, sewer and trash. The existing infrastructure is adequate to accommodate the additional guests and demand on utilities.

(4) Emergency vehicle Access;

No Unmitigated Impacts. Emergency vehicle access will not be impacted by the proposal.

(5) Location and amount of off-Street parking;

No Unmitigated Impacts. The proposed use typically results in an increase in cars attending the event in the tent. The additional cars will have to be accommodated within the existing parking areas of the St. Regis hotel. Currently, there are 146 spaces at Roosevelt Gap and 67 spaces at Snow Park. Access restrictions of the Deer Crest Hotel CUP continue to apply, including restrictions on travel through the east and west Deer Crest perimeter gates. Only owners are allowed to access the hotel through the west perimeter gate. All guests are required to access the hotel via shuttles or the funicular at Snow Park.

(6) Internal vehicular and pedestrian circulation system;

No Unmitigated Impacts. Due to the unique location of the hotel, there is no internal vehicular circulation other than the drop off areas. The building department will inspect the tents for pedestrian circulation requirements prior to issuance of a certificate of occupancy.

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

No unmitigated impacts. The adjacent uses are the hotel. Fencing and screening is not required. The tents will be placed appropriately within the landscape.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

No unmitigated impacts. The tents are appropriate within the hotel site. There is no anticipated negative impacts due to the mass, bulk, and orientation of the tents. They will not be visible from the Snow Park parking lots or Deer Valley Drive.

(9) Usable Open Space;

No unmitigated impacts. The tent that is proposed on the Great Lawn is within the usable open space of the hotel. The tent will not negatively impact the open space. The open space calculation will not be changed by the existence of a temporary tent. Staff would not recommend allowing a tent to stand in this area for over 60 consecutive days due to impacts to the lawn

(10) Signs and lighting;

No unmitigated impacts. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning and Building Departments and comply with the Land Management Code.

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

No unmitigated impacts. The design of the tent is simple. Event tents that located within hotel grounds and are not visible from the right of way are a normal occurrence for the use and compatible.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

No unmitigated impacts. Consistent with Condition of Approval #2, the use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Condition Use Permit becoming void.

(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

No applicable.

(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

No applicable.

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

No unmitigated impacts. The tent proposed on the Great Lawn is on a flat area of the property. The proposed tent on the patio would not have any impact on Sensitive lands

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC Section 1-18.

Department Review

This project has gone through an interdepartmental review. One issue was brought up during the review by the building department is that there is an

existing temporary structure on site that must be taken down. The temporary structure was allowed during the construction of the hotel and for sales. The building department is requiring that the temporary structure either be made a permanent building or be taken down. The applicant has agreed that the temporary structure will be removed by June 1, 2011. Condition of Approval #3 requires that the temporary structure be removed by June 1, 2011 or else the Conditional Use Permit for the tents becomes void.

Notice

The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.

Public Input

No public input has been received.

Alternatives

1. The Planning Commission may approve the CUP for the temporary structure as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

There are no significant negative fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The applicant will have to apply for an administrative conditional use permit for each tent. The applicant will not be allowed to have more than 5 tents within a year and each tent may stay up for a maximum of 14 days.

Recommendation

Staff recommends the Planning Commission discuss the proposed application for a Conditional Use Permit for a temporary structure (tent) to be located within the St. Regis Resort hotel, conduct a public hearing, and consider approving the CUP according to the following findings of fact, conclusions of law, and recommended conditions of approval, as follows:

Findings of Fact

1. On January 25, 2011, the City received a complete application for a conditional use permit for a temporary structure (tent) to be located within the St Regis Resort hotel.
2. In 2010, the hotel pulled 5 separate building permits for temporary tents.
3. Within the Land Management Code (LMC) section 15-4-16(A)(7) a

temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five (5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).

4. The applicant is requesting that the Planning Commission consider approving a conditional use permit to allow up to the applicant to install a temporary tent up to 15 times per year with one tent receiving a longer duration of 60 days during the summer months, due to the higher frequency of weddings and outdoor parties. There may be occasions when more than one tent is installed for an activity.
5. The St. Regis Hotel has two locations for tents. One is on the Astor Terrace and the second is within The Great Lawn. The Astor Terrace is located outside of the main floor of the St. Regis. It is accessed through the Lobby and Pre-Function room outside the Astor Ballroom. The Great Lawn can be accessed off the patio on the main floor or the funicular landing floor. It is located on the hillside within the St. Regis property. The largest tent is 2800 square feet and measures 40' x 70'.
6. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16(C).
7. The St. Regis may be accessed via Roosevelt Gap or Deer Valley Drive East. People using the tents would have to abide by the same parking restrictions as other hotel users outlined in the 1995 Deer Crest Hotel Conditional Use Permit conditions of approval. Any extra parking caused by the activity in the tent must be accommodated within the St. Regis parking lots.
8. According to a recent parking analysis (Exhibit B), forty-nine percent (49%) of the parking spaces were utilized during peak season (Sundance 2011). If the tents were at maximum capacity and all guests came from off-site, an additional 30% of parking would be utilized.
9. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
10. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
11. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
12. Temporary Structures require a Conditional Use Permit in the RC zone.
13. No additional signs or lighting are proposed with this application.
14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.

2. The Use, as conditioned is consistent with the Park City General Plan.
3. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval

1. All tents require a permit issued by the Building Department. All tents must be inspected by the building department prior to occupancy. The building department will inspect circulation, emergency access, and all other applicable public safety measures.
2. Prior to installing a tent, the Planning Department must sign off on a building permit and record the date within the CUP application folder.
3. A maximum of fifteen tents per year are allowed. The maximum duration of a tent is fourteen days, with the exception of one tent per year having a maximum duration of sixty days during the summer months only.
4. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Condition Use Permit becoming void.
5. The existing temporary structure at the St. Regis hotel must be removed by June 1, 2011. If it is not removed by June 1, 2011, this Conditional Use Permit will be void.
6. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
7. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.

Exhibits

Exhibit A – Applicant’s request and Site Plan

Exhibit B – Parking Study

From: [Eatchel, Lauren](#)
To: [Katie Cattan](#)
Subject: Conditional Use Permit
Date: Monday, February 14, 2011 12:12:26 PM

Hi Katie,

After speaking to everyone, we estimate having 15 tents this year. We would like to ask for an extension of up to 2 months for one tent to be setup this summer. Because we're unsure at how many tents we will need to set up, if we need to extend the number, will we be able to do that?

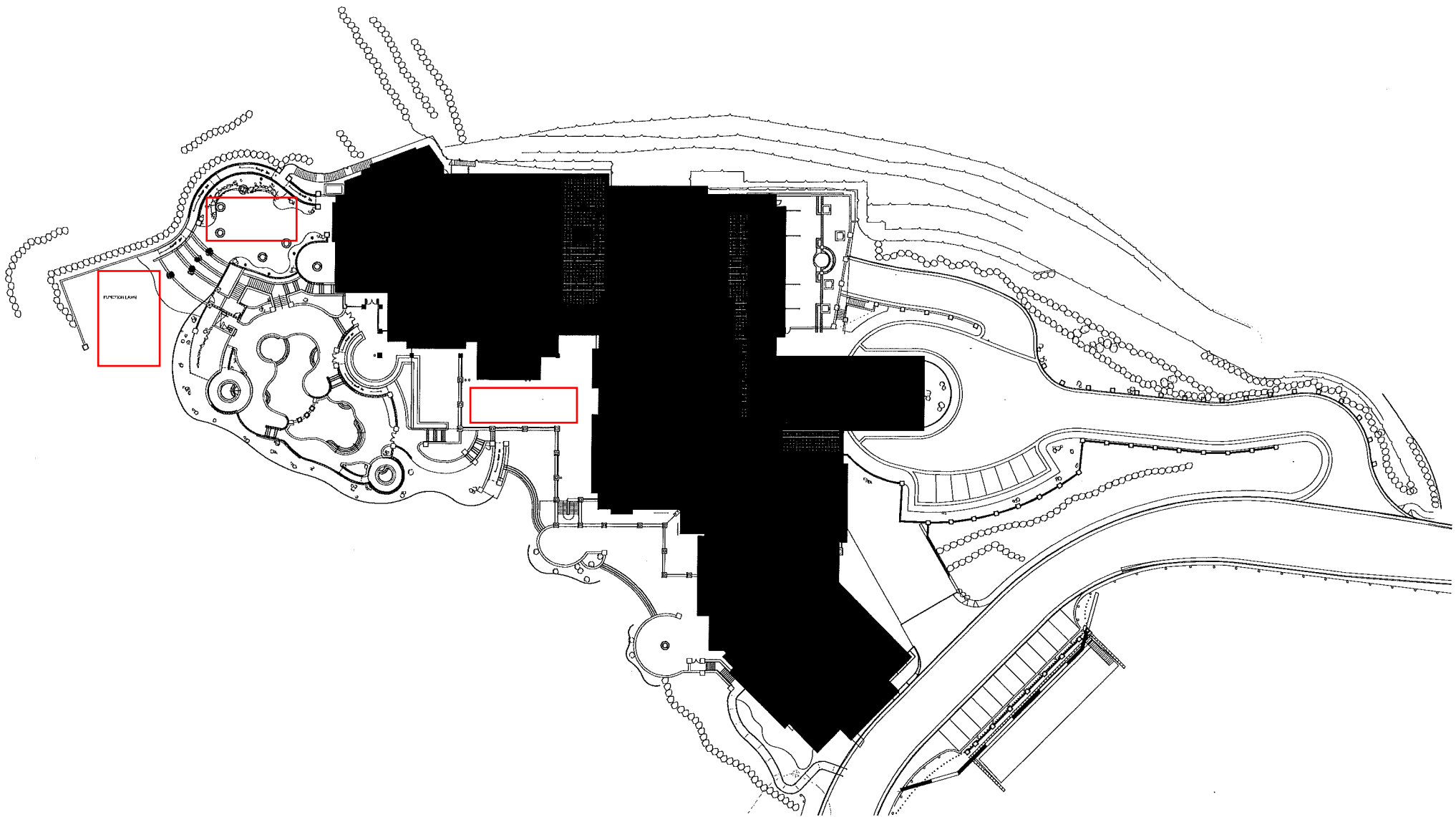
Thank you,

Lauren Eatchel CATERING & SALES ADMINISTRATIVE ASSISTANT
THE ST REGIS DEER VALLEY RESORT 2300 Deer Valley Drive East, PO Box 4493, Park City, UT 84060
TELEPHONE: 435-940-5729 FAX: 435-940-5725 STREGIS.COM/DEERVALLEY



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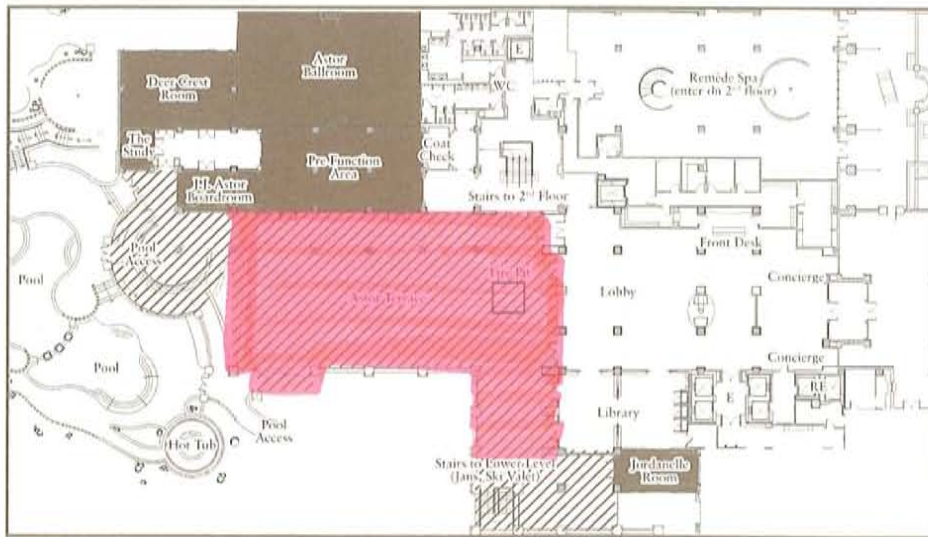




ST REGIS

DEER VALLEY

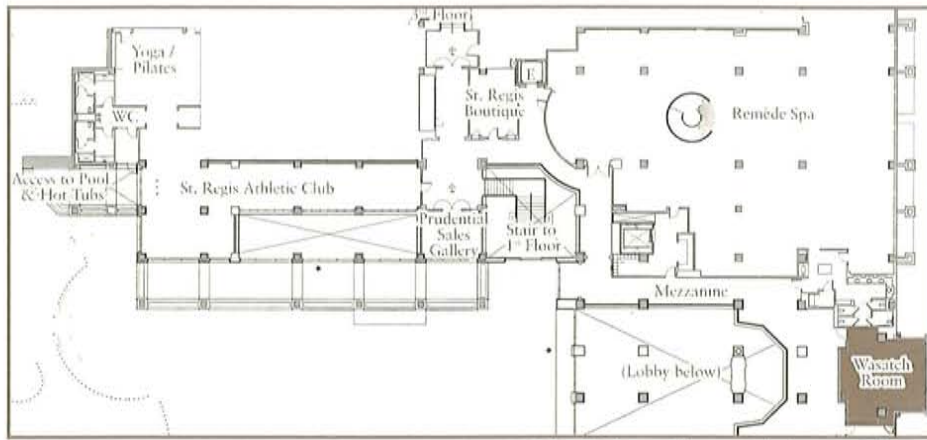
FUNCTION SPACE FLOORPLAN AND CAPACITIES



| | Total Sq. Ft. | dimensions (ft.) | Ceiling Height (Ft.) | Theater Style | Schoolroom Style | Hollow Square | Reception | Banquet | Boardroom |
|-----------------------------------|---------------|------------------|----------------------|---------------|------------------|---------------|-----------|---------|-----------|
| FIRST FLOOR FUNCTION SPACE | | | | | | | | | |
| Astor Ballroom | 2,814 | 67' x 42' | 13'6" | 255 | 140 | 70 | 295 | 230 | - |
| Astor Ballroom I | 1,407 | 33'6" x 42' | 13'6" | 127 | 70 | 35 | 147 | 115 | - |
| Astor Ballroom II | 1,407 | 33'6" x 42' | 13'6" | 127 | 70 | 35 | 147 | 115 | - |
| Astor Ballroom Pre-function | 1,829 | 59' x 31' | 8'4" to 20" | - | - | - | 260 | 100 | - |
| John Jacob Astor Boardroom | 441 | 15' x 30' | 8'2" | - | - | - | - | - | 16 |
| Deer Crest Prefunction | 691 | 51' x 14' | 8'2" | - | - | - | 68 | - | - |
| Deer Crest Room | 1,164 | 41' x 28' | 8'2" | 104 | 57 | 30 | 164 | 76 | 30 |
| Jordanelle Room | 434 | 31' x 14' | 8'4" | 40 | 22 | 12 | 62 | 28 | 14 |
| The Study | 165 | 11' x 15' | 8'2" | - | - | - | - | - | - |
| Astor Terrace | 7,250 | | - | - | - | - | 250 | 220 | - |

Floor plans and capacities subject to change. Maximum capacities are based on selected room set and audiovisual requirements.

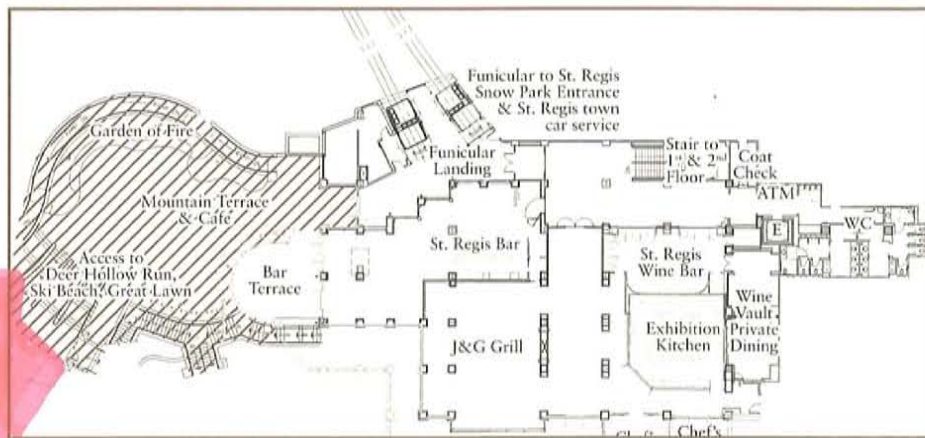
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Total Sq. Ft. dimensions (ft.) Ceiling Height (Ft.) Theater Style Schoolroom Style Hollow Square Reception Banquet Boardroom

SECOND FLOOR FUNCTION SPACE

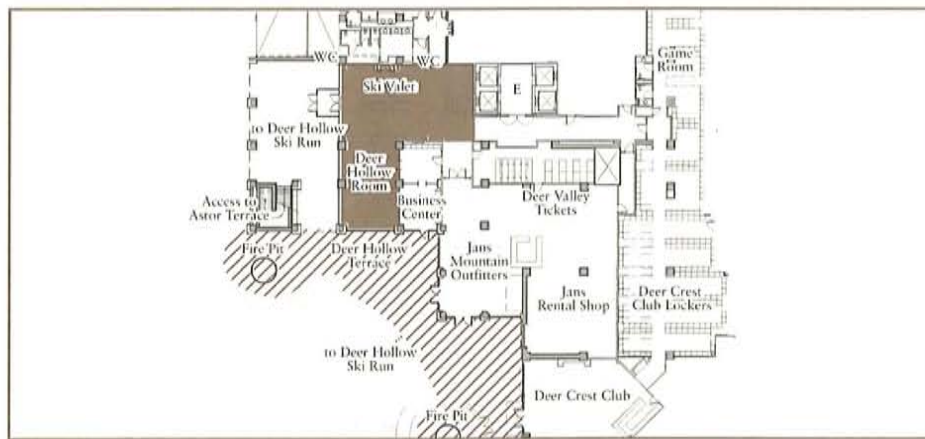
| | | | | | | | | | |
|--------------|-----|-------------|------|----|----|----|----|----|----|
| Wasatch Room | 585 | 26' x 22.5' | 8'2" | 61 | 30 | 14 | 60 | 40 | 14 |
|--------------|-----|-------------|------|----|----|----|----|----|----|



Total Sq. Ft. dimensions (ft.) Ceiling Height (Ft.) Theater Style Schoolroom Style Hollow Square Reception Banquet Boardroom

THIRD FLOOR FUNCTION SPACE

| | | | | | | | | | |
|------------------|-------|--|---|---|---|---|-----|-----|---|
| The Great Lawn | 5,000 | | - | - | - | - | 250 | 220 | - |
| Mountain Terrace | 2,289 | | - | - | - | - | 150 | 100 | - |



Total Sq. Ft. dimensions (ft.) Ceiling Height (Ft.) Theater Style Schoolroom Style Hollow Square Reception Banquet Boardroom

LOWER LEVEL FUNCTION SPACE

| | | | | | | | | | |
|---------------------|-------|-----------|------|-----|----|----|-----|----|----|
| Deer Hollow Room | 660 | 30' x 22' | 8'2" | 72 | 36 | 16 | 70 | 48 | 16 |
| Deer Hollow Terrace | 3,300 | | - | - | - | - | 250 | - | - |
| Ski Valet | 1,275 | 48' x 27' | 8'2" | 100 | 57 | 24 | 100 | 80 | 18 |

**ST REGIS DEER VALLEY RESORT
PARKING COUNT TABLE**

2/9/2011

| AREA | ACTUAL CAPACITY | NOVEMBER - LOW SEASON | | CHRISTMAS/NEW YEAR - HIGH SEASON | | SUNDANCE WEEK - HIGH SEASON | | | | | | | |
|---------------|-----------------|-----------------------|------------|----------------------------------|------------|-----------------------------|------------|-----------------|------------|------------|------------|------------|------------|
| | | WEEKDAY HOUR | WEEKEND | WEEKDAY HOUR | WEEKEND | WEEKDAY HOUR | WEEKEND | | | | | | |
| | | STALLS OCCUPIED | % OCCUPIED | STALLS OCCUPIED | % OCCUPIED | STALLS OCCUPIED | % OCCUPIED | STALLS OCCUPIED | % OCCUPIED | | | | |
| ROOSEVELT GAP | 146 | 27 | 18% | 36 | 25% | 63 | 43% | 44 | 30% | 46 | 32% | 55 | 38% |
| SNOW PARK | 67 | 20 | 30% | 30 | 45% | 37 | 55% | 30 | 45% | 19 | 28% | 42 | 63% |
| JORDANELLE | 185 | 39 | 21% | 10 | 5% | 75 | 41% | 55 | 30% | 60 | 32% | 85 | 46% |
| TOTAL | 398 | 86 | 22% | 76 | 19% | 175 | 44% | 129 | 32% | 125 | 31% | 182 | 46% |

1. DATA REPRESENTS THE SINGLE HOUR IN 24 HOUR PERIOD WHEN THE TOTAL PROJECT PARKING LOAD IS HIGHEST - 23 REMAINING HOURS HAVE LESS TOTAL PARKING
2. JORDANELLE LOT LOAD INCLUDES SOME DAY SKIERS NOT RELATED TO HOTEL USE

WORK SESSION

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Park City Heights MPD
Author: Kirsten Whetstone, MS, AICP
Date: March 9, 2011
Type of Item: Master Planned Development-work session/update

Summary Recommendation

Staff recommends the Planning Commission review and discuss additional information (revised Wildlife Study and cul-de-sac Cross Section Study) provided by the applicant as requested at the work session on February 23, 2011. The public hearing should be continued to March 23, 2011.

Description

Project Name: Park City Heights Master Planned Development
Project #: PL-10-01028
Applicants: The Boyer Company and Park City Municipal Corporation
Location: Southwest corner of the intersection of SR248 and US40
Zoning: Community Transition (CT)
Adjacent Land Uses: Municipal open space; single family residential; vacant parcel to the north zoned County- RR; vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex northwest of the intersection.
Reason for Review: Applications for Master Planned Developments require Planning Commission review and approval
Owner: The Boyer Company and Park City Municipal Corporation

Proposal

The proposed Park City Heights MPD application is a request for a mixed residential development of 239 units on 239 acres of land in the CT zoning district. The MPD includes:

- 160 market rate units in a mix of cottage units on smaller lots (6,000 to 8,000 sf) and single family detached units on 9,000 sf to 10,000 sf lots
- 28 deed restricted townhouse units (IHC affordable), configured as seven four-plex buildings,
- 16 deed restricted units in a mix of unit types (CT zone required) from single family detached to townhouse units.
- 35 additional deed restricted units in a mix of unit types (Park City).

- All units (including all deed restricted units) constructed to LEED for Homes Silver rating at a minimum with each unit achieving a minimum combined 10 points minimum for water efficiency/conservation with Third Party inspection required prior to certificate of occupancy.
- 175 acres of the property dedicated as large tracts of contiguous natural open space (does not include) open space area around the lots.
- 5 acre dedicated open space east of Summit County Health Department along US 40 provided the 28 IHC deed restricted townhouses are transferred to the PC Heights neighborhood as shown on the current plan.
- A dedicated 3.55 acre (155,000 sf) public City Park to be constructed by the Development.
- A community gardens area approximately 22,000 sf (0.5acre) within the PC Heights neighborhood.
- 3-5 miles of soft surface trails within the property and additional 8' wide hard surfaced sidewalks and paths along streets.
- Trail connections to the Rail Trail and Quinn's trail.
- Transit bus shelters and along Richardson's Flat road.
- Cross walk across and Richardson's Flat road.
- A community center/club house area with dedicated future support commercial tenant spaces.
- Water infrastructure improvements for the project and to enhance the City's overall water system (water shares dedicated through the pre-annexation agreement).
- Transportation improvements to the Richardson's Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) required to put the Park and Ride facility at Richardson's Flat on the bus route.

Background

On June 30, 2010 the City received a complete application for the MPD following approval of the Park City Heights annexation by City Council on May 27, 2010. On September 22nd, October 13th, November 10th, and December 8th, 2010 and on February 9th and 23rd, 2011, the Planning Commission conducted work sessions and/or public hearings on the MPD.

At the December 8th, 2010, meeting the Commission reviewed:

- a revised MPD site plan
- design guideline concepts
- photo study of architectural ideas for the different housing types

At the February 9th, 2011, meeting the Commission reviewed:

- physical and computer models of the project,
- draft design guidelines

At the February 23rd, 2011 meeting, the Commission reviewed

- Preliminary plat and utility plans
- Visuals from various vantage points

- Perspectives of the housing types and street cross sections
- Wildlife study

The information reviewed at these meetings is supplemental to the information included in the Park City Heights binder and exhibits to previous staff reports discussed at meetings in September, October, and December. A comprehensive staff analysis and project recommendation is being prepared for the March 23, 2011 public hearing.

For the work session on March 9th, the applicants have provided staff with:

- Revised Wildlife Study to address issues raised by the Planning Commission at the February 23rd meeting (see Exhibit A).
- Cross sections of three cul-de-sac areas to review grading (cut/fill and retaining issues) (see Exhibit B).

Wildlife Study

As part of the Sensitive Lands Analysis (LMC Section 15-2.21-3) a map depicting all wildlife habitat areas, as defined by the wildlife habitat report, shall be provided by the applicant. The report is required to be prepared by a professional, qualified in the areas of ecology wildlife biology, or other relevant disciplines. The following are requirements of the map/report:

- Ecological and wildlife use of the property
 - Species
 - Timing
 - Value the area provides (feeding, watering, cover, nesting roosting, perching, etc.)
- Existence of Wildlife movement corridors
- Existence of Special habitat features
 - Nesting Sites
 - Calving areas
 - Production areas
 - Areas used by migrating species
 - Dens (fox and coyote)
 - Concentration areas (elk and deer) as defined by the DOW
 - Areas of high terrestrial or aquatic insect diversity
- Existence of Areas inhabited by state or federally threatened or endangered species. General ecological functions currently provided by the site and features of the site.
- Potential impacts of the development on these existing wildlife species.

Section 15-2.21-8 of the Land Management Code, Sensitive Land Regulations- Wildlife and Wildlife Habitat Protection, includes the following language:

- Protection of Wildlife Habitat and Ecological Character

- Timing of construction to minimize disturbance of Sensitive or specially Valued Species occupying or using on-Site and adjacent natural areas.
- If development contains or is within 500' of a natural Area or habitat Area and report shows existence of Sensitive or Specially Valued Species the Development plans shall include provisions to ensure that the habitat is not disturbed or diminished, and to the maximum extent feasible such habitat shall be enhanced.
- Natural area connections to adjacent existing natural areas shall be preserved if they exist or provided if reasonably feasible. Such connections shall be designed and constructed to allow for continuance of existing wildlife movements and to enhance the opportunity for establishment of new connections for the movement of wildlife.
- Development plan must include provisions to minimize conflicts with wildlife and occupants of the development to the extent reasonably feasible.

The intent of these regulations is to promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.

Staff has reviewed the revised Wildlife Study and provided comments to the applicant. **Staff has requested the following additional revisions:**

- Mapping information from the consultant on deer, elk and moose habitat.
- Identification of wildlife corridors through the property.
- Information regarding methods of enhancing wildlife corridors (connections) (i.e. does planting wildlife friendly plants encourage wildlife to utilize an area for movement?)

The western perimeter natural open space area is adjacent and connected to other large tracts of natural open space conducive to wildlife movement and activity. There are no street crossings across this open space area.

The eastern perimeter open space area provides a contiguous connection between the higher natural area dedicated as open space and lower wetlands and natural area along the Rail Trail, with one local street crossing. The eastern perimeter area is proposed to be enhanced with native vegetation.

Staff requests the Commission discuss the following Staff recommended enhancements:

- Western perimeter plantings (trees and shrubs), requested to soften the visual edge of the property, shall include native species that are wildlife friendly to encourage wildlife to utilize the open space on the western perimeter as a connection to the lower natural areas and stream.

- Cheat grasses within the project's open space areas shall be eradicated and reseeded with native grasses natural to this ecological area.
- Wildlife crossing signs shall be installed by the development for both eastbound and westbound traffic along Richardson's Flat Road.

Due to other requirements of the Sensitive Lands Ordinance, development is proposed in the least sensitive area of the property, off steep slope and ridgeline areas, and away from all wetland area. These areas are dedicated as open space on the site plan and are the areas of highest wildlife value. Because of this, no development, with the exception of the trail crossing, will impact the highest value wildlife and wetland areas.

Cross Section Study

Three cul-de-sac areas were studied to examine the impacts of the proposed grading. The applicants have stated that the entire site grading plan is in compliance with the 2:1 slope requirements, without utilizing retaining structures. There are areas of the upper roads and cul-de-sacs that indicate graded slopes with a maximum vertical height from the road of 10.4 feet.

The applicants demonstrate with the cross section study that the visibility of these slopes will be diminished at the time a house is constructed on the lot.

Staff requests the Commission discuss the following Staff recommendations:

To mitigate impacts on natural slopes and existing vegetation, as well as to minimize visual impacts prior to construction of structures, low stepping retaining structures (4'-6' in height) shall be utilized as necessary. Additional vegetation (native grasses and shrubs) shall be installed and established with temporary irrigation to mitigate visual impacts of cut and fill slopes.

Public Comment

The Commission should continue the public hearing to March 23, 2011, meeting. Staff has re-noticed and re-posted the property for the March 23rd meeting. Written public comment may also be provided to the Planning Staff and it will be forwarded to the Commission.

Staff Recommendation

Staff recommends the Planning Commission review and discuss the additional information provided by the applicant as requested at the work session on February 23, 2011, and continue the public hearing to March 23, 2011.

Exhibits

- Exhibit A- Revised Wildlife Study
- Exhibit B- Cross section study

Biological Resources Overview

for
Park City Heights

Prepared for

The Boyer Company

90 South 400 West, Suite 200
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Prepared by



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March 2, 2011

Table of Contents

| | |
|--|----|
| 1. Background..... | 1 |
| 2. Project Location | 1 |
| 3. Ecological Setting..... | 4 |
| 4. Species Identification | 9 |
| 5. Habitat Suitability for the Greater Sage-grouse | 13 |
| 6. Findings | 17 |
| 7. Recommendations | 19 |
| 8. Coordination..... | 20 |
| 9. Literature Cited..... | 20 |
| 10. Additional Information..... | 22 |
| 11. Signatures..... | 23 |

List of Figures

| | |
|---|---|
| Figure 1. Project location..... | 2 |
| Figure 2. Project area..... | 3 |
| Figure 3. Vegetation communities and disturbed land types on the developable property | 5 |

List of Tables

| | |
|---|----|
| Table 1. Special status species potentially occurring in the project area | 10 |
|---|----|

List of Appendixes

| | |
|--|-----|
| Appendix A. Preliminary Site Plan..... | A-1 |
| Appendix B. Photographs..... | B-1 |
| Appendix C. UDWR Letter | C-1 |

1. Background

The Boyer Company has proposed a residential development for a parcel of land along Richardson Flat Road, called Park City Heights. The Boyer Company requested that Logan Simpson Design Inc. (LSD) visit the Park City Heights project area and evaluate biological resources present in the area. This includes identifying any protected or sensitive biological resources that may occur in the project area or could be affected by the proposed development; documenting the ecological setting of the project area; providing a qualitative assessment of wildlife habitats within the area; identifying the common plant and animal species occupying the property; identifying and determining the suitability of habitats within the project area for endangered, threatened, or special concern plants and animals known from Summit County, Utah; providing an evaluation of the suitability of habitat for greater sage-grouse, which has been documented near the project area; and providing a review of the Park City Sensitive Lands Overlay (SLO) Zoning Regulations.

Throughout this Biological Resources Overview, the term “project site” is used to represent the development footprint (area of disturbance); the term “developable property” is a 216 acre contiguous parcel of land within which the project site is located; and the term “project area” includes lands generally surrounding the developable property. The term “project vicinity” is used to denote a more expansive landscape context. Note, a non-contiguous parcel of approximately 23 acres will be included in the zoning permit request; however this land was not considered in this biological study because it will not to be developed.

2. Project Location

The developable property is an approximately 216-acre parcel located south of Utah State Route (SR) 248 and west of US Highway 40 (US 40) in Park City, Summit County, Utah (Figures 1 and 2). The property lies adjacent to, but outside the city limits of Park City. Approximately one third of the property is proposed for development – a site plan is included in Appendix A. The proposed development is at the base of the mountains, east to US 40, and north to nearly Richardson Flat Road. Lands adjacent to the property are a combination of mountain slopes with undeveloped shrublands in conservation easements (to the west), residential developments (to the west and southwest), riparian corridors and agricultural land (to the north) and an embankment for a controlled access highway (to the east). The developable property’s legal description includes portions of the southern half of section 2 and the northern half of section 11, Township 2 South, Range 4 East (Salt Lake Baseline and Meridian).

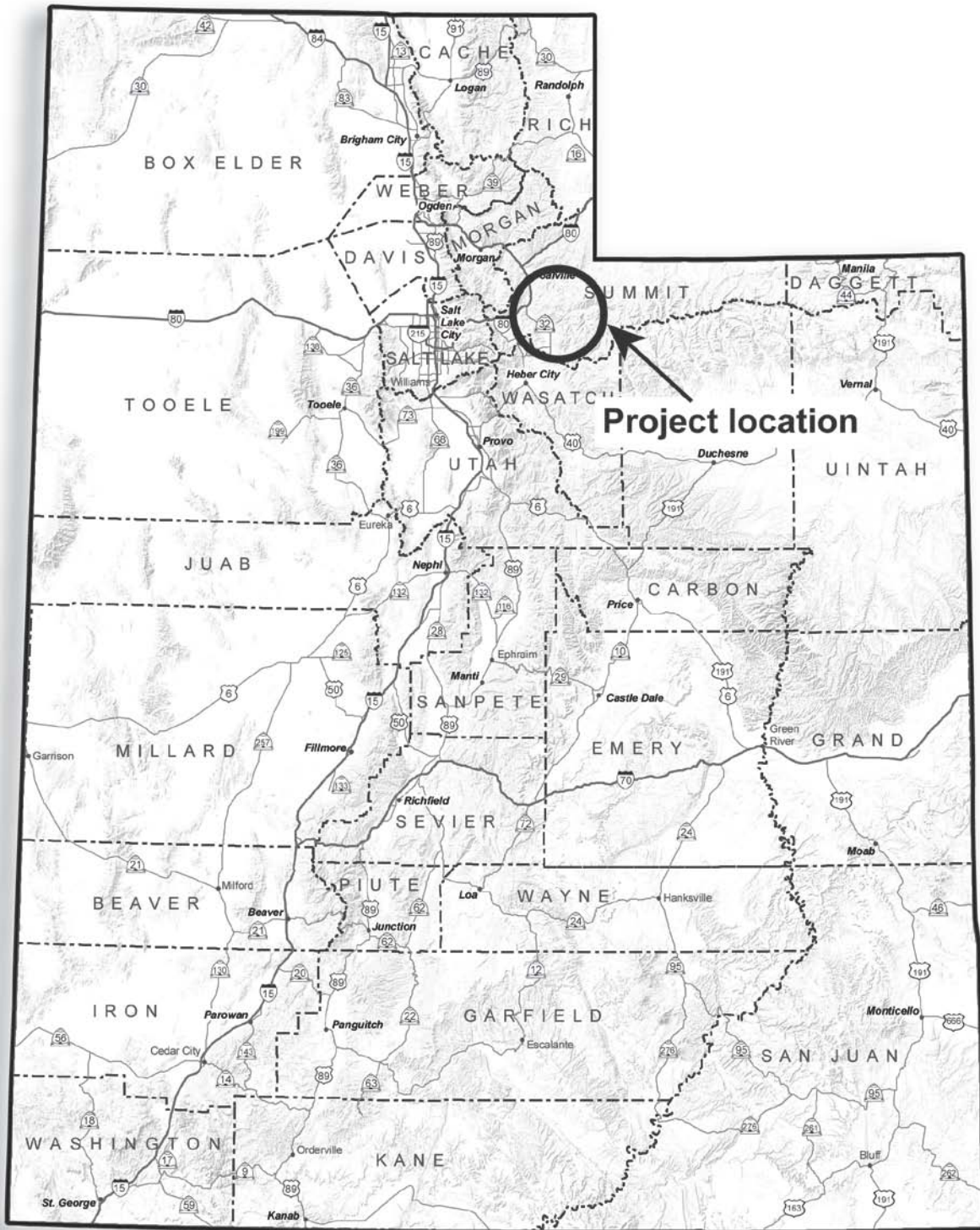


Figure 1. Project location.



Legend

Project_Boundary

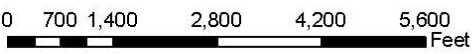


Figure 2. Project area.

3. Ecological Setting

LSD biologist Gary Reese conducted a site visit to the Park City Heights project area on December 6 and 7, 2010. Data was collected on the existing biological resources of the project area. Site visit photographs are included in Appendix B. While snow depth averaged nine inches on uplands, conditions were ideal for evaluating the suitability of the habitat for wintering greater sage-grouse. A collapsible snow shovel was used to remove the snow in those areas where the herbaceous flora needed to be evaluated (Photograph 1). A four wheel drive vehicle aided in navigating the unimproved roads; areas not accessible by vehicle were surveyed on foot.

The project area is located within the Utah-Wyoming Rocky Mountains Ecological Region, which includes the mountains just north of Yellowstone National Park in south-central Montana, the Bighorn Mountains in northeast Wyoming, the Uinta Mountains of northeast Utah and Northwest Colorado, Utah's Wasatch Range, and the mountains and valleys of the southeastern corner of Idaho (Noss et al. 2001). Park City, which encompasses approximately 12 square miles with a resident population of approximately 7,300 people (2000 Census) and a substantial tourism industry, is located on the east side of the Wasatch Range. Park City consists of a core downtown area that is surrounded by lower-density residential and commercial developments, golf courses, and ski resorts.

The developable property is a 216-acre vegetated parcel that is situated south of Silver Creek, in the part of Richardson Flat lying west of the US 40 grade (Photograph 2). Elevation ranges from 6,640 to 7,580 feet. The highway realignment in the late 1980s resulted in an embankment being built across the western side of Richardson Flat (Photograph 3). Richardson Flat is located in a low gradient valley surrounded by hills of about 1,000 feet relief. The hills are comprised of either Woodside Shale or Weber Quartzite (Bromfield and Crittenden 1971). The erosion and weathering of these hills formed the old alluvial soils of the foothills. These soils are rich in clay and exhibit very low water permeability. The flat is drained by Silver Creek (Photograph 4), which flows from Park City to its east, then turns north from the developable property and passes the Richardson Flat tailings. The tailings and the riparian zone for Silver Creek have been undergoing remediation for heavy metal toxicity, left as a legacy of historic mining around Park City.

Figure 3 provides a map of the vegetation communities on the developable property, which includes six natural habitats and two types of disturbed areas. The vegetation communities are: Gambel oak shrubland (108 acres), mountain big sagebrush shrubland (99 acres), mountain big sagebrush - Saskatoon serviceberry shrubland (2 acres), sparsely vegetated wet meadow (1 acre), Douglas-fir woodland (1 acre), and quaking aspen shrubland (less than 1 acre). Disturbed areas include ruderal vegetation (7 acres highway grade and 2 acres abandoned railroad grade); and excavated land (4 acres). The wet meadow and part of the aspen shrubland are riparian wetland habitat, the remainder is upland.

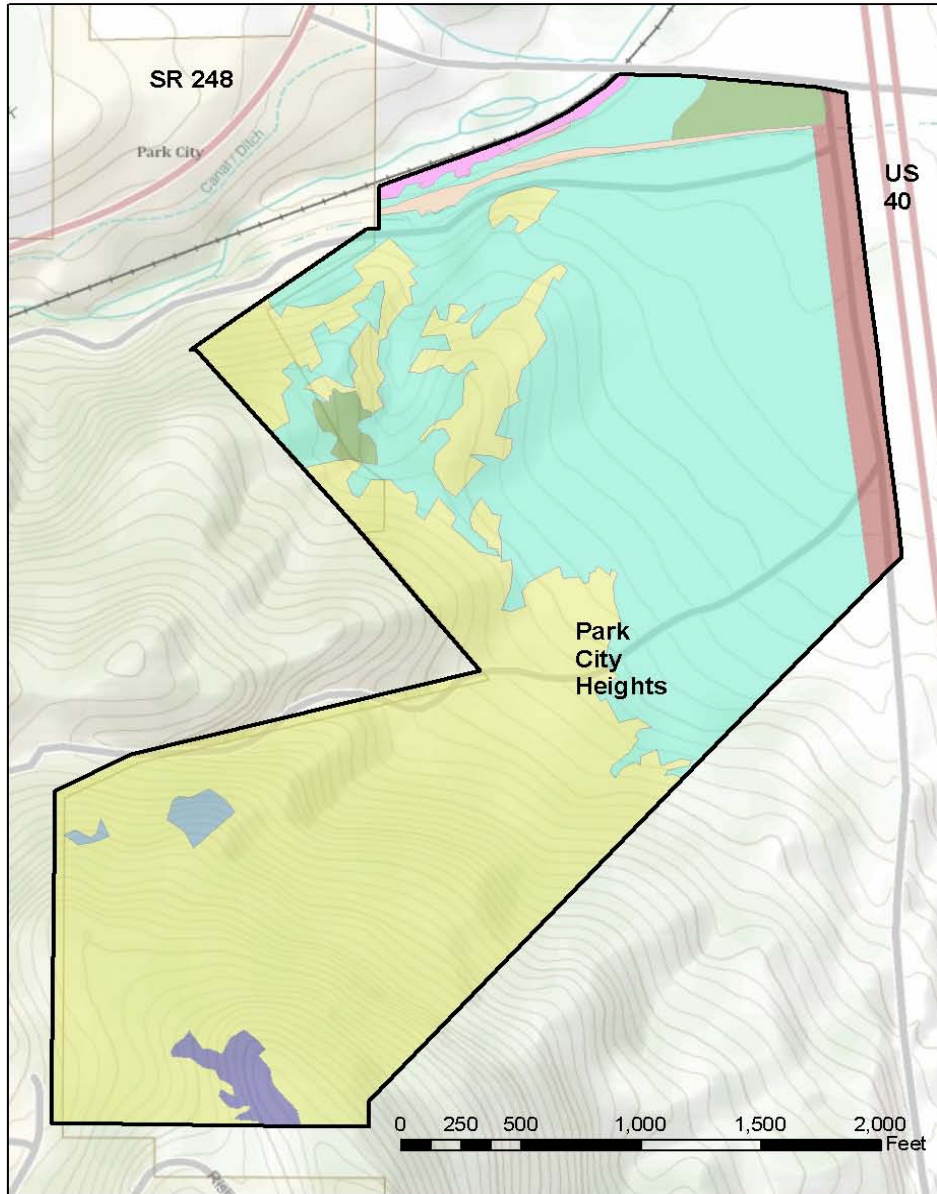


Figure 3. Vegetation communities and disturbed land types on the developable property.

Gambel Oak Shrubland

Shrublands dominated by Gambel oak (*Quercus gambelii*) are the most common habitat type in the developable property. The oaks form thickets averaging 20 feet high and have sparse understories of shrubs, grasses, and herbs. These shrublands generally occupy steeper slopes and higher elevations in the project area (Photograph 5) than does the Mountain big sagebrush shrubland. The dense bushy environment provides cover for animals and their young. The high tannin content of Gambel oak doesn't seem to bother mule deer, who browse year-round on its foliage. Oak acorns which are rich in carbohydrates, fats, and proteins take a year to mature. Oak acorns are important food sources for ravens, jays, turkeys, squirrels, chipmunk, and deer.

Mountain Big Sagebrush Shrubland

Mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*) shrubland is the second most extensive habitat on the developable property (Photograph 6). It extends throughout the eastern side of the developable property, occupying moderate slopes. Mountain big sagebrush dominates the shrub canopy, with localized Saskatoon serviceberry (*Amelanchier alnifolia*) as an associated species. The average cover of sagebrush emerging from 9 inches of snow was 28 percent, with an average height of 23 inches emergent above snow. The herbaceous understory has been diminished from many years of grazing by cattle, sheep and horses. The understory appears to be dominated by cheatgrass (*Bromus tectorum*), an exotic grass which has invaded sagebrush rangelands throughout the region.

Big sagebrush is highly preferred and nutritious winter forage for mule deer, and provides habitat for a diverse assemblage of birds and mammals across the western United States (Welsh 2005). Songbirds such as dark-eyed juncos, horned larks, and white-crowned sparrows occupy sagebrush and consume big sagebrush seed. Additionally, the greater sage grouse requires sagebrush for its survival.

Mountain Big Sagebrush – Saskatoon Serviceberry Shrubland

The transition zone between Gambel oak and mountain big sagebrush is where Saskatoon serviceberry is most common. These edge areas are highly variable in vegetative composition and are not readily mappable on aerial photography. However, this plant community forms a mappable habitat on ridgelines, a topographic feature protected under the Park City SLO Zone Regulations. Mountain big sagebrush – Saskatoon serviceberry shrubland is important wildlife habitat due to the proximity of protective oak cover to serviceberry plants and its fruits. Deer and moose browse serviceberry and its fruit is relished by a variety of song and game birds (NRCS 2006). The ridgeline will not be directly impacted by the proposed development.

Sagebrush and serviceberry are co-dominants on the ridge along the southern edge of the developable

property (Photograph 7). This area had abundant wildlife tracks (Photograph 8) and was the only area with a significant herbaceous component to the shrubland. The grasses identified included slender wheatgrass (*Elymus trachycaulus*) and crested wheatgrass (*Agropyron cristatum*). Except in times of high winter wind, this ridgeline appears to provide excellent wildlife habitat. Deer Valley subdivisions are immediately below the ridge. Lack of cover and proximity to homes limit the utilization of this habitat to species which tolerate human presence.

Sparsely Vegetated Wet Meadow

Silver Creek flows within 5 to 100 feet of the northeastern edge of the developable property. The floodplain is bisected by a historic Union Pacific railroad grade, now converted to a rail trail. The ballast which built up the railroad bed is from mining operations and is toxic. The rail trail and Richardson Flat Road are the northern boundary for the developable property. Silver Creek is classified as a cold water fishery and supports willows (*Salix* spp.), cattails (*Typha latifolia*), and emergent and floating vegetation. The density and height of this riparian vegetation is quite variable, depending on the influence of beaver dams.

Along the rail trail is a sparsely vegetated wet meadow where the vegetation is dominated by sedges, with a small patch of aspen (*Populus tremuloides*) (Photograph 9). The wet meadow may be sparsely vegetated due to soil toxicity, or having been covered with soil.

Riparian habitats associated with Silver Creek are adjacent to the developable property and will not be disturbed by the proposed development. These riparian habitats will continue to offer forage and cover for birds, mammals (including resident beavers), fish, amphibians, reptiles, and aquatic invertebrates. Birds expected in the area include: red-tailed hawk, bald eagle (non-nesting), killdeer, rock pigeon, belted kingfisher, northern flicker, black-billed magpie, common raven, black-capped chickadee, European starling, song sparrow, dark-eyed junco, and house finch.

Douglas-fir Woodland

Two small groves of Douglas-fir (*Pseudotsuga menziesii*) occupy a sheltered area below the ridge line and in a valley between two hills within the Gambel oak shrubland. This vegetation type was only examined through binoculars due to deep snow buildup and hazardous walking conditions. These groves can provide nesting sites and cover for birds such as owls and woodpeckers, as well as tree canopy habitat for squirrels.

Quaking Aspen Shrubland

Twelve 20 feet high quaking aspen (*Populus tremuloides*) saplings occupy the upland edge of the sparsely vegetated wet meadow (Photograph 9). There are 4 to 6 feet high suckers colonizing the wet meadow near the saplings. This appears to be vegetative recovery after beaver removal. With time, these saplings will

probably be felled by the beaver lodging immediately north in Silver Creek. This vegetative type is narrow and barely evident on the 2009, 1:945 scale aerial photography that was used for mapping the vegetation of the developable property.

Ruderal Vegetation

The area between the riparian habitat and the sagebrush uplands is bisected by an historic alignment of the Richardson Flat Road (now a two-track on the south side of Silver Creek) and an abandoned railroad spur (Photograph 10). The abandoned railroad grade and its cut embankments are dominated by weedy plants which have spontaneously colonized the site after the tracks were removed.

A steep embankment on the east side of the developable property is a highway re-seeding after construction of a grade for US 40 in the late 1980s. The seeding is a mix of grasses and herbs (Photograph 11). The top of the embankment is flat and has an unimproved road running parallel to the US 40 right-of-way fence.

Excavated Land

A 4-acre excavated site in the northeast corner of the developable property is used in winter as the Park City snow storage area (Photograph 12). It is also used as an unimproved parking lot and staging area for heavy equipment.

Wildlife

Various owls and raptors may occur incidentally throughout the project area. While there were perch sites on power line poles near the riparian area, no large nests were observed. Fresh tracks representing bobcat, turkey, coyote, and fox were observed during the site visit. Large mammal (e.g. ungulates, such as deer, elk, and moose) have been reported in the area by Utah Big Game Range Trend Studies and migrate across Silver Creek, crossing SR 248 both north and south (Dynamac Corporation 2002). They may be attracted to the willows to forage; however, because of the small size of the riparian area, large-scale vegetation removal in the last 20 years, and nearby human presence, it does not provide adequate cover areas for breeding. The riparian corridor may see occasional foraging use by these species.

Use of the project area by wildlife would be relatively similar between different seasons, with the exception that fewer species would be present in winter because many species migrate or hibernate to escape cold temperatures and scarce resources. Winter is when larger species such as deer and elk are more likely to risk entering the developed areas of Park City to browse on the supplemental vegetation available in landscaped areas, particularly golf courses and gardens.

The steep oak shrublands and riparian corridor can serve as linkages for wildlife movements in fragmented landscapes. But the portion of the developable property to be developed currently has reduced value as a

movement corridor because of the extent of human presence, the barrier fence along US 40, and the openness of the habitat in full view to any predator perched on the US 40 embankment. These factors preclude the movements of many wildlife species through the proposed developable property.

In summary, the project area currently provides various habitats for wildlife species that tolerate the presence of human development and disturbance. These species consist of small bird and mammal species with relatively small home range requirements. The surrounding habitat not proposed for development offers habitat for a variety of species. Although the area proposed for development may receive occasional use by wildlife for cover, foraging, roosting, and perching, occurrences by these species would be incidental and the habitat in the proposed development area is not critical to the survival of these species in the greater Park City area.

4. Species Identification

Threatened, Endangered, and Sensitive Species

The US Fish and Wildlife Service (USFWS) list of endangered, threatened, proposed, candidate, and conservation agreement species occurring in Summit County and the Utah Division of Wildlife Resources (UDWR) list of sensitive species for Summit County were reviewed to determine if any of these special status species have the potential to occur within the project area. Species included on the USFWS and UDWR lists are addressed in Table 1. No plants were included on either the USFWS or UDWR lists for Summit County. A project coordination letter from UDWR revealed that UDWR has not documented the presence of any special status species within the project area. The project area does not include any critical habitat that has been designated or proposed under the Endangered Species Act (16 U.S. Code 1531–1544, as amended).

Table 1. Special status species potentially occurring in the project area

| Species | Status ^a | Habitat Requirements | Suitable Habitat Present? |
|---|---------------------|---|--|
| Invertebrates | | | |
| Deseret mountainsnail (<i>Oreohelix peripherica</i>) | SPC | Closely associated with limestone outcrops under vegetation and associated leaf litter, specifically mountain maple (<i>Acer</i> sp.), scrub oak (<i>Quercus gambelii</i>), and balsam root (<i>Balsamorhiza</i> sp.). | Project area is outside of species' known distribution. |
| Western pearlshell (<i>Margaritifera falcata</i>) | SPC | Small streams. Possibly extirpated in Utah, although small populations may exist in historical localities. | Project area is outside of species' known distribution. |
| Fish | | | |
| Bluehead sucker (<i>Catostomus discobolus</i>) | CS | A benthic species of small or mid-sized tributaries of moderate-to-fast velocity in high gradient reaches of mountain rivers of the Upper Colorado River system, the Snake River, and the Lake Bonneville basin. | Project area is outside of species' known distribution. |
| Boneytail (<i>Gila elegans</i>) | ESA LE | Colorado River drainage | Project area is outside of species' known distribution. |
| Bonneville cutthroat trout (<i>Oncorhynchus clarkia utah</i>) | ESA LE | Found in a number of habitat types, ranging from high elevation mountain streams and lakes to low elevation grassland streams. In all habitats, a functional stream riparian zone providing structure, cover, shade and bank stability is required. | Historically present throughout the region; there are no recent records from Silver Creek. |
| Colorado River cutthroat trout (<i>Oncorhynchus clarkia pleuriticus</i>) | CS | This subspecies of the cutthroat trout that is native to the upper Colorado River drainage of UT, WY, CO, AZ, and NM has been reintroduced into lakes in the Uinta Mountains, in the northeastern part of the state. | Project area is outside of species' known distribution. |
| Colorado pikeminnow (<i>Ptychocheilus lucius</i>) | ESA LE | Colorado river drainage | Project area is outside of species' known distribution. |
| Humpback chub (<i>Gila cypha</i>) | ESA LE | Colorado river drainage | Project area is outside of species' known distribution. |
| Least chub (<i>Lotichthys phlegethontis</i>) | ESA C | Springs, streams and lakes associated with the Bonneville Basin | Project area is outside of species' known distribution. |
| Razorback sucker (<i>Xyrauchen texanus</i>) | ESA LE | Colorado river drainage | Project area is outside of species' known distribution. |
| Northern Leatherside chub (<i>Lepidomeda Copei</i>) | SPC | Native to streams and rivers of the southeastern portion of the Bonneville Basin. | Project area is outside of species' known distribution. |

Table 1. Special status species potentially occurring in the project area (continued)

| Species | Status ^a | Habitat Requirements | Suitable Habitat Present? |
|---|---------------------|---|---|
| Reptiles and Amphibians | | | |
| Columbia River spotted frog (<i>Rana luteiventris</i>) | CS | Isolated springs and seeps which have a permanent water source with areas that do not freeze in winter; lays eggs primarily in pools of water without fish; cat-tails habitat rarely used, with preference for emergent sedges and willows; individuals may migrate along riparian corridors in spring and summer after breeding. | Historical records for this species near Jordanelle Reservoir, species no longer present by 1991. No suitable habitat within or adjacent to the project area. |
| Smooth green snake (<i>Opheodrys vernalis</i>) | SPC | Moist areas, especially moist grassy areas and meadows where it is camouflaged due to its solid green dorsal coloration. | According to UDWR natural heritage records, there are no documented occurrences of this species in Summit County. |
| Western toad (<i>Bufo boreas</i>) | SPC | Found in a variety of habitats, including slow moving streams, wetlands, desert springs, ponds, lakes, meadows, and woodlands. | Project area is outside of species' known distribution. |
| Birds | | | |
| Bald eagle (<i>Haliaeetus leucocephalus</i>) | SPC | Nests in tall trees near bodies of water where fish and waterfowl prey are available. Winters in sheltered stands of trees near open water. Generally avoid human activity and development. | Occurrence in project area is unlikely. Occurrence would be incidental; no foraging, roosting, or nesting habitat is present. |
| Bobolink (<i>Dolichonyx oryzivorus</i>) | SPC | Wet meadows, grasslands, and agricultural areas associated with riparian or wetland areas. Populations in Utah are found in the northern half of the state near Logan, Brigham City, Kamas, Heber, Morgan, Mountain Green, Huntsville, West Layton, Provo, and Bear Lake. | Not expected to occur in the project area due to a limited area of potential suitable habitat. |
| Ferruginous hawk (<i>Buteo regalis</i>) | SPC | Flat and rolling terrain in grasslands, agriculture lands, sagebrush/saltbush/greasewood shrub lands, and at the periphery of pinyon-juniper forests. In the winter, uses farmlands, grasslands, deserts, and other arid regions where lagomorphs, prairie dogs, or other major prey items are present. | Occurrence in project area is unlikely. Occurrence would be incidental; no foraging, roosting, or nesting habitat is present. |
| Grasshopper Sparrow (<i>Ammodramus Savannarum</i>) | SPC | Summer resident, nesting in Utah in grasslands or shrub-steppe with a minor component of sagebrush. | No suitable habitat in the project area. |
| Greater sage-grouse (<i>Centrocercus urophasianus</i>) | ESA C | Plains, foothills, and mountain valleys with an overstory of sagebrush and an understory of grasses and forbes for breeding habitat which maybe adjacent to wet meadow areas for brooding habitat. Low density sagebrush on south and southwestern slopes below ca. 6500 feet for winter habitat. | Occupied habitat within a ½-mile radius of the project area, but no suitable habitat within the project area. |

Table 1. Special status species potentially occurring in the project area (continued)

| Species | Status ^a | Habitat Requirements | Suitable Habitat Present? |
|---|---------------------|---|---|
| Birds (continued) | | | |
| Lewis's woodpecker (<i>Melanerpes lewis</i>) | SPC | Within Utah, found in central part of state in open park-like ponderosa pine forests. Attracted to burned Douglas-fir, mixed conifer, pinyon-juniper, riparian, and oak woodlands. Prefers understory of grasses and shrubs to support insect prey populations. Nests in dead trees and stumps. | No suitable nesting habitat in the project area. Occurrence in the project area is unlikely based on the lack of Ponderosa pine or burned habitat and lack of understory in Douglas fir and Gambel oak. |
| Northern goshawk (<i>Accipiter gentilis</i>) | CS | Uncommon, permanent resident in Utah. Prefers montane forests and riparian zone habitats. | No suitable habitat in the project area. |
| Short-eared owl (<i>Asio flammeus</i>) | SPC | Large open grassland or non-riparian wetland areas, such as hayland, retired cropland, small-grain stubble, shrub-steppe and wet meadow zones of wetlands. Breeds in Utah in wetlands and grassland habitat; in winter roosts in forests and woodlands, forages in agricultural fields. | Occupied habitat in the vicinity of the project area, but no suitable breeding or foraging habitat within or adjacent to the project area. |
| Three-toed woodpecker (<i>Picoides tridactylus</i>) | SPC | Engelmann spruce, sub-alpine fir, Douglas fir, grand fir, ponderosa pine, tamarack, aspen, and lodgepole pine forests, generally above 8,000 feet. Require soft wood for excavation and scaly barked trees or snags infested with boring insects for foraging. | No suitable habitat in the project area. |
| Western Yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>) | ESA C | Rare breeder in Utah. Large blocks of riparian habitat with dense sub-canopies below 6,500 feet. | No suitable habitat in the project area. |
| Mammals | | | |
| Black-footed ferret (<i>Mustela nigripes</i>) | ESA LE | Underground prairie dog borrows. Reintroduced to the Coyote Basin of Uintah County, Utah. | Project area is outside of species' known distribution. |
| Canada lynx (<i>Lynx canadensis</i>) | ESA LT | Montane conifer forests. Rare in Utah. | Project area is outside of species' known distribution. |
| White-tailed prairie dog (<i>Cynomys leucurus</i>) | SPC | Similar to other prairie-dogs, these form colonies and spend much of their time in underground burrows. | Project area is outside of species' known distribution. |

Source: Utah Conservation Data Center, <http://dwrcdc.nr.utah.gov/ucdc/ViewReports/te_cnty.htm>; <<http://dwrcdc.nr.utah.gov/ucdc/ViewReports/sscounty.htm>>; and <http://www.fws.gov/utahfieldoffice/Documents/Species%20by%20County_12092010.pdf>. Accessed December 15 2010.

^a Status definitions: SPC=Wildlife of Special Concern in Utah, CS=Species receiving special management under a Conservation Agreement in order to preclude the need for Federal listing, ESA=Endangered Species Act, C=Candidate, LE>Listed Endangered, LT>Listed Threatened

5. Habitat Suitability for the Greater Sage-grouse

This section provides an informed evaluation of the habitat suitability of the developable property for greater sage-grouse (*Centrocercus urophasianus*) in various seasons. It is based on field surveys and 2009 aerial imagery interpretation of the vegetation types in the project area. It is also based upon findings in recent published research studies and from the greater sage-grouse conservation plan for Morgan and Summit Counties, Utah (MSARM 2006).

The proposed Park City Heights development project lies within an area presently mapped by the UDWR as greater sage-grouse habitat. A shapefile of the property boundaries, including lands north of Silver Creek to the junction of SR 248 and US 40, was submitted to the UDWR along with a request for a sensitive species overview of the area. A response letter dated December 13, 2010 (Appendix C) stated that "Within a ½-mile radius of the project area (sections 2 and 8, Township 2 South, Range 4 East), the Utah Division of Wildlife Resources (UDWR) has recent records for greater sage-grouse." No additional information on the sage-grouse occurrences was provided by UDWR.

In 1999, the UDWR mapped at a 1:980,000 scale the extent of seasonal habitat types for greater sage-grouse in the Morgan and Summit Counties Resource Area (MSARM 2006). Figure 4 from that report depicts sage-grouse nesting and brood habitat. It is of sufficient resolution to depict occupied nesting and brood habitat in the valley drained by Silver Creek, including the Richardson Flat area. Figure 5 from that report depicts winter habitat over the entire project area and region. These maps appear to be derived from the SGID93_BIOSCIENCE-Habitat-SageGrouseBrood and SGID93_BIOSCIENCE-Habitat-SageGrouse Winter geographical information system (GIS) data layers available at the Utah GIS Portal. Those data sets represent sage-grouse brooding and winter use areas in Utah as determined by UDWR field biologists in spring 1999. They show brood habitat extending into the project area and winter habitat over the entire property. Noteworthy is that boundaries of both potential habitats are highly generalized at this mapping scale, and thus included areas which scientific studies have shown are not preferred habitat.

Doherty, et al. 2010 produced a map depicting the location and relative population size of sage-grouse breeding areas (leks) in the western United States. For the Park City area of the map, the Silver Creek valley, extending from Richardson Flats north 4 miles to Interstate 80, has at least three leks, which are all categorized in the smallest population size class. These low density leks are shown as 8.5 kilometer (km) diameter areas, to denote the typical range around a lek within fragmented habitats like Richardson Flat. The implication of this size class analysis is that leks like the ones in the project vicinity should be considered of lower priority. Further evidence of a low density of birds in western Summit County is provided by lek survey results in a report by UDWR (2005). It reports three leks surveyed in 1995 and one lek in 2000 and 2001. There were only one male and three females birds counted. However, not all leks

are counted on a reoccurring basis.

Suitable habitat depends on a wide variety of factors which can transform a habitat with preferred vegetation into one that sage-grouse won't occupy. For the property area, these exclusionary factors included poor quality habitat, such as exotic plant dominance and even-aged structure; unsuitable habitat such as oak shrubland; unsuitable topography and aspect; omnipresent human disturbance such as roads, parking lots, and construction staging areas; transmission lines and poles; presence of known predators; toxic soils; wildlife exclusion fencing; juniper encroachment; habitat fragmentation; and adjacent developed land. The following discussion provides evidence to support a hypothesis that the combination of these factors within the property area makes the developable property poorly suited to supporting sage-grouse in any season.

Preferred and suitable habitats for sage-grouse depend, in part, upon the topography, as well as the structure and composition of existing vegetation, which varies by season. Preferred topography and aspect for sage-grouse wintering habitat has been determined in research studies summarized by Connelly et al. (2011) to be on south or southwest-facing aspects. These aspects capture sun at the best angles for warming sage-grouse during sunny days. They are also on gentle slopes of less than 5 percent grade. The project area is the direct opposite, being primarily northeastern slopes and in part over 5 percent grade. Most areas of undeveloped land near known leks and within these preferred winter habitat topographic parameters are east of the property area across US 40; on the eastern side of Silver Creek and Richardson Flat.

Sage-grouse are obligate sagebrush species, meaning that sagebrush (*Artemisia* sp.) is a necessary component of their habitat. The species, height, and cover of sagebrush selected as habitat depends upon the season and type of activity the sage-grouse are engaged in (i.e., breeding, nesting/brooding, or wintering). Much of the developable property is Gambel oak, which immediately excludes it from consideration as sage-grouse habitat. Research studies summarized by Connelly et al. (2011) shows that preferred sagebrush habitat must lie within a restricted range of cover and height classes for the shrub. These parameters varied by state. In Utah, satellite imagery was used by Homer et al. (1993) to classify winter habitat of sage-grouse into seven shrub categories. Wintering grouse preferred shrub habitats with medium to tall (16-24 inch high) shrubs and moderate shrub canopy cover (20–30 percent). Sage-grouse avoided winter habitats characterized by medium (16-20 inch high) shrub height with sparse (less than 14 percent) sagebrush canopy cover. However, Bohne et al. (2007) caution that efforts to inventory wintering areas need to validate the maps of potential sage-grouse winter habitat indicated by vegetation and snow deposition patterns developed from aerial or satellite imagery. They summarized the winter range sagebrush preferences of sage-grouse in Wyoming as 10-30 percent canopy cover, 10-14 inches in height above snow, with preference for windblown ridges with low sagebrush in a landscape mosaic of taller

sagebrush. Sage-grouse winter range in Wyoming does not occur above 7,500 feet elevation, or in areas where there is Juniper (*Juniperus osteosperma*) encroachment.

Based upon eight transects of 100-200 feet in length, completed during the site visit when there was an average of nine inches snow cover, most of the sagebrush within the developable property exceeded the optimum height or cover parameters for preferred winter habitat. The average cover along the transects was 28 percent (range 8-46), with an average height of 32 inches (i.e., 23 inches emergent above snow; height range of 21 to 41 inches). However, winter sagebrush cover is dependent on snow depth. As the depth increases, emergent cover decreases. Records compiled by the Western Regional Climate Center indicate the average winter snow depth in Park City is 5-6 inches, with a February maximum of 18-20 inches. Thus as the winter progresses, less sagebrush is exposed and a migratory sage grouse population could move 50-100 miles (Patterson 1952) to lower elevations and milder conditions. When snow depths reach 14 inches, sage-grouse abandon flat areas for drainages and steeper southwest facing slopes (Autenrieth 1981, Hupp and Braun 1989). Thus, even if an optimum combination of sagebrush cover and height were attained sometime between January and March on the developable property, the 14 inches or greater average snow depth and northeast-facing aspect of the developable property would preclude winter occupancy by sage-grouse.

Brooding habitat must have available succulent forage. The sagebrush in the project area would classify under the National Vegetation Classification system as an *Artemisia tridentata* ssp. *vaseyana* / *Bromus tectorum* (Mountain big sagebrush / cheatgrass) Semi-natural Shrubland [and Sparse Shrubland] Association. The herbaceous understory vegetation is dominated by an exotic grass and poor in the quantity and quality of forage preferred by sage-grouse during brooding season.

Sage-grouse are potentially subject to increased mortality and disturbance resulting from manmade structures including fences, power lines, and other tall structures (wind turbines, communication towers), though this threat is poorly understood (MSARM 2006). Sage-grouse may fly into these structures which can result in death or may injure them to the point where they cannot effectively avoid predators. Sage-grouse mortalities due to collision with power lines, fences, and other tall structures have been observed in Colorado, Utah, and other areas (Gunnison Sage-grouse Rangewide Steering Committee 2005). Photograph 11 shows a five foot high, hog-wire fence along US 40 and an embankment fragmenting the developable property from more extensive and diverse sagebrush habitat in Richardson Flat, to the east. It apparently was installed to prevent moderate-sized mammals from entering the highway right-of-way and being a collision risk. Given its height and orientation along the crest of the embankment, it could present a hazard to low-flying sage-grouse. The poles provide perches for avian predators of sage-grouse, which include black-billed magpie and common raven (both observed on a December 7 site visit), as well as eagles and hawks (MSARM 2006). The predators can also perch on the edge of the embankment and

command a view of the entire acreage of sagebrush in the project area (Photographs 3 and 11). Along the oak/sagebrush transition are encroaching junipers which have been highline browsed in winter by deer and serve as perches for predators. Studies in Nevada have shown sage-grouse leks and brooding areas are not found within view of junipers, due to threats from predators (Dallin 2010).

While sagebrush adjacent to riparian zones can be a preferred habitat for nesting, a combination of exclusionary factors makes the developable property unsuitable habitat. A power line crosses the north end of the developable property near to the Silver Creek riparian area. The power line poles serve as perching sites for avian predators. From atop these poles, some of which are shown in Photograph 11 the entire upland/riparian transition area within the project area is visible to predators. Ravens were observed on these poles during the December field visit.

Welsh (2005) summarized the available research on sage-grouse habitat preference and wrote that “the ideal brooding habitat would consist of big sagebrush with a canopy cover of some 25 percent with a small creek running through it. A riparian zone about 50 feet wide would reduce the big sagebrush canopy cover to zero and provide the needed forbs for the chicks to eat with the adjacent big sagebrush cover providing shading, loafing, escape, food, and a source of insects.” In contrast, the Silver Creek floodplain is approximately 500 feet wide and toxic waste underlies the riparian vegetation and pools formed by beaver activity. On the rail trail, the toxic ballast of the former Union Pacific Railroad has been partly paved over and presently provides a pedestrian rail trail through the riparian zone (SCWSG 2006). The riparian soils are also toxic from the tailings of historic mining operations (Weston 1989). The toxicity is from heavy metals, primarily zinc, lead, and arsenic (EPA 2005). Grazing and browsing the vegetation rooted in these soils leads to bioaccumulation of the heavy metals in the food chain. The combination of all these exclusionary factors makes the north end of the property area both unsuitable and unfit habitat for sage-grouse.

Sage-grouse avoid areas of human presence. The perimeter of the developable property is heavily used by humans and is laced with two-track roads. The northern boundary has vehicle traffic on the paved Richardson Flats Road. Photograph 12 shows a parking and construction staging area in the northeast corner of the developable property. A construction company operates a busy yard just across Silver Creek from the northwest corner of the project area. There are existing subdivisions adjacent to Gambel oak shrublands and mountain big sagebrush-Saskatoon serviceberry shrubland habitats just beyond the west property boundary. The entire eastern property boundary is an embankment for US 40. Only the southern property boundary is unoccupied by humans. Thus, sage-grouse within the fragmented sagebrush habitat of the property cannot escape the visual and auditory presence of humans.

6. Findings

The location of the proposed Park City Heights development provides limited habitat for native wildlife species. Habitat values have been compromised due to adjacent highways, roadways, and fences that fragment habitats; the presence of power lines and power poles; the severely degraded condition of the meadow zone; and presence of toxic soils within the Silver Creek riparian corridor. The best habitats present on the property include oak shrubland on the slopes, and a small stand of Douglas-fir trees; these areas and the riparian corridor will remain as open space. Park City's SLO Zone Regulations limits the density of residential development of oak shrublands. This vegetation community provides sensitive wildlife habitat and occupies steep slopes generally unsuitable for development. Within the project area, approximately 4-8 acres of 108 acres of oak shrubland habitat will be impacted by the proposed development. Development is proposed for the edge of areas classified as oak shrubland. However, at this location the vegetation is composed of a poor diversity of sagebrush and low stature oaks, is fragmented by numerous openings, does not include the steep slopes, and is currently impacted by off-road vehicle traffic and dirt roads that cross the area. The 100-104 acres of oak shrubland on the property that is identified for open space and will benefit from closing vehicle access and blocking dirt roads.

The proposed Park City Heights development is consistent with Section (B) Jurisdiction, subsection (1) Protection of Wildlife Habitat and Ecological Character, in the Park City Municipal Code – Title 15 LMC, Chapter 2.21 Sensitive Land Overlay Zone (SLO) Regulations. Section 6, Findings, addresses the four jurisdictional paragraphs under Section (B) (1) with respect to: (a) Construction timing, (b) Sensitive and specially valued species, (c) Connections, and (d) Wildlife conflicts.

Construction timing

Due to the project areas small size and the minimal availability of habitat for nesting by birds, few avian species are anticipated to occur; however, vegetation clearing and grubbing would still be minimized from April through July to avoid disturbance to nesting birds. No mass grading of open areas would occur during the avian nesting season, though clearing and grubbing limited to streets and buildable pads could occur during this time period if a detailed search for active bird nests is conducted. If a nest is found it would either be avoided until it is no longer in use, or a licensed bird rehabilitation center would recover the nestlings, meeting compliance requirements of the Migratory Bird Treaty Act.

Sensitive and Specially Valued Species

No habitats that would be used by threatened, endangered, or sensitive species during any part of the year were identified in or adjacent to the project area. Therefore, the proposed project will have no effect on any threatened or endangered species or its habitat and will not impact any sensitive species. The following paragraphs summarize the reasons why the three sensitive species listed by the Utah Department of

Natural Resources in a database search, as indicated by the letter provided in Appendix C, are not affected or impacted.

Greater sage-grouse

The Utah Department of Natural Resources indicated a recent greater sage grouse record from within one half mile of sections 2 or 11, Township 2 South, Range 4 East, but did not provide further information on its location. A literature search revealed very small leks a few miles north of the project area, with a buffer area of possible brooding habitat extending to approximately one mile north of the project area. Section 5 above (Habitat Suitability for the Greater Sage-grouse) concludes that neither the project area nor adjacent lands are suitable habitat for this species in any season.

Columbia spotted frog

The Utah Department of Natural Resources indicated a historic Columbia spotted frog occurrence from the vicinity of the project area, but did not state when nor where the species was found. Bailey, et al. (2006) stated that historic records are limited to museum collection records and anecdotal information from surveys conducted in the mid 1900's. During 1991 and 1992, all historically known locations as well as other suitable wetlands within its historic range, were surveyed for the occurrence of spotted frog. Results of that survey indicated that remaining nearby populations were near the present day Jordanelle Reservoir at Rock Cliff. This is known as the Jordanelle/Francis population (approximately 8 miles southeast of the project area), which previously included many extirpated populations extending north along Ross Creek, now under the reservoir pool. Thus, the applicable historical records for this species were all near Jordanelle Reservoir and were no longer extant by 1992. Additionally, since Silver Creek does not have springs and seeps with a permanent water source that does not freeze in winter, there is no suitable habitat within or adjacent to the project area.

Short-eared owl

The Utah Department of Natural Resources indicated a recent short-eared owl occurrence from the vicinity of the project area, but did not state where the species was found. US Geological Survey and Utah State University (1999) showed that the nearest occurrences of short-eared owls were wintering populations 16 miles away at Coalville, Utah. This owl breeds in Utah in wetlands and grassland habitat. In winter it roosts in forests and woodlands, and forages in agricultural fields. If an incidental occurrence of a short-eared owl were to roost near the project area, it would be in oak scrub or isolated trees – habitats which are being protected in the proposed development. There are no suitable breeding or foraging habitats within or adjacent to the project area. Suitable habitat would require large open grassland or non-riparian wetland areas, such as hayland, retired cropland, small-grain stubble, shrub-steppe, and wet meadow zones of wetlands. The adjacent Silver Creek habitat is unsuitable as it lacks wet meadows. Short-eared owls do not

typically utilize riparian areas in Utah (Romin and Much 1999). Rather, they exhibit a preference for non-riparian meadows with sedges and grasses under 1.5 feet tall (BLM 2006), rather than the tall cattail and willow vegetation present along adjacent the reach of Silver Creek. The nearest available foraging habitat would be agricultural fields, which are outside the project area.

Connections

The proposed development would occur on approximately one-third (70-80 acres) of the developable property. As proposed, the development would be confined to mountain big sagebrush habitat and areas of ruderal vegetation. The project would result in a reduction in low quality wildlife habitat. Undeveloped lands on the developable property are contiguous with conservation easements on adjacent properties, thus provide interconnected habitats for wildlife occurring in the project vicinity. Species that currently occupy open space habitat are not likely to be substantially affected by a reduction in mountain sagebrush habitat. In addition, there are large areas of open space adjacent to undeveloped land within the developable property.

Wildlife conflicts

No wildlife conflicts are expected to occur with future occupants of the proposed development.

7. Recommendations

- The existing riparian areas include toxic soils and minimal quality habitat; however any future project area developments will minimize impacts to riparian areas and wetlands in the project area.
- Due to the close proximity of US Highway 40 and SR 248 there is a greater likelihood for noxious and invasive weeds colonizing the project area during construction activity; therefore, noxious weeds in the project area will be treated to prevent their spread throughout the project area and into adjacent areas.
- Due to the project areas small size and the minimal availability of habitat for nesting by birds, few avian species are anticipated to occur; however, vegetation clearing and grubbing would still be minimized from April through July to avoid disturbance to nesting birds. No mass grading of open areas would occur during the avian nesting season, though clearing and grubbing limited to streets and buildable pads could occur during this time period if a detailed search for active bird nests is conducted. If a nest is found it would either be avoided until it is no longer in use, or a licensed bird rehabilitation center would recover the nestlings, meeting compliance requirements of the Migratory Bird Treaty Act.
- Signage will be provided along the multi-use path to alert recreational users to the presence of wetland habitats and the need to stay on paths to protect them. Alternatively, signage that highlights

the opportunities for wildlife watching or ecological discovery (e.g., the identification of vegetation components or observation of ecological processes) could be provided, resulting in an enhanced recreational experience for those passing through the project area.

- Close existing trails to motorized vehicles, especially those presently extending from the sagebrush habitat into the oak shrubland. This will minimize human disturbances to wildlife in the oak shrubland habitat.

8. Coordination

UDWR was consulted for species concerns during the development of this Biological Resources Overview. A letter from the UDWR regarding the project indicated that UDWR has not documented the presence of any special status species within the developable property, although known and historical special status species occurrences are within the project vicinity (Appendix C).

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10. Additional Information

Gary A. Reese conducted a field review of the project area on December 6 and 7, 2010. Photographs and field notes are on file at Logan Simpson Design Inc. This document was prepared by Gary Reese under the supervision of Bruce Palmer. Brief resumes of each follow:

Gary Reese, Project Biologist

Gary is a senior biologist who began his professional experience in 1975. He earned a master's in range ecology from Utah State University (USU) and has worked throughout Utah with the USDA Forest Service (USFS); USU Ecology Center; and U.S. Geological Survey. His expertise is in assessing vegetation resources; evaluating wildlife habitat; developing habitat management and conservation plans; wetland delineation; noxious plant inventory; and special status species surveys. Gary has worked nationwide both for and within federal, regional, county, and city governments, identifying and evaluating over 1,100 areas for suitability as parks, wildlife areas, conservation easements, open space, and wetland reserves. He has also represented the interests of private, corporate, and non-profit landowners, conducting natural resource assessments and developing conservation plans. Gary has 30 years of experience in presenting findings to governmental entities, such as the USFS Intermountain Region; Utah Ecological Services Field Office (USFWS); the Utah Water Board; and regional Water Conservancy Districts.

Bruce Palmer, Senior Biologist/Logan Simpson Design Director of Biological Services

Bruce is a senior ecologist/wildlife biologist with over 30 years of experience in natural resource and endangered species management, and the application of environmental regulations with a focus on the Endangered Species Act (ESA) and National Environmental Policy Act (NEPA). Bruce has held program management positions with the Arizona Game and Fish Department (AGFD), and U.S. Fish and Wildlife Service (USFWS) in Arizona and California, leading conservation programs for some of the rarest species throughout the Southwest and Intermountain West. Bruce is considered an expert on species distribution and habitat relationships. For the USFWS, Bruce implemented and supervised species' recovery programs and interagency consultation under the ESA for numerous listed species of plants and animals. As coordinator of the USFWS California Condor Recovery Program, Bruce directed this high profile, multi-million dollar international conservation program that included captive breeding and releases to the wild in California, Arizona, and Baja California. Over the years, Bruce has worked on projects throughout the West, and has gained in-depth experience in environmental planning and compliance documentation; endangered species consultation; big game management; vegetation community delineation; habitat restoration; on-the-ground implementation of plant and animal species surveys, research, and management; and evaluating effects to species from a wide variety of land management actions.

Appendix A
Preliminary Site Plan

PARK CITY HEIGHTS

CONCEPTUAL MASTER PLAN

NOVEMBER 7, 2010



Appendix B
Photographs



Photograph 1. Use of a collapsible shovel to sample vegetation under the snow pack.



Photograph 2. View of the developable property from the top of a ridge along the south west border of the property. Note US 40 running north south and SR 248 coming in from the west (left side of photograph).



Photograph 3. View of developable property looking north north-east from US 40 grade.



Photograph 4. View northeast along the rail trail. The Silver Creek riparian area is on the left and the sparsely vegetated wet meadow is on the right.



Photograph 5. View upslope along the powerline crossing the northern end of the developable property. This line passes through Gambel oak shrubland.



Photograph 6. View downslope along the powerline, looking east across the mountain big sagebrush in the northern part of the developable property. This line is close to the riparian area and the poles are perching sites for raptors.



Photograph 7. Mountain big sagebrush and Saskatoon serviceberry habitat on the ridge top at the southern end of the developable property.



Photograph 8. Detail of mountain big sagebrush emergent from the snowpack on the ridge line of the developable property. Abundant mammal tracks were present in this area, which abuts Deer Valley subdivisions.



Photograph 9. Quaking aspen shrubland illustrating aspen suckers and saplings along the wet meadow.



Photograph 10. Abandoned railroad grade along northern end of developable property.



Photograph 11. US 40 and right-of-way fence, looking south along a frontage road from the east side of developable property.



Photograph 12. Excavated area serving as a parking lot at northeast corner of the developable property.

Appendix C
UDWR Letter



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

December 13, 2010

Gary Reese
Logan Simpson Design
3753 Howard Hughes Parkway #235
Las Vegas, NV 89169

Subject: Species of Concern Near the Richardson Flats Residential Development, Park City, Utah

Dear Gary Reese:

I am writing in response to your email dated December 8, 2010 regarding information on species of special concern proximal to the proposed Richardson Flats residential development located in Sections 2 and 11 of Township 2 South, Range 4 East, SLB&M, in Park City, Summit County, Utah.

Within a ½-mile radius of the project area noted above, the Utah Division of Wildlife Resources (UDWR) has recent records for greater sage-grouse. In addition, in the vicinity there are recent records of occurrence for short-eared owl and historical records of occurrence for Columbia spotted frog. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the northern region, Scott Walker, at (801) 476-2776 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

Sarah Lindsey
Information Manager
Utah Natural Heritage Program

cc: Scott Walker, NRO

1594 W. North Temple, Suite 2110, PO Box 146301, Salt Lake City, UT 84114-6301
telephone (801) 538-4700 • facsimile (801) 538-4709 • TTY (801) 538-7458 • www.wildlife.utah.gov



Memo

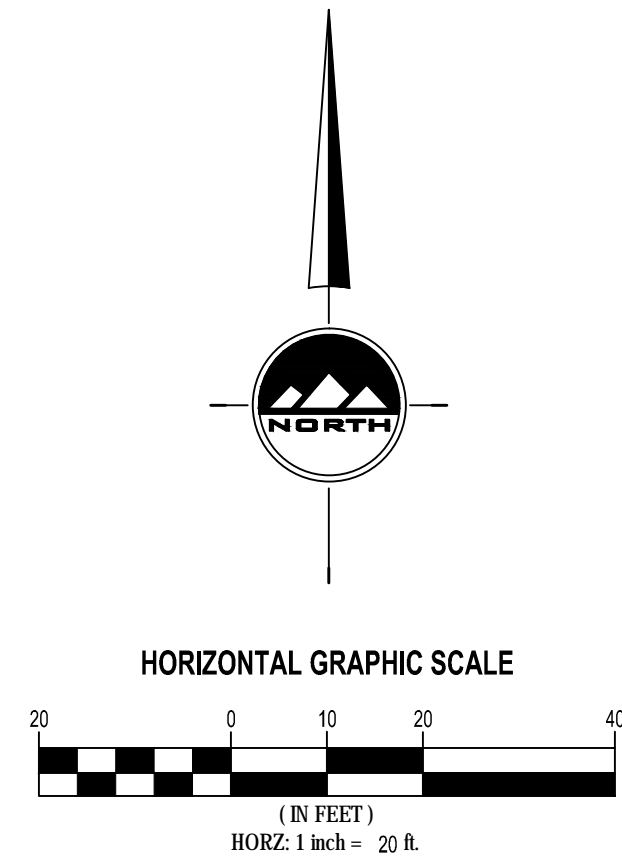
To: Kirsten Whetstone
From: Patrick Moffat
CC:
Date: 03/04/2011
Re: PC Heights Grading

As requested at our last Planning Commission meeting on February 23, 2011, attached hereto please find an exhibit showing 3 cross sections of cul-de-sacs within Park City Heights.

Please note that the maximum cut at any point is 10.4'. The maximum vertical distance from road to top of slope is approximately 20'. All cuts are shown with a 2:1 slope that catches natural grade. It is our intent to re-vegetate all fill and cut slopes.

Upon build out, the homes should screen all cuts and fills from view. Specifically, Cross Section #1 shows how a home could potentially shield any cut slopes. In the few areas where there are cut slopes and no lots or homes to block the cut slope, we would look at terracing the cuts via small retaining walls, if the soil conditions allow.

Please let me know if you have questions.



SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.255.0529
 Fax: 801.255.4449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.796.8145

TOOELE
 Phone: 435.843.3590

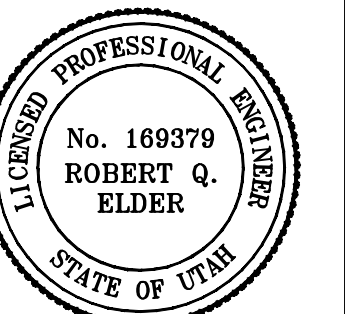
WWW.ENSGNUTAH.COM

FOR:
 BOYER PARK CITY JUNCTION, LC
 80 SOUTH 400 WEST SUITE 200
 SALT LAKE CITY, UTAH 84101

CONTACT:
 PATRICK MOFFAT
 PHONE: 801-621-4781
 FAX:

PARK CITY HEIGHTS

PARK CITY, UTAH



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**CUL-DE-SAC
 CROSS
 SECTION
 LOCATIONS**

PROJECT NUMBER: 4076 DATE: 3/3/11
 DRAWN BY: B. HADLEY CHECKED BY: J. FORD
 PROJECT MANAGER: R. ELDER

EX-1



SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.255.0529
 Fax: 801.255.4449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.796.8145

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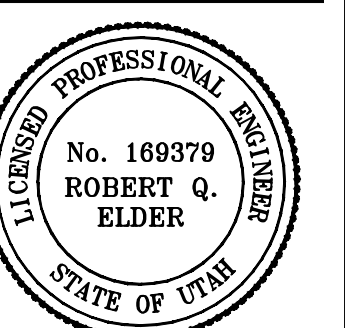
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FOR:
 BOYER PARK CITY JUNCTION, LC
 80 SOUTH 400 WEST SUITE 200
 SALT LAKE CITY, UTAH 84101

CONTACT:
 PATRICK MOFFAT
 PHONE: 801-621-4781
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PARK CITY HEIGHTS

PARK CITY, UTAH

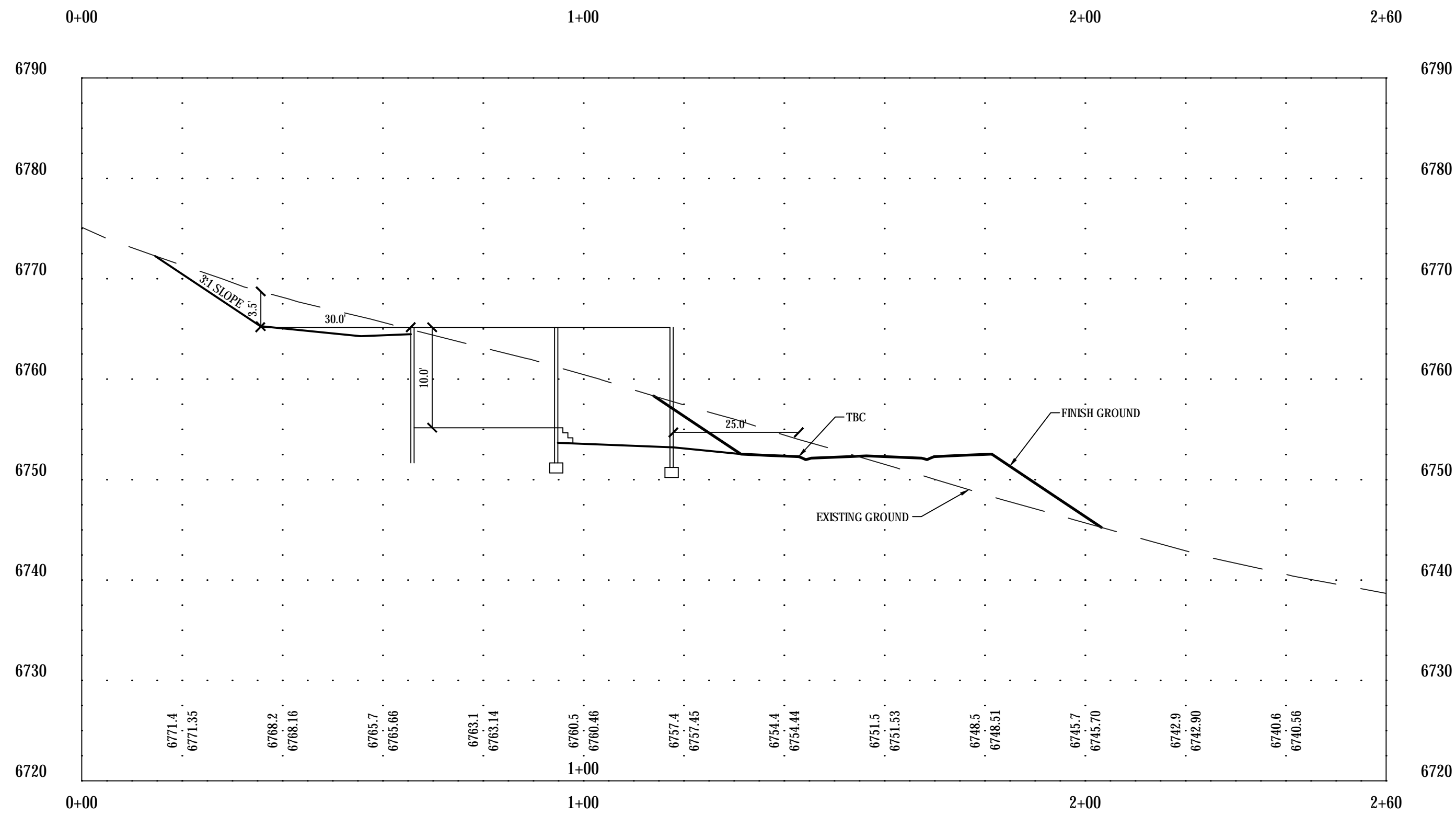


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| 7 | | | |
| 8 | | | |

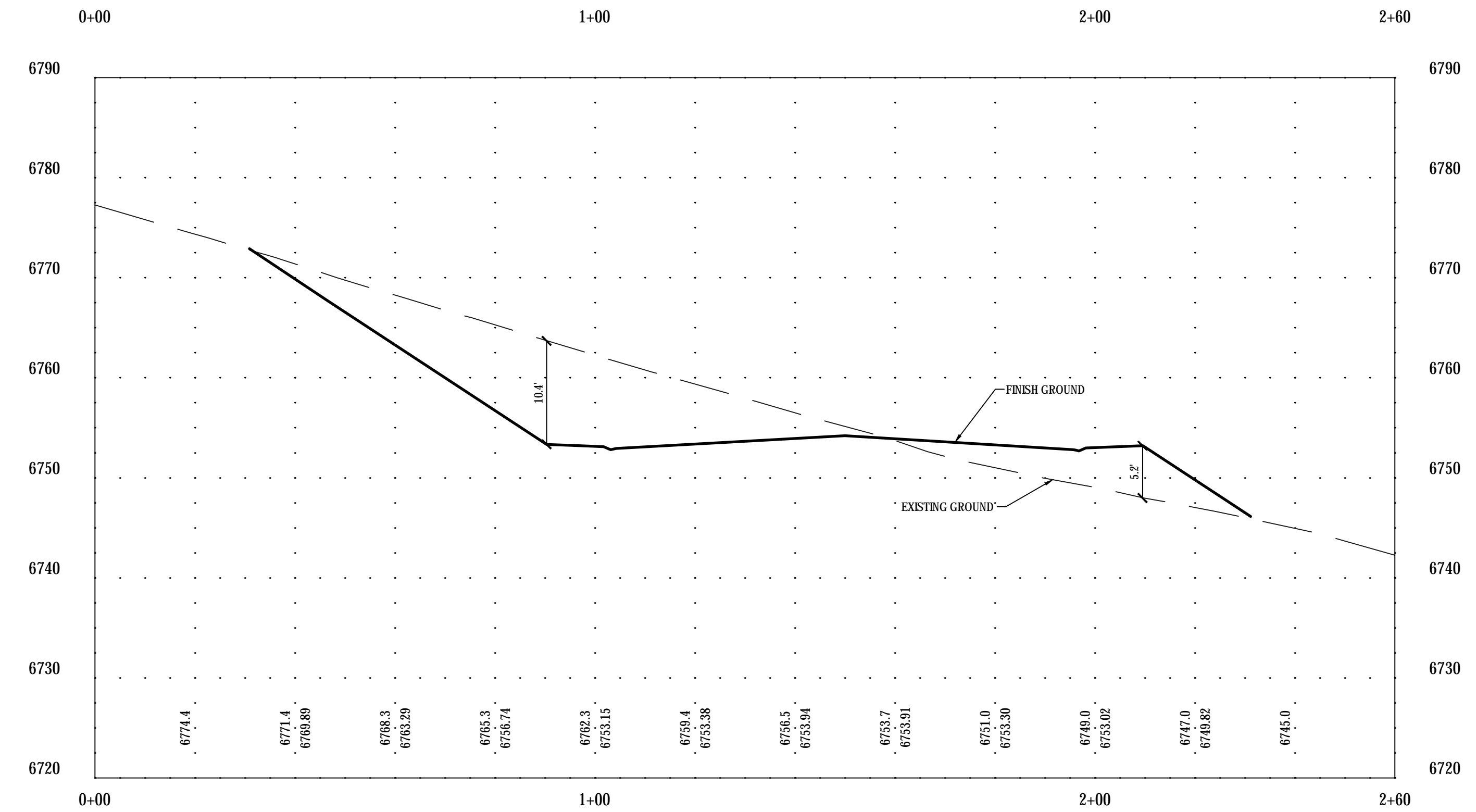
CUL-DE-SAC
 CROSS
 SECTIONS

PROJECT NUMBER: 4976 DATE: 3/31/11
 DRAWN BY: B. MADLEY CHECKED BY: J. FORD
 PROJECT MANAGER: R. ELDER

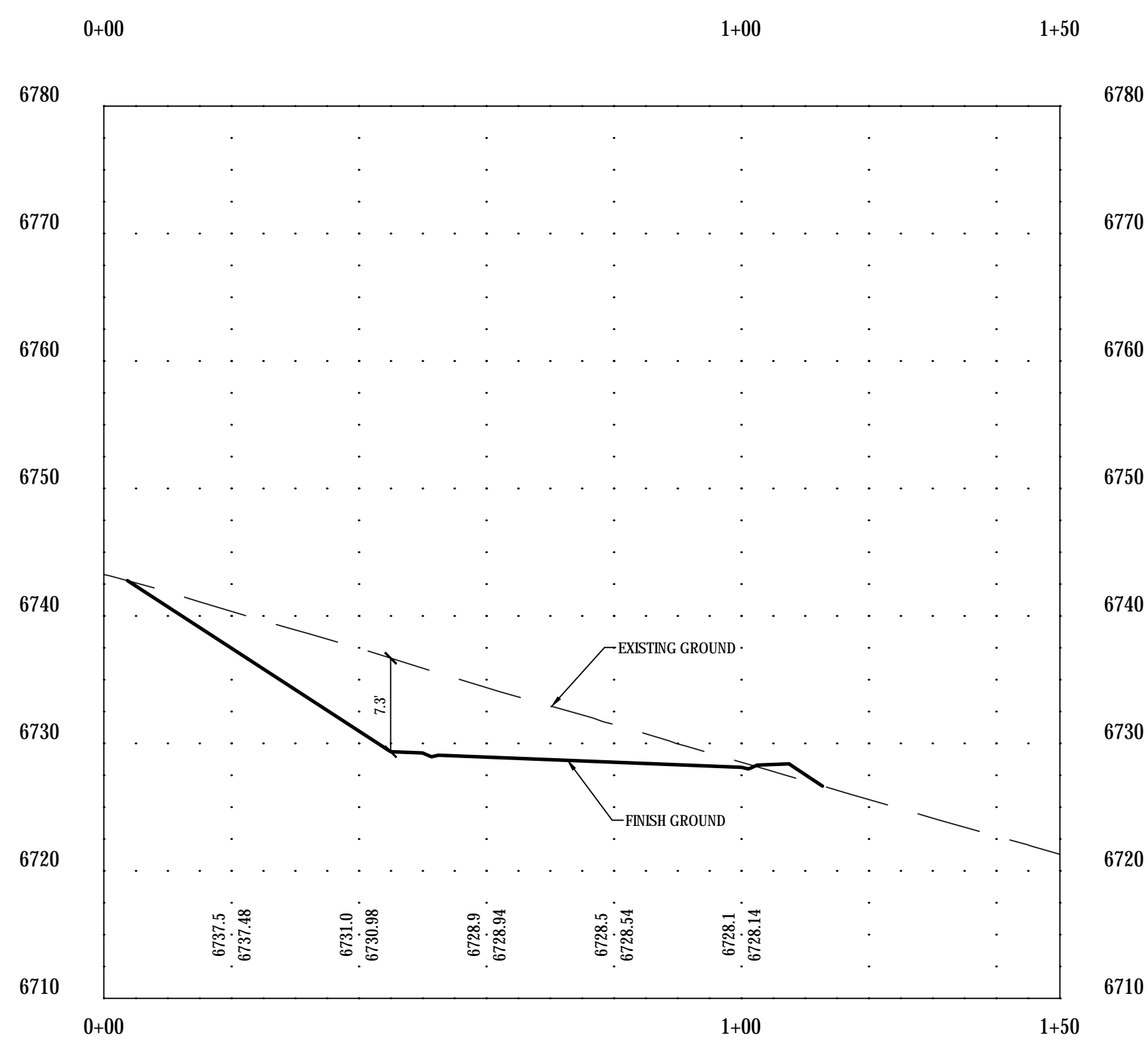
EX-2



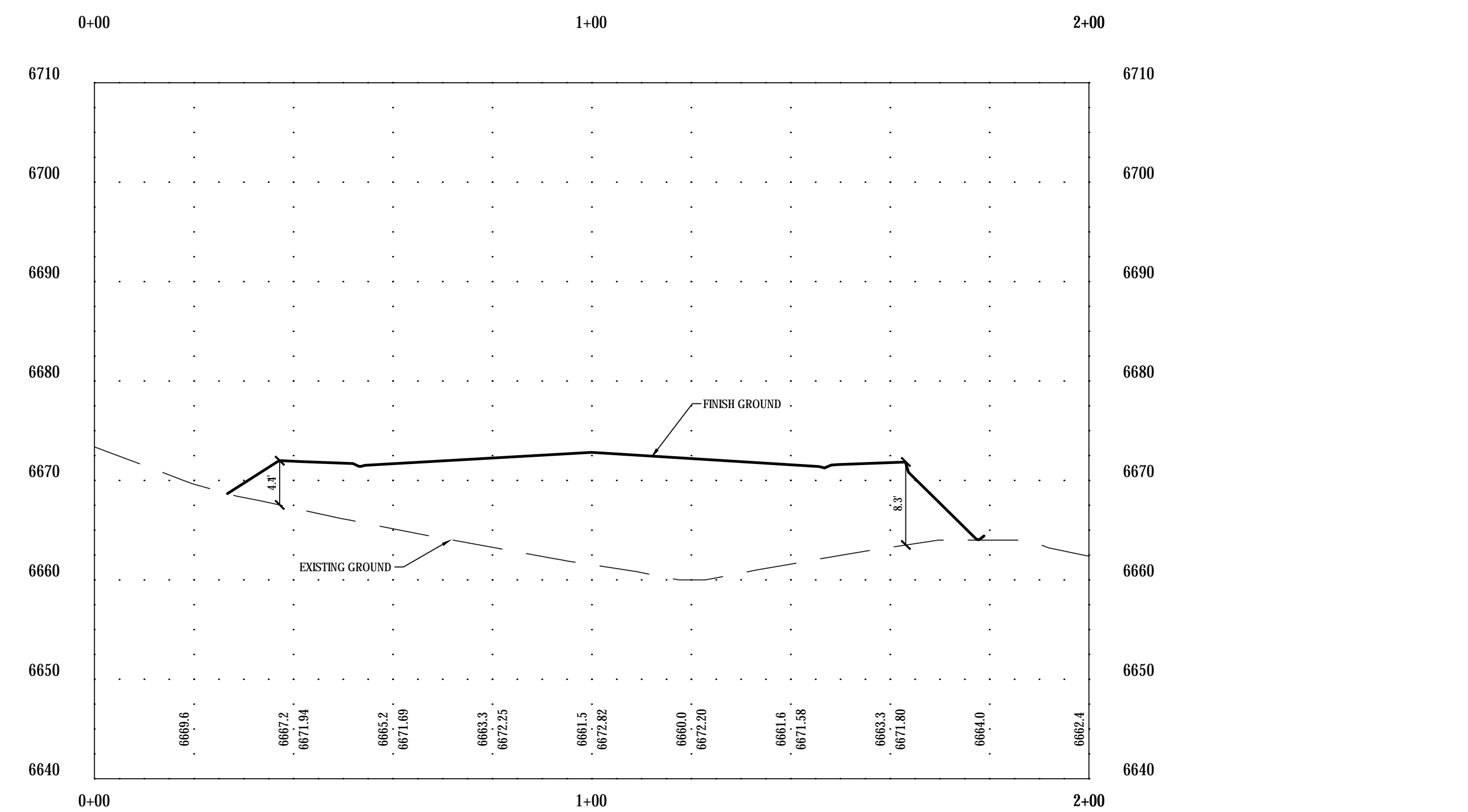
1 CROSS SECTION 1
 Scale: 1"=20'



2 CROSS SECTION 2
 Scale: 1"=20'



3 CROSS SECTION 3
 Scale: 1"=20'



4 CROSS SECTION 4
 Scale: 1"=20'