



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
November 8, 2023**

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

Public Comment Guidelines - Please state your full name for the record. If you are providing public comment in person, please sign in. Limit your comments to three minutes or less - a time will provide a warning. Direct your comments to the Planning Commission -- not to the applicant or audience. Please be civil - no clapping or whistling. Please address matters of the pending application or ordinance.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from September 27, 2023
- 2.B. Consideration to Approve the Planning Commission Meeting Minutes from October 11, 2023
- 2.C. Consideration to Approve the Planning Commission Meeting Minutes from October 25, 2023

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4. PUBLIC COMMUNICATIONS

5. WORK SESSION

- 5.A. **Land Management Code Amendments** – Consultants Lisa Wise Consulting, Inc., Cascadia Partners, and Fehr and Peers Will Present their Initial Report Regarding Opportunities to Amend the Land Management Code to Incentivize Affordable and Missing Middle Housing and to Improve Transportation Demand Management Criteria. (120 mins.)
- 5.B. **Utah Property Rights Ombudsman** – The Utah Property Rights Ombudsman Will Provide an Overview of their Office for the Planning Commission. The Office of the Property Rights Ombudsman is to safeguard Utah Property Rights through Education and Dispute Resolution. (60 mins.)

6. REGULAR AGENDA

- 6.A. **123 Ridge Avenue – Conditional Use Permit for a Nightly Rental** – The Applicant Proposes a Nightly Rental in the Western Sub-Neighborhood of the Historic Residential-Low Density Zoning District. PL-23-05867 (10 mins.)

(A) Public Hearing; (B) Action

6.B. **Land Management Code Amendments** - The Planning Commission Will Review Amendments to Create a Maximum Lot Size in the Residential - 1, Recreation - Medium Density, and Recreation Commercial Zoning Districts. PL-23-05821 (45 mins.)
(A) Public Hearing; (B) Continue to January 10, 2024

6.C. **Land Management Code Amendments – Accessory Uses in Master Planned Developments** – The Planning Commission Will Conduct a Public Hearing on Potential Amendments to Land Management Code Section 15-6-8 Master Planned Development Unit Equivalents to Limit Support Commercial within Residential Master Planned Developments, Meeting Spaces within Hotel or Condominium Projects, Residential Accessory Uses, and Resort Accessory Uses. (15 mins.)
(A) Public Hearing; (B) Continuation to December 13, 2023

7. ADJOURNMENT

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

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

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



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 27, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall; Vice Chair Christin Van Dine; Laura Suesser; Bill Johnson; John Frontero; Henry Sigg; Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Spencer Cawley, City Planner; Jack Niedermeyer, City Planner; Jaron Ehlers, Planning Technician; Browne Sebright, Housing Program Manager; John Robertson, City Engineer; Rebecca Gutknecht, City Engineer; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. and reported that a quorum was present. She noted the presence of all Commissioners with the exception of Commissioner Christin Van Dine, who was not present when the meeting was called to order. Commissioner Laura Suesser appeared online.

2. PUBLIC COMMUNICATIONS

There were no public communications.

3. STAFF COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward, provided a reminder about the public comment guidelines. She requested that anyone wishing to provide comment state their full name and sign in. Comments were limited to three minutes or less and were required to be directed to the Planning Commission, not to the applicant or audience. She reminded speakers to remain civil and address the matter under review by the Planning Commission. She also reported that on October 4, 2023, there would be a Joint Meeting with the Historic Preservation Board (“HPB”) to review the Pilot Program for the Temporary Winter Balcony Enclosures on Main Street.

4. REGULAR AGENDA

- A. Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) – Plat Amendment –** The Applicant Proposes to Modify the Platted Building Pad to Reflect the As-Built Single-Family Dwelling in the Residential Development Zoning District. PL-23-05609.

City Planner, Spencer Cawley reported that the applicant requested the item be continued to the October 11, 2023, meeting to allow Staff and the applicant to review the scope of the request.

Chair Hall opened the public hearing. There were no public comments. Chair Hall noted that the public hearing would be continued along with the Agenda Item.

MOTION: Commissioner Suesser moved to CONTINUE Bald Eagle Club at Deer Valley Unit 55 Third Amended – Plat Amendment – to October 11, 2023. Commissioner Bill Johnson seconded the motion.

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

- B. 7700 Marsac Avenue – Modification of Approval –** Consideration to Modify the March 23, 2022, Planning Commission Conditional Use Permit Approval for City Employee Temporary Housing on the Mine Bench Site Located in the Recreation and Open Space Zoning District. PL-23-05733.

Planner Cawley reported that the application pertains to the Essential Municipal Service of Temporary Housing Trailers at the Mine Bench Site. He introduced the Housing Program Manager, Browne Sebright, who was available to respond to any questions. In March 2022, the Planning Commission reviewed and approved a Conditional Use Permit (“CUP”) for the Park City Fire District to house personnel on the Mine Bench. The CUP also allowed storage of a fire truck and other fire-related apparatus. As part of that approval, the Planning Commission set an expiration date of January 1, 2023. Planner Cawley noted that no extension to that date was requested, and the approval had therefore expired. On July 27, 2023, the City Council authorized the Housing Team to acquire these Temporary Housing Trailers at a discounted rate and to use those for housing City employees who work on the Mine Bench.

The proposal sought to continue the use of the two Temporary Housing Trailers through October 1, 2025, in order to provide housing for City employees associated with Essential Municipal Services provided at the Mine Bench while the City looked for a permanent location for the Housing Trailers. Planner Cawley indicated that the site is located in the Recreation and Open Space (“ROS”) Zoning District, which is governed by Land Management Code (“LMC”) Chapter 15-2.7. The site is greater than 30 acres in size.

Planner Cawley reported that the proposal complies with the Front, Side and Rear Setbacks, which are all 25 feet. He added that the Temporary Housing Trailers will be located on the portion of the site owned by the Jordanelle Special Service District (“JSSD”). Essential Municipal Public Utility Structures greater than 600 square feet are a conditional use in the ROS zone. Each trailer is 400 square feet in size for a total of 800 square feet. There are existing connections to sanitary, sewer, and water lines, as well as electricity. Planner Cawley stated that the Public Works Department will limit the occupancy of the Housing Trailers to one person or one couple per unit. The proposal will not impact the adjacent open space or public trails. He noted that the goal within the General Plan is to increase affordable housing opportunities for the City’s workforce.

Planner Cawley highlighted some of the recommended Conditions of Approval. Condition of Approval 1 provided that the use would be compliant with Municipal Code Chapter 6-3 for Noise. Additionally, the Conditions of Approval required that trash and recycling be properly disposed on site and removed weekly. Planner Cawley reported that Park City and the JSSD have yet to enter into an agreement for the continued use. As a result, Staff included a Condition of Approval that an agreement must be entered into as a prerequisite to using these trailers to house City employees. The Housing Team requested the approval extend to October 2025, and at that time,

the Housing Trailers would either need to be relocated or be reapproved by the Planning Commission.

Planner Cawley also noted a Condition of Approval that would limit the use of the Housing Trailers to the City's Public Works employees, or those employees associated with the Essential Municipal Services associated with the Mine Bench. Staff requested the Commission review this request to extend the approval for use of two 400-square-foot Temporary Housing Trailers at the Mine Bench site and transfer them from the Park City Fire District to the City employees associated with those Essential Municipal Services at the Mine Bench site. Staff also requested the Commission hold a public hearing and consider approving this CUP through October 2025.

Commissioner Suesser sought clarification regarding the transfer of use from the Park City Fire District to the City. She asked if there were trailers on the Mine Bench now that were being used by the Fire District that would be used by City employees. Planner Cawley explained that the Fire District is currently using the Housing Trailers as the District completed the renovation of the fire station at Silver Creek. Once the Fire District vacates the Housing Trailers, the City employees would then use them.

Commissioner Shand understood that the Park City Fire District used the Housing Trailers for less than a year for the purpose of housing two Park City firefighters while housing was being built elsewhere. He further understood that the request was to allow use as accommodation for essential Park City employees for another two years. Commissioner Shand asked if there was an end game or if it would be used for ongoing housing. Manager Sebright explained that they sought a two-year extension to provide enough time to relocate these employees. They would prefer to house these employees on this site for another season while they identified a couple of potential sites. They would need to weigh any potential sites against other city needs for those properties before coming to a final decision. Commissioner Shand asked if the Housing Trailers would be relocated when the employees were relocated. Manager Sebright confirmed that the Housing Trailers would be relocated as well.

In response to a question from Commissioner Henry Sigg regarding whether there was any conflict in using the Mine Bench for workforce housing plans that might be on the horizon. Manager Sebright answered in the negative.

Commissioner Frontero noted Commissioner Sigg's point, and suggested conditioning this approval as long as there was no larger citywide housing project planned for the Mine Bench area that would conflict with the location of these two Housing Trailers. He explained that he would hate to get into the scenario where a year from now, a large project was planned for the area and the two Housing Trailers were in the way. Manager Sebright reported that the Housing Trailers are currently located on the JSSD portion of the parcel, which is not owned by the City. Therefore, that location would not be within the future scope unless the City acquired it. Commissioner Frontero understood and withdrew his request for an additional Condition of Approval.

Commissioner Suesser asked for clarification regarding the agreement with JSSD. Manager Sebright stated that the City would request permission from the JSSD at its next board meeting on October 10, 2023. He added that there was no indication of any objection by JSSD to such an agreement.

Commissioner Suesser asked how permission was obtained for the Housing Trailers that were currently in place. Manager Sebright explained they would request a new lease from JSSD since

the City would acquire the units. Senior City Attorney Mark Harrington added that the prior lease was with the Fire District, so they needed a new approval for the City to use the Housing Trailers on that land.

Commissioner Sigg asked if both parties would be listed as insured on the Housing Trailers. Manager Sebright was unsure and stated that the agreement had not yet been drafted. City Attorney Harrington advised that indemnification was a transactional element that might or might not be part of the agreement. He did not see it as an LMC issue.

Commissioner Johnson expressed concern that the material used in the insulation panels that cover the bottom of the trailer appear to be falling apart and brittle. He asked if there was a plan to replace these with something more permanent. Manager Sebright indicated that they expect to replace those. There will be a full inspection that will include all required upgrades before any staff is housed in the trailers.

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

MOTION: Commissioner Sigg moved to APPROVE 7700 Marsac Avenue – Modification of Conditional Use Permit Approval for City Employee Temporary Housing on the Mine Bench Site – based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. The property is located at 7700 Marsac Avenue in the Recreation and Open Space (ROS) Zoning District.
2. On March 23, 2022, the Planning Commission reviewed a Conditional Use Permit (“CUP”) for the Park City Fire District’s (“PCFD”) proposal to temporarily install two Temporary Housing Trailers for personnel living quarters and storage of two fire trucks on the Mine Bench property during the construction of Fire Station 34 in Upper Deer Valley.
3. Condition of Approval 7 from the 2022 approval required PCFD to request an extension of the approval from the Planning Commission if the use of the site extends beyond January 1, 2023.
4. PCFD did not request an extension prior to the expiration of the CUP, and the approval has expired.
5. PCFD offered the City the opportunity to purchase the two Temporary Housing Trailers.
6. On July 27, 2023, the City Council authorized the Housing Team to acquire the two Temporary Housing Trailers in the amount of \$180,000.

7. The Housing Team requests to modify the March 23, 2022, approval to continue to use the Mine Bench site for temporary employee housing while the City searches for a permanent location for the two Temporary Housing Trailers.
8. Park City's Public Works Department currently uses portions of the Mine Bench site for storage and maintenance of equipment.
9. The City leases portions of the Mine Bench property for other uses and the City provided notice to their existing tenants that City Employees will possibly occupy the two Temporary Housing Trailers.
10. The ROS Zoning District establishes a 25-foot front, side, and rear setback from the boundary line of the lot, district, or public right-of-way. The two Temporary Housing Trailers were installed in such a way they meet the required 25-foot setback.
11. Essential Municipal Public Utility Uses, Facilities, Services, and Structures greater than 600 square feet in the ROS Zoning District are a Conditional Use.
12. The two Temporary Housing Trailers are 400 square feet each.
13. The proposal, as conditioned, complies with the criteria outlined in LMC section 15-1-10(E).
 - a. Size and Location of the Site – The two Temporary Housing Trailers are located on the 29.07-acre City owned Mine Bench site. PCFD installed two Temporary Housing Trailers to the east of the Ontario Mine/JSSD parcel. The two Temporary Housing Trailers are 400 square feet each (800 square feet total) and will remain in the same location on the site.
 - b. Traffic Capacity – Continued use of the temporary housing Structures will not impact existing traffic conditions. The Mine Bench is accessed directly off the State owned Marsac Avenue.
 - c. Utility Capacity – PCFD worked with the Engineering and Public Works Departments to coordinate connections to existing sanitary sewer and water lines. The two Temporary Housing Trailers are connected to existing on-site power sources.
 - d. Emergency Vehicle Access – PCFD confirmed the proposal meets their requirements.
 - e. Off-Street Parking – Public Utility Uses require:
 - i. One space per five seats; or,
 - ii. Two spaces per three employees; or,
 - iii. One space per 1,000 square feet or floor Area, whichever is greater.

The Site does not have dedicated parking, but there is ample unused space adjacent to the two Temporary Housing Trailers to provide up to eight parking spaces. Public Works will limit occupancy of the two Temporary Housing Trailers to one person or couple per unit.

- f. Internal Vehicular and Pedestrian Circulation – The continued use of the two Temporary Housing Trailers will not impact internal vehicle or pedestrian circulation beyond the current standard.
- g. Fencing, Screening, and Landscaping – Not applicable.
- h. Building Mass, Bulk, and Orientation – The two Temporary Housing Trailers are 38 feet long by 10.55 feet wide (400 square feet) each. They are set back more than 25 feet from the property line and are not visible from Marsac Avenue or the entrance of the Mine Bench.
- i. Useable Open Space – The proposed use does not change or disturb the site's Open Space because the tiny homes will remain in the same approved location.
- j. Signs and Lighting – No signs or lighting are proposed.
- k. Physical Design and Compatibility with Surrounding Structures – Due to the industrial feeling of the site, the two Temporary Housing Trailers are similar in style to the rest of the site. Because the location is temporary, the structures are adaptable in design and style.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – The current Use as temporary housing for PCFD has not produced any known noise complaints. The surrounding buildings are industrial in use and more than 400 feet away.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and screening of Trash and Recycling Pickup Areas – Delivery and service vehicles do not need to access the site and do not require mitigation for loading and unloading zones.
- n. Expected Ownership and Management of the Project – Park City Municipal owns 29.07 acres of the Mine Bench property. In 2002, approximately two acres within the Mine Bench property was conveyed to Jordanelle Special Service District (JSSD). Prior to the March 23, 2022, CUP approval, JSSD and PCFD entered into a storage agreement for use of the portion of the Mine Bench property owned by JSSD. PCMC will purchase the two Temporary Housing Trailers and manage their occupancy and maintenance. The Housing Team is searching for a permanent location for the two Temporary Housing Trailers.
- o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes –

This site is within the Sensitive Land Overlay and must comply with requirements of LMC Chapter 15-2.21. See Analysis Section III. The two Temporary Housing Trailers are located on a level concrete pad. The tiny homes will not disturb mine hazards or mine waste. No physical changes are proposed to the site.

- p. General Plan Consistency – Goal 8 of the General Plan is to increase affordable housing opportunities and associated service for the workforce of Park City.
- 14. Staff published notice on the City’s website, the Utah Public Notice website, and posted notice on the property on September 13, 2023.
- 15. *The Park Record* published notice on September 13, 2023.

Conclusions of Law

- 1. The application is consistent with the Land Management Code, including LMC Chapter 15-2.7 Recreation and Open Space (ROS) District, LMC § 15-1-10 Conditional Use Review, and LMC Chapter 15-2.21 Sensitive Land Overlay Zone (SLO) Regulations.
- 2. The Use is compatible with surrounding Structures in Use, scale, mass, and circulation.
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. The Use of the two Temporary Housing Trailers shall comply with Municipal Code Chapter 6-3 Noise.
- 2. The occupants of the two Temporary Housing Trailers shall ensure trash and recycling is disposed of properly on site and removed weekly.
- 3. The PCMC and JSSD shall enter into a new storage agreement that will remain active until permanent relocation of the two Temporary Housing Trailers.
- 4. This Approval expires on October 1, 2025, and the two Temporary Housing Trailers shall either be relocated, or the Applicant shall obtain Planning Commission approval for extended use.
- 5. Use of the two Temporary Housing Trailers is limited to City Public Works employees, or those employees associated with the Essential Municipal Services provided in association with the Mine Bench Site.

Commissioner Shand seconded the motion.

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

- C. 2200 Park Avenue Building B – Conditional Use Permit** – The Applicant is Seeking Approval to Reduce Required Parking and to Remodel a Structure within the Frontage Protection Zone (“FPZ”). PL-23-05776.

City Planner, Jack Niedermeyer introduced the applicant, Brandon Wangsgaard and the applicant’s representatives Melissa Hyde and Mark O’Brien. Planner Niedermeyer reported that since publication of the Staff Report, the applicant revised the plan for the exterior basement-level patio. The revised plan would continue the retaining wall and create an L-shaped stairwell. Building B was part of the Saddleview Office Park Condominiums located at 2200 Park Avenue. He added that Building B was located within the Frontage Protection Zone (“FPZ”) in the Residential Development – Medium Density (“RDM”) zone. Within the FPZ, all construction activity including permanent signs in the Setback area between 30 and 100 feet from the nearest Right-of-Way (“ROW”) line requires a Conditional Use Permit and was subject to all applicable review criteria as set forth in LMC Section 15-1-10. This CUP was also subject to all FPZ review criteria.

Planner Niedermeyer reported that the applicant proposed to excavate current landscaping to the basement level of Building B and construct two five-foot tall retaining walls for a heated basement-level patio. Additionally, the proposal would include the addition of stairs from the patio to the parking area to the north and modification of the basement use to increase habitable space and reduce storage space with a determination regarding parking. Planner Niedermeyer mentioned that there had been several applications over the years associated with Building B specifically, and the Saddleview Office Park Condominiums, generally. In 1994, a CUP and a Master Planned Development (“MPD”) was approved for the conditional use of the office space within the RDM zone. He added that the Saddleview Office Park Plat was approved in 1995. During that same year, a Building Permit was issued for the shell of the buildings. There was a work violation in 1998 associated with a complaint from a neighbor regarding construction in the basement level of Building B. Applications for a Plat Amendment were submitted in 1998 and again in 2000. He reported that also in 2000, a Memorandum was issued by the Planning Department.

Planner Niedermeyer stated that the proposal, as conditioned, complies with the CUP criteria outlined in LMC Section 15-1-10(E). In terms of Fencing, Screening and Landscaping, Staff recommended Conditions of Approval 10 and 11 to ensure the preservation of existing landscaping in compliance with LMC regulations regarding Water Wise Landscaping, the Park City Municipal Code, and the Utah Wildland Urban Interface Code. In terms of Building Mass, Bulk and Orientation, he reported that Staff recommended Condition of Approval 12 to mitigate the size of the retaining walls. Staff recommended Condition of Approval 5 to ensure compliance with lighting requirements and Condition of Approval 13 to ensure compliance with the require retaining wall materials.

Planner Niedermeyer reported that the proposal complies with the Sensitive Land Overlay (“SLO”) requirements and Conditions of Approval 10 and 11 were recommended to ensure the preservation of existing landscaping as stated previously. The proposal also complies with the off-street parking requirements outlined in LMC Section 15-3. Per the applicant, he reported that there were 10 to 15 employees in Building B. He stated that definition of “Office – General” was “a business offering executive, administrative, professional or clerical services performed with

limited client visits and limited traffic generation, which generally employees fewer than three persons per 1,000 square feet of Net Leasable Floor Area.”

Planner Niedermeyer commented that the applicant proposed to increase the Net Leasable Floor Area in the basement of Building B, which would further their compliance in terms of employees per 1,000 square feet. Currently, there is 6,700 square feet for the entire building, resulting in approximately 1.49 to 2.2 employees per 1,000 square feet. As the area increased, the number of employees per 1,000 square feet would reduce even though the actual number of employees would remain the same. The parking requirement for General Office use is three spaces per 1,000 square feet of leasable floor area. He referenced Plat Note 6, which states: “A basement will be allowed in Building B of which a maximum of 800 square feet will be habitable space and subject to parking requirements as outlined in the Land Management Code. The balance of square footage in the basement level of Building B shall be utilized as uninhabitable storage space. Uninhabitable crawl space and basement space shall be allowed in Buildings A, C, and D for storage space use only.”

At the time of Plat approval in 1995, the parking requirement for Office – General Use was 5 parking spaces per 1,000 square feet of net leasable office space. He presented a chart that detailed the parking space requirement as of 1995 for each building and the total parking spaces reflected on the Plat. He presented a chart that illustrated the current parking requirements of 3 parking spaces per 1,000 square feet of net leasable office space. The calculations highlighted in red included the expansion of 819.5 square feet. The overall requirement would increase from 61 to 64 parking spaces for the entire Plat.

Planner Niedermeyer reported that the Development Review Committee reviewed this application on August 15, 2023. The Engineering Department recommended Condition of Approval 8 as follows: “A drainage plan shall be included as part of the application for a Building Permit and shall be approved by the Engineering Department prior to Building Permit Issuance.” He added that the Park City Fire District requested Condition of Approval 9 as follows: “Items located on the basement-level patio will need to be arranged so that the exterior staircase is available for egress. The exterior staircase shall remain free and available for fire egress.” Staff recommended the Planning Commission review the proposal, conduct a public hearing, and consider approving the CUP subject to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action Letter.

Commissioner Suesser asked if there was consideration of how the basement is currently used and if the applicant is in compliance with the requirements of the prior approval. She indicated that it sounded as if the applicant had been using this space all along and was curious whether that determination was made. She asked if the applicant was out of compliance now in how they were using the basement. Assistant Director Ward responded that based on the information they had since the 1990s, the basement area had been used in excess of storage square footage and therefore not in compliance. Commissioner Suesser asked if there was a determination regarding the capacity of the patio. Planner Niedermeyer stated that the Development Review Committee did not provide any feedback from the Fire District regarding capacity on the patio.

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

Commissioner Johnson asked to see the new layout and questioned why it was changed. After looking at the side-by-side layouts, Commissioner Johnson assumed it was extended out to make

it more accessible. Applicant representative O'Brien explained that the stairs originally went right to the parking lot; rather than exiting into a parking stall, they opted to wrap it into the building and tie it into the sidewalk.

Commissioner Johnson noted that the existing use has been non-compliant since approximately 1994, and he noted that there used to be HOA meetings in that space despite the fact that no one from the HOA was a tenant of Buildings A, B, C or D. He noted the space had been used in the past for other uses and he wondered if they should reiterate the 1994 Condition of Approval 3 that restricted real estate visitor centers and private rental options. Commissioner Suesser wanted to ensure that the space was not sub-let. Commissioner Johnson commented that the application read as though it was for an accessory use for the tenants and owners of Buildings A, B, C and D.

Commissioner Suesser observed that the way the proposal is drafted is just for the use of Building B tenants. It was noted that the tenant of Building B also occupied lease space in Building A and Building C. Therefore, there were overlapping uses not only in the parking, but in the office space as well. Some of the agents in Building A or Building C might come to Building B to get a beverage from the kitchen area.

Commissioner Suesser was not concerned with the agents in the other buildings but felt that the Commission wanted to see a restriction for the use of the basement space to the tenants of Building B, even if that included employees of that tenant who utilize other offices in the Office Park. Commissioner Johnson agreed and added that it could also affect the parking ratio. He felt it was a reasonable request.

Commissioner Frontero supported the premise that any tenant in any of the buildings could use that space. Commissioner Sigg proffered that the intention was to not allow a third party to sub-let or use the space. Commissioner Frontero suggested an additional Condition of Approval that only tenants of the current four buildings could use the space. Commissioner Sigg asked if they wanted to restrict it to the type of business operation there.

Commissioner Suesser felt that they all comply with Condition of Approval 3 in the original 1994 MPD/CUP. She did not know under what terms the HOA had used the space but felt that a restriction for that type of use by third parties was appropriate. She agreed that the use should be restricted to the tenants of Buildings A, B, C and D. She remarked that there should be a restriction on the number of employees who could utilize this space. They were increasing the capacity by 800 square feet, which triggered the parking requirement. She asked if the parking requirement was also based on the number of the tenant's employees.

Commissioner Suesser reiterated that the tenant is not in compliance now and will build out the space but not add any parking. She was concerned that in formalizing the space, they could potentially put more employees in that space.

Applicant Wangsgaard reported that they actually reduce the overall capacity or number of office spaces available in the reconfiguration of Building B. They currently have approximately 34 office spaces in a combination of office space and cubicles. He stated under the new configuration, there would be 28 office spaces, so they were reducing the potential number of agents in those spaces. He added that the estimate of 10 to 15 employees/agents came from the nature of the business. They do not have typical 9:00 a.m. to 5:00 p.m. employees; the agents predominately work from home or out in the field. He stated that historically, they would have five employees, plus 5 to 10 agents at any given time during the day.

Commissioner Suesser stressed that the Planning Commission must plan for the next tenant, and noted there were three levels of office space potentially without adequate parking. She asked if there are window wells that reached the street level. Applicant Wangsgaard stated the basement is entirely underground. In terms of excavation, Applicant representative O'Brien explained that they will excavate approximately 15 feet off the building for footings and the retaining wall system.

Commissioner Suesser reported that they were going to dig down from the surface, which Applicant representative O'Brien confirmed would be roughly 10 feet. He confirmed that the excavated dirt would be hauled outside of City limits. Commissioner Suesser commented that they usually receive information regarding how the excavated soil will be removed from the site.

In response to an inquiry, Applicant representative O'Brien advised that there will be a French drain in the patio to take care of any drainage from the patio. He added that the patio will be heated, so the drain is necessary to remove the snowmelt.

Commissioner Sigg asked if the grade will be level at the retaining wall located at the higher elevation. Applicant O'Brien stated it would actually be a few inches lower than that, and they would taper it to cause it to dam around it versus draining over the wall. Commissioner Sigg further inquired about the length of the existing berm that increased in grade above that level. Applicant representative O'Brien stated that it would max out at roughly nine feet. He stated the berm is taller than the retaining wall, so it would be sloped to the retaining wall and out and around it. He confirmed that there will not be a negative slope toward the patio area. Applicant representative O'Brien also advised that the plan was to install drip irrigation.

Chair Hall was comfortable with the parking given that the current LMC only requires 61 parking spaces and they built 100. Her anecdotal experience of biking through there all the time was that this project was sufficiently parked.

Commissioner Frontero referenced Exhibit E, the License Agreement at page 10 and stated that he found the diagram helpful. Applicant representative O'Brien explained that the diagram on the left showed what the applicant was permitted to build in the basement. The rendering on the right showed the proposed patio. He clarified that these were renderings and showed the original concept. Commissioner Frontero asked the applicant to point out in these renderings the area that was presently a non-compliant use. Applicant Wangsgaard understood that anything outside the 800 square feet of habitable space was non-compliant space. He explained that these renderings were the as-built conditions and the space had already been renovated to this point. Prior to renovation of the building, there was a large open area used as a conference area and a small kitchenette. He felt the rest was generally used for storage.

Applicant Wangsgaard explained that there is an area before the renovation that had historically been used for conferences. He referenced Commissioner Johnson's report of HOA meetings in that location. Applicant Wangsgaard also referenced sales meetings for the brokerage, however those had not occurred since the pandemic and there was no intention to hold sales meetings in that space beyond use of the conference room.

With regard to Condition of Approval 14, Chair Hall suggested more generic language along the lines of "if the use of the building changed such that it would exceed the LMC requirements, then the applicant would return to the Planning Commission."

Commissioner Suesser understood that the patio is not office space and asked if that space should be included in a parking requirement. She stressed that she was not suggesting that additional parking is needed but as part of the usual analysis she wondered if the Planning Commission was to consider a usable patio area in determining parking.

Assistant Director Ward commented that the parking ratios were based on the requirements outlined in LMC Section 15-3-6 and noted that this patio was intended as an accessory use for the interior structure. She noted that if outdoor dining was a proposed use for an outdoor patio or plaza, then that would be taken into consideration for parking; however, a patio such as the one proposed in this application would not require additional parking.

In response to Commissioner Suesser's inquiry regarding the dimensions of the proposed patio, Planner Niedermeyer advised that at the time of publication of the Staff Report, they did not have the exact dimensions. He added that they had the proposed square footage to be excavated, including the retaining wall. They also had the distance of the retaining walls from State Route 224. It was confirmed that the proposal was to excavate 1,875 square feet.

Commissioner Suesser's main concern was sub-letting the space to third parties, and it seemed to have been covered in the restriction in the use of the space to tenants of Buildings A, B, C and D. However, given the history of the applicant's use of this space and the anecdotal information of it being used by a third party, she suggested making the Conditions of Approval clearer that the space must not be sub-let or lent out in any way to third parties.

Commissioner Johnson agreed and felt that the 1994 Condition of Approval 3 intended to restrict the use. Assistant Director Ward proposed "The use of Basement B is limited to employees and tenant business invitees of Buildings A, B, C and D. Third party sub-letting or use of Basement B is prohibited." She confirmed this would be added as Condition of Approval 15. There was a consensus to include that proposed Condition.

There was a consensus on Condition of Approval 14 to add language that if the use of Building B exceeds the parking requirements in the Land Management Code, it must be reviewed by the Planning Commission.

MOTION: Commissioner Johnson moved to APPROVE 2200 Park Avenue Building B – Conditional Use Permit – based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action Letter as amended as follows:

Findings of Fact

1. The Site is located at 2200 Park Avenue, Building B.
2. The Site is recorded as Building B of the Saddlevue Office Park Condominium Plat.
3. The Site is located within the Historic Residential – Medium Density (HRM) and Frontage Protection Zone (FPZ) Zoning Districts.
4. The Applicant proposes the excavation of the current landscaping to the basement level of Building B.

5. The Applicant proposes the construction of two, five-foot-tall concrete retaining walls, constructed in tiers to create a heated basement patio area.
6. The Applicant proposes the installation of stairs leading from the heated basement patio area to the existing at-grade sidewalk and parking area.
7. The Applicant proposes the modification of basement use to increase habitable space and reduce storage space with a determination regarding parking.
8. This Site is not listed on the Historic Sites Inventory, nor has it been included in previous historic resource surveys.
9. On August 1, 2023, the Applicant submitted an Administrative Conditional Use Permit for 2200 Park Avenue, Building B.
10. On August 15, 2023, the Application for an Administrative Conditional Use Permit was reviewed by the Development Review Committee.
11. The Application was scheduled for the August 31, 2023, Administrative Public Hearing.
12. On August 28, 2023, the Application was considered complete.
13. Staff published notice on the City's website and posted notice to the property on August 16, 2023.
14. Staff mailed courtesy to property owners within 300 feet on August 16, 2023.
15. On August 31, 2023, the application was requested to be continued to September 7, 2023, to allow for Planning Staff to gather additional information.
16. Upon further review of previous Land Use Applications, it was determined that the proposals would be required to be reviewed as a Conditional Use Permit rather than an Administrative Conditional Use Permit, which requires review by the Planning Commission.
17. On September 7, 2023, Planning Staff requested that the item be continued and rescheduled for Planning Commission review on September 27, 2023.
18. On September 19, 2023, the Application was considered complete.
19. Staff published notice on the City's website and posted notice to the property on September 12, 2023.
20. Staff mailed courtesy to property owners within 300 feet on September 12, 2023.
21. The analysis section of the staff report is incorporated herein.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.14 Residential Development – Medium Density Zoning District.
2. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.20 Frontage Protection Zone Zoning District.
3. The proposal complies with the Land Management Code Requirements pursuant to Section 15-1-10, Conditional Use Review Process.
4. The proposal complies with the Land Management Code Requirements pursuant to 15-2.21 Sensitive Land Overlay Zone.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans dated July 27, 2023, and approved by the Planning Department on August 31, 2023. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments.
2. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
5. No exterior lighting is proposed or approved as part of this Conditional Use Permit. Any new exterior lighting shall comply with LMC Section 15-5-5(J) and shall be fully shielded and down directed with light bulbs that are 3,000 degrees Kelvin or less. New lighting details shall be reviewed by Planning Staff prior to installation.
6. Final construction plans shall demonstrate compliance with the 1994 CUP/MPD for office space within the Frontage Protection Zone.
7. Final construction plans shall demonstrate compliance with the Saddlevue Office Park Condominium Plat.
8. A drainage plan shall be included as part of the application for a Building Permit and shall be approved by the Engineering Department prior to Building Permit Issuance.

9. Items located on the basement-level patio will need to be arranged so that the exterior staircase is available for egress. The exterior staircase shall remain free and available for fire egress.
10. Existing vegetation shall be preserved and protected during construction. The Applicant shall submit a vegetation protection plan for Planning approval prior to building permit issuance. The Applicant shall confirm the dimensions of the basement-level patio will not impact Significant Vegetation.
11. Prior to installation and final inspection, a Landscape Plan shall be submitted to the Planning Department, which demonstrates compliance with LMC Section 15-5-5(N) Water Wise Landscaping, Park City Municipal Code 11-21, and the Utah Wildland-Urban Interface Code.
12. The retaining walls are limited to two, shall be terraced with three-feet of landscaping in-between, and shall not exceed five-feet in height from Final Grade.
13. Retaining wall materials shall comply with LMC Section 15-5-5, and synthetic stone products such as simulated stone, cultured stone, or pre-cast stone is prohibited.
14. The amended Building B parking requirement is 23 spaces based upon three spaces per one thousand square feet of Net Leasable Floor Area. If a use with a higher parking generation per one thousand square feet of Net Leasable Floor Area is proposed, or if the currently open, shared parking spaces are assigned or restricted to owners, tenants or buildings, the Applicant shall submit an updated parking calculation for each building/use and a parking management plan for Planning Commission approval. If the use of Building B exceeds the parking requirements in the Land Management Code, the Planning Commission must review and consider that use.
15. The use of Basement B is limited to employees and tenant business invitees of Buildings A, B, C and D. Third party sub-letting or use of Basement B is prohibited.

Commissioner Sigg seconded the motion.

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

After a brief recess, Chair Hall called the meeting back to order and confirmed that all Commissioners were present.

- D. 1325 Empire Avenue and Parcel SA-200 – Plat Amendment –** The Applicant Proposes a Plat Amendment to Amend the Knudson Subdivision and Parcel SA-200 and Re-Subdivide the Vacant Lots into Four Lots to Eventually Allow for Four Single-Family Dwellings. PL-22-05357.

Senior City Planner, Alexandra Ananth, reported that Planning Technician, Jaron Ehlers was present as was the applicant's team and representatives from the Engineering Department. She presented a visual of the proposed project, which included two parcels. Parcel SA-200 was shown in red and is a 50' x 75' lot totaling 3,735 square feet. This parcel consists of Lots 6 and 7 of

Block 19. The parcel highlighted in blue was known as Knudson C, which is 7,125 square feet in size. A portion of Lot C consisted of a part of vacated Norfolk Avenue. This portion of Norfolk Avenue was vacated by a Resolution recorded in 1983 that included portions of Lots 8 and 9 of Block 19. She presented another image that highlighted in yellow the portion of Norfolk Avenue that was vacated. Planner Ananth explained that south of this parcel, Norfolk Avenue was still considered public Right-of-Way. The total site was outlined in blue.

Planner Ananth reported that the proposed lots will have access to a road via a private shared driveway easement that would connect the lots to Norfolk Avenue. She noted that Norfolk Avenue was privately maintained because it was not constructed to City engineering standards. She presented another visual of the site that showed the lots in relation to the platted Norfolk Avenue and the as-built Norfolk Avenue. She explained that Norfolk Avenue's 50-foot-wide platted ROW was outlined in orange, but it was only built out to approximately 20 feet. All of the lots adjacent to the platted Norfolk Avenue ROW had access to Norfolk Avenue ROW via the Non-exclusive Encroachment Permit license granted in 2003 to the builder of the three lots outlined in green. She noted that this Permit gave the builder the right to build, maintain and use the improvements he would install within the City property and Right-of-Way.

Planner Ananth stated that the platted Norfolk Avenue was considered a dead-end road and was less than the 650-foot limit established in LMC Section 15-7.3-4. The applicant proposed a shared driveway easement that would connect the lots to Norfolk Avenue. She next presented a plan drawing of the applicant's proposal and noted the Norfolk Avenue ROW outlined in orange, and the proposed shared driveway outlined in purple. This drawing showed how the road would connect. Planner Ananth next presented an overlay of the proposed lots on the driveway. She explained that each lot would have a portion of the driveway within the lot, and the Setbacks would be measured off the lot lines. She pointed to the four lots, named Lot A, Lot B, Lot C and Lot D.

Commissioner Suesser asked Planner Ananth to identify the location of the utility easement. Planner Ananth explained that the utility easement is shown at 30 feet, which is wider than the proposed shared private driveway. Commissioner Suesser asked if there was a restriction on building on the utility easement. Planner Ananth stated there was a restriction, however, because of Setbacks, none of the homes would be located on the utility easement. Only the driveway would be located on the utility easement. She believed that the driveway would be heated.

Planner Ananth presented a table that detailed the lot lengths and widths, as proposed. She advised that they all met the minimum Single-Family Lot Size for the Recreation Commercial ("RC") Zoning District, and none of them were large enough for a duplex. She confirmed that four Single-Family lots were proposed. She explained that she backed out the driveway area from the lots in order to provide a sense of what the project would look like if the driveway was common area. She presented the Maximum Building Footprints allowed in the zone based on the Lot Area, both with and without the driveway area.

Planner Ananth stated that the Planning Commission could include a Condition of Approval that the applicant could not use the driveway to count toward the Maximum Building Footprint. She noted that if the lots were conditioned to only meet the Minimum Lot Size of 25' x 75', the Maximum Allowed Building Footprint would be 843 square feet per Lot. Planner Ananth expressed that the applicant responded to the questions posed by the Planning Commission at the July 2023 hearing regarding compatibility with the RC Zoning District, and questions about slope, topography and drainage. The applicant provided draft easements and Covenants, Codes, and Restrictions ("CC&Rs") as requested.

Staff cited examples in the Staff Report of other private shared driveways in the City, including upper Norfolk Avenue, Anchor Avenue, Ridge Avenue, and Rossie Hill Drive. She advised that Staff received two public comments from abutting property owners on Norfolk Avenue, and those public comments were forwarded to the Planning Commission. Planner Ananth stated that the proposal to subdivide two lots into four Single-Family Dwelling lots complied with the Subdivision procedures outlined in LMC Section 15-7-1. It would also further the Old Town goals under the General Plan. She added that shared driveways were preferred under the Historic District Guidelines.

Additionally, the Lots met the Zoning District requirements, and this proposal would increase the housing stock near the resort. She mentioned that Single-Family Dwellings were common in the zone and neighborhood. No public street, ROW or public utility easements would be vacated. Planner Ananth also advised that there were no remnant lands created by the proposal.

The proposed Site Plan was reviewed by the Fire Department and Public Utilities, and she reported that drainage would meet City Engineering standards and all runoff would be contained on site. Planner Ananth suggested that the Applicant contribute to the maintenance and snow removal of Norfolk Avenue to 13th Street. Staff recommended the Planning Commission review the Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation to City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Commissioner Sigg asked why there was a “jog” in the shared driveway outlined in purple and where it tied into the area highlighted in yellow. Planner Ananth believed it was above grade, so the area would need to be excavated. Commissioner Sigg understood this was a two-dimensional drawing and did not show the current existing condition. He noted that where the “jog” exists, the grade falls away to the east. Planner Ananth confirmed and verified that they previously discussed snow storage, and advised the Applicant to present a slide at the last meeting that included some snow storage area within each Lot. Commissioner Sigg assumed that the snow storage would be at a lower elevation than the connection to Norfolk Avenue.

On behalf of the Applicant, Bill Van Sickle, AIA, Van Sickle Design & Drafting, stated that to the east, the grade would drop off. He explained that the “jog” exists because the plan was designed to line up exactly with the current pavement on Norfolk Avenue. The “jog” tied pavement to pavement and is level and would not require any excavation or fill. He agreed with Commissioner Sigg that some sort of grade wall would be required in that location.

Commissioner Sigg asked about the elevation from the snow storage to where the driveway comes into the existing pavement. Applicant representative Van Sickle stated it was likely around two feet, and then it sloped to the end of Lot D at about a 10-foot difference. With regards to snowmelt, Applicant representative Van Sickle advised that the civil team designed subterranean detention basins for that snowmelt. He confirmed that the intention was that snow would not drain onto adjacent properties.

Commissioner Frontero asked about locations for snow storage. Planner Ananth stated there would be areas in between the Lots, as well as an area in the northern corner. Commissioner Frontero understood that both snow storage locations along Lot D would require some sort of retention. Planner Ananth added that if this project were approved, the site would be further engineered to meet City standards. Commissioner Sigg asked if the onus for that would be on

the owner of Lot D because it was part of the Lot D property. Planner Ananth confirmed and added that currently Lot D is the largest in this Subdivision.

Applicant representative, Justin Keyes reported that Gavin Steinberg would present on behalf of the Applicant. Applicant Steinberg addressed questions regarding the size and orientation of Lot D and explained that they made Lot D a corner lot. Therefore, the Setbacks are larger, which would allow for more snow storage and a smaller home. He presented a graphic and explained that they looked at the 176 lots in the RC zone. He reported that 27% of these lots were either single lots or 1.5 lots. Applicant Steinberg stated that 73% of the lots were non-traditional lots, meaning they were wider than 1.5 lots, or different than the east/west orientation. He noted that 15% of the lots were in the north/south orientation.

Applicant Steinberg stressed that the fact that Lot D would not conform as an east/west single lot was not unusual in this zone. He stated that it was worth noting that the City-owned property immediately abutting this property has a house facing in the north/south direction. With regard to the shared driveway, Applicant representative Keyes stated that what is typical in Old Town was atypical. He noted that the configuration in this application was exactly like that on the City-owned property next door, which has a Historic Structure facing north/south. He mentioned that as he prepares for these presentations, he considers the original miners that built these Historic Structures, and their thought process as compared to how the current planners were trying to rethink it. He applauded the work done by Applicant Steinberg, who looked at every single lot to determine what each one looked like in terms of size and orientation. He stressed that this proposal was very consistent with what exists in the RC zone.

Applicant representative Keyes addressed the debate between “shared driveway” and “City road.” He stated that Staff did a great job of researching this to determine what is a road and what is not a road and felt this was a unique issue to Old Town. He noted that 100 years ago, it was not platted with a tape measure, which explained why they have these circumstances where they have to look at shared driveways instead of roadways. He noted Staff’s conclusion that the only way they could put a road in was if they demolished a Historic building on the corner of Norfolk Avenue and 13th Avenue. Instead, they have an existing ROW, and this application proposed a shared driveway beyond that existing Right-of-Way.

Applicant representative Keyes commented that the Code allowed shared driveways and actually encouraged them. He offered that this proposal meets the requirements for a shared driveway. He said that the analysis was quite simple: the Road and Streets Code did not apply because this is not a road. He added that there was a clause in the Code that specifically states if something were not a road, this Code would not apply. He emphasized that they highlighted this fact in the letters, and Staff highlighted it in the Staff Report. He commented that the City hired excellent consultants to tell them what the Code says and guide the City on these issues. Based on his own review, he confirmed that this was in the Code.

Applicant representative Keyes next presented a graphic to respond to the questions posed about snow storage and where the snowmelt would drain. He commented that it was a bit early for these types of questions as they were just at the Plat Amendment stage; however, the Applicant retained engineers and consultants to provide input on that based on the Planning Commission’s feedback. He reported that these consultants have advised that there would be plenty of room and all of the water could be captured on site. He stressed that they wanted to ensure that this proposal would not negatively impact the neighbors and have provided support from the experts

to demonstrate that it would work. He noted the City's experts concurred that the proposal would work.

Applicant Steinberg added that the engineers stated the site would need 511 cubic feet of water runoff retention and identified 750 cubic feet of water runoff detention areas. Therefore, there was excess room in the event it would be needed.

Applicant representative Keyes reiterated that there was plenty of room to deal with the grade, and when those issues come up in the process and future submittals, they would have fully detailed plans that would account for how it would be accomplished. He noted that it might be that basements would retain some of it, but that was part of the design schematic that would come together after the Plat Amendment stage. He cautioned that they do not put the cart before the horse but commented that the applicant had done enough by retaining engineers would opine that it would not be an issue.

Applicant representative Keyes next addressed the Planning Commission's request to see draft CC&Rs. He stated those were prepared but commented that they could not be recorded until after approval of the Plat Amendment. They also were trying to mitigate the snowplow issue and would be happy to contribute up to 50% to clear the adjoining ROW as well. He fully conceded that snow removal seemed to have landed on one man's shoulder and he understood those concerns and the fact that the neighbors had not contributed to those efforts. He stressed that the Applicant would be neighborly and contribute to help maintain the road. He noted that was in their own best interests as they were investing a substantial sum of money in these homes, and they want to be able to access them. They could include in the CC&Rs that the HOA would contribute a minimum of 50% of the clearing and maintenance costs for the ROW.

Commissioner Sigg applauded the Applicant for providing the back up data for these questions. He noted this involved rigorous scrutiny, and he thanked the Applicant for providing the data.

Chair Hall opened the public hearing.

Andy Holland reported that he owns 1315 Norfolk Avenue, which is located between 1319 Norfolk and 1307 Norfolk. He has lived on the street for 12 years, and Mark Brian, the owner of 1319 Norfolk Avenue, neither paid for, nor plowed, the street by himself. In fact, the speaker and the owner of 1307 Norfolk Avenue did a lot of that work and added that the three owners own a snow blower together and share those expenses. He stressed that it was not a one-man show where the neighbors were unfriendly to one another. He also stated that Norfolk Avenue is a road. He is an engineer, and he measured the width of the roads on all the blocks of Norfolk from the ski run to the end of their street. The roadway measured at 18 feet plus or minus 4 inches. The driveways of his and his neighbors are 12 feet wide. He noted that the street in this location also had curbs on the north side, which were completely the same as those on the other blocks of Norfolk Avenue.

Having lived through last winter, and having owned this home for 12 years, Speaker Holland did not believe that the plan for snow removal was adequate. He opined that they would likely have significant issues and noted the City-owned home at 1302 Norfolk Avenue was several feet below the grade of the curb in its current configuration. Speaker Holland understood that the basement of the City-owned house flooded. He did not feel that the claim that nothing could be done because of the Historic Structure at 1302 was valid. He stated there were two sheds to the north

that were also designated as Historic, and which were torn down this spring when the roof on one collapsed due to the snow load. The second structure listed to the north.

Speaker Holland stated that Mark Brian was out of the country and sent him a text asking him to represent that he did not favor approval of this plan. Additionally, there was no plan for the maintenance of the street. He stated that until these issues are addressed, this application should not move forward. Speaker Holland thanked the Commission and noted that several of the Commissioners had taken the time to visit the area to look at the issues. He noted that the Commissioners do their job with a desire to achieve a common good. He suggested that given the plans for 1302 Norfolk Avenue and the other City developments that the Commission needed to take a systems approach and a broader view to make a broader decision for all the citizens affected in the 1300 block of Norfolk Avenue.

Deb Rentfrow identified herself as an Old Town resident. She referenced the Applicant's claim that this project would be in keeping with the RC zone, yet of the four examples included in the Staff Report on private driveways, none of them were located in the RC zone. She noted that the example on upper Norfolk Avenue has an ingress and egress, which was different than this proposal. The examples on Ridge Drive and Rossie Hill Drive have direct ROW access that was not being privately maintained by the neighbors. These latter two examples were also not blocking anyone else's access to their home. Speaker Rentfrow could not comment on whether the example on Anchor Drive was similar to the one being proposed but stated that three of the four were not at all similar and were not located in the RC zone.

Speaker Rentfrow mentioned that the issue of garbage was raised in the CC&Rs. She observed that garbage trucks were currently unable to go down Norfolk Avenue, and she confirmed with one of the homeowners that the existing homes and properties all pull their garbage cans to Norfolk Avenue and 13th Street. She assumed that the four proposed homes would also have to be dragged down the private drive to Norfolk Ave. and 13th Street. She opined that having 20 garbage cans in that location could potentially create an issue for people wanting to get onto Norfolk Avenue. Referencing the private driveways used by Staff as examples, Speaker Rentfrow felt garbage pickup would not be an issue for those owners, whereas it would be an issue in this location.

William O'Connell reported that he is a 26-year veteran of the Marine Corps and Navy and listed where he served. He wrote two letters on February 20th and May 10th wherein he set forth why he felt the road was not safe and he asked the City to assume the plowing. He asked if that would be addressed because if the road is not safe, he could not imagine the future with this development. Speaker O'Connell did not understand why the Historic home on the street was designated Historic, because he thought it was built in the 1970s. He reiterated that he has written two letters in which he asked the City to address the safety and to take over the plow service. He did not understand how a driveway in a driveway could be considered a road. Speaker O'Connell asked if the City Planners, as a team, could address the issues raised in his letters. He recalled that he read his May 10th letter during the July Planning Commission meeting, and no one had ever addressed the safety concerns he raised in his letters.

There was no further public comment. Chair Hall closed the public hearing.

Commissioner Shand referenced Figure 8 of the application that showed an image of existing conditions of the dead-end portion of Norfolk. He asked if the width of the road was compliant from the stairs to what is shown as the gutter. City Engineer, Rebecca Gutknecht explained that

there are a couple of ways the road is not compliant, one of which was in the road's width. She was unsure of the exact width but stated that for it to be compliant it would need to be 20 feet. Engineer Gutknecht explained that the roadway section is insufficient, and they will need it to come up to a remaining life cycle of 15 years to become compliant with City standards.

Commissioner Shand asked if it was possible to make this road City compliant, which might solve some of the issues with respect to the existing homes and the residents' concerns with an extension of this section of Norfolk Avenue into a private driveway. Engineer Gutknecht advised that in order to widen the road to a sufficient width, the Historic home would need more evaluation to address that would be necessary to widen the road. As far as plowing, Commissioner Johnson stated that would not go through the Planning Commission; rather, it would be a special request to City Council for approval for the City to permanently take over the services. Planner Ananth explained that the City would effectively have to abandon the current Encroachment Agreement, construct a turnaround and agree to assume the snowplowing if Norfolk Ave. could be sufficiently widened to meet City standards. She agreed with Commissioner Johnson that it would require City Council action separate from this matter.

Commissioner Shand raised the issue because it seemed as though the main concern was the safety of the road and snow removal. Planner Ananth agreed, and felt the speaker was referring to safe navigation for residents. She added that the sight lines were good on that road, and it was slightly narrower, but she would not necessarily say there were unsafe conditions.

Commissioner Johnson mentioned the public comment regarding the garbage and stated that it was not something he considered until now. He stated it came back to the road making this application so difficult; the road was so horribly designed, so the question was whether there was something they could do to help. At this point, they would have to demolish the blue house.

Commissioner Sigg noted that it would appear that the curb and sidewalk on Norfolk were in the ROW, and that the first driveway beyond the stairs was encroaching into the ROW. He stated this was one of the reasons why this was being discussed, because that forced the "jog" in the road. He was okay with the number of lots and felt the Applicant had done a reasonable job in trying to lay them out. However, when he considered the road itself and some of the comments from the adjacent owners, there was no agreement in place regarding cost sharing. He felt this created an issue as it related to LMC Section 15-15-1.

Commissioner Sigg asked if a Circulation Study was done. He mentioned the "No Parking" signs and stated he was trying to formulate a proactive solution here. He asked if that could mean a public/private partnership because they were talking about City-owned property and what may or may not be a Historic home. He reported that he had visited this area and observed that if vehicles were parked on both sides of the street, there would be no way for a car to get through. With regard to the "jog" in the road that creates the driveway for the first house, if two cars were parked offset in that location, and someone tried to skirt that dogleg they would end up in the owners' front door. He felt this was a health and safety issue. He applauded the work with the Fire Department and the stairs and was okay with that part of this proposal. Commissioner Sigg struggled with the condition of the road and the safety of the existing residents and the new residents. He also expressed concern that no agreement regarding snow removal was in place and felt negotiations on such an agreement would become contentious. He asked if there was an expert that could address these issues and noted that the issue was one of mitigating non-conforming circumstances that exist on a very substandard road.

Commissioner Sigg felt Staff did a great job in the presentation of the prior questions and in providing the data. He noted the questions discussed but stated that the bottom line was this was a completely non-conforming situation outside of the applicant's control. He wondered if there was an opportunity to improve the condition.

Commissioner Suesser stated that the data provided by the Applicant was helpful, but it would have been more helpful if there had been an analysis of the lot sizes of Single-Family homes in the RC zone. She noted she had requested that information just prior to this meeting, but Staff was not able to provide it in time. She noted the provided data was helpful, but there were a lot of different sized lots and uses in the RC zone. She would like to know the number of Single-Family lots, particularly on Empire Avenue and Woodside Avenue that were not 25' x 75' lots. She agreed with Commissioner Sigg that the non-conforming road is an issue in terms of safety. In terms of the Fire Department's letter and input, she asked Staff if the Department required the Single-Family homes to be protected with automatic sprinklers. Planner Ananth could not recall, but she would look it up.

Commissioner Suesser also agreed with Commissioner Sigg that none of the provided examples of private driveways emptied onto a substandard non-conforming road that is not maintained by the City. They all emptied onto a public road maintained by the City; therefore, she did not agree that the information provided was a fair comparison. She agreed with Staff's recommendation that the Applicant make the shared driveway its own Lot, owned as common space by the HOA. She felt that would solve some of the issues she had with this proposal but would add that the snow storage areas should also be included in that common space Lot owned by the HOA for snow storage. She strongly recommended the Commission include that requirement.

With regard to the fire access stairs required by the Fire Department for the development of these lots, Commissioner Suesser wanted a Condition of Approval that the public staircase to be constructed by the applicant be open and available and built to public standards so that pedestrians can move off of Empire Avenue down those stairs at least to 13th Street and the Library. She noted that there had been accidents on Empire Avenue, and the sooner they had a staircase connecting Empire Avenue to Norfolk Avenue, the better. She noted she was not asking that the applicant be required to continue the staircase to Woodside, but the fire access stairs required by the Fire Department should be open to the public.

Commissioner Suesser asked if the shared driveway will be heated as she did not see that detail in the Conditions of Approval. Applicant representative Keyes stated that would depend partially upon what was done with the rest of the roadway. He stated that one of the major concerns he had heard from the Commission is that they would like to see an effort to improve conditions on the existing ROW, which the Applicant was willing to do. He stressed that Applicant had a vested interest in having good access to their properties. He explained that they could not heat the ROW, so if they end up clearing snow on that ROW, they may not heat the shared driveway; rather, they might just have a single contract to clear the snow throughout. They originally contemplated heating the driveway, but if they go a different direction with the ROW, then they would not heat it.

Commissioner Suesser commented that at the last meeting, she specifically requested the applicant meet with the City to try and reach a compromise or understanding to improve that road, and apparently that had not occurred. She felt the Commission needed to make a decision on this application based on what was in front of them, which did not include the City improving North Norfolk Avenue. Commissioner Suesser assumed there were no City contributions to improve

North Norfolk Avenue, and wanted to know if the shared driveway would be heated. She explained that she was asking this question because Condition of Approval 6 specifically states that the driveways could not be heated because it lies beneath the utility easement. Applicant representative Keyes explained they have a 30-foot-wide utility easement in that location, and a 19-foot-wide shared driveway, so there was a substantial amount of utility room on either side of the driveway. They met with the City and attempted to come up with a good solution, but it was difficult when dealing with existing conditions like these. This ROW had been in existence for nearly 20 years and is substandard. He added that there were many stakeholders, whom he did not mean to offend, and it had not been an ideal scenario. They have some owners who would prefer to see the City take over that road.

Applicant representative Keyes stated he had been involved in several shared driveways, and the City had been hesitant to set the precedent of coming in and maintaining substandard roads because of liability and other issues. He added that there was a Historic Structure on the corner, and there were restrictions in the Code against moving or demolishing Historic Structures, and the City was required to play by the same rules that it holds applicants to.

Commissioner Suesser reiterated that the Applicant had not presented anything with respect to any decision reached with the City; therefore, the Commission must process this application as it exists. Applicant representative Keyes told Commissioner Suesser what they were willing to do, which was to re-topcoat and address the ROW as it exists. He added that Applicant was willing to agree to maintain that roadway in perpetuity. He clarified that this meant the ROW from the shared driveway to upper Norfolk Avenue. Applicant would maintain that road, including all snow clearing, in perpetuity.

Commissioner Suesser asked if this meant the Applicant would clear the snow from North Norfolk Avenue and from the shared driveway and not install a heated driveway. Applicant representative Keyes confirmed that was correct and stated that if it did not work to install a heated driveway because of the way the snow clearing would go, they would not heat it; rather, they would clear and haul the snow as needed under a single contract. He confirmed they would not push the snow to the adjoining lots to the north.

Commissioner Suesser noted the representation by Planner Ananth that the utility easement will encompass the shared driveway, and according to Condition of Approval 6 felt that the Applicant would install landscaping and the driveway at its own risk because the City might need to access the utilities underneath that road. Planner Ananth explained that it does not matter if the driveway is heated or not; rather, it is another agreement the Applicant had to make, and they would have to assume the liability that if the City needed to take it up, the repair would be at Applicant's expense. She added that it really came into play with regards to engineering and drainage calculations.

Commissioner Sigg added that another non-conformity is that there appears to be a hydrant located in a wall, and while he understood they could hook a hose up to a hydrant on 13th Street, there was a real disconnect. He stressed the fact of this hydrant and the substandard road and noted it would certainly not make it easy for the firefighters. Planner Ananth offered that technically, no parking is allowed next to a fire hydrant. Applicant representative Keyes stated they would be happy to mark that and believed that the Code stated that vehicles couldn't park in front of a hydrant. They would be happy to put more placards up should that be helpful.

Commissioner Sigg asked whose purview it is to do that. He understood it was part of the ROW, but it was also part of the non-conformity that exists along that entire section of road and outside the purview of these four lots. Assuming the shared driveway would not be heated, Commissioner Suesser wanted clarification on whether the 87.5' x 19' driveway would have enough snow storage to accommodate that much snow removal on site. She noted there had been enforcement issues surrounding snow removal in Old Town, particularly at King's Crown. She stressed that snow storage was a big issue in Old Town and wanted to understand the Applicant's plan.

Commissioner Suesser appreciated the Applicant taking on the responsibility for North Norfolk Avenue and agreed it would be in their best interest so they could access this Subdivision. She reiterated that her concerns were public access on the stairs and requiring a common space Lot to include the shared driveway and adequate snow storage.

Commissioner Shand applauded the Applicant for offering to take care of North Norfolk Avenue in perpetuity and asked how that would be memorialized. He noted that ultimately there would be four new owners added to the three existing owners.

Applicant representative Keyes commented that they already drafted the CC&Rs that address snow storage, and they were contemplating an HOA. The cleanest way to handle it would be through an HOA that would manage it moving forward. They have it ready to record once the Plat is approved.

Commissioner Shand understood Commissioner Suesser's concerns regarding snow storage and the Applicant's Snow Storage Plan. He noted his understanding of the Fire Department's review of this application as well. He asked if Applicant's offer to take care of snow removal in perpetuity would relieve the burden from the existing homeowners, or whether it would include them. Applicant representative Keyes stated it would not include them because the HOA could not control them. He confirmed that the HOA would only include the four new homes.

Commissioner Frontero stated that the initial offer was to pay up to 50% of snow removal costs and noted that now the Applicant contemplated assuming 100% of those costs. Applicant representative Keyes confirmed that they had talked about it but did not have a consensus until hearing the Commission's feedback. He reminded that the Applicant would also include installing a new topcoat.

Commissioner Frontero felt that the Applicant's agreement was a wise decision and made him more comfortable moving forward. He was interested in seeing where the snow could actually be stored. Applicant representative Keyes stated that the CC&Rs contemplated that they would haul the snow off site if necessary. He noted that occurred at many locations in Old Town. He reminded that the site had more than the typical amount of snow storage area, but if they needed to, they would haul it off site. Commissioner Frontero agreed with the suggestion to make the shared driveway common space, and the snow storage included in that calculation.

With regard to the stairs, Commissioner Frontero stated it would be nice if the stairs required by the Fire Department could be built to standard to allow them to be public stairs. He asked if they could build public stairs that would meet both City and Fire Department standards. Applicant representative Keyes stated they would like to build public stairs; however, the problem was they did not have a connection with Empire Avenue. Applicant Steinberg explained that if the fire stairs were made public, there was another lot before Empire Avenue not owned by Applicant. The Applicant would not be allowed to cross onto this other property since there is no easement for

that; rather, the easement Applicant has with that adjoining property owner was strictly for fire access. He stated that they had spoken with members of the City, and if they could build a public staircase that would work with the timing, the Applicant would be willing to contribute to that staircase. If not, then when the City is ready to build the public staircase, they have the easement in place for the path to allow for public access through the property to the public stairs.

In response to an inquiry from Commissioner Frontero, Applicant Steinberg confirmed that Applicant was agreeable with the public walking through the shared driveway to access the stairs; however, until public stairs are constructed, the public could just walk to the end of the property. Planner Ananth confirmed that they are working with the Applicant to potentially locate those stairs on City property, with Applicant making a contribution towards construction. She stressed that was the ideal situation, but the City was actively figuring out the Site Plan for Woodside, Phase 2. She reiterated that was the goal if it could be done in time. She confirmed that the Knudson's own the lot in front, and the City owned the adjacent area to the northwest.

Commissioner Sigg noted that the City owns the Senior Center and wondered what would happen to the north at the end of the driveway. Planner Ananth advised that was part of Woodside, Phase 2.

Commissioner Frontero appreciated that the Applicant took the suggestions from the prior meetings and incorporated them into this application. He felt the Commission would like to make a decision on this application, and they had to vote on what was in front of them, which included the ROW and the condition it was in currently. He stated that the substandard road was a major concern; however, he acknowledged that the application was not directly related to the City fixing that road. He stated they would like to see some commitment to improve that road, and he did not know if they would get there.

Commissioner Frontero commented that this was a difficult decision for the Commission, as it was a very unique situation with less-than-ideal conditions. He noted also there were some safety concerns as pointed out by Commission Sigg. He felt the neighbors would have to work together on the road and acknowledged that some of that burden would be taken off the neighbors by virtue of the HOA maintaining the road. He commented that was a good start.

Commissioner Sigg expressed his view that simply resurfacing the existing road will not suffice, as a two-inch overlay would not change the conditions of the road. He stated that this issue went beyond just resurfacing the road.

Commissioner Suesser did not believe the Applicant answered Commissioner Frontero's question about who owns the lot that would connect the stairs to Empire Avenue. Applicant representative Keyes reported that the Knudsen's own that lot. Commissioner Suesser asked if the Knudsen's are also the owners of the four lots. Applicant Keyes responded that the Applicant is the owner of the four lots. He added that the Knudsens might have been a prior owner in the chain of title, but the Applicant was the current owner.

Commissioner Suesser asked Planner Ananth to confirm whether the Knudsen's ever presented a proposal like this. Planner Ananth explained that the Applicant is the current owner of the parcels that the Applicant had proposed to subdivide into four lots. The Knudsen's own the property directly to the west and they provided Applicant the fire access easement. She noted, however, that the City owns Knudson A, which is the Woodside, Phase 2 project directly north of

this proposed Subdivision. The City could install stairs adjacent to the Applicant's property line that connect from Empire Avenue to Woodside Drive.

Planner Ananth explained that the Applicant has the right to access their lot for fire safety through the Knudson Lot, not through the City's Lot, so they could not provide public access stairs on the Knudson Lot. If the Applicant were to reach an agreement with the City to contribute towards the public staircase, that staircase would be built just north of Applicant's property. Commissioner Suesser understood but would have liked to see some effort by the Applicant to approach the Knudsen's to get public access instead of just fire access. She stated that a car on Empire Avenue fatally struck someone, and it would be helpful to be able to move pedestrians off of Empire Avenue and down these stairs. She stressed that when they look to a public benefit and good cause to approve this development, public stairs would be a great public benefit. Applicant representative Keyes reported that they approached the Knudsen's and requested the right to build public access stairs and they denied that request. Planner Ananth added that on 13th Street, there is a set of public stairs and 14th Street is a public ROW. The City would like to create a mid-block ROW, but there was sufficient east/west access around this block.

Commissioner Suesser reiterated that a pedestrian on Empire Avenue was killed, so she did not know if there was sufficient public access off of Empire Avenue. She felt it was ridiculous to have only fire access stairs. She understood that Planner Ananth stated that the public access stairs that would be installed as part of Woodside, Phase 2 would also serve as fire access to this Subdivision. Planner Ananth agreed that was potentially correct.

Commissioner Sigg focused on the City property to the north in terms of snow removal. He felt that the easiest method would be for the snow removal equipment to push snow to the north and dump it onto City property. As he considered the grade going down to the existing Senior Center, he expressed concern about drainage going down to that building.

Chair Hall reviewed some of the key issues to see where there was consensus. Commissioner Johnson echoed Commissioner Sigg's comments regarding the snow storage. He also mentioned some points raised by Commissioner Suesser about not counting the shared driveway towards the Building Footprint. He requested a response from the Applicant. He appreciated that they reached a point where the Applicant would maintain the entire road. He asked the Applicant to respond to the concerns expressed during this meeting. He also wanted some information on the garbage issue raised earlier.

Chair Hall reported that Assistant Director Ward indicated that Commissioner Van Dine was able to log into the meeting and invited her comments. Commissioner Van Dine indicated that she joined when Commissioner Suesser started speaking and felt comfortable participating on this Agenda Item. She expressed that her questions were covered by the discussion, and that her big question was the common space and the ROW.

Commissioner Suesser asked about the Applicant's mention of a retention basin beneath the Subdivision and wanted an understanding about where that water would go and if the retention basin would connect to the City's storm drains. Applicant representative Keyes stated that the issue raised regarding trash was an excellent point and was not something that had come up previously. He stated that first off, they would need to discuss it with Public Works to find out where they would want the trashcans placed for pickup. Internally, they would address the trash issue through the CC&Rs. They would be happy to include a Condition of Approval that trash pickup would be addressed through the CC&Rs, and suggested a clause that trash be taken out

to a location designated by Public Works. He offered that typically, trashcans were moved to the end of any ROW; however, he felt it best that they consult with Public Works.

With regard to snow removal, he stated that the concerns that snow would just be pushed off the back of the driveway were valid. He stressed that they do not want to be a bad neighbor and could address this in the CC&Rs. Applicant representative Keyes stated the Applicant is already taking on snow removal within the CC&Rs, and he would be agreeable to a Condition of Approval that the CC&Rs include a clause making clear that no snow would be pushed onto any adjoining lots. He commented that pushing snow onto an adjoining lot would be trespass and the City could sue the Applicant if they did that. He reiterated the Applicant's willingness to include something in the CC&Rs that would not push the snow onto any adjoining lot. Applicant representative Keyes added that they identified snow storage locations and Staff had signed off on those locations. If these locations become full, they anticipated that they would have to haul the snow off site.

With regard to stormwater retention, Applicant representative Keyes advised that they had an engineering calculation that concluded the site has adequate room within the location to deal with the site's own storm water runoff, including snow melt. They did not anticipate that the runoff would go through public storm drains; rather, it would percolate in the retention basins throughout the site. He explained that they need to retain 511 cubic feet of water, and they have the capacity to retain up to 750 cubic feet. The more specific plans regarding this item would be subject to Building Department review, however, he confirmed that the engineers advised that they have the room based on anticipated loads.

He next addressed the common space issue and noted that currently they did not specify the shared driveway as common space. He stated it would impact the project profitability because it would reduce the size of each individual property. Therefore, this was something the Applicant would have to consider to ensure that it would not so severely impact the project in light of the other expenses they would assume that it no longer penciled. He felt the Applicant could provide a response at this meeting if they had the time to consider it.

The Planning Commission took a short recess.

The meeting reconvened and Chair Hall confirmed that all in chambers were present, as were those Commissioners appearing online.

Commissioner Shand referenced Commissioner Suesser's suggestion that the snow storage on the property should be in common space. He suggested including in the CC&RS the designation of common space within the Lots proper. He noted that would reduce the Lot Size, although likely not house size, and create a cleaner property line. He understood Commissioner Suesser's concern with ensuring that the areas on the lots intended for snow storage were actually used for snow storage.

Applicant representative Keyes stated they could address that through the CC&Rs. He reported that there were different ways to accomplish that, and it would not necessarily have to be designated common area. He stated the HOA could have an easement over each Lot and have the exclusive right to maintain over that easement. He understood Commissioner Shand's concern and agreed that they needed to ensure that the HOA had the ability to store the snow on the property, and that would be the intent of the CC&Rs. He felt this was addressed in the current version of the CC&Rs but would tweak the language based on the discussions.

Chair Hall suggested modifying Condition of Approval 10 to add language. Commissioner Shand suggested that language state there are dedicated areas for snow storage on private property that shall be made available to the HOA.

Commissioner Suesser disagreed with this approach and felt it would be better to reserve these locations as common space. She understood that these snow storage areas were proposed when the heated shared driveway was proposed. Now that Applicant would clear the shared driveway, she wondered if the proposed snow storage was adequate for this road. She had come a long way with respect to this application but felt there were still gaps. She felt that the snow storage areas should be part of the common area of the HOA and not part of Lot D.

Applicant representative Keyes stated that the snow storage designated and reviewed by the engineers was not based on a heated driveway. He noted that with a heated driveway, snow storage would become moot, so the calculations were based on a non-heated driveway. He added that Applicant would prefer to have the shared driveway run over the property lines as they proposed. They could address the common area through the CC&Rs even if it is on private property, and they do that on a regular basis. Applicant representative Keyes did not think they needed to go back to the drawing board on how they laid out the lots, and the Applicant would prefer not to have to do that.

City Engineer, John Robertson reported they had seen preliminary calculations for the runoff coming off this site, and the Applicant provided enough volume to capture all of that runoff from the non-permeable area. He represented that his department was comfortable that the areas they provided would be adequate to handle the runoff.

Commissioner Suesser asked about the dimensions of the areas. City Engineer Robertson stated that Applicant provided those dimensions and the volume calculations for them. Commissioner Suesser expressed that she would have liked that information shared with the Planning Commission. City Engineer Robertson commented that this information was not something typically required at this stage, which was why Staff had not talked about it much. However, he reiterated that it was provided ahead of time, and based on the department's cursory review they found it to be adequate and the Applicant met the required standards.

Chair Hall acknowledged the concerns regarding snow storage and suggested it might be helpful to arrive at a consensus of where the Commission stood on the issue before moving on to a different topic.

Commissioner Sigg wanted to see some consensus with the adjacent property owners in spite of the fact that Applicant was willing to push it all the way to 13th Street. He noted the adjacent property owners would be pushing snow from their driveways, and currently he was hearing conflicting views. He felt it was important to hear from the neighbors who would push the snow out from their driveway into the area where Applicant would then remove it. He explained those driveways were perpendicular to Norfolk Avenue.

Chair Hall asked Commissioner Sigg if he was suggesting that she re-open the public hearing. Commissioner Sigg wanted to see more collaboration and heard that the City did not really care about this road. He referenced LMC Section 15-15-1, which includes such things as providing public amenities and benefits and resolving existing issues and non-conformities. He wondered

if the City did not really care if the Applicant paves it, would they care if the Applicant undertook to widen the road.

Commissioner Sigg asked if the Applicant spoke about “No Parking” signs and stressed that they could not just put such signs anywhere they wanted and felt they would have to get some kind of permission. He stressed that he did not see any collaboration yet, and opined the issues of snow, the Lots and their orientation were secondary. For him, it all fell on LMC Section 15-15-1 and good cause. There were non-conformities and health and safety issues on the road.

Commissioner Sigg suggested that the Applicant make these attempts to discuss these issues with Park City Municipal Corp. He stated this was the gist of his concerns.

Commissioner Johnson asked Commissioner Sigg if some of his snow storage concerns could be alleviated if the Applicant agreed to reduce the Maximum Building Footprint by dedicating the shared driveway as common area. Commissioner Sigg felt that snow storage was solvable and reiterated he would like to see how the adjacent property owners felt about Applicant’s proposal. He noted there was no agreement that memorialized this yet, and ideally there would be one Association that covered the eight lots.

Commissioner Suesser commented that in Old Town residents are not allowed to shovel their driveway snow into the ROW. She felt that in this situation, the adjacent neighbors would have to remove their snow from their property themselves because they could not just push it into the ROW and expect the HOA to clear it. She did not feel that the adjacent owners’ clearing of their driveways was part of the snow storage issue, she just wanted to make sure there was enough snow storage available on the HOA property and felt strongly that those areas should be designated as common space and that the shared driveway should be one big C-shaped lot.

In terms of snow storage, Chair Hall asked if any Commissioner had any proposed amendment to the Conditions of Approval. She noted the suggestion of incorporating the snow storage area as common space. She noted the Applicant’s statement that they would include in the CC&Rs that snow would not be pushed onto neighboring properties, and they would pay for snow removal from the shared driveway and the street.

Commissioner Sigg concurred with Commissioner Suesser that if it would become common area, it would alleviate any future issues such as title transfers.

Chair Hall was trying to summarize a portion of the application so that they could move onto another topic. Commissioner Suesser commented that the City did not enforce CC&Rs and felt that a Condition of Approval should be added that requires a separate Lot that included the shared driveway and snow storage areas designated in the proposal as common space. She disagreed that CC&Rs were something the Planning Commission could lean on in this situation because they could change or written however they want. If it is not a Condition of Approval, then it cannot be enforced.

Chair Hall referenced Conditions of Approval 10 and 11 and opined they were getting to the same concept that states if there was no HOA or CC&Rs, the restrictions related to the snow storage and financial contribution would be applicable before the Plat could be recorded.

City Attorney Harrington advised that during the break, Staff took the opportunity to capture some of the Commission’s comments and prepared draft language that partially addressed

Commissioner Suesser's suggestion. Staff agreed that CC&Rs alone had an enforceability problem.

Staff proposed language that focused more on an affirmative requirement for a new or amended Encroachment Agreement with the City. He commented that if the Commission had consensus on a requirement on eliminating the road itself from the Lot area and designating that common area and did the same with the side yards, they might want to ask the Planners and Engineers because it would be unusual. He was not aware of that being done in any other case.

Chair Hall agreed with Commissioner Suesser that CC&Rs were challenging, at best, for the City to enforce and invited Staff to address this issue.

Commissioner Sigg asked if a Plat Note would suffice and supersede the CC&Rs on the issues of common area and snow storage. City Attorney Harrington stated that it would but noted that the issue with Plat Notes is they also get lost from owner to owner, so they might want a more affirmative management plan incorporated.

Chair Hall observed that Conditions of Approval 10 and 11 could be amended to add some teeth to alleviate the concerns about enforceability. She asked Staff to share the amended language they prepared during the break.

Planner Ananth shared proposed language for Conditions of Approval 11, 12 and 13. Commissioner Suesser asked what was meant by "snow storage exhibit." She also asked City Attorney Harrington to explain the Encroachment Agreement referenced in his comments and now referenced in proposed Condition of Approval 13. She wondered if this language was added because the three adjacent owners have an Encroachment Agreement with the City to North Norfolk Avenue, and this would be similar for the HOA.

City Attorney Harrington confirmed that Commissioner Suesser was correct as to the Encroachment Agreement and was also in response to the Applicant's offer to expand their responsibilities beyond existing Condition of Approval 10. Condition of Approval 13 would clarify exactly who was doing what. He noted that the Planning Commission was making a recommendation, not final action, so there were things the Commission could require prior to final action by City Council. He noted that the new Conditions of Approval did not include a Condition regarding removal of the Lot Area for the driveway, and they would need that additional language if they were to make that a Condition of Approval. Commissioner Suesser requested such language.

Chair Hall stated that Conditions of Approval 11, 12 and 13 would replace Condition of Approval 11. There was discussion regarding the proposed language regarding the shared driveway presented on the screen. Commissioner Suesser requested language that the snow storage areas shall be its own separate common area Lot.

Applicant representative Keyes stated that making it a separate Lot was the only component that Applicant would have an issue with. Commissioner Suesser commented that Staff recommended this to the Commission, the Commission had worked hard on this application and expressed her belief that the Commission had consensus that the common area needed to be its own separate Lot in order to get approval. She felt that Applicant must have prepared for that because the Staff Report recommended that to the Commission.

Chair Hall suggested taking a poll on this issue to see if there was consensus. She noted the Applicant wanted the proposed Plat to stay as drafted with the function of snow storage and trash to be accomplished through the CC&Rs and agreements with the City. She noted Commissioner Suesser's request regarding the common area managed by the HOA.

Commissioner Shand noted his prior suggestion of incorporating snow storage areas into the CC&Rs, but if it was agreeable with Applicant and the City, he felt the right way to accomplish this was to make it common space. Chair Hall felt Applicant expressed they were not agreeable. Commissioner Shand understood the Applicant objected to making the snow storage area a separate Lot. Applicant representative Keyes confirmed they objected to making a separate Lot for snow storage and the shared driveway. He confirmed that Applicant was agreeable to making these areas common area or subject to the agreements in a way that did not make it a separate Lot.

Chair Hall noted this clarification and sought to gauge the Commissioners positions on this issue. She asked if they were agreeable with the Plat as presented by Applicant. Commissioner Shand reiterated that he was agreeable with the locations being designated common space.

Commissioner Sigg was agreeable with "common" and given the pedestrian egress through the area felt it was important to clarify if the "common space" applied to the four Lots, or whether it was "common" so that the public could walk through the area. He felt there would be a time when stairs would go to Empire Avenue, and he would like to ensure that the public could get through that space. City Attorney Harrington explained that existing Condition of Approval 9 addressed the issue by requiring an access easement across the private driveway. Commissioner Sigg stated he was agreeable with it being common area as long as the public ingress and egress to the stairs was satisfied.

Commissioner Suesser asked for clarification as to whether the suggestion was to call the snow storage areas common space owned by Lot D, or whether Commissioner Shand and Sigg's suggestion was to create a separate Lot.

Commissioner Sigg asked if it would be deed restricted. City Attorney Harrington stated there were a number of ways the Applicant could address it but felt this was what Chair Hall was trying to do in terms of whether the Commission wanted both or either the private drive or snow storage designated as a separate Lot. Commissioner Suesser noted that the Commissioners stated they were agreeable with it being called common space, and she was unsure what that meant in terms of a separate Lot. She felt it needed to be a separate Lot as opposed to common space owned by the owner of Lot D.

City Attorney Harrington felt the Applicant represented that they had mechanisms within the CC&Rs to frame common area responsibilities within existing Lots by agreement. He explained that Staff analyzed, but did not recommend, what would happen to the building size if the Commission excluded the private driveway. The Commission could focus on the pros and cons of that from more of a compatibility issue as opposed to this ownership/maintenance issue that could be addressed by either CC&Rs or an agreement with the City.

Commissioner Suesser stated that by designating the shared driveway and the snow storage areas as its own separate Lot, it would kill two birds with one stone because it would take care of the maintenance issues and set the Setbacks where they should be rather than as proposed.

Commissioner Frontero asked City Attorney Harrington if he agreed with Commissioner Suesser's last comment regarding the Setbacks. City Attorney Harrington stated that was the information Staff did not give, that is, what the ramifications would be to the Setbacks if they excluded the snow storage areas. He stated that was not the prior proposal, and it was analyzed for excluding the private driveway and the resulting Maximum Building Pad.

Commissioner Suesser stated she was just talking about the snow storage on Lot D, not the snow storage between the homes.

Commissioner Johnson asked whether the current discussions would result in an amendment to Finding of Fact 9 to set forth the reduced square footages shown in the chart in the Staff Report. City Attorney Harrington stated they would and added that Lot D would decrease slightly more if they excluded the snow storage area. Commissioner Johnson noted if they proceeded consistent with these discussions, Finding of Fact 9 would be adjusted such that Lot A would be 2,186 square feet, Lot B would be 2,119 square feet, Lot C would be 2,152 square feet, and potentially less than 2,671 square feet for Lot D. Planner Ananth believed that to be correct.

Commissioner Johnson was agreeable to this because the reduction in square footage would help alleviate his snow storage concerns.

Commissioner Van Dine agreed with how it was framed by City Attorney Harrington as creating a separate common space Lot so that Setbacks and Building Pads were smaller. She noted the Applicant did not want to agree to such a Condition of Approval. Applicant representative Keyes clarified that Applicant did not want to come back with a different proposed Plat that would have an additional Lot as suggested by Commissioner Suesser. He acknowledged it would result in greater Setbacks because they would have a new Lot. He submitted that was not what the Code required and what they submitted was Code-compliant.

If the concern was snow storage, he expressed there were ways they could address that without creating an additional lot and reducing the buildable square footage. The Applicant was not willing to agree to unilaterally submit a different Plat that would greatly reduce the potential square footage. He stated the Applicant was willing to take on additional costs to mitigate concerns as well as to increase public access, however this approach would greatly reduce this for the Applicant.

The Applicant preferred to proceed with a different mechanism that would achieve the same result without changing the Setbacks.

Commissioner Frontero commented that the purpose of the Setbacks was to build homes that are in scale and away from the street, and in this case the shared driveway. He leaned towards more proper Setbacks measured from the edge of the shared driveway. He noted that if the shared driveway were a street, the Applicant would be required to comply with the Setbacks, and it would be entirely consistent for the homes to be set back from the edge of the shared driveway. He favored having the Setback as a separate Lot to get the desired result the he understood was the intention of Setbacks.

Applicant representative Keyes clarified that Staff analyzed only the shared driveway, and Commissioner Suesser spoke to the shared driveway and a portion of the snow storage, which was problematic. He explained that the snow storage at the bottom of Lot D did not actually come all the way over to the shared driveway. There was a parking space in between these locations.

Commissioner Shand asked to see the snow storage plan. Planner Ananth presented the current snow storage areas. She recommended that consideration be given to amending Condition of Approval 3, which would require the Applicant provide a geotechnical report and storm drainage storage plan for the Site and add the word “including for snow storage” so that the Engineering Department could verify that Applicant had met the Code requirements and City standards.

Commissioner Suesser observed that the City Engineer just verified that to the Commission tonight. Planner Ananth stated they did not know if the driveway would be heated or not and suggested keeping some flexibility by not tying it to the snow storage plan but rather to Code.

Commissioner Suesser appreciated Planner Ananth’s candor because the Applicant stated those snow storage areas were designated based on a non-heated shared driveway. She liked the addition to Condition of Approval 3.

Chair Hall commented that would address the unknown of whether the driveway would be heated. As long as the City Engineer approved it, it would be consistent with how they processed all applications. Planner Ananth agreed and stated it would be done as part of the Building Permit process.

Commissioner Suesser asked how the Commission could sign off on a plan if they do not know whether the snow storage was adequate. Planner Ananth stated it would meet Code, so it would be adequate. She added that the City Engineer would review it for adequacy. If the snow storage plan does not meet the Code, then a Building Permit will not be issued. Chair Hall felt it made sense to modify Condition of Approval 3.

Commissioner Suesser stated that Applicant could meet Code by hauling it offsite. Planner Ananth confirmed that the Conditions would require the Applicant to meet snow storage requirements onsite. If they have another heavy snow year, the Applicant might still have to haul some offsite, but there is a standard of 15% of the impervious surface must be accounted for, along with a drainage plan that Applicant must meet. Commissioner Suesser expressed her approval for this and wondered why that had not been included in prior Subdivisions such as King’s Crown where the requirement was to haul it offsite. Based on this, she revised her request such that the shared driveway alone be the separate common space Lot as suggested by Staff in the Staff Report.

Chair Hall understood the Applicant was opposed to that, so the Commission would have to process the application as presented.

Commissioner Frontero asked if there was consensus on that issue.

Assistant Director Ward noted the discussions regarding Setbacks and asked for clarification regarding the reduced Maximum Building Footprint if the private driveway was removed from the individual Lots. Commissioner Suesser offered that the point was to set the Setbacks from the separate Lot established as the shared driveway.

Commissioner Shand understood that currently, the proposal was that the shared driveway would be common space. Applicant representative Keyes confirmed that the proposal would be that shared driveway would be treated as common space maintained through the HOA. He also

confirmed that the common space would exist over the four Lots, and each Lot would have a portion of the common space.

Commissioner Frontero understood that currently, the Setback would be measured from the Lot edge as opposed to the shared driveway. Applicant representative Keyes confirmed and noted the majority of the homes met the Setbacks, and it was only Lot D that struggled to meet Setbacks because it is a corner lot. He noted Lot D would be rendered unbuildable if the Setback went from the edge of the shared driveway. He stated that was why the Applicant was opposed to creating a separate common area lot.

Planner Ananth presented the proposed Plat for the Commission to review. Chair Hall understood the Applicant proposed the driveway would be common space and Lots A, B and C would still meet the Setbacks. The issue was that Lot D as drawn would be unbuildable if a separate lot was created.

Chair Hall looked to move forward with this item in the near future if the Commission could not reach consensus, as she wanted to get to the last two Agenda Items for tonight's meeting.

Commissioner Sigg asked if they would still consider Lot D a corner lot if the Setbacks changed. Planner Ananth understood that the Commission was interested in reduced Lot Size primarily for the reduced Building Footprints. Chair Hall noted that was what Commissioner Suesser was looking for but was not sure there was consensus on that point. Planner Ananth stated that would really affect Lot D's build ability. She suggested as a compromise that the Setbacks for Lots A, B and C be measured from the shared driveway, but the Setbacks for Lot D would not so that it would remain buildable. Commissioners Suesser, Frontero and Sigg expressed agreement with that suggestion.

Chair Hall wondered if they could accomplish the same thing with the proposed Plat by putting those restrictions in the Draft Ordinance versus creating another parcel. She felt that if the goal was snow storage, Lot Size and Setbacks, that goal should be able to be accomplished through Conditions of Approval without complicating the proposed Plat. She noted the Applicant did not want a Lot E. She offered that if there was consensus for snow storage, Setbacks and square footage, they should try and accomplish that within the CC&Rs. Commissioner Suesser commented that the Applicant only opposed Lot E because it would affect the build ability of Lot D. She had not heard the Applicant stated that a separate lot would be the issue.

Applicant representative Keyes stated he conferred quickly with his team, and they were agreeable with Planner Ananth's proposal. Therefore, for Lot D there would be 10 feet on the west side.

Planner Ananth summarized that the private shared driveway would still be common area for the HOA, the Setbacks for Lots A, B and C shall be measured from the common driveway. Commissioner Suesser clarified that common driveway meant a separate Lot. Chair Hall understood that they would not create a Lot E pursuant to Planner Ananth's proposal and Conditions of Approval. She noted they were trying to accomplish Commissioner Suesser's goals without actually platting a Lot E. Planner Ananth continued by stating that the Setbacks for Lot D shall be measured from the property line. Assistant Director Ward added "or as in the Setback determination."

Planner Ananth requested a break to finalize the changes and return after completion of the final two Agenda Items. Chair Hall agreed and confirmed that the Commission was agreeable to reorder the Agenda to continue this item at the end of the meeting.

Following completion of the last two Agenda Items, The Commission resumed consideration of Agenda Item 3.D.

Planner Ananth presented the proposed changes to the Findings of Fact and Conditions of Approval. She noted that Finding of Fact 9 would be struck, and they would address Lot Sizes in the Conditions of Approval. She presented the new language clarifying that the City Engineer would snow storage. They added new Condition of Approval 9 that the “private shared driveway shall be common area maintained by the HOA.”

Condition of Approval 10 required some discussion as she felt the Applicant did not fully understand her proposal. She believed she proposed that the Setbacks and Maximum Building Footprint for Lots A, B, and C should exclude the common driveway area. She reported that the Applicant did not want to reduce the footprint; rather, they wanted to use the area in the calculation of the Building Footprint but were willing to meet the Setback requirements based off the driveway. She then noted that the Setbacks for Lot D would be measured from the property line consistent with the Planning Director’s Setback Determination. Additionally, she referenced the added language that Applicant shall submit a trash receptacle management plan in a form approved by the City Engineer.

Planner Ananth also noted that prior to plat recordation, the Applicant shall enter into a new Encroachment Agreement with the Engineering Department in a form approved by the City Attorney’s Office outlining Applicant’s responsibilities for maintenance and snow removal of Norfolk Avenue. It was suggested that language be added clarifying the section of Norfolk Avenue. She noted they also struck Condition of Approval 11 given Applicant’s approval to undertake all of the snow plowing. Planner Ananth stated that would be included in the new encroachment agreement.

Commissioner Suesser asked if the Conditions of Approval specified that Lot D would not be a duplex. Planner Ananth stated that none of the lots were large enough to have a duplex. Commissioner Suesser agreed with these changes as drafted, and felt the Commission was looking for a reduced Maximum Building Footprint on Lots A, B and C. Assistant Director Ward observed this would not reduce the Maximum Building Footprint, to which Planner Ananth agreed. She explained the Applicant did not want to reduce the Maximum Building Footprint.

Applicant representative Keyes stated that as drafted, it would reduce the Maximum Building Footprint. He clarified that the footprint on Lot C would still be reduced because it was within the 10-foot Setback. He noted there would be an impact on the overall size based on these Setbacks, but the Applicant was not willing to reduce the footprint on all three buildings. Applicant Steinberg stated they were fine if part of the concern was making sure that the home was 10 feet from the road. They were willing to make sure that the Setbacks for Lots A, B, and C were 10 feet from the road.

Chair Hall noted that this impacted approximately 100 square feet for Lot A and 100 square feet for Lot B.

Commissioner Sigg asked if the Encroachment Agreement would be limited to maintenance and snow removal. Planner Ananth stated that it likely would be limited to those two issues but would likely also specify the seal coat of the driveway. She noted at this point the Commission was not requiring the Applicant to make other structural improvements to the road.

Commissioner Johnson commented that he was not as concerned about the Setbacks off the private driveway as it was a miniscule reduction in Lot Size and buildable space. He noted this was a lot of new information. He stated he was more concerned with having a slight reduction in the event that a snow storage issue arose. He stated he needed time to review the language. Planner Ananth referred the Commission to the table on page 5 of the Staff Report that showed the Lot Area and the footprints with and without the driveway. Commissioner Johnson understood and would re-review the information.

Commissioner Frontero was satisfied with the current rewording by Applicant and stated it mitigated his concerns that the homes would be too close to the driveway.

Commissioner Shand was satisfied with the language as proposed by Planner Ananth. Commissioner Sigg was fine with the proposal as it related to the property, but was still concerned about the health, safety and welfare and the condition of the road over and above just resurfacing the road. He felt there were issues with parking that could create lack of circulation and was not convinced about the City's position on those issues. He reiterated that these issues were not addressed in relation to establishing LMC Section 15-15-1.

Commissioner Suesser felt that the size of the home should be based on the measurement from the shared driveway. This would reduce the Maximum Building Footprint on Lots A, B and C, and she would hold firm on this point. She noted these were larger lots, and she felt that configuring them to include the shared driveway was clearly meant to increase the size of the homes and she did not feel that was appropriate next to three standard lots with standard Old Town homes. She opined that it would be out of character and out of scale with the adjoining homes.

Commissioner Suesser believed they reached a reasonable compromise in addressing this issue, and expressed disappointment that the rest of the Commission would cave on this point. She felt they had given this Applicant everything they asked for, and yet the Commission had a lot of continuing issues with the proposed plans.

Chair Hall found this application complied with the LMC and the Setbacks from the driveway were an enhancement from the original application. She also felt there was a significant, voluntary concession to pay for maintenance of the entire street, which shocked her. She noted that was an overall significant win for the adjacent homeowners and the Applicant went above and beyond the minimum requirements of the LMC in this regard. She reiterated her belief that the application complied with the Code, and the Applicant made a generous offer to maintain better relationships with the neighbors. Commissioner Suesser disagreed.

Commissioner Van Dine agreed with Chair Hall's comments and expressed that the proposed amended language was acceptable.

Commissioner Johnson stated this was tough, but the application met the Code and the Applicant taking responsibility for the road was a huge win given the City could not really fix that road without triggering many other developments that were not relevant to this application.

MOTION: Commissioner Frontero moved to forward a positive recommendation for 1325 Empire Avenue and Parcel SA-200 – Plat Amendment, to City Council for its consideration based on the Findings of Fact, Conclusions of Law and Conditions of Approval, as amended and outlined in the Draft Ordinance as follows:

Findings of Fact

1. On October 16, 1980, the City Council passed a resolution closing a portion of the Norfolk Avenue right-of-way.
2. On April 22, 1982, that closed portion of Norfolk Avenue was sold by the City.
3. In 2014, a Plat Amendment was submitted for 3 lots, located at 1314 & 1350 Empire Avenue known as the Knudson Plat.
4. On January 29, 2014, the Planning Commission forwarded a positive recommendation to the City Council, and on February 13, 2014, City Council approved The Knudson Plat.
5. The Knudson Plat was recorded with Summit County on February 27, 2014.
6. The land was not developed.
7. In May of 2022, the Applicant submitted this Plat Amendment, proposing to subdivide a vacant Lot and Parcel into four Lots to eventually be developed with four Single Family Dwellings.
8. The proposed four (4) Lots comply with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.
9. The Single-Family Dwellings will require two off-street parking spaces per Lot, as required by § 15-3-6.
10. There is Good Cause for this Plat Amendment because it will allow for development that promotes density that is consistent with the Resort Neighborhood and purposes of the Recreation Commercial (RC) Zoning District.
11. The minimum width of 19-foot shared driveway is in keeping with the historical context of Old Town.
12. The findings in the Analysis section of the Staff Report dated September 27, 2023, are incorporated herein.

Conclusions of Law

1. Neither the public nor any person will be materially injured by the proposed plat amendment.

2. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety, and welfare of the citizens of Park City.
3. The proposal complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Prior to submitting for building permits, the Applicants must provide a geotechnical report, storm drainage storage plan for the site, including for snow storage. Construction of basements may be limited on the recommendation of a Licensed Geotechnical engineer and the City Engineering Department. All drainage must be retained on site, and the storm drainage storage plan shall be reviewed and approved by the City Engineering and Building Departments.
4. A Plat Note shall be added that reads: Before any combustible material is delivered to the site, emergency access stairs required by the Park City Fire District must be completed. If an agreement is made for the construction of public stairs on 1330 Empire Avenue that accesses the North Norfolk Subdivision, and satisfies the Building, Housing, Engineering, and Planning Departments as well as the Park City Fire District, then that may satisfy this requirement and shall not require a Plat Amendment, as long as those stairs are completed. The Fire Access Easement shown on the proposed Plat must be recorded with the County before the recordation of the Plat. The Applicant and their successors and assigns shall be responsible for maintaining the private stairs and keeping them clear of snow so that they are available for emergency access. Public Stairs shall be maintained and cleared of snow by the City.
5. Prior to the recordation of this Plat, a 30-Foot Non-Exclusive Utility Easement, as shown on the proposed Plat, must be recorded with Summit County.
6. A Plat Note shall indicate that no Buildings can be built within the 30-foot Non-Exclusive Utility Easement. Landscaping and non-heated driveways may be constructed but owners should be aware that these items can be removed at any time and the Lot owners will be responsible for any replacements within the easement area.
7. Parking is not allowed on the shared driveway, and the owners shall place signs that indicate it is private.

8. A Plat Note shall indicate that Lot D shall have two Front Setbacks, with the Western Setback being 12 feet and the Southern Setback being 13 feet, the North Setback being a rear setback of 12 feet, and the East Setback a side setback of 3 feet. Primary access will be from the South Side.
9. The private Shared Driveway shall be a Common Area maintained by the HOA.
10. The Setbacks for Lots A, B and C shall exclude the Common Driveway area.
11. The Setbacks for Lot D shall be measured from the property line and consistent with the Planning Director's code-based Setback Determination.
12. A Plat Note shall indicate that in the even of construction of a public stair with access to the property, a portion of the 19-foot-wide shared driveway shall be used to allow public pedestrian access to the public stairs. That access will be designated by signage, and it be constructed with a material visually distinct from the rest of the shared driveway.
13. Prior to recordation of this plat, the Applicant shall record documents obliging the owners of each Lot to be financially responsible for maintaining the shared driveway serving the Lots including snow removal and storage. This condition may be satisfied by either: (i) Applicant's formation of a homeowners' association whose recorded governing documents shall establish responsibility for such maintenance, or (ii) if Applicant does not form a homeowners' association, another recorded form of covenants to be recorded prior to or contemporaneous with the recordation of the plat which binds each Lot owner to contribute twenty-five percent (25%) of the cost of such maintenance.
14. The Applicant shall submit a trash receptacle management plan in a form approved by the City Engineer.
15. Prior to plat recordation, the Applicant shall enter into a new encroachment agreement outlining the Applicant's responsibilities for maintenance and snow removal of Norfolk Avenue north of 13th Street with the Engineering Department in a form approved by the City Attorney's Office.
16. Prior to the issuance of the Certificate of occupancy for the 4th Lot or last house to be constructed, the Applicant shall seal coat Norfolk Avenue between 13th Street and the subject property to repair any damage to the roadway due to construction activity.
17. The Applicant's final Plat shall reflect maximum Building Pads.
18. A Plat Note shall indicate that this Plat is subject to Ordinance 2023-XX.

Commissioner Van Dine seconded the motion.

VOTE: Commissioner Frontero-Aye; Commissioner Johnson-Aye; Commissioner Van Dine-Aye, Commissioner Sigg-Nay; Commissioner Shand-Aye. Commissioner Suesser dropped off Zoom and did not participate in the vote. The motion passed 4-to-1.

City Attorney Harrington reported that they would incorporate Commissioner Sigg's safety and parking considerations into the encroachment agreement. Commissioner Sigg stated that could change his position on that as it was a major concern.

E. Land Management Code Amendments – The Planning Commission Will Review Amendments to Create a Maximum Lot Size for the Historic Residential Zoning Districts, Including Historic Residential Low - Density, Historic Residential - 1, Historic Residential – 2, and Historic Residential Medium. P-23-05655.

Planner Cawley reported that the above item addresses Lot Combinations. As previously discussed, the Planning Commission found that Lot Combinations were supported by General Plan Goal 15, which is to preserve the integrity, mass, scale, compatibility and historic fabric of the Historic Districts. Strategy 15.12 allows an examination of Lot Sizes in Old Town to determine if the Maximum Lot Size would provide compatible mass and scale for new structures and additions. On May 10, 2023, a Pending Ordinance was issued that established a Maximum Lot Size for Historic Residential – Low (“HRL”), Historic Residential – 1 (“HR-1”), Historic Residential – 2 (“HR-2”) and Historic Residential – Medium (“HRM”) Zoning Districts.

Planner Cawley recalled that on May 24, 2023, the Planning Commission held a public hearing and provided input that was included in these proposed amendments. On August 23, 2023, another public hearing was held, and the Planning Commission expressed consensus on the proposed amendments, specifically, to establish a Maximum Lot Size for residential uses in Historic Districts. The Planning Commission also recommended that the City Council consider incentives for Accessory Apartments. He reported there was no consensus on adopting a bonus as part of the Lot Combinations, but Staff would address that with the City Council. He presented a map of the three Historic Residential - Low Zoning District locations. The current Code states that the Minimum Lot Size was two Old Town lots with 5-foot Side Setbacks and a 1,519 square foot Building Footprint. The proposal called for a three Old Town lot maximum, with 5-foot Side Setbacks totaling 18 feet, and a 2,050 square foot Building Footprint. He clarified that this was for Single-Family Dwellings.

Planner Cawley explained that the area highlighted in red illustrated the HR-1 and HR-2 Zoning Districts. The proposed amendments included a maximum of two Old Town lots for a Single-Family Dwelling, with 5-foot Side Setbacks and a 1,519 square foot Building Footprint. For duplex dwellings, Planner Cawley explained that the proposed maximum was four Old Town lots, with 10-foot Side Setbacks totaling 24 feet, and a 2,460 square foot Building Footprint. He next presented a map of the Historic Residential – Medium Zoning District, which is located along Park Avenue. He noted the map showed a mix of residential uses within this Zoning District, with multi-unit dwellings making up a majority of the uses.

Planner Cawley advised that for Single Family Dwellings, the proposed maximum was two Old Town lots, with 5-foot Side Setbacks and a 1,519 square foot Building Footprint. Duplex dwellings would carry a maximum of four Old Town lots, 5-foot Setbacks and a 2,460 square foot Building Footprint. He added that tri-plexes or multi-unit dwellings would be based on CUP discretion, with a six or eight lot maximum.

Planner Cawley reported that during the August 28, 2023, Planning Commission meeting, the Planning Commission requested an evaluation of whether Lot Combination regulations should expand to other zoning districts, which would include the transitional zoning districts found in Recreation Commercial, Residential – 1 and Residential – Medium. He advised that on August 28th, Staff issued a Pending Ordinance that established a Maximum Lot Size in these Districts, and a public hearing was scheduled for November 8, 2023.

Planner Cawley reminded that the amendments would remove “encourage Single-Family Development on combinations of 25’ x 75’ Historic Lots” from the Purpose Section of the HR-1 Zoning District. This would allow exceptions for lots platted prior to October 1. He presented the language that would remain in the Purpose Section of the HR-1 Zoning District, and noted this was already in the Code.

Planner Cawley advised that Staff recommended the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for City Council’s consideration on October 26, 2023. Staff also recommended adding the following for the Historic Residential – Low Zoning District:

“Single-Family Dwelling Lots greater than 5,625 square feet that were approved in a Subdivision or Plat Amendment prior to October 1, 2023, are exempt from the Maximum Lot Area.”

He noted that language would be added at Line 11 of the Draft Ordinance.

Additionally, in Historic Residential – 1 and 2, and Historic Residential – Medium, Staff included at the specified lines in the Draft Ordinance:

“Single-Family Dwelling Lots greater than 3,750 square feet that were approved in a Subdivision or Plat Amendment prior to October 1, 2023, are exempt from the Maximum Lot Area.”

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

Commissioner Frontero noted the exemptions for applications prior to October 1, 2023, and asked why that was included and how many would be exempt. Assistant Director Ward explained that the exemption was for lots that were already platted, and these amendments would apply to properties moving forward. This would make it easier for future Staff and applicants to have the date certain in Code so no one would have to look at previous LMCs to see when the change occurred. Everything platted prior to October 1, 2023, was already a Lot and these amendments would only apply to all parcels and metes-and-bounds properties that had not yet been platted.

Commissioner Van Dine asked how this new Code would address remnant lots and properties that were already non-conforming to the Plat Amendments going forward. She referenced Jonathan DeGray’s letter and wondered what the route would be for these remnant lots. Assistant Director Ward stated that under the current process, those lots would go through a variance to the Board of Adjustment to account for some of the unusual lot configurations. City Attorney Harrington stated these could come before the Planning Commission assuming they did not have rights under the non-conforming statutes and ordinances because these owners would likely still need a Plat Amendment. The terms of whether these owners could exceed the maximums

established by this Ordinance would have to be made in conjunction with a Board of Adjustment action under either a variance or under the non-conforming section of the Code. He stated they tried to come up with alternatives in which they could have a completely separate review track, but they felt that would create a potential loophole for anyone who argued they had an unusual configuration. He stated it was more difficult to carve out approval terms for those situations. If language over and above the existing variance and non-conforming sections was needed, they could address that in a subsequent ordinance.

Commissioner Suesser asked about Accessory Apartments. Chair Hall noted she had advocated for this previously, but the Commission did not feel it would be impactful enough to be worth Staff's time and Commission discussion in terms of adding language incentivizing Affordable Accessory Dwelling Units ("ADUs"). Commissioner Suesser was unclear as to where this issue stood in terms of recommending something to the City Council. Assistant Director Ward clarified that from the last public hearing, she understood the Planning Commission was supportive of helping people construct Accessory Apartments not just in Old Town and requested the City Council consider a citywide policy. Through Lot Combinations, the Commission was supportive of Accessory Apartments citywide, not just in Old Town. She noted there was no consensus to allow for a density bonus if a lot exceeded the Maximum Lot Size for an Accessory Apartment. She stated that Staff would present that expression of support to the City Council on October 26 but would not include any incentives for Accessory Apartments in the recommended redlines to the Ordinance.

Assistant Director Ward stated further that when Staff presents this Ordinance to City Council, they would advise that the Planning Commission recommended the City Council look at incentives for Accessory Apartments citywide and not necessarily tied to Lot Combinations.

Commissioner Suesser asked for further clarification regarding the amendments regarding Historic Residential – Low Lot Combinations. She recalled that they only proposed two Old Town Lots, not three. Assistant Director Ward explained that this zoning district was located along Samson Ridge, which has substandard streets with Very Steep Slopes. Therefore, many of the lots were above the Minimum Lot Size and the Code already required a larger lot to address the challenges specific to this zone. The proposal in the Pending Ordinance and as discussed included a three-lot maximum.

In response to an inquiry, Assistant Director Ward confirmed that they would keep the existing Minimum Lot Size and just put a cap on Maximum Lot Size. Commissioner Suesser did not recall discussing the Historic Residential – Low Zoning District and wanted to understand the location of this zone. Assistant Director Ward pointed out that the red areas shown on the graphic represented the Lilac Hill Subdivision, which consists of five lots in the Historic Residential – Low zone. She noted those lots were already platted. She also pointed out the McHenry neighborhood and the area with the extreme Steep Slopes and substandard roads. She explained that the underlying zone already required the Lots to be larger than elsewhere in Old Town.

MOTION: Commissioner Frontero moved to forward a POSITIVE recommendation for City Council's consideration on October 26, 2023, for Land Management Code Amendments establishing a Maximum Lot Size for Residential Development in the Historic Districts set forth in the Draft Ordinance attached as Exhibit A to the Staff Report.

Commissioner Sigg seconded the motion.

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

- F. Land Management Code Amendments** - The Planning Commission will Review Amendments to Sections 15-1-8 Review Procedure Under the Code, Sections 15-2.1-6, 15-2.2-6, and 15-2.3-6 Development on Steep Slopes, Chapter 15-7 Subdivisions, and Section 15-12-15 Review by Planning Commission to Establish Planning Commission Review for All Steep Slope Conditional Use Permits, Establish Planning Commission Final Action for Plats, and Section 15-1-12 Notice and Section 15-1-21 Notice Matrix to Align With Changes to State Code. PL-23-05649.

Assistant Director Ward briefly summarized the discussions from the June Work Session that the State Legislature enacted Senate Bill ("S.B.") 174 that would take effect February 2024 and was specific to Subdivision Plats. She advised that the Planning Commission and City Council would no longer be able to take final action on Subdivision Plats, which would be limited to one public hearing. An administrative land use authority would take final action. Staff would return with further amendments specific to Subdivisions, but the goal of the amendments presented this evening was to move plats from City Council review to the Planning Commission.

Planner Niedermeyer reported that the proposal was to amend the LMC to shift final action authority for Condominium Plats, Plat Amendments and Subdivisions from City Council to the Planning Commission, and to shift Administrative Review of Steep Slope CUPs from Staff to the Planning Commission.

Staff recommended updating public notice requirements to align with S.B. 43 enacted by the Utah Legislature, which eliminated the requirement for publication in a newspaper of general circulation for certain land use applications. For Condominium Plats, Plat Amendments and Subdivisions, the LMC currently required a Plat Amendment for the combining of existing subdivided lots into one or more lots and/or the amendment of plat notes or other platted elements such as easements, Limits of Disturbance and Building Pads. The LMC currently requires Planning Commission review and recommendation to City Council for final action on Plat Amendments, and Plat Amendments require a finding of good cause.

Planner Niedermeyer reported that the Utah Code currently required the Planning Commission review and recommend Subdivision Ordinances for City Council adoption and the Utah Code did not require the Planning Commission or City Council to be the land use authority for Plat Amendments. He noted there was an opportunity for Planning Commission final action on Plat Amendments, with some potentially shifted to a Staff-level review. Staff proposed to shift final action for plats from City Council to the Planning Commission.

In terms of Steep Slopes CUP review, Planner Niedermeyer reported that on January 19, 2019, the City Council adopted an ordinance that approved an Administrative Steep Slopes CUP process for lots less than 3,750 square feet, and Planning Commission review for lots greater than 3,750 square feet. In 2021, the Utah Legislature enacted House Bill ("H.B.") 1003 that established what constitutes a complete Building Permit application for Single-Family Dwellings, Duplexes, and Townhomes. It required cities to complete the permit review no later than 14 business days after submission of a complete permit. In addition, cities may no longer require resubmittal of plans for Single-Family Dwellings, Duplexes or Townhomes to address modifications for compliance. He explained that the City may address violations found in the

plans that the city may enforce during construction, and the city may only require resubmittal for Single-Family, Duplex or Townhome plans to address deficiencies identified by a third-party review, a Geotechnical or Geological Report.

Staff recommended the Planning Commission take final action for all Steep Slopes CUPs to ensure necessary time to review and address any potential deficiencies of a geotechnical or geological report at the time of Steep Slopes CUP review rather than to condition approvals to meet required standards at the time of Building Permit submittal.

In terms of Public Notice, Planner Neidermeyer reported that the Utah Legislature adopted S.B. 43, and the proposed amendments will align with the changes to State Code. Public notice is no longer required to be published in a newspaper of general circulation, and public notice for LMC amendments, General Plan updates, and vacation of ROW were updated to align with the 10-day public notice requirements. Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on October 26, 2023.

Assistant Director Ward added that the current Code was written such that if a plat was approved and the applicant was unable to record it within a years' time, they can file an extension that is reviewed by the City Council. With the proposed changes, she noted that Lines 585 to 587 addressed the extension of approvals, and she asked if the Commission would like those extensions heard by the Planning Commission or whether they could be heard by Planning Staff.

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

Commissioner Shand referenced resubmittal of plans and third-party review by a professional and asked who would choose the third-party review. He wondered if that came from the applicant or whether Staff recommended third party review. After clarifying his question, he understood the proposed amendment.

Commissioner Frontero asked for clarification of Assistant Director Ward's last point. She explained that once a plat is approved, the process to actually record it might take some time. She noted that some of the Conditions of Approval might require the applicant to enter into an encroachment agreement with the City Engineer prior to recording the plat. An applicant has one year to record a plat after plat approval. If an applicant does not record the plat within that one-year time frame, they are allowed to apply to the City Council for an extension of an additional year. With these amendments, the extension request could either come to the Planning Commission or could be a Staff level review. She noted there were standards in the Code that if there were no changes in what was approved and the regulations were the same as when the plat was approved, an applicant is allowed an additional year to work through the requirement before recording the plat.

Commissioner Frontero agreed with Staff review as long as the application and the Code have not changed. Assistant Director Ward stated Planning Staff or Planning Director or Director-designee could conduct the review.

Chair Hall was comfortable having the Planning Director or Interim Director sign off on an extension request. There was a consensus of the Commission.

In response to an inquiry from Commissioner Suesser regarding resubmittal of plans, Assistant Director Ward identified the State regulations. She explained there was no proposed language and that the reason Staff recommended that all Steep Slopes CUPs come before the Planning Commission was because the State changed the way municipalities must review Single-Family, Duplex and Townhome Building Permits. They must be approved within 14 days, even if it must be conditional. To get the information in advance, Staff shifted all Steep Slopes CUPs to the Planning Commission, so they get all the information prior to submittal of a Building Permit. The only change in this amendment was that all Steep Slope CUPs come before the Planning Commission. Chair Hall noted that lines 609 and 692 should read "Chairman" instead of "Chair."

MOTION: Commissioner Frontero moved to forward a POSITIVE recommendation for City Council's consideration on October 26, 2023 for Land Management Code Amendments to align with changes in State Code regarding Public Notice and to Establish the Planning Commission as the Final Action Authority on Condominium Plats, Plat Amendments and Subdivisions, as set forth in the Draft Ordinance attached as Exhibit A to the Staff Report.

Commissioner Suesser seconded the motion.

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

5. ADJOURNMENT

Chair Hall noted that a majority of the Commissioners would meet after the meeting. A member of Staff would join, and they would not discuss any City business.

MOTION: Commissioner Shand moved to adjourn.

The meeting was adjourned at approximately 9:35 p.m.

ESSENTIAL MUNICIPAL SERVICE

TEMPORARY HOUSING TRAILERS



PENDING APPROVAL

Planning Commission
September 27, 2023
PL-23-05733



MINE BENCH

March 23, 2022: CUP approval – PCFD temporary personnel living quarters and fire truck storage.

January 1, 2023: CUP expiration – no extension requested.

July 27, 2023: City Council authorizes Housing Team to acquire Temporary Housing Trailers.

MINE BENCH

Proposal: Continue the use of two Temporary Housing Trailers through October 1, 2025, to provide housing for City employees associated with Essential Municipal Services provided at the Mine Bench while the City searches for a permanent location for the Housing Trailers.

PENDING APPROVAL

MINE BENCH

Recreation and Open Space Zoning District



LMC Chapter 15-2.7

- > 30 acres
- 25-foot front, side, & rear setbacks
- Installation on the portion owned by Jordanelle Special Service District

MINE BENCH

ROS Conditional Use: Essential Municipal Public Utility Uses, Facilities, Services, and Structures greater than 600 square feet.

- 800 square feet
- Existing connections to sanitary sewer and water lines
- Public Works will limit occupancy to one person or couple
- No impact to adjacent Open Space
- General Plan goal to increase affordable housing opportunities for workforce

PENDING APPROVAL

MINE BENCH

Recommended Conditions:

- Compliance with Municipal Code Chapter 6-3 *Noise*
- Trash and recycling disposed of properly on site and removed weekly
- PCMC + JSSD enter into a storage agreement
- Approval expires October 1, 2025 – relocation or seek further commission approval
- Use of Housing Trailers limited to City Public Works employees, or those employees associated with the Essential Municipal Services provided in association with the Mine Bench.

MINE BENCH

Review the request to extend the approval for use of two 400-square-foot Temporary Housing Trailers at the Mine Bench Site, transferring them from the Park City Fire District to City employees associated with Essential Municipal Services located at the Mine Bench site, hold a public hearing, and consider extending the approval through October 1, 2025.

PENDING APPROVAL

MAP OF
PARK CITY
SUMMIT COUNTY - UTAH

SCALE: 1" = APPROX. 10 ACRES



This plan originates with the CITY OF
PARK CITY, UTAH
ENCOURAGED
BY THE CITY OF UTAH



FIRST WARD

LOT COMBINATIONS

LOT COMBINATIONS

General Plan Goal 15

Preserve the integrity, mass, scale, compatibility
and historic fabric of the Historic Districts

Strategy 15.12

Examine lot sizes in Old Town to determine if a maximum lot size would
provide compatible mass and scale for new structures and additions

LOT COMBINATIONS

Pending Ordinance Issued May 10, 2023

Establishes a maximum lot size:

Historic Residential Low – Density

Historic Residential – 1 and Historic Residential – 2

Historic Residential Medium

LOT COMBINATIONS

May 24, 2023 Planning Commission Public Hearing

The Planning Commission provided input that is incorporated into these proposed amendments.

PENDING APPROVAL



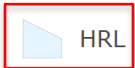
LOT COMBINATIONS

August 23, 2023 Planning Commission Public Hearing

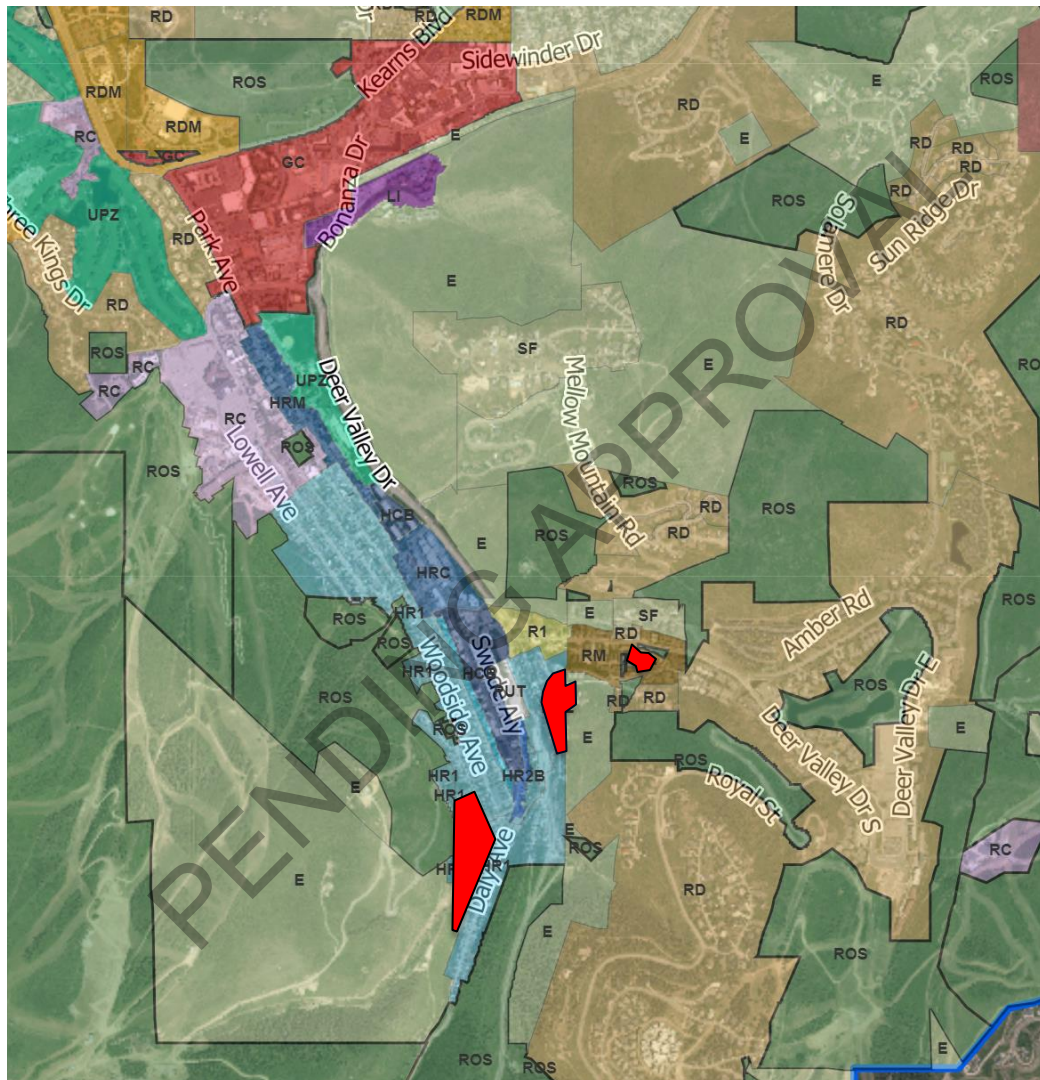
The Planning Commission expressed consensus on the proposed amendments to:

- Establish a maximum lot size for residential uses in the Historic Districts
- Recommend the City Council consider incentives for Accessory Apartments, but no consensus on adopting a bonus as part of the lot combinations

Zoning



- HR1
- HR2A
- HR2B
- HRM
- HRC
- HCB
- ROS
- POS
- E
- SF
- R1
- RD
- RDM
- RM
- RC
- GC
- LI



LOT COMBINATIONS

Historic Residential Low – Density

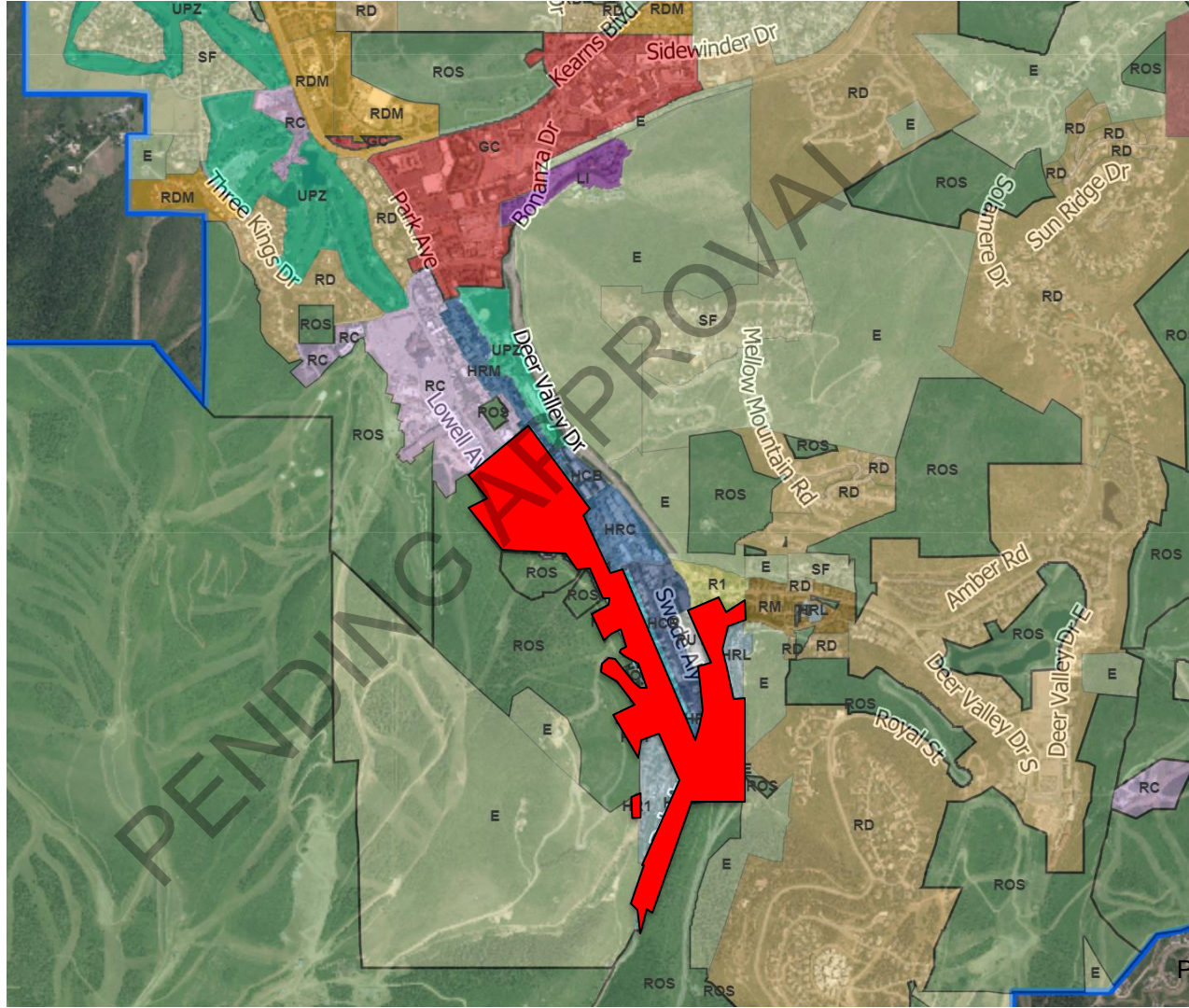
Single-Family Dwellings

Existing: Minimum lot size – two Old Town lots with five-foot side setbacks
1,519-square-foot building footprint

Proposed: Three Old Town Lot max with five-foot side setbacks
totaling 18 feet
2,050-square-foot building footprint

Zoning

- HRL
- HR1**
- HR2A**
- HR2B**
- HRM
- HRC
- HCB
- ROS
- POS
- E
- SF
- R1
- RD
- RDM
- RM
- RC
- GC
- LI



LOT COMBINATIONS

Historic Residential – 1 and – 2

Single-Family Dwellings

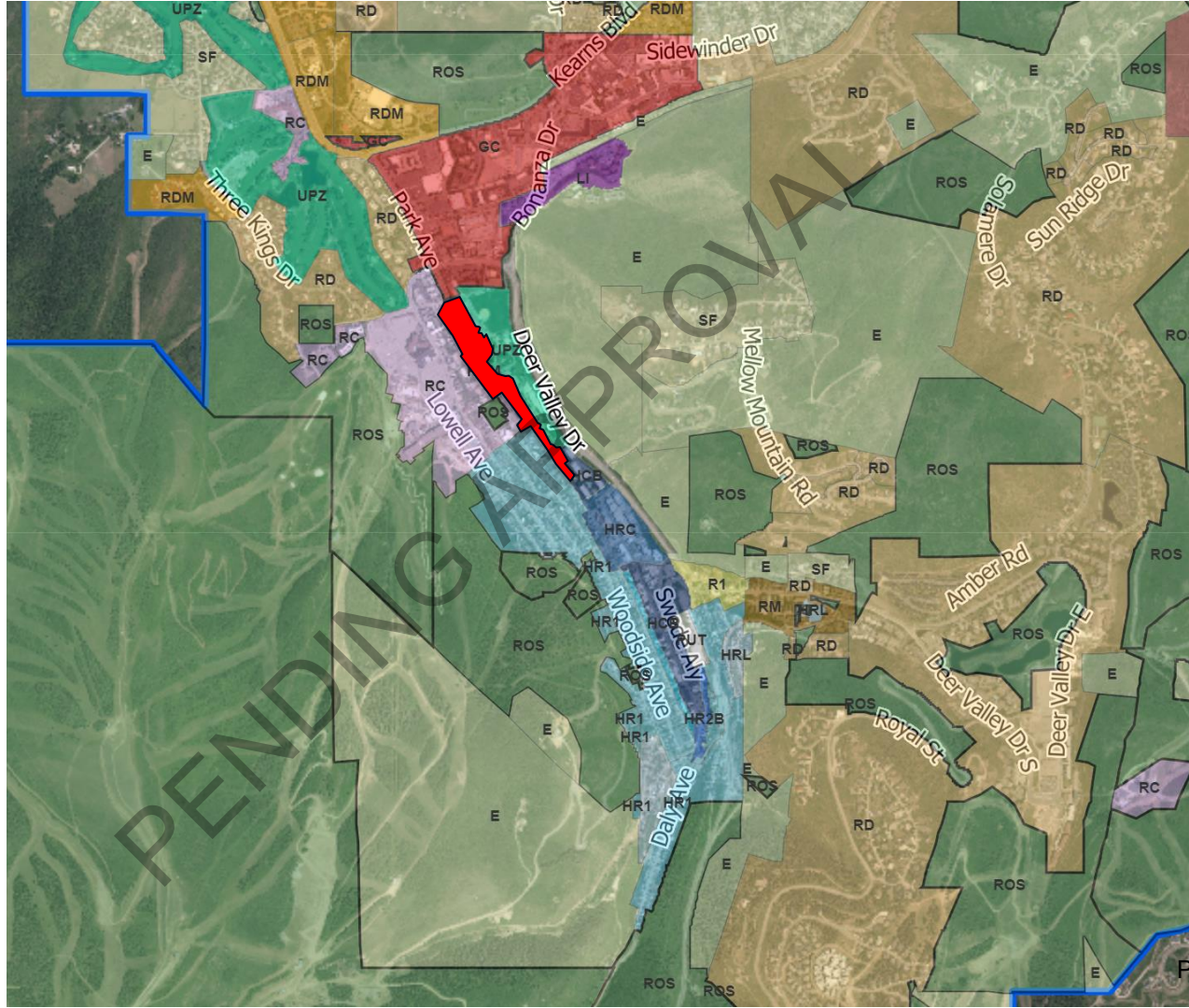
Proposed two Old Town Lot max with five-foot side setbacks
1,519-square-foot building footprint

Duplex Dwellings

Proposed four Old Town Lot max
With ten-foot side setbacks for a total of 24 feet
2,460-square-foot building footprint

Zoning

- HRL
- HR1
- HR2A
- HR2B
- HRM**
- HRC
- HCB
- ROS
- POS
- E
- SF
- R1
- RD
- RDM
- RM
- RC
- GC
- LI





LOT COMBINATIONS

Historic Residential Medium

Single-Family Dwellings

Proposed two Old Town Lot max with five-foot side setbacks
1,519-square-foot building footprint

Duplex Dwellings

Proposed four Old Town Lot max with five-foot side setbacks
2,460-square-foot building footprint

Triplex Dwellings and Multi-Unit Dwellings

Proposed six- and eight-lot max, with CUP discretion

LOT COMBINATIONS

Evaluate whether the lot combination regulations should expand to other Zoning Districts

Transitional Zoning Districts:

Recreation Commercial

Residential – 1

Residential Medium

On August 28, 2023, staff issued a pending ordinance establishing a maximum lot size in these Zoning Districts. A public hearing is scheduled for November 8, 2023.

LOT COMBINATIONS

Allow exceptions for lots platted prior to October 1, 2023

Update the purpose section of the Zoning Districts

HR – 1 Zoning District Purpose Section

Encourage single family development on combinations of 25' x 75' Historic Lots

LOT COMBINATIONS

Preserve present land uses and character of the historic residential areas

Encourage preservation of historic structures

Encourage construction of historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods

Define development parameters that are consistent with the General Plan policies for the historic core

Establish development review for steep slopes to mitigate impacts to mass and scale and the environment

LOT COMBINATIONS

Staff recommends the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for the City Council's consideration on October 26, 2023.

Staff recommends adding the following:

Historic Residential – Low

Single-Family Dwelling Lots greater than 5,625 square feet that were approved in a Subdivision or Plat Amendment prior to October 1, 2023, are exempt from the maximum Lot Area. (Line 11)

LOT COMBINATIONS

Historic Residential – 1 (line 234), – 2 (line 465), and Historic Residential Medium (line 716)

Single-Family Dwelling Lots greater than 3,750 square feet that were approved in a Subdivision or Plat Amendment prior to October 1, 2023, are exempt from the maximum Lot Area.

PENDING APPROVAL



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

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Vice Chair Christin Van Dine, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Celia Peterson, Environmental Sustainability Project Manager; Mark Harrington, City Attorney

1. ROLL CALL

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

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from September 13, 2023.

Commissioner Shand noted that the minutes state that he was not present on the Zoom call but joined at approximately the same time as Commissioner Sigg. His comments were recorded on page 10. Chair Hall noted that the minutes would be amended on page 1 to reflect that Commissioner Shand joined at the same time as Commissioner Sigg.

MOTION: Commissioner Frontero moved to APPROVE the Planning Commission Meeting Minutes from September 13, 2023, as amended. Commissioner Van Dine seconded the motion.

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

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward announced that on October 18, 2023, they will hold the second Community Meeting for the Bonanza Park Small Area Plan and the Five Acre Feasibility Study. She noted that a neighborhood tour was scheduled for 1:30 p.m. at the Five Acre Site. There would be temporary parking available. The meeting will start at 5:30 p.m. at the Library, and the Consultants will present at 6:00 p.m.

Assistant Director Ward reported that there would be no public input for tonight's two Work Session Agenda Items, however, written input may be submitted to planning@parkcity.org.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATIONS

- A. **Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) - Plat Amendment** - The Applicant Proposes to Modify the Plat for Unit 55 to Reflect the As-Built Single-Family Dwelling in the Residential Development Zoning District. PL-23-05609.

Chair Hall opened the public hearing and noted that this item would be continued to October 25, 2023.

MOTION: Commissioner Johnson moved to CONTINUE Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) – Plat Amendment, and the public hearing thereon, to October 25, 2023. Commissioner Frontero seconded the motion.

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

6. WORK SESSION

Chair Hall reiterated Staff's report that there would not be public comment on these two items at this meeting since no decision would be made. If either moves to a Regular Agenda, they would be publicly noticed with public comment taken at that time.

- A. **220 King Road – Plat Amendment and Conditional Use Permit** – The Applicant Proposes to Combine Two Parcels into One Lot and Construct a New Single-Family Dwelling located off King Road, which will Replace the Two Existing Dwellings at 220 King Road. PL-22-05318, PLC-22-05319.

Senior Historic Preservation Planner, Caitlyn Tubbs, reported that the Applicant's team requested this Work Session for a pending Plat Amendment and Conditional Use Permit ("CUP") application. The property is located at 220 King Road and is a 1.23-acre site located in the Historic Residential – 1 ("HR-1") Zoning District. The site is also within the Sweeney Master Planned Development ("MPD") and there are currently two existing structures on the site.

Wade Budge, Esq. identified himself on behalf of the property owners Matthew and Tatiana Prince. Steve Grim from the architectural firm Olson Kundig, was also present. He stated that the main issue here was the design and how they would locate a home on this site. Mr. Budge introduced other members of the team, including Jason Boal and Bruce Baird, Esq.. Mr. Budge reported that they want to engage with the Planning Commission regarding some of the concepts they encountered as they interpreted and applied the MPD for this property. The property owners planned to be present but had issues with travel. They would be present when this matter moves to a public hearing.

Mr. Budge presented a slide show to the Commission that began with a view that showed the context of the location of the property as it related to Old Town. He stressed that it was important to understand that this property presented a situation where the owners had one lot that was

made up of two tax parcels. There was a lot of history behind this in terms of the prior owners who tried to divide and perhaps sell or partition the property without subdividing the property. He confirmed that through this process, this would remain one lot.

Mr. Budge reported that there are two homes on the lot and the aggregate square footage of those two homes is more than 4,000 square feet. He presented a visual of the location of the two homes on the lot. He also felt it was helpful to show the cross-valley view, and noted that the two homes are the two highest structures seen in the photograph presented. The homes were built in the late-1990s, and are not particularly of the same look as some of the finer products in town. Additional photographs were presented. Mr. Budge commented that the existing homes have no historical significance and the design did not comply with any of the parameters or guidelines that applied to this neighborhood.

In response to Commissioner Frontero's question, Mr. Budge advised that the back home was the primary residence. Mr. Budge explained that the property is part of the Sweeney MPD, and he presented an aerial view that showed the seven home sites that were part of that MPD. The red outline reflected the investment and acquisition by the City of all of the development rights related to things unrelated to these home sites. He also pointed out that it is important to understand how this lot related to the other six lots approved as part of the MPD, which were identified as Lots 1, 2, 3, 4, 6, 7, and 8. He explained that Lot 5 ended up being an open-space parcel.

As they have gone through the process of coming up with design concepts and obtaining an understanding of how to best apply this MPD, they studied the other homes. He presented a chart based on that analysis that he felt was helpful in terms of understanding the context. The Applicant's Lot is not the largest, but it is one of the three larger Lots in the MPD. He also mentioned that while Applicant's Lot was one of the larger building areas, it was not the largest within the MPD.

With regard to the other six lots within the MPD, five homes provided a sense of how the MPD was applied. He presented images of the homes on Lot 3 and Lot 4, located on Norfolk Avenue. He also presented images of the homes on Lot 6 and Lot 7, located on Woodside Avenue. He noted that these homes have some elements that informed how they approached design for the subject home. Mr. Budge identified the Applicant's Lot 2. He noted that Lot 8 also has a home on it. No home had yet been constructed on Lot 1. He mentioned that they were going through a Historic District Design Review ("HDDR") process, and would comply with those requirements. He felt it was important for the Commission to understand some of the historical concepts that informed what they ended up designing for this home.

Mr. Budge explained that they looked at some of the structures and use areas that surrounded the area outside of Old Town, and identified several well-known mining elements. They also analyzed the stratification of uses and noted the presence of a well-known commercial center, a residential center, and an area historically associated with mining. He mentioned that as part of the MPD, the area associated with mining allowed for those seven home sites, six of which had been developed. The Applicants were looking to redevelop their site through this process.

Mr. Budge reported that the Applicants purchased the home in July 2020, and started informal discussions with Staff before first approaching with a formal application in July 2022. They began engagement with the neighbors and stakeholders at that same time and felt proud of the support they were able to obtain from significant stakeholders in the community and the neighbors. He

stated they would review some of the letters with the Commission at the end of the presentation. He explained that they began the CUP and Plat Amendment application process and previously scheduled a Work Session that was continued so they could do more work on this project. They stated they received a Grade Determination approval. He advised that the design included a pool, so they would request a Private Recreation CUP, which might just get folded into the broader CUP.

Because of the proposal to build on slopes, Mr. Budge stated that a Steep Slopes CUP would be brought before the Planning Commission. He also mentioned the currently pending HDDR application that they were working through with Staff. They had been iterating throughout this process, and deferred to Mr. Grim regarding the iteration. One of the goals of this Work Session was to obtain feedback from the Planning Commission as they work toward a resubmission. He noted that under this MPD, a home is required to be processed as a CUP, which is atypical, and the Planning Commission would be the body to review the CUP.

Staff spent a lot of time on this application, and thanked Staff for their dedication. He noted that the elevation was reduced and they adjusted some parking elements to accommodate fire turnarounds. They also worked on the roof mass and dealt with breaking up the overall mass to be consistent with what was contemplated in the MPD. Mr. Budge noted they also worked on the windows and glazing to address the historic element. They also adjusted the footprint, which was still in flux and would be addressed during this meeting. He explained that one of the requests that would come before the Planning Commission would be to adjust the buildable area on the Plat. He reminded those present that the lot has an 11,000 square foot buildable area, and the Applicant was looking to shrink it by approximately 490 square feet, move it uphill, and pull back some of the buildable area away from the nearest residence that is downhill. He presented an image that represented this concept that would come before the Planning Commission as part of the resubmission.

They also had been working on how to locate and apply the City's footprint standards. He stated that the submission that received comments as outlined in the Staff Report, was a version of the current configuration. Mr. Budge explained that they are operating under two different systems. On the one hand, they were trying to give meaning to the Plat Note, which was found to be consistent with the MPD when the Plat was approved. He referenced the Plat Note that addressed how to measure from the outside face of walls and stated that the design team gave effect to that interpretation with this design. Mr. Budge presented the footprint location of 3,500 square feet, which was the maximum allowed under the Plat. Architect Grim explained that this version of the footprint was the outside face of the foundation that touches the ground. He stated that they pushed and pulled the massing to meet the requirement that no single mass be over 1,500 square feet. By their understanding of how the rule should be applied, they felt that this complied.

Architect Grim mentioned that it was suggested that there was a different rule for calculating mass, which was based on the cantilevers and projections that project to the ground. He stated the original version of the footprint plan did not meet these requirements, but they had since revised it to bring it into compliance. They had two versions that both met the maximum or less than 3,500 square feet. Mr. Budge presented the second version of the footprint referenced by Architect Grim and explained that this considered the standard in the Code as opposed to the standard in the Plat Note. He explained that the standard in the Code referenced applying measurements based on the projections.

Architect Grim explained that they revised the mass numerous times to break it up into a variety of sizes. He noted there was some square footage in the underground parking area that put them over, and they have since removed that. Most of what was shown on the right side of the page before the Commission was cantilevering, which they counted as footprint as set forth in the Code.

Commissioner Frontero sought clarification from the Applicant as to whether they felt they complied with Plat Note 6 as currently written. Mr. Budge stated they viewed it from either Plat Note 6 or the Code standard. He explained that Plat Note 6 used the exterior walls and did not address projection downward from the cantilevered sections. He noted that the Applicant had not yet formally resubmitted the drawing included in this presentation.

Mr. Budge stated they were still working through whether they would be required to comply with the Plat Note and the later adopted Code. The issue was that this could mean ignoring the Plat Note on the one hand, but trying to give meaning to the later-adopted Code that required taking into account cantilevered elements and projecting them down. The Applicant had not yet turned this into Staff to see if they agreed but noted that if the Planning Commission's view was they want consistent enforcement and cantilevers accounted for in determining footprints, then this would be how the Applicant would propose to modify their plan to make it consistent with Code. He noted that if the Code was the standard they must meet in addition to the Plat Note, then the drawing presented would meet both the Plat Note and the Code. Mr. Budge stated they could revisit this topic once he presented the renderings, which would show more context.

Commissioner Suesser expressed her desire to revisit this issue because she would like to hear from Staff on this second drawing since Staff had not yet received it. Mr. Budge stated that this drawing was in reaction to the Staff Report and they were trying to be proactive. Commissioner Van Dine echoed Commissioner Suesser's comments and stated she would like to know the Planning Department's opinion on this new concept. Mr. Budge offered to return to this topic and try to provide a clear understanding of the proposal. He also referenced the issue of interior heights referenced in the Staff Report. When the MPD was approved, it was not an element. In 2013, however, the Code was amended to impose a new requirement so that homes would not climb up a hillside. This Code required that the measurement from the first floor to the top plate of the highest floor must not exceed 35 feet.

Mr. Budge advised that they were proposing four levels in the structure, and two of the levels were below ground and would qualify as a basement because more than 50% of the structure would be underground. The proposal complies with this requirement, but they need to start socializing this issue so the Commission can understand how the proposal complies with this requirement. The Applicant team was still working with Staff on this issue and stated his belief that Staff was not quite there yet. Mr. Budge emphasized that they wanted to highlight this issue because they were conscious of this requirement even though it was not part of the MPD. He represented that they understood that the Code reflected a policy that above-ground floors could not exceed 35 feet of interior height.

Mr. Budge noted that the Plat Note also had a specific requirement that the façade cannot exceed 25 feet. He stated this requirement applied in areas without a step back. They believe they have a step back in the sense that the home is stepped back and out from its foundation. This also showed some of the cantilever elements discussed earlier. He explained that they measured to make sure that the top of the east façade, which is the façade facing cross-valley, would not exceed 25 feet, even though they have a step back which would make the requirement inapplicable. In other words, the Applicant took the position that the MPD and Plat Notes reflected

an effort to make sure that no single façade was too tall even though it was written such that it could be interpreted that if there were a step back, this limitation would not apply. They were still trying to give meaning to this language because someone took the effort to create this a requirement and include it in the Plat.

Architect Grim added that what they tried to do with the design was to make this look like a two-story house. If they were to include a step back on the upper side and add another story, they would be presenting the mass of a three-story house. One of the things they had worked on throughout the process with Staff was to reduce and try and make this home look less imposing by pushing it as close to the ground as possible. Mr. Budge reported that the PowerPoint would be put into the record so the Commission could study it and understand their thinking. He stressed that they were trying to be as transparent as possible.

Architect Grim mentioned that the dark blue line shown on the top of the image was the profile of one of the existing houses on the site, which was currently over the height limit. He reiterated that this design would bring the house completely under the height limit and would be shorter than the existing house. Mr. Budge emphasized this point because the owners had emphasized that this site has two homes that were not consistent with what would be the Best Practices for this area, and the homes were taller than what should be there. Mr. Budge stressed that they were trying to remove a Nightly Rental on this site and consolidate the structures into one home that would be lower and would meet all the requirements contemplated in the MPD and the Plat.

Commissioner Sigg asked for clarification of the “proposed beyond” on the drawing labeled “Façade Height.” Architect Grim referenced the L-shaped section in the foreground that stated, “Proposed Mass” and explained that the “proposed beyond” was the short leg of the L-shape. He added that it would project downhill more, which is why it was lower. What is beyond is the uppermost floor, and being higher up the hill would only present as a two-story mass. Architect Grim also stated they would be consistent through the same plane.

Mr. Budge next presented a graphic to explain how they measured the height. He represented that everyone was comfortable that they hit the height relative to what is required under the Code. He noted this graphic showed how the height would improve from the existing structure. They still had to work through the slope, but when they looked at the MPD and its requirements, the MPD talked in terms of flat roof height and pitched roof height. He advised that their design would meet the lower of those two requirements with respect to the pitched roof.

Architect Grim next addressed an image of the proposed Use – Footprint and explained that they were including the area that goes downhill in the same place as the Nightly Rental structure. The applicant's design would make it smaller and shorter. With regard to the other house, they proposed a simple L-shape that would meet the requirement of 3,500 square feet or less.

Mr. Budge stated that the footprints of the existing homes were shown in red, and the blue highlights illustrated the Applicant's proposed footprint. He added that the design would also bring it down so they would have a single structure with a 3,500 square foot or less footprint as opposed to the existing footprints. He stressed it was important to consider aggregate footprint impact when analyzing the two.

Architect Grim referenced a sequence of slides to help the Commission understand the existing mass versus the proposed mass. The two existing houses have parts of their roofs over the height limit. He presented an image that showed the mass of the proposed design overlaid onto

the existing structures and highlighted the area further downhill noting how drastically less it was as compared with the existing. He also pointed out that the larger existing home popped up over the proposed roof height and its primary mass was much more forward on the lot and presented as taller than the proposed design.

Architect Grim added that the small, inverted step back they included on the underside of the plan would present this as a two-story house. He added that they would significantly landscape the hillside in front of the house to further obscure and mask the house itself and make it less viewable from cross-valley and below. Additional slides were presented that showed existing use and proposed use.

Architect Grim mentioned that the larger sloped roof used to extend all the way across, but they had since scaled it back to make it less imposing and replaced it with a flat roof beyond. He added they also worked to reduce windows. He stated that one of the reasons the owners came to them was the kind of work his firm does that is inspired by the mining industry and ski town aesthetic. He added that his firm does a lot of work in ski towns all over the country. He and Tom Kundig both personally worked on the Goldener Hirsch Hotel, and have many other ongoing projects in Park City.

Architect Grim reported that last summer, the Friends of Park City Mines gave him and the owner a very extensive tour of the Silver King Mine and others, and they took very strong inspiration from those projects. He noted those projects used galvanized siding, some of which had rusted; therefore, this design included a palate of zinc to mimic the galvanized metal and rusty steel. They measured the grid dimensions at the Silver King Mine and would replicate that with the gridded window system. They also proposed board-formed concrete for this project which would match the board-formed concrete pattern present at the Silver King Mine. Architect Grim explained that this project was developed in response to comments from Staff and inspiration from local mining architecture.

Commissioner Sigg asked about the length of the wall underneath the largest plane of the roof or the long arm of the L-shape. Architect Grim responded that there would be breaks in the wall at the further downhill portion on the left and the larger mass would have a shadow line. He stated that was right at the bend of the L, and the façade would be pushed back. He added that at the main façade, there would be a projection approximately 2/3 of the way over and would be forward of the primary length. The total length of that wall plane would be approximately 100 feet.

Commissioner Suesser echoed Commissioner Sigg's questions and felt it would be helpful to have a visual that zoomed in on the building so they could see the proposed materials and the length of the plane of the larger structure. She also requested a visual that was zoomed out so they could see how this project would fit on the hillside as one looks at all of Old Town, including to the north of the presented perspective. She thought it would be helpful to see the proposed home in relation to the entire hillside.

A zoomed-in view was presented, and Architect Grim advised that a zoomed-out view would be created and presented to the Commission. Commissioner Sigg added that it would also be helpful to see how this house would look relative to the other homes in the MPD. Architect Grim stated they did not have that today but could provide that for the Commission.

Commissioner Johnson asked if they looked at an alternative material for the chimney. Architect Grim stated the chimney would also be the board-formed concrete. A zoomed-in view of the

proposed home was presented to the Commission. Architect Grim explained that just to the left of the chimney was the forward volume he described earlier. Additionally, the façade was pushed back where the taller roof stops.

Mr. Budge stated they would also present a context view with the development to the north in view in the background. They could also do the same with respect to the MPD structures.

Commissioner Suesser stated that the zoomed-in rendering was helpful and provided a good sense of the bottom of the L projecting out of the hillside and the rest of the building set back from that. However, she still did not have a good sense of the variation of the building along the long side of the L. Architect Grim stated they would provide additional views to illustrate that for the Commission.

Commissioner Shand noted that the close-up rendering showed the chimney, and asked if the other light gray areas on the front façade board would also be formed concrete. Architect Grim responded that it would be a mixture of board-formed concrete and zinc. Everything seen on the forward face would be zinc paneling. At the bend of the L, and underneath the bottom side of the long two-story mass would be board-formed concrete. Architect Grim added that the lower mass to the right would also have board-formed concrete. Commissioner Sigg understood that the small squares underneath the two floors of the long side of the L would be concrete.

Commissioner Suesser noted the representation that the building will appear as a two-story structure and inquired about the lower living level. Architect Grim explained that below the projecting mass just to the left of the chimney there would be a light well. The light well would be 10 feet back from the forward façade and would provide light to the basement area. He noted it would only go a partial distance and the rest of it would be only a few feet above grade.

Commissioner Suesser asked if there would be living space behind the light well. Architect Grim stated there would be living space, but it would be mostly mechanical space and storage. The area below the bottom of the L would be a covered patio and would be 10 feet back from the forward façade. He noted that the existing grade cut across the bottom of the forward façade, so they created a cutout for direct access to the ski trails.

In response to Commissioner Frontero's inquiry regarding façade height, Architect Grim advised that, as presented, it was 25 feet above the existing grade. He stated that 25 feet was the highest allowed façade before requiring a step back, and explained that they designed the step back on the bottom side instead of the more conventional above side.

Commissioner Sigg commented that the 25 feet was measured from the copper collar to the eave of the roof, and did not include the squares that make up the "foundation" because the building would be cantilevered forward from the squares. Architect Grim confirmed Commissioner Sigg's comment and also confirmed Commissioner Suesser's understanding that the step back was below grade. Commissioner Suesser commented that was a controversial way to measure. Architect Grim explained that it was more conventional to have a step back on the upper side; however, that would present a very different aesthetic and he opined it also would make the mass look bigger because one would visualize three stories. He stated they wanted to invert that step back by putting it on the bottom side and push the house down to make it look smaller overall.

Commissioner Sigg asked if the step back occurred in a Steep Slope area. Mr. Budge stated it was in a Steep Slope, and added that they had prepared an application and retained Alliance

Engineering to conduct an analysis. He stated that would be part of the package they would bring back before the Planning Commission.

Commissioner Van Dine requested that when the Steep Slope application is presented, the Applicant presents what the excavation would look like. She noted the renderings showed all the excavations filled back in, and whether that actually would occur was a different story. She mentioned that all around town they end up with big walls, and she would like to see exactly where all the excavation would occur and what it would look like. Mr. Budge stated that they would have Alliance Engineering come before the Commission to explain all of that, including where all the shoring would be installed.

Commissioner Sigg asked if this site was in the Sensitive Land Overlay ("SLO") zone. Mr. Budge advised that they felt that the SLO applied to the areas outside of the proposed work and the location of the excavation would be outside the SLO.

Commissioner Johnson asked about the accessory building shown in the packet, which he understood was uphill. He felt that area was questionably in the SLO. Architect Grim explained that the owners originally wanted to have a garage/office building that would be accessed from King Road. However, there was no reading of the Code that would allow for that use. He stated that through conversations with Pat Sweeney and looking at what others had done in that MPD was that fully underground structures such as parking areas would not count toward the total square footage. Therefore, on the backside, they completely buried the small office. He stated a single-story façade would be visible that would be pushed back underground, but from either side, there would be no mass.

Mr. Budge added that they could provide further information when they return with the excavation details. He highlighted some of the engagements and explained that one of the first things they did was to engage Pat Sweeney because of his involvement with the MPD and the Plats. They put Mr. Sweeney's comments into the record. He commented that they were proud to present the comments from the Museum about the plans, and appreciated the Museum's support and comments. He stated they would continually consult with the Museum as they prepare for the next hearing. They also approached other well-known members of the community who are involved in mining history, which was important because it was one of the factors that influenced the design.

Mr. Budge expressed that they were very proud of the fact that they had spoken with the neighbors and received letters of support from those neighbors who adjoin this property. The Applicant appreciated these comments of support. He thanked the Commissioners for their comments and stated they would return with some additional views and architectural plans that would help the Commission to better understand how the long L related to the various planes. He stated they would also provide the excavation details and provide the alternative views requested. They would also provide additional details on the accessory structure.

Commissioner Sigg referenced the image showing an aerial graphic of the site and asked for an explanation of the existing survey conditions, specifically whether other lots extended into the Applicant's Lot. Mr. Budge explained that this image depicted various easements. Commissioner Sigg saw the easements but directed his question to the lots outside of the bold-hatched line. Mr. Budge directed Commissioner Sigg to look at the "point of beginning" and explained those were not part of the lots. He stated he would find out if it represented a landscape easement appurtenant to the lot outside the hatched line.

Commissioner Sigg asked if there were any encroachments along the landscaping easements that were appurtenant to the lots to the east of Applicant's Lot, and wondered if there was an aerial photograph of this area. Mr. Budge stated he would provide that information.

Commissioner Suesser mentioned it would be helpful to see a comparison of the proposed square footage of the home versus the other five homes in this MPD as well as neighboring homes. She felt this would help determine neighborhood compatibility. Mr. Budge stated they had looked at that by primarily using Assessor records, but would look for a source that would provide a more accurate picture.

Commissioner Frontero referenced the statement on page 5 of the Staff Report that the Applicant was looking to increase the building area limits. Currently, that was 11,190 square feet, and the proposal was to add 3,526 square feet for a new total of over 14,000 square feet. He noted that this was not addressed in the presentation. Mr. Budge explained that the building area was 11,250 square feet in size according to the Plat. The Applicant's request was to take the hashed area below the L, reduce it, and move the buildable area up on the hill. The net effect of that adjustment was a reduction of 490 square feet. He stated it was a matter of providing these drawings along with their interpretation to Staff for analysis. He reiterated that they viewed this as reducing the overall building area, although they would be shifting the location.

Commissioner Frontero requested a response from Planner Tubbs because to him the Staff Report plainly stated that the Applicant was looking to add 3,500 square feet. Planner Tubbs noted that it appeared there was a revision to the proposed design of the house, and those revisions were not analyzed as part of this Staff Report. Staff would return with a future analysis for the Commission.

Mr. Budge thanked the Commissioners for their input and stated they would come back with additional details.

Following a short recess, Chair Hall called the meeting back to order and confirmed that all Commissioners were present.

- B. Land Management Code Amendments** – The Planning Commission will Discuss Potential Land Management Code Amendments to Update the Electric Vehicle Charging Station Regulations, Woodburning Stove Regulations to Align with Summit County and Voluntary Net-Zero Incentives. PL-23-05672.

Assistant Director Ward reported that Celia Peterson, Environmental Sustainability Project Manager would also join in this presentation. Assistant Director Ward stated that in January 2023 when the Planning Commission prioritized sustainability amendments, there were questions about what incentives were in place for solar rooftop panels and renewable energy upgrades. Staff provided information in the Staff Report about some of those incentives, fee waivers, and recent Code amendments to reduce regulations for rooftop solar. She noted that the Planning Commission also prioritized the re-evaluation of the requirements for new development to anticipate and prepare for increases in Electric Vehicle ("EV") charging station conduits, as well as minor amendments to align the Code to reflect the requirements of the Summit County Health Department with respect to wood burning stoves. Manager Peterson would update the Commission on where the Sustainability Department was with regard to net-zero development incentives.

Assistant Director Ward stated that currently, the Code requires garages in Single-Family, Duplexes, and Triplexes to include an outlet to accommodate a Level 2 charging station. For multi-unit and non-residential development, conduit is required for 20% of the parking spaces for the first 100, and 5% after that. Actual installation of the charging stations is required for 5% of the total parking spaces. When the Code was adopted in 2020, these requirements reflected what most communities were doing at that time. Since the adoption of the regulations, they have seen increased sales of electric vehicles, as well as a prediction that by 2030, half of car sales would be electric vehicles. With the infrastructure and plans in place to improve the network, there was an opportunity to re-evaluate the requirements.

Assistant Director Ward reported that Staff had looked at comparable communities, and it appeared that the requirement for conduit for 20% for non-residential uses remained the standard. However, because primary charging was for residential uses, Staff observed that some communities required conduit for 20%, while some had gone up to 80%. The most comparable communities were somewhere between 40 – 60 percent. She stressed that this related to the conduit installed at the time of development, which would save money that would be incurred for a retrofit.

Assistant Director Ward stated that communities have approached this issue in different ways. She asked if the Planning Commission was supportive of maintaining the 20% conduit requirement for commercial and non-residential development. She reported that 20% appeared consistent with Best Practices.

Commissioner Van Dine remarked that most of the projects that had come before the Commission had volunteered to do more. She felt that setting the standard at 50% for conduit was reasonable, given that Park City was such an aggressive community and leader in terms of emission goals. She noted that installing the conduit was not that expensive, and it would set a precedent wherein developers might still offer to install more. She wanted to see the 50% standard across the board for residential and commercial and reiterated that conduit was not expensive to install. She acknowledged it might be helpful to know from a contracting standpoint the difference in cost.

Commissioner Johnson agreed and expressed that he liked the step-up example where the percentage increased over time. He leaned towards that as he read the Packet, but liked being more aggressive in line with Commissioner Van Dine's suggestion. He suggested that by 2030 the standard be 70%. He expressed his support for proactively requiring developers to at least install the infrastructure. He stated that in the applications they had seen, it had not been a significant issue for applicants.

Commissioner Shand also agreed with these comments. He cautioned that they did not want to not be prepared with an adequate amount of conduit because the reality was that the projects approved now would come to fruition in 2 – 3 years, and by then electric vehicle use would be higher. He agreed with increasing the requirement to 50% conduit for future charging stations.

With respect to the scaling of the conduit requirement, Commissioner Frontero felt there was no reason they should not require more conduit for EVs. He asked if the suggestion was to start at 50% and then increase from there. He liked the idea of scaling because more cars would be sold and they might as well get prepared for more EVs.

Commissioner Sigg was in favor of being proactive as opposed to reactive, and he would concur with Commissioner Frontero that if the trend was increasing, he would err on the side of more is better. He was in favor of not looking at this issue every six months but felt it was something that should be continually evaluated. He would support 50% at a minimum.

Commissioner Sigg felt it should also be looked at in terms of the scale of the amount of parking. Large developments and MPDs might present an opportunity to look to the upside because there might be a higher percentage of EVs simply because there are more stalls available for that. He reiterated that more was better, and would agree to a minimum of 50 percent.

Commissioner Suesser also agreed with these comments. She felt it would be difficult to micro-manage this, and suspected that demand would drive this requirement more than the Commission's attempts to regulate it.

Chair Hall expressed her support as well. She recalled that a local developer, Rory Murphy, advised that it was essentially pennies to install the conduit before the concrete, but prohibitively expensive to have to tear out the concrete after the fact.

When this item came as a Regular Agenda item, Chair Hall requested information on what the added cost would be at 50 percent and higher. She felt there was a clear consensus to increase the requirement to at least 50 percent.

Assistant Director Ward next addressed fast chargers, where EVs could get 100 - 200 miles of range with only 30 minutes of charging. She stated these charging stations were generally located along key traffic corridors. The City received requests to install fast chargers in parking lots and noted that these would take up Code-required parking spaces wherein people would use the parking lot to charge rather than patronize the use of what is on site. Communities have regulated them in different ways. Some communities had created standalone locations for fast chargers, while others allowed for the conversion of parking spaces with fast charges as an accessory use. Other communities implemented a hybrid approach.

Assistant Director Ward stated that they could approach this through the LMC and noted that currently gas stations were allowed in zones along the primary corridors. They could also designate fast chargers as an accessory use for the primary use of the site, but they would need to take into consideration whether additional parking would be required.

Chair Hall noted that the slow chargers are fairly worthless for short visits, so she was very supportive of fast chargers. She generally favored having it as an allowed use everywhere and leaving it to the owners to manage their own parking. She noted that many places had parking poachers and would leave it to the owner of the parking lot to install and regulate their own fast chargers.

Commissioner Suesser sought clarification on whether the presentation was for City-owned fast charging stations. Assistant Director Ward explained that in 2019, the City installed 100 EV charging stations, but they were Level 2 stations that required a longer charge time. She added that the City presently did not have any fast chargers installed on City property, but the County had two installed at the Library. Assistant Director Ward also stated they were receiving requests to install fast chargers within existing parking lots. She explained that some of the charging stations were specific to vehicle types, so that would be another consideration to ensure that fast chargers could be used by a variety of vehicles.

Commissioner Frontero asked who was requesting fast chargers. Assistant Director Ward clarified that they had received requests to transition Code-required parking to allow for the installation of fast chargers. Commissioner Frontero noted the fast chargers were a potential revenue-producing use, and noted that City-owned parking lots could be transformed into revenue-producing for a private entity. Assistant Director Ward stated that to this point, the requests were related to private parking lots. Commissioner Frontero felt there was a revenue element that should be considered.

Commissioner Shand wondered why the City would be involved if the requests were being made by private landowners. Assistant Director Ward explained that the requests would transition some Code-required spaces away from the use of general visitors to be used for EVs only. They would need to ensure there is a balance.

Chair Hall questioned whether it could be mutually exclusive in that someone visiting a grocery store would use the fast charger. She noted they would not be giving up a parking spot; rather, it would be left to the owner of the parking lot to limit the use of the chargers to patrons of the use.

Assistant Director Ward noted that with fast chargers it might become a destination to park solely to charge. She explained that was why some communities had taken an approach to look at that issue in comparison with the parking demand to satisfy the parking for that site. They would want to address that through the Code.

Commissioner Shand understood that if some parking spots in a private lot were transitioned into EV charging stations, that might upset the balance of parking spaces required for that particular landowner for that particular use. He understood that the issue was that once a parking space was changed into an EV charging station, it would no longer qualify as a parking space as part of the owners' requirements.

Assistant Director Ward stated that the current Code addressed Level 2 chargers only, and with the Level 2 chargers, there had been no change in the parking requirements for the project. She stressed that the fast charger installations would change that, and they would want to look at how to balance fast chargers in the context of the overall parking evaluation for the site.

Commissioner Sigg asked if there was data related to the industry as a whole that would indicate that fast chargers would become more prevalent. Manager Peterson explained that the industry is quickly changing and it is heading towards fast chargers. They recommend that fast chargers be considered an allowable use, but acknowledged the City did not want to get in the business of fast charging. She noted it is expensive, and any fast-charging stations would be paid stations as opposed to free. Rocky Mountain Power is also involved in setting up a charging network. She stated the market forces were taking care of things, and they just wanted to ensure it was an allowable use and they could properly permit it.

Commissioner Sigg asked about the delta between a conventional charger and a fast charger in terms of cost. Manager Peterson stated that it was significant, although she did not have specific numbers. She offered that if they looked at the City's Level 2 chargers, the City was charged a couple of thousand dollars per six months for the electricity use. The fast charger at the Library is in the tens of thousands per month, so the delta was significant. In terms of installation costs, Level 2 chargers cost next to nothing with incentives. Fast chargers were more expensive to install, although she did not know the delta off the top of her head.

Commissioner Sigg asked about data on the capacity of the grid. Manager Peterson stated it depended on whom you asked, and noted that was one of her concerns. If more vehicles were charging on the grid, especially during daytime hours, there could be some vulnerability. At this point, she had not heard any red alarms on this issue.

Chair Hall noted it would be a permitting process that the City would still oversee; it would just not become a Conditional Use. She understood that it could become an allowed use within the LMC, and the City would regulate it through Staff. She stressed there would still be regulations in place. Commissioner Frontero stated that the question centered on whether they needed to look at the parking regulations and whether the fast chargers might crowd out the parking for the business.

Assistant Director Ward asked if the Commission would like further consideration of the parking evaluation if the direction was that fast chargers would be an allowed accessory use, or whether the property owner should be allowed to determine the ratio of fast chargers versus Level 2 chargers versus general parking. Commissioner Frontero was supportive of the latter and would prefer to leave it up to the owners to make those decisions. Commissioner Van Dine agreed, as did Commissioner Sigg.

Commissioner Suesser referenced the parking lot near Dan's Market and asked who regulated the parking in that lot, and who would make the decision as to how many stalls would be designated for charging. Assistant Director Ward explained that under the current Code, the number of parking spaces is what has been regulated. The parking lot at Dan's Market was constructed prior to EV conduit requirements being put into place. If the owner of the lot were to come back and modify or change the parking area, then they would be required to install the conduit and the EV charging stations in compliance with the Code. She added that that particular development was within one subdivision, so how they allocated the parking within the uses would be up to the private property owner; however, under the current Code, the Planning Commission regulates the number of parking spaces required for the development.

With fast chargers coming in, she queried whether they should look at the Code-required parking. She understood from the comments that the Commissioners would support leaving the number of required parking spaces as-is, and let each property owner determine the number of fast chargers versus Level 2 chargers.

Commissioner Johnson noted his understanding that this would apply to the Recreation Commercial, General Commercial, and Light Industrial zones. Assistant Director Ward stated that they could apply this to all zones. If there was a property owner in one of the three zones mentioned who just wanted to install fast chargers as a stand-alone use, they could amend the Code to allow that, which would be akin to how a gas station is allowed in those zones. She reiterated they could do a hybrid approach where a property owner could have a standalone use for fast chargers, and that would be the use of that property. They could also add it as an accessory use to all other uses.

Commissioner Van Dine supported it as an allowed use in the zones listed. Commissioner Johnson agreed. He added that thinking about the parking concerns, he felt that Commissioner Suesser brought up a good example of the expanded uses within that subdivision and whether the property owner was regulating parking in that subdivision. He explained that he supported fast chargers being deemed an allowed use in these particular zones because he could park, go into the business, and charge his EV for 30 minutes. That spot would then be opened up for

another person. He felt it would offset the concern as far as parking management. These zones in particular were created to support that type of use.

Chair Hall added her opinion that the slower chargers were more detrimental to parking because people tended to leave their EVs for eight hours. She commented that she did not know why the owners in the subdivision mentioned by Commissioner Suesser were not regulating their parking, but they were within their property rights to regulate or not.

Commissioner Suesser expressed concern that these shop owners would lease to a third party to collect the revenue from the charging stations and circumvent their parking requirements. She noted that could be detrimental to the business, so perhaps they would not want to do that. These property owners could make money by leasing the stalls to a third party for the revenue from the charging station.

Chair Hall mentioned her experience was that they were still fairly inexpensive to use, and with the high value of parking in town, it did not make sense unless no one was truly using those parking spots.

Commissioner Van Dine noted that the return on investment was in the area of \$0.25 to \$0.50, and did not think it would be something that a lot of businesses would line up to do because the installation is so expensive. She felt it would be fairly self-regulating, and suggested they revisit this in 2 – 3 years to see how it changes.

Commissioner Shand expressed support for what was presented.

Assistant Director Ward asked if there was a consensus to include this in the Code along with a Sunset Clause that would require re-evaluation in another 3 – 5 years. Chair Hall did not think a Sunset Clause would be necessary and felt it would be something they would continue to review given the fast-changing technology.

Manager Peterson next reported that they just completed the community-wide carbon footprint update, and while there were still some numbers they needed to tweak, she presented the numbers to the Commission. She explained that the electricity emissions factors and commercial usage were looking good. The data showed that they were starting to see energy efficiency taking on in terms of commercial use. Manager Peterson stated that with natural gas use and heating fuels, the emissions were what the Sustainability team had to work on to decarbonize heating in Park City to achieve the net-zero goal. She reported that natural gas usage for both residential and commercial was concerning. She advised that the team had lined up several programs for launch. They had been discussing the Net-Zero Stretch Code for quite a while, and that was ready to launch. The Department was waiting to get on the City Council's agenda to get the go-ahead for that program.

Manager Peterson also noted the incentive package that goes along with the Stretch Code. She explained that the State of Utah is a non-home rule state, meaning municipalities are not allowed to set energy codes more stringent than what is set at the State level. She noted that the State is quite far behind as far as the International Energy Conservation Code, especially with regard to residential construction. They have tried several times to bring it up with the State Legislature and they keep getting shut down. She noted that the Commercial Energy Code was now up to 2021 standards, but to get to net zero, and given the natural gas numbers, they would need to

start being as aggressive as possible in the State of Utah. One of the best levers in terms of decarbonizing would be the energy code, which they are not allowed to change.

Therefore, they put together a suite of incentives for projects to go net zero. She stated they defined what they would like to see as far as what net-zero energy performance looks like. Manager Peterson stated that in the past, a project developer would propose sustainability requirements to the City; whereas, she felt it would be more strategic for the City to propose sustainability measures to developers so they truly achieve a net-zero project.

Manager Peterson stated there were several ways to play the game with LEED certifications, but they did not end up with net-zero energy performance. She noted the example of the Library. When the Library was renovated in 2015, it was renovated to LEED Silver standard, which sounded great, but the building actually used more energy than it did previously. She stated the Sustainability team was looking at driving the energy performance down. She noted the Energy Conservation Code has a net-zero appendix, and the New Buildings Institute, which is the thought leader around net-zero buildings, created an overlay that set forth the directions for a project to achieve net-zero.

Additionally, several third-party certifications get projects to net-zero performance, and that puts the onus on the developer and the third party. Manager Peterson noted that no project is the same, but they tried to lay out the definition and instructions on how they could achieve net-zero developments. She suggested it would make sense that once an MPD is triggered and any exclusion requested, they could set out the net-zero code requirements. She stated that the suite of proposed incentives included direct grants to projects to help them get to net zero. They have heard that such grants would be most helpful for developers. Another incentive was to create a building energy management professional on board to help with the energy modeling. She explained that the Energy Use Intensity ("EUI") was a number set for different building types that describes the energy performance that must be met to reach net zero. She reported that on many City projects, the energy modeler did not have the proper training and would try to do a "good enough" energy model. Having a professional on retainer who has been trained and properly certified would be beneficial. These professionals tend to serve as a green building advisor and have special expertise in HVAC systems and air sealing tactics that could help buildings reach net zero.

Manager Peterson noted that retaining this kind of professional would cost money, but noted there could be money available through the Inflation Reduction Act ("IRA"). On November 14th, they would hear whether the City would receive funding to implement the full decarbonizing buildings project, which would include funding for incentives and funding to retain a professional. The Energy Efficiency Conservation Block Grants ("EECBG") funding includes millions of dollars available from the Department of Energy. She noted that Summit County received direct allocations of EECBG funds for listed projects that would promote energy efficiency. She reported that Park City was too small to request a direct allocation, but they were able to apply for competitive funding to implement these programs. They would find out shortly whether they would receive this funding.

Manager Peterson advised that they were invited to submit for funding for two projects. One was a planning project that would look at the most equitable ways to set up a deep energy retrofit program in Park City. This program would train home energy auditors and energy managers to help Park City homeowners assess their homes and determine the best deep energy upgrades. She provided the example of lighting upgrades that could achieve a 10-15% reduction in electricity

use, but would not result in a net-zero building. Deep energy retrofits would look at all the different things a property owner could do, including air sealing, HVAC upgrades, lighting upgrades, and other upgrades to increase energy performance all at once. She noted a concept in Europe called “energiesprong,” and they submitted an application that replicated that concept.

The other program for which they sought funding was the Decarbonizing Buildings Program, which includes a suite of strategies. She reported that for new buildings they had the Net-Zero Stretch Code and incentives. For existing buildings, they looked at a commercial energy disclosure program, which would oblige commercial buildings to measure and report their energy use on an annual basis. She noted that Salt Lake City had a similar program in which all commercial buildings over a certain size were required to look at their energy performance. If they hit below a certain Energy Star score, they would be required to devise a plan to improve energy performance. She stated this would be a direct solution to address the natural gas numbers.

Manager Peterson stated she had worked closely on a Green Business Program with several businesses in Park City to start looking at energy performance. She explained that C-Pace is commercial property assessed as clean energy, and there had been a few properties in Park City that had come close to utilizing this financial strategy. She advised that it provides low-rate financing for commercial projects that hit 40% above code energy performance. Seismic upgrades can also be financed through C-Pace. She noted that this program was better for projects over \$2 million in builds or retrofits.

Manager Peterson mentioned that one of the other financial strategies was the Utah Green Bank. There is a team in town working to get Environmental Protection Agency (“EPA”) funding and mentioned the Greenhouse Gas Reduction Bill. The Sustainability Department was working with them to use this financing for the deep energy retrofits. This would provide a backup plan if they did not receive direct Federal funding. She and Emily Quinton from the County Sustainability team put together a website on how to use the IRA rebates and utility incentives. On November 2, 2023, they will hold a Ward Away Energy Vampires event, which will be a family-friendly event at the Richins Building. Representatives from Rocky Mountain Power, the Watt Smart Program, and Dominion’s Thermwise Program would talk about the host of utility incentives available. Experts on IRA funding would also be at this event, as well as people who have completed home energy retrofits to help demystify home energy upgrades.

Manager Peterson mentioned the Community Solar Program in which they engaged the community in undertaking a bulk buy of rooftop solar to make it cheaper for owners. She stated they were looking at something similar for heat pump installation and air sealing, which are two of the cheapest and most impactful things an owner could do to reduce energy use and associated carbon emissions. They engaged the Community Foundation to help with outreach for the Heat Pump and Air Sealing Program, which they hope to launch by Valentine’s Day in 2024. They added some new elements to the Green Business Program, including a certification regime to make sure that builders were really doing the most impactful actions. The Chamber of Commerce hosted several lunch-and-learns to help businesses become more sustainable and reduce their energy use.

Manager Peterson also mentioned that they had begun discussing a Green Building Awards Program. The criteria for these awards would focus on energy performance and embodied carbon, which looks at all the materials in a net-zero building. She noted that some of the third-party certifications incorporate embodied carbon. With regard to ways to reduce overall energy

use, specifically heating, Manager Peterson commented that Park City had a lot of leaky homes, which was something they wanted to get away from because of the impact the net-zero goals.

As far as electricity, she reported they had a good plan for the Scope 2 emissions and everything was as on track as it could be. She noted that many wild things had occurred with regard to the supply chains for the electron solar projects. She was told that China was manufacturing human rights violations so they would not have to export solar panels to the United States and keep them for themselves. She noted that they are on track for the 2030 goals in terms of electricity.

Assistant Director Ward understood there was consensus for the EV charging station updates, and Staff was scheduled to come back for a public hearing on December 13 for a recommendation to the City Council on January 4, 2024. As part of that, the Planning Commission could also forward a recommendation regarding the Net-Zero Resolution for the Council's review. There was consensus in support.

Commissioner Frontero asked if the feedback received from developers was that it was too expensive and they needed an incentive in the form of cash to become a net-zero building. Manager Peterson confirmed that was correct in some cases. She noted that several studies that she included in a prior presentation showed that properties that went all electric were less costly to build because the builder would not have to install the natural gas lines. However, they hear that heat pumps are too expensive.

Chair Hall recalled they heard that in the Founders application where they were opting for aggressive sustainability goals, and it seemed it was because it would be beneficial to their bottom line. Assistant Director Ward noted that the Founders developer agreed to install no gas in the residential units, so they reduced their footprint there as well.

Commissioner Frontero noted that Park City was pretty built out, and inquired whether they would need to retrofit and find greater incentives to retrofit buildings to reach these goals. Manager Peterson stated the cheapest energy is the energy they do not have to produce, so they were trying to focus on electricity and pointed out that the trends in electricity prices were quite stable as compared with natural gas. She recognized that energy retrofits were quite scary, as no one knows exactly what they were supposed to do, so they were focusing on demystifying the process.

Manager Peterson quoted former City Manager Diane Foster who said, "Energy efficiency is like eating your vegetables, and solar and renewables are dessert." She stated it was difficult for people to understand how to retrofit and the City had not been successful in moving the needle in reducing residential energy use, specifically heating. She noted they were looking at producing renewable natural gas through food waste and organic waste in general. Long term, however, they were looking to push electrification and energy efficiency.

Commissioner Shand commented that all of the electricity used in the City was produced by coal in central Utah. He was in favor of solar and reducing the carbon footprint, but the reason electricity costs had remained somewhat stable was coal. He did not know if pure electrification was the only answer, but wholly commended the research and involvement in the City in pushing to reach their goals.

Manager Peterson acknowledged that the grid was supplied by coal; however, also noted that was changing. Since 2016 the amount of coal and natural gas powering the grid had shrunk. Coal was getting more expensive and renewables were simply cheaper now and that was the

direction being taken by Rocky Mountain Power. With the Utah 100 communities, they were taking coal-powered plants off the grid because it was so much cheaper to produce renewables at this point. Coal was not as profitable or sustainable as in the past. She recognized they would always need energy and Utah was positioned well with many seeing the opportunities in renewables.

Commissioner Shand referenced the consumption numbers for natural gas and asked if those were gross numbers or per capita. He also asked if Manager Peterson had alluded to the fact that homes in Park City and the State were less efficient today than a year ago. Manager Peterson explained that they were using more gas as a community as compared with 2016, but noted that these numbers were not normalized for weather. She highlighted that the units for natural gas were therms, which is the amount of natural gas they were burning in Park City. She explained that the number of associated emissions for electricity was going down because there were more renewables on the grid. Natural gas creates cleaner electricity than coal, however, renewables were driving the lower emissions factor.

Commissioner Shand noted that in those five years, they have had a lot more visitors in town and more people moving into town, so it would be natural that the gross numbers would increase. He stated they still needed to keep pressing toward 2030 and lower the City's carbon footprint.

Manager Peterson stated these were gross numbers, not per capita. She added that the Economic Development Director would provide sales tax numbers to see if there was a correlation in the increased usage.

Commissioner Shand applauded the work that helped them understand where they stood because if it cannot be measured, it cannot be improved.

Manager Peterson mentioned that the Vehicle Miles Traveled ("VMT") number and on-road transportation emissions were not increasing as much as she had expected, which was good news. However, emissions were going up overall when they should be going down.

Commissioner Sigg liked that there would be someone at the City level who could help change the pattern and provide access and suggestions for financial solutions.

Chair Hall asked about wood-burning fuels and fireplaces. Assistant Director Ward stated those were already in effect through the Summit County Health Code. They would pull the County Code into the Park City Code and use the proposed Summary Definition, which mirrored the Snyderville Basin Code.

Chair Hall noted if some of the exceptions would be included in Park City's Code. Assistant Director Ward stated the one exception was for a wood-fired pizza oven. Chair Hall noted upgrades to existing devices and the ban on other items such as burning trash, plastic, and rubber, and wondered if those would be included in the Park City Code. Assistant Director Ward stated that was already in the Health Code and these amendments would be brought into the architectural regulations.

Chair Hall asked if these regulations were for burning fuel inside homes and asked if a pellet BBQ would be exempt. Assistant Director Ward explained that these regulations would just address what was within a structure.

7. REGULAR AGENDA

- A. 103 Alice Court – Modification to a Steep Slope Conditional Use Permit - The Applicant Proposes to Reduce a Tandem Garage to a Single-Car Garage and Add an Adjacent Second Garage Entrance. PL-23-05804.**

City Planner, Lillian Zollinger reported that the above application is for a modification to a Steep Slope Conditional Use Permit (“SSCUP”), Permit No. PL-23-05804. On January 25, 2023, the Planning Commission approved the SSCUP for a Single-Family Dwelling on this site. The Applicant now proposed to convert the tandem garage that was approved to a single-car garage and add a second garage adjacent to the first. The proposal was found to be compliant with the LMC and the HR-1 zoning regulations. There were no proposed changes to the footprint, height, setbacks, volume, or cut into the landscape.

Planner Zollinger explained that the rear portion of the tandem garage would be converted to livable space, and what was previously livable space adjacent to it would now be a garage. In terms of the proposal's design, the HDDR Guidelines state that side-by-side parking configurations were strongly discouraged; however, if they were used they should be minimized when viewed from the primary public Right-of-Way. Garages featuring a side-by-side parking configuration should maintain a two-foot horizontal offset in the front wall plane.

Planner Zollinger stated that the Applicant satisfied these requirements and the proposal was compliant with the Code. She noted the information in the Staff Report that the Applicant requested some modifications to the Findings of Fact and Conditions of Approval. Condition of Approval 19 provided that the Applicant shall record an encroachment agreement with the Engineering Department for the stairs and retaining wall in the Public Utility Easement. She also highlighted Condition of Approval 20 that the Applicant shall provide screening for one of the garages, as determined in the Historic District Design Review Modification. Planner Zollinger reported that that application would be reviewed tomorrow.

Condition of Approval 21 provided that the Applicant shall maintain two 12-foot driveways separated by landscaping or turfgrass pavers to comply with the 12-foot driveway width maximum in the HR – 1 Zoning District.

On behalf of the Applicant, Justin Keyes stated that he and Architect Bill Van Sickle were present. Mr. Keyes advised that the primary motivation behind this application was to make it more accessible for the user. There were no Nightly Rentals approved for this property, and it was meant to be a primary residence or Single-Family Residence for a family, and given the size it was likely to have two vehicles. He commented that it is much easier to move the vehicles in and out with garage doors next to each other as opposed to shuffling vehicles around. He added this configuration would be much more palatable to someone looking to acquire a home of this size in this location.

Mr. Keyes stated the Applicant was willing to do everything to meet the Code and to screen it. The plans showed the screening. He also noted that Alice Court is a private drive, so the nearest public Right-of-Way was technically King Road. The way the home is oriented, it would be highly unlikely that anyone could see either of these garages. He felt this was exactly the type of circumstance that met the elements of the Code.

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

Commissioner Frontero asked for a rendering of the proposed two driveways and asked how much space would be between the two driveways. Mr. Keyes did not believe there was a rendering in the Packet but believed it would be two driveways that connected into one so it would separate at the top near the home. There would be a landscaping strip between the separated portions. Architect Van Sickle confirmed that there would be a single driveway where it accesses Alice Court.

Mr. Keyes added that it was a fairly long driveway and in advance of the road it would connect into one driveway, but where it accessed the two garages it would split with a landscaping buffer in between the two doors.

Commissioner Frontero noted that additional paving would be required, but understood it would not run the length of the driveway into Alice Court. Mr. Keyes noted with interest that there would be the same amount of disturbance under this plan, but instead of having a retaining wall stepped down in that location, there would be a second driveway. He referenced the plans attached as Exhibit C to the Staff Report. He noted that those plan drawings did not include the landscape buffer. Architect Van Sickle explained that the shadow line between the two driveways was a planter area and was designed to break up the driveway so it did not look like one big wide driveway.

In response to Commissioner Frontero's inquiry, Architect Van Sickle confirmed that if the Commission did not approve this SSCUP, the driveway width would remain the same.

Commissioner Suesser sought clarification on the width of the turf grass pavers that would separate the two driveways. Planner Zollinger responded that the only specific dimension regulation in the Historic District Design Guidelines is that driveways cannot be larger than 12 feet in width. She explained that at the curb, the driveway would be 12 feet, and would remain that width up to the split to allow for access to both garages. There is no specific required dimension for the pavers in between, but the specifics would be addressed in the HDDR. She stated that typically that measurement would be 1 – 2 feet, depending on the size of the site.

Commissioner Suesser observed that Condition of Approval 21 described two 12-foot driveways separated by turf grass pavers. She was unclear on the proposal and asked for clarification.

Planner Zollinger stated that the rendering provided after publication of the Staff Report most closely resembled the Applicant's request. She noted they could clarify Condition of Approval 21. She presented the rendering to the Commission and explained that at the curb the driveway would still be 12 feet.

Chair Hall felt the confusion was that the start of the driveway was a singular 12-foot driveway that then separated into two driveways. She suggested clarifying the Condition of Approval.

Architect Van Sickle explained that this was designed to be compliant with the Code, which requires a 12-foot curb cut. As they go in 10 feet, it is widened to provide access to both garage doors and in that split, they included a landscape buffer of two feet. The design was intended to minimize the impact of that.

Commissioner Johnson suggested simplifying Condition of Approval 21 so that the driveway would comply with the Driveway Requirements in the HR-1 Zoning District. Commissioner Suesser was still unclear on what was being proposed.

Commissioner Suesser understood that driveways in the Historic District were required to be separated by landscaping, and queried whether turf grass pavers satisfied that landscaping requirement.

Planner Zollinger noted the landscaping requirements that typically applied to either side of the driveway and typically between properties. She advised that typically in Historic Districts they ask applicants to install landscaping pavers to break up the driveway while also allowing owners to access their garages. She stated that Staff had been doing this for a while to help bridge landscaping and access to garages.

Chair Hall asked Commissioner Suesser if she was comfortable with the amended Condition of Approval 21 as suggested by Commissioner Johnson. Chair Hall agreed that the original Condition was confusing.

Commissioner Suesser was okay with the language but questioned whether "driveway" should be plural.

Commissioner Shand was under the impression the Applicant requested two driveways and referenced Finding of Fact 20. He stated that it should be changed to read "The proposed driveway..." He understood the Applicant's request but felt it was confusing in some of the wording. Planner Zollinger explained that Finding of Fact 20 was written prior to receiving the rendering. She noted this would also be adjusted.

Assistant Director Ward suggested changing the language in Condition of Approval 21 to replace the HR-1 zoning district with the "requirements of Chapter 15-13 as illustrated in the revised renderings dated October 11, 2023." There was consensus for the revised language.

Commissioner Suesser requested additional revisions to the Conditions of Approval that were not necessarily substantive but were important. She suggested that she could distribute them to Staff and the Commission rather than going through them now if agreeable with Chair Hall.

Chair Hall noted that this is a Final Action item. Planner Zollinger noted that the Draft Final Action Letter was identical to the one previously approved by the Planning Commission, other than what was redlined. Commissioner Suesser understood, but did not think she would add any additional requirements; rather she was cleaning the language up a bit.

With regard to Condition of Approval 9, Commissioner Suesser asked why Limits of Disturbance was not referenced. Planner Zollinger stated the Applicant would have a Limit of Disturbance, but that was usually handled at the Building Permit stage. This Condition of Approval was included to remind the Applicant that anything within the Limits of Disturbance that was not impacted by final construction needed to be restored to what was there previously.

Commissioner Sigg asked if there was a Building Envelope on the lot. Planner Zollinger did not believe there was a Building Envelope but there might be a footprint; if not, they had the Setbacks.

Commissioner Suesser felt that Condition of Approval 9 was vague and understood the Commission usually referenced Limits of Disturbance, and felt that as written, it allowed disturbance outside the construction area as long as it would be restored to its original state. She felt this seemed permissive to disturbing the surrounding area.

Assistant Director Ward advised that the Plat referenced No Disturbance Areas, so that could be updated to say that the work needed to take place within the areas indicated as No Disturbance on the Plat. When this goes to the Building Permit stage, there would be a Building Permit Limit of Disturbance specific to the construction. Therefore, this Condition of Approval was specific to the foundation of the structure and anything beyond that needs to be restored to natural grade. Commissioner Suesser deferred to Assistant Director Ward's analysis on this point.

With regard to Condition of Approval 10, Commissioner Suesser asked who in the City would approve the Construction Management Plan ("CMP"). Planner Zollinger advised that typically the CMP was approved by the Building Department.

Commissioner Suesser suggested that Condition of Approval 10 reference the Building Department.

In terms of the language regarding protecting adjacent structures, Planner Zollinger stated there were not any adjacent structures on this site. She stated they could delete that language.

Commissioner Suesser directed attention to Condition of Approval 13 and asked if they could specify where the construction waste should go rather than just "diverted from the landfill." Planner Zollinger stated this language was how she typically referenced construction waste, but they could include a specific site if requested by the Commission.

Commissioner Suesser suggested the Planning Department think about whether they could specify where construction waste should be sent. Commissioner Suesser commented that Condition of Approval 14 should read "final slope stability plan prior to submitting a Building Permit." With regard to Condition of Approval 15, Commissioner Suesser requested that it read "stabilization and drainage details documenting..."

Commissioner Suesser did not think Condition of Approval 16 made sense. She suggested that the landscape bond should be submitted "prior to submission of a Building Permit to ensure stabilization and vegetation rehabilitation." Mr. Keyes suggested changing "submission" to "issuance." Commissioner Suesser agreed and requested the inclusion of "are completed" at the end of that sentence. Mr. Keyes felt that "stabilization" referred specifically to retaining walls.

With regard to Conditions of Approval 17 and 11, Commissioner Suesser felt they needed to be consistent because one references City Engineer approval, and the other mentioned City standards. She decided to skip that one.

With regard to Condition of Approval 19, she stated that retaining walls could not exceed the height "approved" as part of the SSCUP, not proposed or reviewed. She asked if the Planning Director was still reviewing SSCUPs. Assistant Director Ward stated that was scheduled for City Council review on October 26th and had not gone into effect. She recommended striking the second sentence of Condition of Approval 18 because the retaining walls were shown on the current plans and would not exceed the height allowed in the Setbacks.

Commissioner Sigg understood this would be a modification to the SSCUP.

MOTION: Commissioner Sigg moved to APPROVE 103 Alice Court – Modification to a Steep Slope Conditional Use Permit – pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter, as amended, as follows:

Findings of Fact

1. The Site is located at 103 Alice Court, Lot 6 of the Alice Claim Subdivision, and is a vacant lot.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes construction of a new Single-Family Dwelling (SFD) on the vacant lot.
4. The new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, therefore, a SSCUP application is required.
5. In conjunction with the SSCUP, the Applicant submitted a Historic District Design Review (HDDR) Application (PL-22-05260). The HDDR was approved on February 15, 2023.
6. 103 Alice Court is located on an uphill lot with an average slope of 31%.
7. 1,452 square feet of the SFD will be constructed on a steep slope with an average slope of 2.1%. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. Lot 6 of the Alice Claim Subdivision contains 4,510 square feet.
8. The minimum Lot width in the HR-1 Zoning District is 25 feet. Lot 6 of the Alice Claim Subdivision is 41.91 feet wide at the front and 44.7 feet wide at the rear.
9. The maximum building footprint in the HR-1 Zoning District for a Lot that is 4,510 square feet is 1,750 square feet. The proposed building footprint is 1,750 square feet.
10. Minimum front and rear setbacks for Lots over 100 feet long are 15 feet in the HR-1 Zoning District. The proposed SFD meets a 15-foot setback for both the front and rear setbacks.
11. Minimum side setbacks for Lots up to 50 feet in width are five feet in the HR-1 Zoning District. The proposed SFD meets a five-foot side setback for each side.
12. The maximum building height is 27 feet from the Existing grade in the HR-1 Zoning District. The proposed maximum building height is 27 feet from the existing grade.
13. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at least ten feet at 24 feet and two inches from the lowest point of existing grade.

14. The final Grade must be within four feet of existing grade in the HR-1 Zoning District. The proposed final grade is within four feet of existing grade.
15. Structures cannot exceed 25 feet from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters in the HR-1 Zoning District. The proposal has an interior height of 35 feet, as defined.
16. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District. The proposed Contributing Roof Form is 7:12.
17. The Planning Commission reviews SSCUPs for a Lot that is greater than 3,750 square feet.
18. The proposal is located and designed to reduce the visual and environmental impacts of the Structure.
19. The proposal will not be viewable from Vantage Points and mostly be screened from existing grade and vegetation for erosion mitigation.
20. The proposed driveway is 12' wide at the curb.
21. The proposed terracing is required to construct the structure but minimized to maintain Natural Grade where possible.
22. The proposed cut location requires minimal egress windows and retaining walls that reduce the impact on the site.
23. The building scale is compliant with the grade of the site, and the design is compliant with Historic District Design Guidelines.
24. The proposal is compliant with setbacks and does not require significant exceptions to be granted to construct.
25. The volume of the dwelling is compliant with the size and height of the lot.
26. The proposal does not exceed the allowable building height.
27. Staff published a notice on the City's website and posted notice to the property on September 27, 2023.
28. Staff mailed a courtesy notice to property owners within 300 feet and posted notice to the property on September 27, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.

2. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2-6, Development on Steep Slopes in the HR-1 District.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved on October 11, 2023, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a Stop Work Order.
2. The Applicant shall receive approval of the Modification to the Historic District Design Review prior to submitting a modification to the Building Permit.
3. All conditions of approval and plat notes of the Alice Court Subdivision shall continue to apply.
4. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this Modification SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.
5. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
6. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
7. Residential fire sprinklers are required for all new or renovation construction on this lot, per the requirements of the Chief Building Official.
8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
9. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
10. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits.
11. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

12. All exterior lighting shall be down-directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Exterior lighting shall not exceed 3,000 degrees Kelvin and outdoor lighting fixtures shall be Fully Shielded. Final lighting details shall be reviewed by the Planning Staff prior to installation.
13. Construction waste should be diverted from landfill and recycled when possible.
14. The Applicant shall submit a Geotechnical Report and Final Slope Stability Plan prior to submitting a building permit, subject to City Engineer approval.
15. The Applicant shall provide soil stabilization and drainage details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.
16. The Applicant shall submit a landscape bond prior to issuance of a building permit to ensure the stabilization and vegetation rehabilitation is completed.
17. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
18. Retaining walls cannot exceed the height approved as part of this SSCUP without modifying the SSCUP.
19. The Applicant shall record an encroachment agreement with the Engineering Department for the stairs and retaining walls in the Public Utility Easement.
20. The Applicant shall provide screening of one of the garages, as determined in the Historic District Design Review Modification.
21. The width of the driveways shall comply with the requirements of LMC 15-13 as illustrated in the revised renderings dated October 11, 2023.

Commissioner Johnson seconded the motion.

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

Chair Hall noted that a majority of the Commissioners would be meeting at Spur Bar & Grill with the supervision of Staff. She stated they would not discuss anything on the agenda.

8. ADJOURNMENT

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:15 p.m.

103 ALICE COURT

MODIFICATION TO A STEEP SLOPE CONDITIONAL USE PERMIT

Planning Commission

PL-23-05804 | October 11, 2023



1884

On January 25, 2023, the Planning Commission approved a Steep Slope Conditional Use Permit (SSCUP) for a Single-Family Dwelling.

The Applicant proposes to convert the tandem garage to a single car garage, and to add a second garage adjacent to the first.



Approved Plans

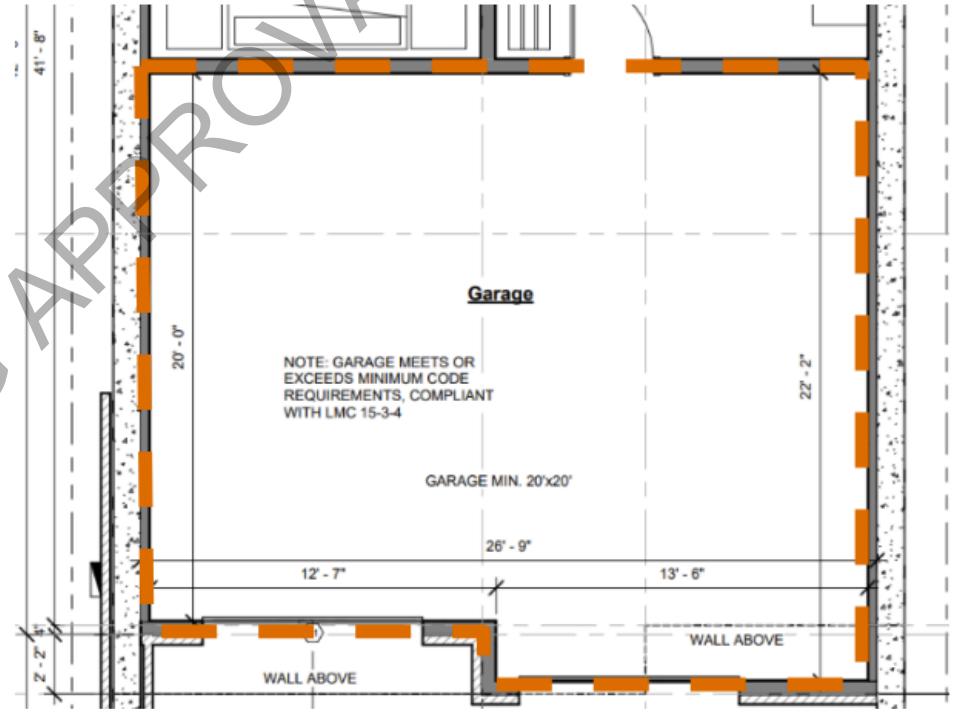


Proposed Garage Modification

103 ALICE COURT

The Design Guidelines state:

- “Side-by-side parking configurations are strongly discouraged; if used, they shall be visually minimized when viewed from the primary public right-of-way.
- Garages featuring a side-by-side parking configuration [to] maintain a 2 foot horizontal offset in the front wall plane.”



Conditions of Approval

19. The Applicant shall record an encroachment agreement with the Engineering Department for the stairs and retaining walls in the Public Utility Easement.
20. The Applicant shall provide screening to one of the garages, as determined in the Historic District Design Review Modification.
21. The Applicant shall maintain two 12-foot driveways separated by landscaping or turfgrass pavers to comply with the 12-foot driveway width maximum in the HR – 1 Zoning District.

PENDING APPROVAL



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 25, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Laura Suesser, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Lillian Zollinger, City Planner; Spencer Cawley, City Planner; Jaron Ehlers, Planning Technician; Eric Daenitz, Director of Economic Development and Data Analytics; Jason Glidden, Affordable Housing Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:38 p.m. She announced that all Commissioners were present in chambers.

2. MINUTES APPROVAL

There were no minutes for approval.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no Staff or Board Communications and Disclosures.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATIONS

- A. 1415 Lowell Avenue - Condominium Plat Amendment** - The Applicant Requests an Amendment to the Resort Center Condominiums Phase 1B First Amended to Expand an Interior Second Level Loft. PL-23-05760.

Chair Hall noted that this application was withdrawn and not a request for a continuation. No action was required on this item.

6. REGULAR AGENDA

- A. 3981 Kearns Boulevard - Development Agreement Ratification** - The Applicant Seeks Ratification of the Development Agreement for Studio Crossing, a Mixed-Use Project With at Least 185 Affordable For-Rent Units. The Project Also Includes 60,000 Square Feet of Commercial Uses and up to 100 Market Rate Condominiums. The Site is Located in the Community Transition Zone With Regional Commercial Overlay, Entry Corridor Protection Overlay, and Sensitive Land Overlay. PL-22-05206.

Senior City Planner, Alexandra Ananth, reported that in November 2022, the Planning Commission approved the Master Planned Development (“MPD”) for this mixed-use project with a number of affordable for-rent units. In December 2022, the City Council approved Ordinance 2022-47 that amended the Annexation and Zoning Ordinance including Zone Height exceptions. Additionally, during that meeting, the City’s Housing Authority approved the Applicant’s Housing Mitigation Plan. Planner Ananth reported that in April 2023, Applicant submitted a draft Development Agreement and Staff waited for Applicant to resolve the water service issue before bringing this before the Planning Commission for ratification. She noted that the Applicant had obtained a grading permit and required the Development Agreement prior to obtaining the Building Permit. Planner Ananth stated that the Development Agreement complied with the requirements and was reviewed by the Legal Department. Staff recommended the Planning Commission open a public hearing and consider ratifying the Development Agreement. The

The Applicant thanked Staff for helping to pull this together and expressed they were very excited for this project to move forward.

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

Commissioner Frontero reported that he had never participated in the ratification of a Development Agreement during his time on the Planning Commission. He sought clarification of the process and understood that Staff found the ten requirements had been met and recommended ratification. Planner Ananth explained that the process of ratification was to ensure that the Development Agreement was consistent with the MPD approved by the Commission last year.

Commissioner Suesser mentioned the signature block on the Final Action Letter attached to the Development Agreement, and Planner Ananth stated they had the signed document and would include it as an attachment.

MOTION: Commissioner Christin Van Dine moved to RATIFY the Development Agreement for 3981 Kearns Boulevard – Studio Crossing, attached as Exhibit 1 the to Staff Report. Commissioner Frontero seconded the motion.

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

B. 902 Woodside Avenue - Plat Amendment - The Applicant Proposes to Create One Lot from Two Substandard Lots. PL-23-05836.

City Planner, Lillian Zollinger, reported that the application for a Plat Amendment was for an existing site with a Single-Family Dwelling. The Applicant proposed to remove the existing dwelling and construct a new dwelling. The Plat Amendment was the first step of their proposal and would also require Historic District Design Review (“HDDR”) and a Steep Slope Conditional Use Permit (“SSCUP”). Planner Zollinger stated that the proposed lot combination complied with the Minimum Lot Size requirements and Lot Width. It also complied with the Pending Ordinance. The new Single-Family Dwelling would be required to comply with the Land Management Code (“LMC”) requirements as outlined in the Staff Report. She mentioned that Building Footprint, Setbacks, Height, and other issues would be addressed as part of the SSCUP and HDDR processes.

The Development Review Committee reviewed the proposal and expressed no concerns, with the exception of requesting Condition of Approval 5. Planner Zollinger presented a photograph of the existing structure. She reported that there was good cause for this Plat Amendment because it would combine two substandard lots to create one developable lot. The proposal complied with the Pending Ordinance on Lot Combinations and would allow for the construction of a new Single-Family Dwelling that complied with the current requirements of the LMC. She reviewed Condition of Approval 3 that any new construction must comply with the LMC. She also highlighted Condition of Approval 4 which stated: “No remnant partial lot resulting from this approval is separately developable without a plat amendment in conformance with applicable zoning at the time of application.”

As advised, Condition of Approval 5 was requested by the Engineering Department and provided that “A non-exclusive ten-foot public snow storage easement on Woodside Avenue shall be dedicated on the Plat.”

Commissioner Suesser sought clarification of Condition of Approval 4 and asked if there would be a remnant parcel as a result of this Lot Line removal. She asked why this Condition of Approval was included. Planner Zollinger stated that it was a typical Condition of Approval so that if someone has an adjacent parcel, they would know they would need a Plat Amendment.

Senior City Attorney, Mark Harrington, stated that there were remnant parcels on Lots 31 and 32, and it did not appear there had yet been a Plat Amendment on those parcels. Commissioner Suesser wanted clarification that the proposed Lot would not infringe on the Right-of-Way. Planner Zollinger confirmed that it would not.

Commissioner Frontero understood that the Lots are substandard because they did not go back 75 feet. Planner Zollinger agreed and added that because they were shorter than usual, they would not be individually developable. Commissioner Frontero asked what exists behind these Lots that prevents them from being standard-sized Lots. Planner Zollinger stated it was mostly an empty lot owned by another property owner, and part of the structure on that lot went over the property lines.

Commissioner Suesser referenced the issue of good cause contained in the Staff Report but noted that the proposed Lot would still be substandard. Planner Zollinger commented that the two Lots were substandard due to square footage, not necessarily the depth of the Lot. Combining the Lots would make one Lot that would be viable for construction.

Mr. Harrington reported that the Lot would not be non-conforming after the Plat Amendment; rather, it would be a new conforming Lot. Commissioner Suesser observed that it would still be a non-standard Lot. Mr. Harrington noted that what was a “standard” Lot was not a defined term, although he acknowledged that most lots were 25’ x 75’, but this new Lot would meet the Code requirements whereas the current Lots did not.

Commissioner Van Dine observed that the Lot is required to meet the Code in terms of square footage and minimum width, whereas the depth of the Lot did not matter. It was noted the square footage requirement is 1,875 square feet.

Commissioner Sigg noted they were just looking at the land configuration, and the burden would be on the owner when they go before the Design Review Committee, which is out of the Planning Commission’s purview. He stated if you take the existing Setbacks with a 50’ deep lot, the house would be wider than it would be deeper. He stated they were somewhat caught up on the fact that it was not 75 feet deep, but the owner would still have to pass the Design Review Committee. He felt that was what made it challenging for the Commission in that they were reviewing the land independent of any kind of design.

Commissioner Shand referenced the diagram on page 2, which showed a Building Envelope with the Setbacks in place. Planner Zollinger clarified that this represented the existing house and noted the Applicant’s Building Envelope would be different. Commissioner Shand noted that Commissioner Sigg raised a good point, in that they would see where the Building Envelope would be, but the Commission would not see the plans for the home. He wanted to understand the Building Envelope for the new parcel.

Planner Zollinger explained that the new parcel did not have a specific Limit of Disturbance (“LOD”) and Building Envelope proposed for this Plat. She noted that the diagram referenced by Commissioner Shand represented existing site conditions, which included an existing non-conforming structure that was not compliant with the 10-foot front Setback. There was overlapping discussion regarding the diagram.

Jerry Fiat explained that the black line referenced by Commissioner Shand was the Setback. He noted there was an existing home on the property that straddles property lines. The current owner planned to raze the existing house and build a new Single-Family Dwelling that would conform. Fiat explained that the existing house did not conform with the Setbacks, and the lot combination would conform with the requirements for the HR-1 zone. He advised that a plan was submitted that had gone through pre-HDDR approval and was currently scheduled to go through the HDDR process.

Planner Zollinger additionally clarified that plats in the Historic District typically did not have a Building Envelope on the plat because of the Setbacks and because there is a Building Footprint limitation. As long as the proposal was within these two requirements, then it would be considered compliant. She commented that Single-Family or Residential zones often had bigger lots; therefore the plats included the specific location where the structure could be built. She confirmed that in this case, the proposed structure would be required to fall within the Setbacks.

Commissioner Johnson commented that the Planning Commission would see this project again, as any redevelopment would require an SSCUP. At that time, the Commission would have the

chance to review the conceptual designs for the structure. He confirmed that he was agreeable to proceeding with this application.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for the City Council's consideration on November 16, 2023, for 902 Woodside Avenue – Plat Amendment, subject to the following:

Findings of Fact

1. The property is located at 902 Woodside Avenue.
2. The Lot is within the Historic Residential - 1 Zoning District.
3. The subject property consists of 56.25 feet of Lot 31 and 32 on Block 3, or Parcel Number SA-10-B).
4. The Plat Amendment proposes to combine two Lots into one Lot.
5. The Lot contains 0.06 acres (2,318 square feet).
6. The proposed Plat Amendment is consistent with the pattern of development in the neighborhood.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it combines two substandard Lots and creates one developable Lot.
2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.2 and § 15-7.1-6 Final Subdivision Plat.
3. The Plat Amendment is consistent with the Land Management Code.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Any new construction shall comply with Land Management Code Chapter 15-2.2 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. No remnant partial lot resulting from this approval is separately developable without a plat amendment in conformance with applicable zoning at the time of application.
5. A non-exclusive 10-foot public snow storage easement on Woodside Avenue shall be dedicated on the Plat.

Commissioner Sigg seconded the motion.

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

- C. Land Management Code Amendments** - The Planning Commission will Review Proposed Land Management Code Amendments Clarifying Landscaping Regulations to Qualify for the State's Landscape Conversion Incentive Program. PL-23-05884.

City Planner, Spencer Cawley, noted that there were some minor updates to the Landscaping Code that were required to qualify for the State's Turf Incentive Program. Following the passage of the LMC amendments earlier this year the Water Department implemented the Landscape Incentive Program in May 2023. This program allowed a property owner to remove their turf and replace it with Water Wise Landscaping. In return, the City would pay \$2 per square foot for the removal of turf. He added that the City had the opportunity to partner with the State and Weber Basin Water Conservancy District to help supplement the Incentive Program. When the Water Department appeared before the City Council with an update at the end of September, there was discussion about increasing the incentive from \$2 to \$3 per square foot. He explained that this incentive would be funded with each of the three partners contributing \$1 per square foot of turf removed.

Planner Cawley reported that the State determined that the Code did not meet the requirements to qualify for State contribution and asked the City to make some minor clarifications. He stressed that this amended Code needed to be finalized before the end of the year for the City to be considered compliant. The proposed amendments were to Section 6 of the Lawn/Turf provisions of the Code. He stated these changes spoke specifically to "Landscaped Area" as opposed to Lot Size. The changes also involved removing the nuances relating to 30% for properties one-half to one acre in size, and 40% for a tenth of an acre to half an acre. He explained that the State wanted this language simplified to reflect 20% of a Landscaped Area greater than 250 square feet, or an area less than 250 square feet. The changes requested by the State also included the implementation of Active Recreation Areas within the Code. Active Recreation Areas is a defined term in the LMC but was not specifically called out, so they have included that term in these amendments.

Commissioner Suesser asked if Landscaped Area was a defined term. Planner Cawley did not believe it was a defined term but stated that Landscaped Area would include any area not covered by a structure or any impervious surfaces. Commissioner Van Dine asked if the Landscaped Area should be defined, and Planner Cawley stated they could define it. Planner Cawley reported that House Bill ("H.B.") 272 created a definition for Active Recreation Area, which the City adopted with the passage of the amendments earlier this year. He noted that when a substitution was presented during the Legislative Session there was a minor change to the definition, which he highlighted for the Commission.

In response to an inquiry from Commissioner Suesser, Planner Cawley explained that "local entity property" applied to any property. Planner Cawley highlighted that these amendments clarified specifically what was required to meet the definition required by the State to comply with its incentive program. He confirmed that this was the State's defined term. Planner Cawley advised that Staff recommended the Commission forward a positive recommendation for the City Council's consideration on November 16, 2023.

Commissioner Frontero sought confirmation that the recommended amendments would satisfy the State's requirements for participation in the Incentive Program wherein the State would contribute \$1 per square foot for turf removal. Planner Cawley confirmed and reiterated that the contribution would be \$1 from the State, \$1 from Weber Basin, and \$1 from Park City. He also confirmed that the \$2 per square foot in the current program was paid entirely by the City.

Chair Hall asked how many people had participated in the Incentive Program. Planner Cawley did not recall the number of applications approved but estimated that they had received around 20 to 30 applications.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

Chair Hall asked if the definitions were now the City's definitions, not the State's. She understood that the Code would only include the State's definition of an Active Recreation Area. Planner Cawley reported that the City adopted some State definitions earlier this year. He mentioned Lawn/Turf as a State definition adopted by the City. It was noted that Landscaped Area was not a defined term in the LMC. Commissioner Suesser suggested that if the State had a definition for Landscaped Area the City adopt that definition.

Commissioner Suesser asked why it was capitalized if it was not a defined term. Mr. Harrington explained that it was because it referenced the table in the Ordinance that described Landscaped Areas. He stated if the Commission felt it needed to be a defined term, it could be added. Commissioner Suesser noted that Landscaped Area was also capitalized in Section 6 above the table. Chair Hall noted that the language in 6. b that states "Limits of Disturbance area of the Lot or property not covered by buildings," seemed to be what they were describing as Landscaped Area. She suggested they could define it to ensure clarity. Mr. Harrington stated the Commission could direct Staff to use that language as the defined term when these amendments are presented to the City Council.

Chair Hall reiterated that line 3 of subsection 6. b stated "allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or Impervious Surfaces," which she felt should be the definition. She noted that if this were included in the defined terms, they could insert Landscaped Areas in this subsection to avoid repetitive language. Assistant Director,

Rebecca Ward, confirmed that they would capitalize Landscaped Area in all sections, as it would be a defined term.

Chair Hall mentioned the potential positive impact of the increased incentive and Planner Cawley noted there was an educational opportunity for the Water Department to take proactive steps to advertise this Incentive Program. He added that Staff would collaborate with the Water Department, which would conduct the initial review. Staff would review landscape plans against the LMC, and the Water Department would do the ultimate sign-off on each application.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation for the City Council's consideration on November 16, 2023, for Land Management Code Amendments – Waterwise Landscaping Regulations to Qualify for the State's Landscape Conversion Incentive Program – as set forth in the Draft Ordinance attached as Exhibit A to the Staff Report, along with a recommendation to include the definition of Landscaped Area, as discussed. Commissioner Van Dine seconded the motion.

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

- D. Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) - Plat Amendment** - The Applicant Proposes to Modify the Plat for Unit 55 to Reflect the As-Built Single-Family Dwelling in the Residential Development Zoning District. PL-23-05609.

Planner Cawley reported that the Applicant's Representative, Martina Nelson, was present. He stated that this application is for a Plat Amendment for Unit 55 of the Bald Eagle Club at Deer Valley. This is the second amendment to the record of survey adopted by the City Council in May 1992. This was an Expandable Area of the Bald Eagle Club that included the addition of five units. Within the Expandable Area, the Plat established Limits of Disturbance ("LOD") for each of the units and the Limits of Disturbance was a representation of the boundary in which all building and associated construction or disturbance was allowed. He referenced a Plat Note that stated the Building Footprint could shift within the Limits of Disturbance and the Architectural Committee shall approve any deviation therefrom.

Planner Cawley reported that Unit 55 was constructed in 1994 and was built outside the platted Building Footprint. The proposal before the Commission was to amend the platted Limits of Disturbance due to the non-conformity. He noted that Martina Nelson created visuals included in the Staff Report, and he highlighted the image that showed the existing conditions at the site. He explained that the red-dotted line represented the existing Limits of Disturbance ("LOD"), and the green area was a portion of the structure within the LOD, while the red was outside the LOD. Planner Cawley highlighted the image depicting the conditions occasioned by the Plat Amendment and noted it would take some area from the rear of the property and transfer it to the front so that the entire structure would be within the LOD. He noted this Plat Amendment would not increase the allowed LOD and the square footage would be maintained with this amendment.

Planner Cawley reported that the proposal complies with the Residential Development Zoning District requirements, and the Applicant was not presently proposing anything that would not comply with the zone. He commented that the site was within the Sensitive Land Overlay ("SLO"), and he highlighted Condition of Approval 4 requiring protection of Significant Vegetation. He noted that a survey was done of existing Significant Vegetation and the table was included in the Staff Report. He noted that the Condition of Approval was included in the Draft Ordinance so that

if the Applicant decided to move forward with any changes to the property, they would be required to maintain the Significant Vegetation on site.

Planner Cawley stated that there was good cause for the Plat Amendment as it conforms to the site's as-built conditions, complied with the Zoning District requirements, would not increase the density of the site, would protect Significant Vegetation, and would maintain the LOD square footage. No public street or right-of-way will be vacated or amended, and he noted that Bald Eagle Drive was a private road. The Amended Plat would maintain the utilities and drainage easements that exist on the current plat.

Staff recommended the Planning Commission review the proposed amendment, hold a public hearing, and forward a positive recommendation for the City Council's recommendation on November 30, 2023.

Commissioner Suesser referenced the image depicting the Significant Vegetation. Applicant representative Nelson acknowledged that it was a difficult map to read. She explained that they mapped every significant tree using the Park City LMC definitions, and there were more than 100 significant trees that they individually surveyed, mapped, and included on the map. Commissioner Suesser stated they would like to see if there would be Significant Vegetation either saved or removed with the new LOD. Applicant Representative Nelson reported there were no plans to disturb any Significant Vegetation. She added that the building would remain in the same location and that this Plat Amendment would only make the LOD comply with the as-built house. By changing the LOD, she did not anticipate that any trees would be destroyed. She acknowledged that going forward, if the owner has plans to improve the property, he would have to go through the proper procedures with the Planning Department and Building Department. She added that they went to great lengths to identify all the Significant Vegetation on site.

Commissioner Sigg asked if the structure outside of the LOD was part of the original building plan. Applicant representative Nelson stated that the structure was approved originally with that footprint, and the footprint had not expanded. She noted a slight addition on the second story, but the original footprint was approved as-is and the developer internally approved these buildings being outside the LOD. The current Homeowners Association ("HOA") does not have records of the approvals. She reiterated that the purpose of this application was to correct this non-conformance.

Commissioner Suesser asked if the driveway was also outside the LOD. Applicant Representative Nelson explained that in this five-lot Subdivision, all of the LODs were square or polygon-shaped and did not include the driveway access. She expressed that the driveway was approved in this location, and all of the LODs for these five lots were similarly positioned and shaped.

With regard to Condition of Approval 3, Commissioner Johnson asked if there were any easements on the Lot. Applicant representative Nelson advised that there were drainage easements and utility easements, which she pointed out to the Commission. Commissioner Johnson noted that he did not see the easements in the Exhibit to the Ordinance and suggested that they be called out in the Plat. He noted that page 4 showed some of the easements, just not on Unit 55.

Applicant Representative Nelson explained that the easements of record for the original Plat for this Phase of Deer Valley would not change and were shown on the Plat Amendment map.

Referencing the image before the Commission, Applicant representative Nelson advised that the green dashed lines and the grayscale lines were easements that surround the edges of Unit 55. She mentioned that these easements were also called out in print on the drawing, adding that these drawings were intended to be printed on a 24" x 36" sheet or mylar and were very legible at that size.

Commissioner Johnson surmised that what he referenced might not be in his Packet, and requested it be added if they moved forward with an approval. Applicant representative Nelson stated that she would make sure that all the easements were shown on the recorded document.

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

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on November 30, 2023, for Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) – Plat Amendment subject to the following and that the Plat Exhibit be updated to depict all easements so that it is consistent with Condition of Approval 3:

Findings of Fact

1. The property is located at 7875 Bald Eagle Drive, Unit 55 of the Bald Eagle Court at Deer Valley.
2. The property is listed with Summit County as Parcel number BEC-55-2AM.
3. The property is in the Residential Development ("RD") Zoning District.
4. Bald Eagle was developed as a condominium project and each Unit owner owns the ground upon which a house can be built.
5. The Second Amendment to Record of Survey Map for an Expandable Condominium Called Bald Eagle at Deer Valley Drive established five Units within platted Expandable Area A and established the Limits of Disturbance ("LOD") for each Unit.
6. The LOD represents the boundary in which all buildings and associated construction disturbances may occur.
7. The Building Footprint can shift within the LOD, but construction disturbance may not occur within 15 feet of the established Building Footprint.
8. The property owner proposes to modify the platted LOD because the existing Single-Family Structure, constructed in 1994, was built outside the platted LOD.
9. The proposed LOD will encompass the existing Structure, maintain the original platted LOD Area of 21,285 square feet, and will not increase the buildable area for Unit 55.
10. Single-family structures are an Allowed use in the RD Zoning District.

11. The required Front Setback is 15 feet; the existing Structure is set back 100 feet from the Front Unit Line.
12. The required Side Setback is 12 feet; the existing Structure is set back 15 feet, six inches on the east Side Unit Line and 25 feet, nine inches on the west Side Unit Line.
13. The required Rear Setback is 15 feet; the existing Structure is 54 feet from the Rear Unit Line.
14. The Site is located within the Sensitive Land Overlay (SLO).
15. The proposal complies with the SLO Criteria pursuant to LMC § 15-2.21-2(A)
 - a. Slope/Topography – No Development is allowed on or within 50 feet of Very Steep Slopes (greater than 40%). However, an Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope, or downslope, and 50 feet horizontally in any direction to be subject to this prohibition. There are no slopes greater than 40% within the LOD covering an area of at least 25 feet vertically, upslope, or downslope, nor 50 feet horizontally. Within the existing and proposed LOD, most slopes are less than 30%. Some areas outside the LOD range from 30-40% and greater. However, because these areas are outside the existing and proposed LOD, the Applicant cannot construct or develop on these steep slopes.
 - b. Ridge Line Areas – The site exists between the elevations of 8360 feet and 8380 feet and is not on any ridge lines.
 - c. Vegetative Coverage – Low Stump Tree Service provided an Arborist Consultation report identifying the site's vegetative coverage.
 - i. Deciduous trees: Quaking Aspen.
 - ii. Conifer: White Fir, Douglas Fir, and Colorado Spruce.
 - iii. Gable oak or high shrub: Not present.
 - iv. Sage, grassland, and agricultural crops: Not present. The Arborist report indicates good health of the site's vegetation. There are signs of a fungal disease present among the aspens but is below average. This Plat Amendment will shift the LOD away from a heavily vegetated Area to an Area previously disturbed.
 - d. Designated Entry Corridors and Vantage Points – The property is not visible from the designated entry corridors and vantage points outlined in LMC § 15- 2.21-3(6).
 - e. Wetlands – The Property is not affected by any designated wetlands as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.

- f. Stream Corridors, Canals, and Irrigation Ditches – The property is not affected by any designated streams, canals, or irrigation ditches as determined by UGS data updated July 19, 2022, and approved by the National Wetland Inventory.
 - g. Wildlife Habitat Areas – The Site is not in or near any migration corridors. This Plat Amendment will not result in the disturbance of Sensitive or Specifically Valued Species occupying or using on-site and adjacent natural Areas.
16. There is Good Cause for this Plat Amendment because it resolves a non-conformity and brings the property into compliance.
 - a. Conforms to the site’s as-built conditions;
 - b. Complies with the RD Zoning District Requirements;
 - c. Does not increase density;
 - d. Will not disturb Significant Vegetation; and,
 - e. Maintains the platted LOD square footage as established in 1992.
 17. No Public Street or Right-of-Way is vacated or amended.
 - a. All roads in the Bald Eagle Club at Deer Valley are private, and
 - b. This amendment does not alter access to the property or assume the existing roads are now public Rights-of-Way.
 18. No easement is vacated or amended.
 19. The Development Review Committee met on April 18, 2023, reviewed the proposal, and found it complies with required standards and practices.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13 Residential Development (RD) District, LMC Chapter 15-2.21 Sensitive Land Overlay Zone Regulations, and LMC § 15-7.1-6 Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall identify all existing non-exclusive utilities and drainage easements along the front, rear, and side Unit lines.
4. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected from future development. Any removed Significant Vegetation shall be replaced pursuant to the regulations outlined in LMC § 15-5-5(N). Landscaping. Multiple trees equivalent in caliper and size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
5. The plat shall note that all Conditions of Approval and Plat Notes from the Bald Eagle Club at Deer Valley Second Amendment plat continue to apply.

Commissioner Frontero seconded the motion.

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

Following a brief recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners.

7. WORK SESSION

- A. **Work Session – Land Management Code Amendments** – The Planning Commission will Review Potential Amendments to Chapter 15-6.1 Affordable Master Planned Developments to Evaluate Parking Requirements, Mechanical Equipment and Building Height, Commercial Uses, and the Affordable Housing and Market Rate Units.

Assistant Director Ward explained that this Work Session would address modifications requested by the Planning Commission to prioritize this year. She announced that Affordable Housing Manager Jason Glidden was present in chambers, and Director of Economic Development and Data Analytics Eric Daenitz attended remotely. Assistant Director Ward advised that the Affordable Master Planned Development (“AMPD”) Code allowed for building heights up to 45 feet, with a 10-foot step back. It also included reductions in Setbacks and Open Space and the potential for reduced parking. She noted that the issue of parking was scheduled for discussion during the next Work Session on November 8, 2023. The consultants were preparing a broad evaluation of all of the LMC to identify opportunities to incentivize affordable housing beyond the AMPD. Part of what these consultants were evaluating included the potential for parking reduction criteria. She explained that tonight’s Work Session would focus on Building Height, Mechanical Equipment modifications, and the potential for Nightly Rentals for deeper affordability

and what it would mean for commercial square footage allowances within these developments.

Director Daenitz addressed the issue of Nightly Rentals and advised that the only material parameter that changed since the last discussion in August was the cost of funding. He explained that they had assumed long-term funding rates of 6.95%, and he reported that this number increased to around 7.6% and was as high as 8% depending on the deal. For the purposes of the additional analysis provided, Director Daenitz kept the funding rate consistent with the August numbers, and in particular planned to discuss commercial density and Nightly Rentals, specifically. He noted that nothing else had changed in their modeling. He noted that the historical average of Nightly Rental occupancy in the City was approximately 46%, which is a daily occupancy rate. They maintained that number in the current model. He added that the historic daily rate for a two-bedroom Nightly Rental remained at approximately \$430 per night, rounded up from \$428.

Director Daenitz stated that the numbers spike in the winter. He added that the two-bedroom Nightly Rentals made up a minority of the market share in the Park City market. He next focused on the two key takeaways from the Planning Commission following the last Work Session. He isolated and analyzed the effects of commercial density and Nightly Rentals in their own rights, and all other variables were held constant. The analysis focused on whether adding commercial density would make an AMPD more feasible. He stated that unfortunately the answer now was no. While they initially configured a hypothetical project to have 10,000 square feet of commercial space, as that is increased up to 60,000 square feet there was no number that would make the project pencil at the current moment.

Director Daenitz explained that the key drivers of this conclusion were the relationship between the costs of financing new parking relative to the prevailing commercial lease rates outside the Main Street District and the resort bases. Going back to the August discussion, he stated that the input for commercial lease rates was an average of commercial space deals that he had seen. He felt the assumptions for commercial lease rates per square foot were accurate. He stated that the key was that the cost of funding commercial construction continued to increase while the benefits of creating that construction were not moving. He expressed hope that these were localized, short-term conditions, but based on the model inputs no amount of additional commercial would drive deeper affordability or project feasibility in the current market.

With regard to the comment that commercial projects were not penciling, Commissioner Frontero posited the impact of reducing parking requirements in commercial at the same time. He believed that Nightly Rentals exasperated the affordability problem in Park City, so he fundamentally struggled to conclude that offering Nightly Rentals was an incentive when they know that Nightly Rentals were partly to blame for the affordability issue. He looked for any scenario where they could offer an incentive without offering additional Nightly Rentals. He wondered if they could reduce parking requirements, and possibly eliminate them and leave parking up to the developer, while at the same time increasing commercial. Commissioner Frontero asked if the modeling would show this to be feasible.

Director Daenitz responded that he could intuitively state that Commissioner Frontero's suggestion would significantly help. He did not prepare a commercial analysis with reduced parking for this Work Session but noted that as he prepared the analysis, he saw that as a key issue. The biggest element driving the lack of impact of commercial had to do with funding parking at existing interest rates because it presented developers with an onerous cost relative to the yield

collected on the lease revenue. Commissioner Sigg asked what data point was used for commercial rents.

Director Daenitz recalled they looked at \$580 per square foot. He then corrected himself and responded that the annual rent revenue shown by the model was \$267,000 for a 10,000-square-foot unit.

Commissioner Sigg reported that Eric Crandall is asking \$38/square foot at Studio Crossing, and the lender underwrote it at that rate. He learned this from the Senior Appraiser at Cushman/Wakefield. Director Daenitz commented that his calculation for the model was \$27/square foot.

Commissioner Suesser stated the Commission can reduce parking for the affordable housing element of a project, but not for the commercial units. Director Daenitz stated that was the assumption he used, which was consistent with his understanding of the current Code. Assistant Director Ward explained that as part of the MPD process, the Planning Commission had discretion to reduce parking; however, the baseline required that the commercial be calculated according to the ratio.

Chair Hall asked who enforces this. Commissioner Suesser commented that they could not approve a project that did not have a certain amount of parking for commercial based on the Code. Chair Hall observed that was based on the Code, and they could change the Code. She supported Commissioner Frontero's comments and would like more information about different inputs as suggested when this matter comes back as a Regular Agenda item.

Director Daenitz expressed difficulty hearing the Commissioners but stated he could come back with a scenario where the commercial space had a reduced parking requirement and would seek Assistant Director Ward's input to guide that next step.

Chair Hall noted that the Commissioners could pass their comments to Assistant Director Ward and emphasized Commissioner Sigg's point about the inputs or the price per square foot. She also echoed the points raised by Commissioner Suesser and Commissioner Frontero about re-evaluating a commercial parking reduction. She added that the hope would be that if a developer supplied commercial space to the residents at an AMPD, the Commission should be able to double up on the issue of parking. Commissioner Suesser observed that they would not be drawing people to the site; rather, the commercial businesses would be there to support the people who live in the AMPD.

Commissioner Van Dine stated that if this were to be put in the Code it would need to be specific so developers know what they would be able to do.

Commissioner Frontero suggested taking the discretion out of it and providing a scale to allow less parking as an incentive based on the affordability provided by a project.

Commissioner Van Dine commented that one of the biggest issues the Commission deals with is parking and the Commission has always been reluctant to grant parking reductions. She felt that weighed on some of these developments and impacted them moving forward. If there were a more definitive statement of what a developer could expect, that would help. Commissioner Frontero agreed.

Commissioner Suesser commented that a lot of commercial businesses would want a certain amount of parking, so they might be scaring off commercial businesses from going into these development projects if there would not be adequate parking.

Commissioner Sigg offered that the allowed parking was established by organizations like Urban Land Institute that set a norm. Looking at the Code requirement of 5 per 1,000, it might not be appurtenant to every type of business. He mentioned the parking needed for a grocery store versus a smaller inline retailer. He felt the use and size of the retail facility could dictate the number of spaces required and they have historically used the blanket approach of 5 per 1,000 when it might not necessarily apply to a particular business.

Commissioner Frontero echoed these comments and stressed that this was particularly true with an MPD because it is part of a living unit and presumably businesses would have a lot of patrons walking or biking to their establishments.

Commissioner Van Dine offered that the affordable housing residents would frequent a coffee shop near affordable housing.

Chair Hall summarized that the Commission requested further analysis of what parking threshold would make a project feasible. She also suggested they look at the higher price per square foot.

Commissioner Sigg mentioned the encouragement of transportation initiatives that could also affect the need for parking.

Commissioner Frontero agreed and asked if the Commission could suggest that type of amendment. He stressed that developers liked certainty, and he would like the Code to have more certainty so it could present a road map. He suggested that an MPD within $\frac{1}{4}$ mile of a transit center would allow a 40% parking reduction or similar language.

Commissioner Shand added that the developer could pencil in a new transit hub for its development as well. Commissioner Frontero agreed that it might make sense for a developer to provide transit in order to gain the affordability incentive that they were trying to provide through reduced parking. He noted that parking was expensive, and they did not necessarily want a lot of cars. He observed the overall goal of reducing cars through mitigation efforts and felt this dovetailed nicely with reduced parking if the development was near a transit hub.

Commissioner Johnson asked if the commercial use would be added to the AMPD Code and then they would update the parking provisions to clarify. He felt this discussion was related only to AMPDs and commercial uses. Assistant Director Ward stated that currently a commercial use was allowed, and the question was about the 10,000-square-foot maximum. If a project had 50% of the total square footage dedicated to affordable units, she asked if it would matter how much of the remaining space was commercial or market rate rentals. She asked if there could be flexibility in allowing different uses within the square footage and still have the additional height, reduced Setbacks, and Open Space.

Currently, there are criteria specified in the Code recommended by Cascadia Partners to allow for reduced parking by right. She mentioned that when that Code was adopted, the applicants could ask for a reduction, but it was not a given. She understood that the Planning Commission was interested in exploring a specified percentage of reduced parking if a project was within one-

quarter mile of a transit center. She stated they could bring that back for discussion with the commercial square footage consideration.

Assistant Director Ward advised that Fehr & Peers was currently working on the criteria for reduced parking in all land use applications. Currently, for all CUPs and MPDs that come before the Commission the Code allows the Commission to grant a reduction in parking but there are no clear criteria. Fehr & Peers' recommendations were scheduled for discussion on November 8, 2023.

Commissioner Shand sought clarification of Commissioner Frontero's points. He understood they were talking about a possible reduction of parking on the residential side as well as possibly the commercial side. To Commissioner Sigg's point, Commissioner Shand suggested it might be easier to apply a reduction in parking to the residential side of a project based on the transit hub. Looking at the commercial side, Commissioner Shand stated they did not know the types of businesses that would go into the commercial space. A bike shop might go out of business and a restaurant might then take that space and would have different parking requirements. If they applied it to the residential criteria, especially if a project was within one-quarter mile of a transit hub, it would make it easier for the Commission to draw a box around the parking requirement for that particular project. Commissioner Shand, therefore, suggested focusing more on reduced parking for the residential use of a project than the commercial use.

Commissioner Van Dine commented that doing this would eliminate the incentive. If they would stay with the Code-allowed commercial parking, there would still be a limit to the amount of commercial space that would be developed. She explained that the commercial reduction would become more feasible by taking that parking requirement away. Parking would then become the developer's issue in terms of the businesses they would allow in the commercial space. Commissioner Shand offered that a developer looks at the project as a whole.

Director Daenitz added that parking expenses were fungible to the capital stack. It is the total number of parking spaces that presents an issue. However parking is reduced would be a dollar-for-dollar savings.

Commissioner Shand provided the example of a project where 50 parking spaces were required for commercial uses and 200 spaces were required for the residential use. If that project were located within one-quarter mile of a transit center, it would be easier to reduce the residential parking requirement from 200 to 100 spaces, than it would be to address the commercial aspect when they do not know the types of businesses that would occupy the commercial spaces.

Commissioner Johnson agreed and offered that if they reduced commercial parking, they might have to define the commercial uses that could go in. Commissioner Sigg suggested they could define the boxes, as they would know that a larger commercial user would occupy the larger spaces. He suggested a lot of that would be defined by the configuration of the buildings. Commissioner Johnson mentioned that Iron Horse was required to come in for a CUP because of the new use being proposed in that commercial space.

Chair Hall wondered if they could avoid Nightly Rentals and in lieu have a better incentive for commercial. The next question was how they could mitigate any of the unintended consequences.

Commissioner Suesser would like commercial units to drive the feasibility of these projects and noted they would have to reduce commercial parking requirements to achieve that goal.

Director Daenitz offered that wherever they eliminate the parking, it would make the project more feasible. If they authorized commercial use and reduced commercial parking requirements that would have an effect similar to adding market-rate residential. How much commercial could be added would still influence the depth of affordability. He stated he could explore that in more detail as he had not yet modeled a parking reduction for commercial, per se, but commented that it would result in less parking required for the entire site in terms of the financing itself.

Chair Hall asked if there was something that addressed the scenario where an AMPD resident worked at one of the commercial uses, as it seemed it would present a duplicative parking space. She felt there were a few areas they could explore, and identified the different uses, the tailoring of the uses to the residents, and the commercial employment of residents. She noted there were a lot of shared parking opportunities, and exploring shared parking to incentivize commercial development would be a good idea.

Commissioner Sigg felt that a realistic driver was suburban versus urban areas, and having less parking in urban areas would result in people just walking. To him, it was great that Studio Crossing has a transit hub, but he would be surprised if people didn't use their cars. He felt that if they allowed Nightly Rentals in those areas, people would use their cars. Driving parking down in a centralized core area made sense, but Commissioner Sigg felt the further a project goes out from that, perhaps a project would need more parking.

Commissioner Suesser posited that the idea was to put commercial uses in these projects that would not be a destination for other people in town but rather to support the residents who live there. Commissioner Van Dine observed that even if it was a destination for nearby neighborhoods, it should be convenient which is why they would want a transit hub within a quarter of a mile.

In response to Commissioner Shand's comments, Commissioner Suesser felt the Commission should focus on reducing the commercial parking requirements within an AMPD. Commissioner Frontero added that reducing the commercial parking requirement would come with an understanding that the residents would be availing themselves of the commercial uses so the parking would be shared.

Commissioner Johnson suggested defining the commercial uses. Commissioner Suesser did not believe that would be necessary.

Commissioner Sigg felt the Nightly Rental aspect was significant because those outside of the community would use most of the Nightly Rentals. If the parking is not there, it could change the mindset of that Nightly Rental unit. If a Nightly Rental were not in the core, those who use the Nightly Rentals would rent a car. There was discussion about reducing parking for market-rate rentals as opposed to the affordable units.

Commissioner Shand asked about the parking ratio for the workforce housing project at the base of the Canyons, as he was curious if that parking requirement was reduced. He noted there was a parking hub, but no commercial, and a waterfall occupancy policy in effect for employees of the Canyons.

Affordable Housing Manager, Jason Glidden, responded that parking at that project was reduced significantly. He estimated it was reduced by approximately 25% of the requirement, but that development also charged for parking. Any resident who requested parking is charged an additional fee per month, which he believed was around \$125. He reported that the project saw the workforce showing up with a car and quickly selling it because there was no need for it due to the transit hub and the waterfall provisions. Manager Glidden noted that over half of the parking spaces remained empty during the winter.

There was discussion in favor of this concept; however, Commissioner Johnson felt that paid parking for residents was a new concept for affordable housing projects. He wanted to focus on the commercial space and perhaps revisit paid residential parking at a later date.

Chair Hall summarized that there was interest in exploring all of the reasons for parking reduction to make commercial uses feasible.

Commissioner Frontero asked for an explanation of "parking by right." Assistant Director Ward explained that currently, the Planning Commission may reduce parking if the project meets certain criteria. The parking reduction is built into the Code. She confirmed that developers preferred that because it was more certain.

There was discussion about removing the Planning Commission's discretion from the Code. Commissioner Frontero supported looking further into this issue.

Commissioner Suesser expressed concerns about looking at that too closely and based on the feedback from residents of affordable housing, parking is a big deal. While it might incentivize developers, the Planning Commission needs to strike a balance using its discretion. She was not sure she wanted to move towards eliminating parking by right.

Commissioner Johnson was not completely opposed to that concept but would like to see more information. He was hesitant to use the example presented because it is brand new and would like to see it flush out a bit. He requested more information from Staff.

Commissioner Suesser agreed and added that when they approach incentives for developers to build affordable housing, they are only looking at one side of the equation and not the feedback from the residents of the affordable housing projects. She did not want to pull the parking reduction lever without hearing from the residents of these developments. Commissioner Frontero agreed that was a fair point.

Director Daenitz continued by stating the second takeaway from the last discussion was to isolate the effect of Nightly Rentals. He explained they mixed in a few different configurations in the models, and he revisited those to try and create a simpler rule of thumb. He understood from tonight's discussions that Nightly Rentals were not favored by the Commission but presented some statistics with respect to the impacts. He offered two scenarios for comparison. The first scenario was labeled a Pure Market Deal, which meant no tax credits, and no City involvement in terms of land or subsidies. He also presented the second scenario, which he labeled City Land Grant/Tax Credit Deal.

Director Daenitz explained that both of these scenarios were entertained under the AMPD, except one had no involvement from either the State or the City. The number of units in the five-acre model that would be required to make a project feasible under Pure Market Conditions was 30

units. Fifty-two percent of the total square footage, including commercial, would be associated with Nightly Rentals. The reduction in Average Median Income (“AMI”) achieved with the Pure Market Conditions model was 12%.

Director Daenitz reported that in order to put these projects on the same terms, he queried how much Nightly Rental square footage would need to be offered inside of a project to reduce AMIs by 10 percent. Therefore, 43% of the project would need to be Nightly Rentals in order to bring AMIs down with an effect size of 10%. This meant that if a developer built 43% of units for Nightly Rentals, they could bring the affordability down by 10 percent.

Under the City Land/Tax Credit scenario, the conditions were a little better because of the subsidies that go into the project. In this scenario, the developer would only need to provide ten Nightly Rentals that would provide slightly less of an AMI reduction at 8 percent. Therefore, if the average AMI of a project was 60%, with 10 Nightly Rentals it would result in 52% AMI.

Director Daenitz explained that to line up both scenarios to achieve a 10% reduction in AMI, 21% of the square footage would need to be Nightly Rentals. The bold numbers at the bottom of the presented chart represented the rule of thumb in terms of what percentage of Nightly Rentals would be required to bring AMIs down by 10% for deeper affordability.

Commissioner Frontero asked how the Commission felt about Nightly Rentals in an AMPD. He felt strongly that they should not be included, and that they should do everything possible to find different avenues.

Commissioner Van Dine expressed that she would rather see market-rate units that are occupied full-time. Commissioner Sigg agreed and mentioned the threshold of anything over 30 days noting there were a lot of workarounds to that, especially during peak times when rates are high. He felt that the way they define a long-term rental was a fundamental problem and opined that 30 days was not a long-term rental and would not lead to full-time occupancy. He added that Nightly Rentals had their place in town, and he mentioned the resort core, but there should not be a blanket language that anything over 30 days was considered a long-term rental.

Commissioner Suesser asked Commissioner Sigg if he favored eliminating market-rate units from affordable housing development. Commissioner Sigg stated he did not, but that long-term rental should be re-defined. He felt that 12 months qualified as a long-term rental and reiterated that Nightly Rentals made a lot of sense in certain areas.

Chair Hall expressed surprise at how a small reduction in AMI could have such a massive need for Nightly Rentals to compensate. While initially she felt it was a great idea to consider Nightly Rentals, she felt that the small reduction in AMI was not worth a massive Nightly Rental pool. She agreed that Nightly Rentals should be the last tool utilized for developers.

Director Daenitz added that in the Pure Market scenario, the need for Nightly Rentals to create deeper affordability broke the bounds of the Code on the AMPD because 50% of the square footage would not be affordable. He stated the Pure Market scenario would not qualify under the existing Code.

Manager Glidden returned to the question of what they were trying to accomplish. Owners and developers have a right to submit for either an MPD or an AMPD, and the City was trying to incentivize AMPDs. He noted that with MPDs, the developer could build 100% Nightly Rentals,

whereas if developers were incentivized to develop an AMPD then they know that over 50% of the development would be affordable. He stressed that the AMPDs would necessarily reduce the production of short-term rentals. Therefore, Manager Glidden was not opposed to Nightly Rentals as a way to incentivize developers to move toward an AMPD. He felt it was more important to get developers to construct an AMPD than an MPD because they would get more affordable housing and potentially fewer Nightly Rentals.

Commissioner Suesser noted there was a market for market-rate units with long-term rentals. Manager Glidden stated that short-term rentals had essentially caused the housing crisis, and he was not promoting Nightly Rentals. But he noted that the developer had to meet its balance sheet, and it was all about meeting the costs with revenue. Nightly Rentals provided revenue to developers and allowed them to cover their costs.

Manager Glidden's position was to try and move developers towards an AMPD. He referenced The Yarrow and stated he would much rather it come in as an AMPD rather than an MPD because the MPD would not drive as many affordable units. He was willing to give up on some of the Nightly Rentals because, in the long run, they would get more affordable units and most likely get a reduction in short-term rentals in that project. Commissioner Johnson noted that Manager Glidden used a good example.

Commissioner Suesser requested information on the feasibility of an AMPD with 51% affordable housing and 49% market-rate units with long-term rentals.

Manager Glidden liked this discussion and noted that there were numerous levers they could use. He reiterated he was not necessarily saying that allowing Nightly Rentals in all of the market rate units was the way to go. He suggested the Commission could limit Nightly Rentals to 25% or 50% of the market rate units and use that with another tool such as reduced parking for commercial.

Manager Glidden stated that the Commission could use incentives to get what they wanted. If they wanted commercial, they could incentivize commercial as much as possible.

Commissioner Shand noted that the biggest lever was the land. Commissioner Frontero observed that they had a lot of land with which the City could work with developers in public/private partnerships.

Commissioner Suesser queried why they were still struggling over things like parking requirements if the City had all this land to donate to a deal. Commissioner Johnson commented that some of the land would require rezones.

Manager Glidden looked past that and stated it was important that the City had the land for public/private partnerships; however, they were seeing major redevelopment in areas like Bonanza Park, and it was in those situations where these various levers come into play.

Commissioner Sigg pointed out that in an AMPD, they would potentially have a building that would be taller than what was currently permitted in the zone; therefore, not only would they have taller buildings, but they would also have Nightly Rentals. He stressed that they had to keep their perspective on the volumetrics of the buildings.

Commissioner Van Dine mentioned Manager Glidden's comments about limiting percentages for Nightly Rentals and felt that was something the Commission should review.

There was discussion about how they could enforce the percentage limitations. Commissioner Suesser suggested deed restrictions.

Commissioner Frontero asked Director Daenitz if the models could handle interest rates going down over the next five years, and wondered if there was a scenario where they could take into account lower interest rates and costs.

Director Daenitz stated the model could run those types of scenarios, and he could produce a band of scenarios based on different rates. He added that no matter the interest rates, the more tools they have to create affordable housing, the more affordable housing would show up regardless of the rates. If interest rates drop to 4%, he agreed that would bring a lot more into play by bringing profitability five years sooner. In terms of what that would mean relative to AMIs, he could put that together.

Director Daenitz reiterated that no matter what the interest rates were, the more tools they have for the creation of affordable housing, the more likely it would be to occur. He stated it would certainly be much more likely to occur with lower rates, but they would still incentivize the creation of affordable housing under either condition.

Commissioner Frontero observed that current rates are near a 20-year high, and they were creating a basket of incentives with these high rates. As the rates come down, he initially thought they should reduce some of the incentives, but he understood Director Daenitz's point that more incentives would result in more affordable housing.

Director Daenitz clarified that he was not trying to direct policy; rather, he was providing his thoughts.

Commissioner Frontero requested information on the scenario at 2% intervals and mentioned 8%, 6%, 4%, and 2 percent.

Commissioner Suesser agreed and felt that as they refined the language in the Code, they might want to include this information so they would not have to revisit the issue.

Commissioner Van Dine stressed they were not writing this based on interest rates; they were writing it to increase affordable housing. If interest rates go down, it would be better for the City as well, because they would get more applicants. She offered that interest rates of 4% would not necessarily mean the Commission would require more parking. She felt that lower interest rates would hopefully result in more AMPD developments because the return on investment would be faster. She disagreed with trying to write a Code based on financial impacts, because it would change, and they do not know how it would change. If they set a baseline of incentives that get developers in the door, Commissioner Van Dine felt that as conditions improved more would apply.

Manager Glidden believed in periodic review of the Code in light of interest rates, because conditions change. He advised that they review the Housing Resolution every two years to see what has changed and what needs to be adjusted. He felt this should be reviewed every two

years to see how it's working. He did not necessarily agree to include the different interest rate scenarios in the Code.

Chair Hall commented that it seemed they were looking at this every year.

Assistant Director Ward understood that there was support for allowing an increase in commercial uses considering parking reductions. The Commission would like more information on what that would look like in terms of long-term management change of uses. She also mentioned shared parking and live-work considerations. She also mentioned interest in establishing clear criteria in the Code that would be predictable for developers. With respect to the 50% of square footage that is not affordable, Manager Glidden asked if the Commission had a preference that it be commercial or residential. There was consensus that there was no preference. Chair Hall mentioned prior comments she made about adding affordable housing to existing commercial structures in town.

Commissioner Johnson noted that a hotel is a Nightly Rental use that is less impactful than the over-arching concerns with Nightly Rentals. Commissioner Suesser stated that there were service trucks and employees that need to service that hotel.

Commissioner Suesser stated she would not care if an AMPD had commercial as long as it would be commercial that would serve the residents rather than as a destination.

Commissioner Sigg commented that the footprint would drive most of the commercial, because there was not too much viable second-floor commercial unless it is something like an office use.

With regard to Nightly Rentals, Assistant Director Ward understood that initially there was consensus for no Nightly Rentals, but as the discussion progressed, the Commission requested more information on what it would look like if 50% were Nightly Rentals versus long-term rentals. Chair Hall added that they would like more information on achieving deeper affordability. Based on the information presented, she was not in favor of a small reduction in AMI in exchange for 43% Nightly Rentals. Commissioner Frontero agreed. He added that there seemed to be a consensus to do everything possible to reduce the Nightly Rental percentage, but not eliminate it completely. He suggested that developers start with No Nightly Rentals, and then if it does not pencil, they should look at all of the incentives with the last carrot being Nightly Rentals. Commissioner Sigg also wanted to redefine the definition of long-term rental.

There was discussion regarding having a higher AMI to reach a different market. Commissioner Sigg noted that per Housing and Urban Development ("HUD") guidelines, AMI could go up to 120 percent, and developers could not get a loan and tax credit for 80% or less. Manager Glidden noted that the number was 60 percent.

Commissioner Sigg explained that financing options were greater for lower AMIs, but if developers built a 900-square-foot unit instead of a 1,400-square-foot unit and offered it at 100% or 120% AMI, some people would take that unit all day long.

Commissioner Suesser liked the approach of including the higher AMI units in a project. Commissioner Sigg commented that a builder would not be building as much square footage, but they were getting a higher amount. Director Daenitz advised that he had good feedback and would work on some items for the next discussion.

Assistant Director Ward reminded that there was discussion about the 45-foot Maximum Building Height and 10-foot step back during the last Work Session, along with discussion about re-evaluating the zones where these would be allowed. She presented a table that showed the comparison of the zone height and AMPD density height. As indicated in the Cascadia report, the 45-foot Building Height achieved four stories, which helps to incentivize these projects. She referenced a slide during the prior discussions that showed Bluebird Village, which is a 51-foot-high building in Ketchum. She added an image with the step back that showed the same 51-foot height without the same massing impact.

Assistant Director Ward reported that Staff recommended maintaining the 45-foot height with the step back and addressing additional mitigations such as setbacks for mechanical equipment and other ways to reduce the additional impacts. She asked if there was interest in modifying or re-evaluating the zones that currently have the 45-foot height allowance with the step back on the fourth floor.

Chair Hall mentioned that there would still be mechanical equipment on top of the 45 feet. Assistant Director Ward stated that there would be a 10-foot step back for the height up to the fourth floor. For the rooftop mechanical, she reported that some communities established an additional 10-foot Setback on the roof for mechanical equipment. Chair Hall noted they did not have that requirement now, but the Commission requested that on Homestake because the initial drawings had a full fourth floor, and the end result was that the developer agreed they did not need the mechanical on the entire floor. The developer therefore made it a lot smaller at the 53-foot height.

Commissioner Suesser recalled that they heard from Craig Elliott that it did not make sense because of the step back, and it was not feasible for them to include a fourth story on HOPA. Regardless, she liked the approach of keeping the step back on the fourth floor to minimize the impact from the street.

Commissioner Shand agreed and liked the step back. If there was a particular challenge with a particular building, he would let the developer come before the Commission for discussion.

Commissioner Sigg suggested defining the impact of the parapet on the overall height. Commissioner Shand stated that if the parapet were the façade, he would include it in the measurement. Commissioner Frontero agreed because it would be part of the visual impact. Commissioner Suesser also agreed.

Assistant Director Ward summarized that the Commission was agreeable with the 45-foot height and maintaining the 10-foot step back. She also mentioned the possibility of additional density on the interior of buildings with additional step-backs. She presented an illustration of the HOPA project and reported that this project was under the Maximum Building Height allowed, but under the current Code, all buildings would require the step back. She asked if the Commission supported changing the Code so that the step back would only be required for the exterior façade, not interior façades. There was consensus.

With regard to the Frontage Protection Zone ("FPZ"), Assistant Director Ward explained that currently AMPDs were required to comply with the standards. She stated they could include an additional Finding of Fact as part of the Planning Commission review. She explained that currently within the 30 feet to 100 feet within the FPZ, any AMPD would also have to obtain a

CUP. She asked if there were additional considerations or criteria that the Commission would like to include.

Commissioner Sigg stated this really hit home on the Bonanza project when they looked at what the FPZ took away from the potential of the already small site. He stated there was likely an area along SR-248 where protection for the frontage ended and they were into the core of the City. He suggested re-evaluating the Frontage Protection Zone boundaries as he saw it as being a pretty strong detriment to building massing at the Bonanza location.

Commissioner Johnson noted they went to 100 feet, and he agreed with Commissioner Sigg's concept, but he would like to look at making the process at 30 feet more streamlined.

Commissioner Sigg understood that in the context of a CUP, they could reduce the area based on building height.

Commissioner Frontero understood these comments as suggesting that the FPZ was starting to encroach into the core of Park City and perhaps they should look at pulling it back. Commissioner Sigg suggested possibly pushing it forward, in other words, reducing the FPZ as they get closer to the core, provided a developer could minimize the impact of a 40 - 45-foot building. He understood the need for the FPZ near the High School and as you are driving out of town, but he felt that for a project like Bonanza, the FPZ curtailed how they could mass the buildings.

Commissioner Johnson suggested the potential for incentivizing AMPDs by providing the 30 feet without requiring a developer to go through a full CUP with the Planning Commission. He felt this would be a huge stick they could provide developers for an AMPD.

Commissioner Van Dine would still like to see those CUPs under Planning Commission control.

Chair Hall asked if it could be included in the AMPD so it would not be a separate application. Manager Glidden stressed that anytime they create more certainty, the better.

There was discussion about the Planning Commission's discretion for Frontage Protection Zone CUPs.

In response to an inquiry, Assistant Director Ward advised that the FPZ along Kearns Boulevard at The Yarrow was between 30 to 100 feet, and if a developer wanted to build within that distance for a certain building height, it would require a CUP from the Planning Commission. The Commission did not want to forego the requirement for a CUP in AMPDs.

Commissioner Suesser suggested that they could amend the distance and say with an AMPD a developer could get 50 feet or some other distance. Commissioner Van Dine felt it would be reasonable to look at those numbers to see what it would look like.

Chair Hall commented that it would also depend on the structure or the improvements within the FPZ. They would have to assume a developer would want a 45-foot-tall building, rather than a greenhouse or a community garden like at HOPA.

Commissioner Shand would like to see some sort of line drawing of what a 45-foot-tall building would look like on the Double Tree site at 30 feet, 50 feet, and 100 feet from the road. Manager

Glidden expressed that it would only be 35 feet, because of the step back. Assistant Director Ward recalled that information was in the original submittal, which was part of the public record.

With regard to mechanical equipment, Assistant Director Ward understood there was consensus for a 10-foot Setback measured from the roof, not the parapet. In terms of childcare centers, she advised that the MPD Code established Planning Commission discretion when evaluating larger projects. The AMPD Code mirrored the MPD Code in this regard. She reported that some communities incentivized childcare centers through density bonuses or other allowances rather than at the discretion of the Commission. She recalled that as shown in the HOPA review, this could impact the financing and predictability for the design of the project for developers. Staff's recommendation was to remove this from the Code, noting there were opportunities to incentivize childcare centers as an exception from density. She asked if the Planning Commission supported removing the Commission's discretion and incentivizing childcare centers through density or other means. There was consensus, and there was discussion that there were challenges with requiring childcare centers.

Commissioner Frontero was supportive of a bonus density for childcare centers, within the context of the overall project.

Chair Hall commented that they did not touch on the zoning for the height and referenced the chart presented earlier. Manager Glidden noted the chart referenced the zones where AMPDs were allowed. Chair Hall asked if there were other zones where AMPDs would make sense. Assistant Director Ward explained that the table presented excluded the Estate Zone and stated that AMPDs were allowed in those zones where multi-unit dwellings were allowed. Chair Hall felt that made sense.

Commissioner Van Dine appreciated the table and stated it helped see how impactful the allowed height was in certain zones. This table helped satisfy her regarding the 45-foot Building Height with the step back in these zones. Assistant Director Ward asked if the Commission felt these amendments would be ready for a public hearing, or whether they wanted an additional Work Session. Chair Hall asked if there was consensus to review a Draft Ordinance in a Regular Session, and specifically pointed to the commercial changes.

Manager Glidden suggested another Work Session and felt that Director Daenitz's additional analysis would be key for the Planning Commission's review. He stated that parking was not helping with anything right now.

Director Daenitz stated that if parking were eliminated, the deals would not pencil without City land contribution or tax credit subsidies. He noted zero parking did not work.

Assistant Director Ward stated they would schedule another Work Session on this item.

In response to Commissioner Johnson's inquiry, Assistant Director Ward advised that Lisa Wise Consulting was not reviewing the AMPD Code, but they were reviewing Parking and Transportation Demand Management to develop criteria based on what the Commission did with Traffic Impact Studies. Fehr & Peers was working on criteria so that applicants could have measurable criteria that would support reduced parking. These criteria would apply to all MPDs and CUPs that allow the Planning Commission to approve parking reductions.

Manager Glidden stated this supported the reason for having another Work Session on this item. He understood there would also be community feedback following the consultants' presentations.

Chair Hall noted that because this involves a policy decision and LMC amendment if the Council Members felt the Commission was not heading in the right direction, they should advise the Planning Commission.

Commissioner Suesser felt it would be helpful to analyze a potential project and what levers could be used to help make it pencil. Manager Glidden stated that was what Director Daenitz had essentially done in his analysis and invited the Commission to request any additional levers. He mentioned that Lisa Wise Consulting had looked at other communities and what they had done, which might provide additional ideas.

Chair Hall announced that several Commissioners would be going to No Name Saloon following the meeting.

8. ADJOURNMENT

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:00 p.m.

PENDING APPROVAL

Studio Crossings – Ratification of Development Agreement

Planning Commission
October 25, 2023

PL-22-05212



1884

Studio Crossings Timeline

- November 9, 2022—The Planning Commission approved the Studio Crossings MPD for a mixed-use project including at least 185 affordable for-rent units. The project also includes 60,000 square feet of Commercial Uses, up to 100 market-rate condominiums, a transit stop and shelter, and a bike share and trail connection. On the same day the Planning Commission forwarded a recommendation to the City Council to amend the Annexation and Zoning Ordinance as well as for exceptions to the Zone Height for the Studio Crossings project at 3981 Kearns Boulevard.
- December 15, 2022 – The City Council approved Ordinance No. [2022-47](#), amending the Annexation and Zoning Ordinance including exceptions to the Zone Height.

Studio Crossings Timeline

- December 15, 2022 - The City's Housing Authority approved the Applicant's Housing Mitigation Plan.
- April 14, 2023 – Applicant submitted the draft Development Agreement. The Planning Department waited for the Applicant to resolve their water service issue before bringing the DA to the Planning Commission for ratification.

The DA must be ratified by the Planning Commission and recorded prior to the issuance of building permits. The Applicant has a grading permit but no other permits have been issued.

Development Agreement Requirement	Analysis of Proposal
A legal description of the land.	Studio Crossings DA Exhibit A – Legal Description of the Property
All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions.	Studio Crossings DA Exhibit D –Studio Crossings Final Action Letter dated November 9, 2022 Studio Crossings DA Exhibit E – Ordinance No. 2022-47 dated December 15, 2022.
An express reservation of the future legislative power and zoning authority to the City.	Studio Crossings DA ¶ 4 – Master Plan Approval and Reserved Legislative Powers
A Copy of the Approved Site Plan and all plans which are part of the Planning Commission Approval	Studio Crossings DA Exhibit F – MPD Approved Plans
A description of all Developer exactions or agreed-upon public dedications.	Studio Crossings DA ¶ 2.2
Developer agreement to pay all specified impact fees.	Studio Crossings DA ¶ 2.2
The form of ownership anticipated for the project.	Studio Crossings DA ¶ 6.3 – Form of Ownership Anticipated for the Project
A specific project phasing plan.	Studio Crossings DA Exhibit G –Phasing Plan Project Approval expires two years from the date of execution of the Development Agreement unless Construction, as defined by the International Building Code, has commenced on the project. Studio Crossings DA ¶ 2.4 requires the developer to complete the deed restricted affordable housing prior to or concurrent with the market rate condominiums.
A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.	Studio Crossings DA ¶ 6.5 – Physical Mine Hazards and Exhibit H – List of all Known Physical Mine Hazards on the Property (None)
A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.	Not Applicable – There are no Historic Structures on the Property

Recommendation

1. **Open a Public Hearing**
2. **Consider ratifying the Development Agreement**

PENDING APPROVAL

Planning Commission Staff Report



Subject: Land Management Code Amendments
Application: PL-23-05931
Author: Rebecca Ward
Date: November 8, 2023
Type of Item: Work Session

Recommendation

Review the Land Management Code Amendments Initial Report prepared by Lisa Wise Consulting, Cascadia Partners, and Fehr & Peers, and provide input.

Background

The Planning Commission conducted a series of work sessions in the fall of 2022 to prioritize Land Management Code amendments, including incentives for affordable housing development and multi-modal transportation through parking and transportation demand management criteria. The Planning Commission inquired about funds to hire a consultant to assist with prioritized amendments.

On May 11, 2023, the City Council approved a Professional Service Provider Agreement with Lisa Wise Consulting and subconsultants Cascadia Partners and Fehr & Peers to evaluate the Land Management Code and recommend amendments to incentivize affordable and missing middle housing, and to establish criteria for projects to minimize reliance on single-occupancy vehicles and support multi-modal transportation options ([New Business Item 6](#); [Minutes](#), p. 17).

Over the summer, the consultants reached out to focus groups, developers, and Commission and Council liaisons for initial input and conducted a community workshop on September 26, 2023. A survey is proposed to be initiated for continued engagement and input with final recommendations scheduled for Planning Commission review in 2024. More information is available on the [Engage Park City](#) project webpage.

Project Timeline



Analysis

The consultant will walk through their report with an emphasis on the following:

- Project overview
- Outreach
- Barriers to housing affordability
- Strategies for housing affordability
- Barriers to enhancing multimodal transportation goals
- Strategies for enhancing multimodal connectivity and promotion of transportation demand management strategies

Staff requests Planning Commission input and guidance as the consultants move into the next phase, which includes drafting amendment recommendations for review at a community open house and an additional Planning Commission work session.

Exhibit

A: Land Management Code Amendments Initial Report



Land Management Code Amendments Initial Report

October 2023

PUBLIC REVIEW DRAFT



FEHR & PEERS



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1. Introduction

1.1 Project Overview

In 2023, the Park City Municipal Corporation (City) identified the need for targeted amendments to its Land Management Code (LMC, or the Code) to create greater opportunities for the production of affordable housing and to lower the number of single-occupancy vehicles and vehicle miles traveled. This Land Management Code Amendments project (the Project) includes analysis to identify specific LMC updates aimed at achieving the following objectives:

- Implement strategies outlined in the 2014 Park City General Plan, Park City Vision 2020, and other key policy documents;
- Identify existing regulatory barriers which restrict the market's ability to deliver the quality and quantity of affordable units consistent with the City's 2022 Moderate Income Housing Plan;
- Evaluate existing transit improvement requirements for new development and how transportation demand management (TDM) strategies can be consistently applied;
- Provide a set of recommended LMC amendments which are consistent, forward-thinking, and incorporate best practices from peer communities where similar code amendments have been successful.

Public engagement is a key component of this Project and is intended to involve a diversity of perspectives and levels of expertise, including focus groups, community workshop, online survey, and work sessions with the Planning Commission.

1.2 Park City Context

Park City is a historic mining town turned world-class tourist destination, home to renowned ski resorts, cultural events, and year-round recreational opportunities just 30 minutes from Salt Lake City. Though the City has been forward-thinking in preserving its excellent quality of life, Park City and the wider Wasatch Back region are straining to keep pace with unprecedented regional growth.

Park City is currently facing acute housing underproduction and lack of affordable housing. Park City is the highest-priced housing market in the state of Utah. As of 2021, the median sales price of a single-family home was \$2.25 million and \$791,000 for a condominium or townhome. In addition, vacancy rates for rentals have consistently been below two percent over the last five years, indicating a lack of supply in the face of very high demand, which ultimately drives up rental rates. High costs and low availability of housing have led to a high rate of residents with housing cost burdens, especially renters. According to the 2021 Housing Needs Assessment, one in three Park City renters are paying more than 30 percent of their income on housing, and one in five are paying more than 50 percent.

In addition to two world-class resorts, the Sundance Film Festival, and other year-round events, housing scarcity has also led to a large commuting workforce. The City's current affordable housing inventory provides housing for only six percent of its workforce, and Park City is the only city in Utah where the number of workers (11,000) outnumbers the population (8,500). Housing the entire workforce would require

at least 1,000 additional affordable units in the Park City area. As a result, nearly 8,800 predominantly low-wage workers commute daily from homes in Summit County to jobs in Park City. Due to topographic restrictions, limited entry corridors, and policies to prevent road widening, traffic congestion has become an almost daily occurrence.

Park City needs a wider range of affordable, quality housing and creative regulations that reduce single-occupancy vehicles while promoting bike, pedestrian, and transit connectivity. Amending the LMC offers an opportunity to implement effective changes to land use regulations which tackle both these problems directly.

1.3 Report Structure

This Initial Report evaluates the effectiveness of the existing LMC and identifies recommendations regarding barriers to affordable housing and multimodal transportation. Section 2 provides background on existing policy and a summary of initial stakeholder input from Focus Groups, Developer Interviews, Internal Advisory Groups, and a Community Workshop. Section 3 offers a high-level summary of key findings and policy considerations, followed by detailed technical analyses of barriers within the LMC and best practices to address them – Section 3.3 is focused on affordable housing, and Section 3.4 is focused on transportation. These technical analyses also include evaluations of case study jurisdictions where similar approaches to those being recommended have been instituted.

1.4 Key Terms and Concepts

Community-Oriented Development

Community-oriented development is defined as compact, pedestrian-oriented, mixed-use development located within a walkable distance of a transit line. By concentrating housing and commercial uses near major transit stops, community-oriented development can reduce transportation costs for households, increase transit ridership, and reduce vehicle usage.

The positive relationship between density and transit ridership has been widely supported in the academic literature for several decades. There are two primary linkages between density and transit use. First, residents of high-density neighborhoods are more likely to use transit. Second, higher densities bring more origins and destinations within easy access of transit, especially by walking from within a quarter-mile of the major transit stops. Significant transit ridership gains occur when density surpasses 30 units per gross acre and the most significant gains in ridership occur when densities exceed 45-50 units per gross acre.¹ See Section 3.3.1, Figure 13 for illustrations of this type of housing.

¹ Transit-Supportive Densities and Land Uses. Puget Sound Regional Council Guidance Paper (February 2015). Available at: <https://www.psrc.org/media/4958>

The LMC does not define community-oriented development, but it does provide some benefits to projects near transit, such as potential reductions in off-street parking requirements.

Deed-Restricted Affordable Housing

Dwelling units that have a binding document recorded against the property that restricts the use of the property to preserve affordability. Some examples of deed-restrictions include limiting the cost of the housing to be affordable to those making below 80 percent Area Median Income (AMI), limiting annual appreciation, requiring the owner to live on the property full-time, or limiting capital improvements.

The LMC defines Affordable Housing as:

AFFORDABLE HOUSING: Housing that is priced affordable to households with incomes at or below 80 percent of Area Median Income²

Park City has a long-standing local inclusionary housing policy which has one of the highest affordable housing obligation (20 percent) requirement in Utah.³ Currently, private development over ten residential units or 10,000 sf of commercial space and annexation proposals must meet the obligation using one of six tools: 1) build affordable units on site, 2) build affordable units within City limits, 3) deed-restrict existing units, 4) build affordable units outside City limits but within the Park City School District Boundary, 5) convey land to the city within the Park City School District Boundary, or 6) pay an in-lieu fee. The current payment “in lieu of development” fee is \$389,700 per Affordable Unit Equivalent. Affordable units do not count towards the residential density requirements of the MPD if the units are built on site. The inclusionary housing policy also requires development of housing units based on the employees generated for commercial developments.

In addition to the inclusionary housing requirements, the City Council adopted an Affordable Master Planned Development (AMPD) Code to incentivize private and public-private partnership development of affordable housing. Increased height and decreased setback and open space requirements are established in the LMC when at least 50 percent of the square footage is dedicated to deed-restricted affordable units.

Fee-in-Lieu

Parking requirements can be met by a fee-in-lieu program that requires payment of a non-refundable fee that can be used for parking improvements, transportation demand management (TDM) programs, and other programs deemed acceptable by the jurisdiction.

Housing Supply and Affordability

When housing supply does not keep pace with growing demand, rents and prices generally increase. New housing production can put downward pressure on prices for market-rate units. Additionally, increasing the supply of lower cost market rate housing types, such as multi-family or missing middle housings, can

² LMC 15-15-1

³ Resolution 05-2021 Affordable Housing Guidelines

provide more housing choice for middle income earners without public subsidy. However, expanding the supply of market-rate housing alone is usually insufficient to provide affordable housing for low-income earners; public subsidy is often required to meet this need.

Lower Cost Market Rate Housing

Housing units that already exist or are part of a lower cost development that can achieve rent or sale prices that are in the lower end of the market, usually attainable for middle income earners. These housing units do not receive public subsidy and are not deed-restricted affordable. These units are also sometimes referred to as “workforce housing” or “attainable housing.” Lower cost market rate housing often takes the form of multi-family housing, but can also include missing middle housing, accessory dwelling units, or single-family houses on smaller lots.

Missing Middle Housing

The concept of missing middle housing refers to a wide range of housing types of a scale and density that fall between detached, single dwellings and multi-unit apartment buildings. For the last half-century, zoning codes have largely prohibited these housing types in areas where single dwellings are allowed, which is why middle housing is often called “missing middle housing.” The scale of middle housing is comparable to a single-family house, but includes higher density housing such as a duplex, triplex, fourplex, cottage court, or townhouses. Cottage court is a group of small, detached houses arranged around a shared courtyard or green space.

Figure 1: Missing Middle Housing Overview



Source: Opticos Design

The LMC defines some housing types that fall within the concept of middle housing, including duplex and triplex. However, many missing middle housing types are grouped together under the broader definition of either “Multi-Unit” or “Single-Family”:

DWELLING, DUPLEX. A Building containing two (2) Dwelling Units.

DWELLING, TRIPLEX. A Building containing three (3) Dwelling Units.

DWELLING, MULTI-UNIT. A Building containing four (4) or more Dwelling Units.

DWELLING, SINGLE FAMILY. A Building containing not more than one (1) Dwelling Unit.⁴

Multimodal Transportation

The variety of transportation options to reach a destination such as walking, biking, transit, and driving.

Off-Site Parking

Off-site parking is a parking area located on a separate lot from the principal use it serves. For off-site parking to count towards mandatory parking minimums, there are typically requirements the parking must meet, such as reasonable continuous pedestrian and vehicle access from off-site parking facilities to the use being served.

Parking Maximums

The maximum number of spaces allowed for off-street parking, which is typically established in a zoning code as a strategy to prevent the supply of parking provided through development to exceed demand.

Shared Parking

Shared parking refers to parking spaces that are used by two or more uses, typically with varying peak parking demands, to meet the parking requirements.

Single-Occupancy Vehicle

Single-occupancy vehicles refer to a commute mode by an individual alone in a car, truck, or van. These trips are linked to increased congestion and greenhouse gas emissions as they move fewer people per vehicle. In contrast, high-occupancy vehicle trips such as carpooling or buses that have multiple riders can decrease congestion and pollute less than single-occupancy trips.

Transportation Demand Management (TDM)

Transportation Demand Management (TDM) describes programs and projects that aim to provide more competitive transportation options to reduce trips and improve traffic congestion without building more roads. Strategies may include:

- Telecommuting
- Bike and Bikeshare
- Walking
- Taking public transit
- Carpooling

⁴ LMC 15-15-1

Unbundled Parking

“Unbundling” parking means that parking is priced separately from housing rent, office lease, or purchase prices. Unbundling parking provides a monetary benefit to people and businesses who do not wish to utilize a parking space. This practice not only creates an incentive for residents and employees to own fewer cars, thereby reducing their vehicle trips, but can help make housing more affordable.

2. Background

2.1 Policy Direction

Table 1 below highlights key policies and implementation strategies from existing plans, regulations, and policy documents guiding this project, including:

- 2014 General Plan (2014 GP);
- 2016 Transportation and Demand Management Plan (2016 TDMP);
- Park City Vision 2020 (PCV 2020);
- 2022 Park City Forward – A Transportation Blueprint (2022 PCF); and
- 2023 Amended Five-Year Moderate Income Housing Plan (2023 MIHP).

Table 1: Summary of Key City Affordable Housing and Transportation Policies and Strategies

Policy Direction	Policy Reference
Overall Vision	
<p>“Embracing Bold Action”</p> <p>Park City’s future will actively seek to adapt and evolve into the next leading-edge iteration of a “mountain town” community. The community has given City leadership the “green light” to be bold in finding solutions to the community most important issues – including affordable housing solutions, sustainable transportation, social equity, and environmental impact.</p>	<p>PCV 2020 (Community Vision)</p>
Affordable Housing	
<p>Revise Zoning for Affordable and Attainable Housing.</p> <ul style="list-style-type: none"> Explore options within primary residential neighborhoods to accommodate a wider variety of housing types by considering decreased lot size requirements, increased density, and smaller residential units. Change zoning classifications to remove unnecessary barriers to the development of affordable and attainable housing, increasing height and density allowances where appropriate. 	<p>2014 GP (7.1.1, 7.1.2, 7.2, 8B, 8.4, 8.5) 2023 MIHP (Goal/Objective II.A, II.B)</p>
<p>Increasing Housing Affordability Citywide.</p> <ul style="list-style-type: none"> Promote affordable housing opportunities for a wide range of income levels in all neighborhoods within Park City. 	<p>2014 GP (7.2, 8A. 8.4)</p>
<p>Increase Long-Term Rental Options for All Residents.</p> <ul style="list-style-type: none"> Shift neighborhood balance to permanent workforce and residents, creating more housing options such as accessory units and apartments. Create housing for all life stages and underserved groups, including “step-down” housing for seniors and homes for growing families. 	<p>2014 GP (7.1.3) PCV 2020 (Affordability & Equity)</p>
Transportation	
<p>Promote Transit-Oriented, Mixed-Use Development.</p> <ul style="list-style-type: none"> Identify suitable locations within existing neighborhoods near public transit for increased density and mixed-use developments to reduce the reliance on personal vehicles. 	<p>2014 GP (5.2) 2022 PCF (Access, Sustain)</p>
<p>Transportation Demand Management (TDM) Requirements.</p> <ul style="list-style-type: none"> Implement TDM strategies and programs for new developments or redevelopments of a certain size. Reduce parking for projects that use alternative transportation options to reduce the need for vehicle trips. 	<p>2014 GP (3.2, 3.14, 3.18) 2016 TDMP (Policy Strategy) 2023 MIHP (Goal/Objective II.B)</p>
<p>Revise Parking Requirements for Sustainability.</p> <ul style="list-style-type: none"> Revise parking requirements to incentivize sustainable transportation choices. Utilize parking demand management (e.g., unbundling residential parking, employee “cash-out” programs), shared parking areas, and ensure secure bicycle parking is available to support cycling as a viable transportation mode. Encourage users to “park once” away from congested corridors. 	<p>2014 GP (3.1) 2016 TDMP (Parking Strategy)</p>
<p>Enhance Connectivity and Pedestrian Districts.</p> <ul style="list-style-type: none"> Establish requirements for connectivity and linkage within the City's road and trail networks for new developments and redevelopments, considering Utah impact fee statutes and funding mechanisms. 	<p>2014 GP (3.3) 2022 PCF (Access)</p>

2.2 Initial Stakeholder Input

As part of the project's community engagement process, a variety of local stakeholders were engaged early on through Focus Groups, Internal Advisory Groups, and a Community Workshop. These engagement efforts brought together a wide range of perspectives from residents, City and County employees, elected representatives, Planning Commission members, resort representatives, businesses, employers, and both non-profit and market-rate housing developers. Presentations made to these groups emphasized that the project's analysis was underway and not complete, but invited input on progress to date and preliminary findings. Their feedback helped guide the completion of this Report.

Below, a summary of initial stakeholder input on affordable housing and transportation issues is provided.

Affordable Housing

Interest in New Housing and Challenges of Discretionary Review

- Both outlying areas and infill opportunities were identified as the best places for new housing. Generally, greater density and height were preferred on underutilized commercial parcels, especially those with surface parking lots. Balancing Park City's character and the protection of historic sites/structures with new affordable housing is a key issue.
- There is mixed support for allowing housing developments by-right (i.e., with administrative design review by City staff instead of a discretionary review process with public hearing(s)). Chief concerns include that this may not be appropriate in all areas (e.g., historic districts, Old Town) and that some degree of public input should be maintained.
- Support for the adoption of objective design standards as a way to alleviate the concerns which keep discretionary review the standard approach (e.g., building height along the street or adjacent to lower-density areas).
- Developers have faced challenges with entitlement processes, inconsistent application of the LMC, and lack of specificity and predictability in the LMC/entitlement process.
- Aligning zoning regulations with market realities is crucial for successful development. At the same time, the City is encouraged to reduce impact fees and leverage federal funding and other subsidies for affordable housing.
- Collaboration, regulatory flexibility, and streamlined processes are essential for making affordable housing projects viable where high land costs exist.

Focus on Various Housing Types

- Park City needs a wider variety of smaller housing types – apartments, employee housing, townhomes. However, larger units for multi-generational households, especially immigrant families, cannot be forgotten.
- Support for incentivizing “missing middle housing” housing in single-family zones and neighborhoods, such as duplexes and triplexes. Interest in determining to what extent single-family regulations would need to change to make these more financially attractive.

- Support for increasing accessory dwelling unit development, and incentivizing it by reducing lot sizes, setbacks, and parking requirements.
- Concerns were raised about a trend towards extremely large single-family homes. Support was expressed for missing middle housing (e.g., fourplexes) instead on such lots.

Transportation and Transit

Parking Management Strategies

- Interest in "right-sizing" parking requirements. Smaller-scale shared parking arrangements could work in areas like Bonanza Park. Off-site parking strategies could reduce the number of cars entering in the first place. Expanded park-and-ride facilities near the City limits could be especially impactful if paired with bus rapid transit (BRT).
- Also interest in bolder changes to parking requirements, such as ending minimum parking requirements and/or establishing parking maximums. Given the reliance of permanent residents on cars, it was suggested that any reduction in parking requirements should be offset by other requirements (e.g., improved/expanded transit services).
- Skepticism that residential parking requirements could be reduced to less than one or two spaces per unit, and concern regarding existing impacts that reduced parking requirements have had on certain neighborhoods and developments
- Desire to understand the risks and tradeoffs associated with eliminating or reducing parking requirements, and a consensus on the need to communicate the benefits of higher-density, reduced parking, and affordable housing to the community.
- General support that alternative parking management strategies should be considered (e.g., off-site parking, shared parking, on-street parking, tandem parking, valet, etc.), which can increase the feasibility of denser development.

Transportation Demand Management (TDM) Strategies

- Wide support for many TDM strategies raised during engagement, such as unbundling parking, cash-out incentives, and expanded bike facilities.
- Consider how TDM strategies might impact different user groups (such as residents, visitors, and employees) and different areas (such as Old Town, more suburban areas). Perception that car-free transportation may be most feasible for visitors and employees in Old Town/Bonanza, rather than permanent residents in single-family neighborhoods, particularly with families.
- A menu of TDM strategies should be offered to developers, with a maximum reduction in required parking as the incentive. Interest in making TDM strategies required for developments and instituting annual reporting programs to ensure ongoing effectiveness.
- There is a need for "supply-side" reductions in the number of cars entering Park City in the first place – connections between Salt Lake City and Park City need to be greatly improved.
- Roads are not tailored for multimodal transportation in a community that has embraced bikes as much as Park City has and concern was expressed about the safety of shared-use bike lanes, such as those along Park Avenue.

3. Barriers & Best Practices

3.1 Summary of Findings and Policy Considerations

Table 2 offers a high-level summary of the key findings and policy considerations from the technical analyses of barriers in the LMC and best practices to incentivize affordable housing and multimodal transportation.

Table 2: Summary of Findings and Policy Considerations

Findings (Barriers)	Strategies/Best Practices	Case Studies	Potential Recommendations/Policy Considerations
Use Regulations and Housing Types			
Medium and higher density housing either prohibited or discouraged by discretionary review.	Create opportunities for smaller, more affordable, appropriately-scaled missing middle housing (allow missing middle types in lower-density zones).	Portland, OR	Allow duplexes, triplexes, and fourplexes in SF, HR1, and RD zones when close to transit.
Review Procedures			
Discretionary review adds costs and may deter some projects due to uncertainty.	Limit the scope of discretionary review and add greater certainty for developments that meet community goals.	Ketchum, ID Oregon California	Allow multifamily housing with staff-level approval in HRM, RDM, and GC zones when close to transit and consistent with objective design standards.
Development Standards			
Max. density in several zones strongly discourages missing middle housing and favors larger, more expensive units.	Create opportunities for smaller, more affordable, appropriately-scaled missing middle housing (increase density/reduce lot sizes, max. floor area ratio to encourage smaller units, etc.).	Portland, OR	Adjust the max. density in SF, RD, RDM zones and min. lot sizes in HR1 and HRM zones when close to transit. Establish a max. floor area ratio (FAR) that increases based on the number of units. Establish a minimum density for large lots when close to transit. Remove min. lot size requirement for detached Accessory Apartments.
Higher min. lot sizes for missing middle housing compared to single-family.			
Open space requirements are high.	Focus on quality and location of open space and less on quantity.	-	Reduce open space requirements for housing close to transit. Establish requirements for open space design. Create thresholds for additional open space reduction based on amount/affordability of housing provided.
Max. building heights are too low to support housing/transit goals.	Allow up to 4-5 stories and use objective standards to complement neighborhood scale.	Various peer communities (Steamboat Springs & Breckenridge, CO; Jackson, WY)	Increase height for multi-unit projects by 1 story in the HR1 Zone (from 27 to 35 ft.) and HRM and RDM zones (from 28 to 35 ft.) when close to transit and consistent with objective design standards. Also see below.

Findings (Barriers)	Strategies/Best Practices	Case Studies	Potential Recommendations/Policy Considerations
Building height bonuses in master planned developments (MPDs) are discretionary and/or too low to support housing/transit goals.	Modify affordable housing bonus incentives to align with City goals and the market (share of affordable units, income range, incentive tiers).	Frisco, CO Jackson & Teton County, WY	Create thresholds for additional height based on amount/affordability of housing provided (e.g., 1 additional story if 30% of units are affordable, 2 additional stories if 50% of units are affordable).
Access and Connectivity Standards			
The LMC partially addresses pedestrian and bicycle access and connectivity for master planned developments (MPDs), but not elsewhere.	Create enhanced pedestrian and bicycle connectivity standards for new development (e.g., standards for internal and external project connectivity, building placement and orientation, building design, etc.).	Palo Alto, CA Fort Collins, CO Aurora, CO	Create standards for pedestrian and bicycle connectivity, building placement and orientation, building design, etc.
Parking Requirements in Excess of Demand			
Existing parking ratios are higher than needed for certain uses and could be reduced to support affordability and transit while still preventing congestion and spillover parking in residential neighborhoods.	Right-size parking ratios and allow for reduced parking if certain standards are met (e.g., proximity to transit, mixed-use building, smaller units, affordable housing, etc.).	Bozeman, MT Aspen, CO	Reduce parking ratios (see parking ratios in Table 14 and Table 15). Allow for additional parking reductions or consider parking maximums when close to transit or other designated zones.
Lack of Existing Parking Management and TDM Strategies			
Alternative strategies to meet minimum parking ratios (and opportunities to promote other form of transportation) are not included in the LMC.	Allow for alternative ways to comply with parking requirements (e.g., off-site parking, shared parking, carshare, etc.). Specify TDM standards for new development that are required and/or allow for reduced parking.	Aspen, CO Lake Tahoe & Placer County, CA Fort Collins, CO	Allow off-site parking and shared parking strategies to reduce on-site parking. Identify a menu of TDMs for new development (see Table 17).
Off-Street Parking			
Min. parking requirements limit infill development on smaller sites and denser development that supports affordability and transit.	Create objective, by-right standards for reduced parking requirements.	Steamboat Springs, CO Ketchum, ID	See Parking Requirements in Excess of Demand above.
Parking reductions for MPDs are discretionary or offer insufficient benefits to offset risk.	Establish TDM standards and/or incentives.		Allowed reduced parking ratios based on amount/affordability of housing provided without discretionary approval.

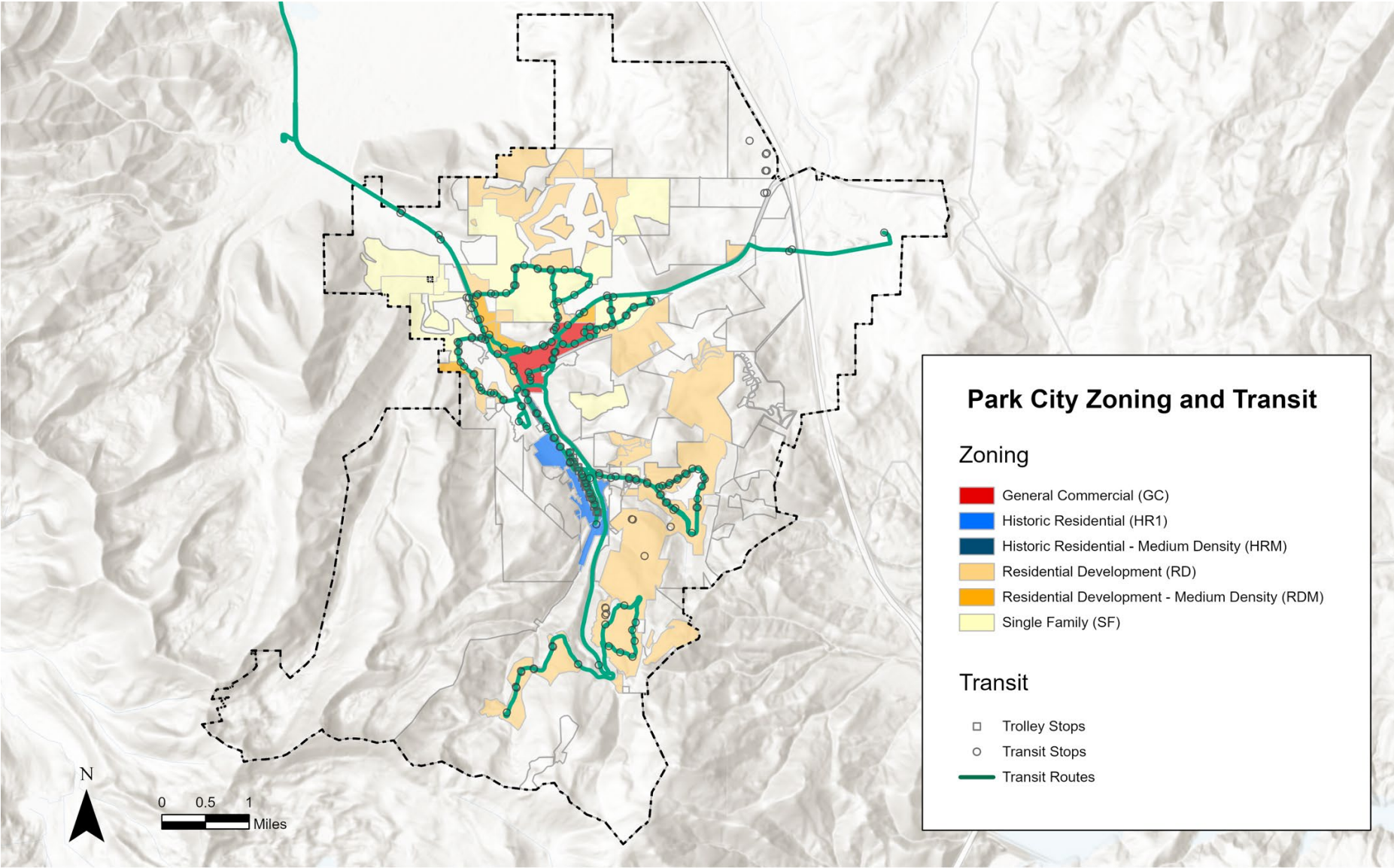
3.2 Scope and Methods

Land Management Code Audit

The project team undertook a thorough review of the current Park City Land Management Code to inventory the various land use regulations, review procedures, and development standards that apply to housing development in Park City, as well as identify potential barriers to expanding multimodal transportation and connectivity through development. The audit considered all applicable provisions that apply to both market rate housing and affordable housing. It also paid particular attention to access and connectivity standards as they relate to bicycle and pedestrian infrastructure, as well as parking requirements for both residential and non-residential land uses.

Six zoning districts were selected for targeted analysis to identify barriers to building missing middle housing and higher density, community-oriented development. A map of these zoning districts is presented in Figure 2.

Figure 2: Park City Zoning and Transit Map



The zones selected for analysis of barriers to missing middle housing include:

- Single Family (SF)
- Residential Development (RD), and
- Historic Residential (HR-1).

The zones selected for barriers to building higher density community-oriented development include Historic Residential-Medium Density (HRM), Residential Development-Medium Density (RDM), and General Commercial (GC). These zones were identified through the initial audit of the LMC, discussions with the City staff, and discussions with stakeholders and developers.

Developer and Stakeholder Interviews

In addition to the initial stakeholder outreach summarized above in Section 2.2, a series of interviews were conducted in August 2023 with developers and stakeholder groups to help the team identify and evaluate barriers to housing and multimodal transportation in the LMC. Participants included City staff, local and regional developers, representatives from ski resorts, the Chamber of Commerce, and local advocacy groups.

Developers spoke to their previous experience in obtaining land use approval from the City and provided insight on key regulations and standards that impacted their project. Transportation-focused interviews, meanwhile, asked for input on community member experience regarding travel conditions around Park City, thoughts on the City’s “park once” principle, ideas on opportunities to reduce single-occupancy vehicle travel, and reactions to different approaches available for managing parking supply. This feedback helped to inform the evaluation of barriers and the best practice recommendations in this report.

Best Practices Research

The project team also researched best practices related to zoning code updates and multimodal connectivity to identify potential case studies in cities similar to Park City, scanning news articles and soliciting recommendations during stakeholder interviews. Peer communities were selected which recently undertook relevant code amendments, such as increased height or middle housing allowances, as well communities which have advanced multimodal connectivity through land use codes and Transportation Demand Management initiatives.

In coordination with City staff, the project team determined the following communities would provide meaningful peer examples for Park City:

- Aspen, CO
- Aurora, CO
- Bozeman, MT
- Breckenridge, CO
- Fort Collins, CO
- Frisco, CO
- Jackson, WY
- Ketchum, ID
- Lake Tahoe/Placer County, CA
- Palo Alto, CA
- Portland, OR
- Steamboat Springs, CO

Modeling Building Prototypes

To test the LMC, physical models of hypothetical housing developments were created to evaluate the impact of code standards on housing developments. The models (called “prototypes”) are based on actual typical sizes of development sites and existing LMC requirements.

Prototypes were created for the higher density zones (RDM, GC) because they provide a more accurate diagnosis of the barriers to development on complex, mixed-use, and high-density sites. Variations of the prototypes were modeled to account for allowances provided by the Master Planned Development (MPD) and Affordable Master Planned Development (AMPD) processes.

The following figures summarize what housing types were tested and the key physical metrics of the prototype, including Floor Area Ratio (FAR)⁵, density, and average unit size. 3D models of the prototypes are provided in Section 3.3 of this report to illustrate key barriers in the LMC.

⁵ Floor Area Ratio (FAR) refers to the ratio of total floor area of a building(s) on a site to the lot area of the site.

Figure 3: RDM Zone Building Prototype

Physical Metric	RDM		
Housing Type	Duplex		
Lot Width (ft)	120	Front Setback (ft)	20
Lot Depth (ft)	180	Rear Setback (ft)	10
Site Area (sf)	21,600	Side Setback (ft)	10
# of Units	2	Unit Size (sf, average)	2,342
Density (sf/unit)	10,800	Building Footprint (%)	13%
Density (units/ac)	4.0	Parking Spaces	4
Building Height (stories)	2.0	Parking Ratio (spaces/unit)	2.00
Floor Area Ratio	0.22		

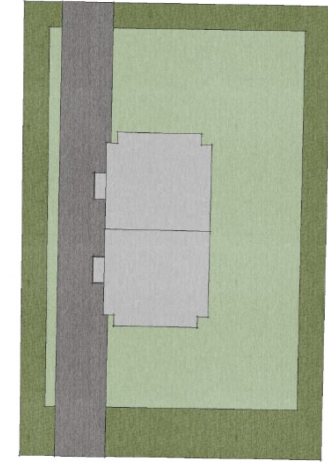
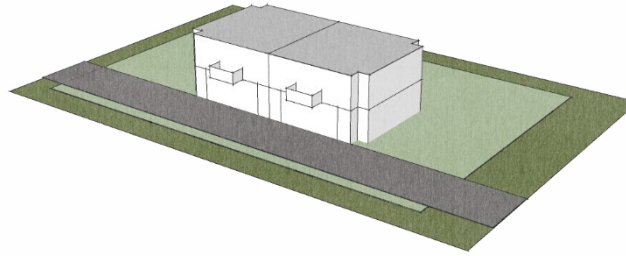


Figure 4: RDM-MPD Zone Building Prototype

Physical Metric	RDM - MPD		
Housing Type	Multifamily		
Lot Width (ft)	120	Front Setback (ft)	20
Lot Depth (ft)	180	Rear Setback (ft)	10
Site Area (sf)	21,600	Side Setback (ft)	10
# of Units	4	Unit Size (sf, average)	2,218
Density (sf/unit)	5,400	Building Footprint (%)	24%
Density (units/ac)	8.0	Parking Spaces	8
Building Height (stories)	2.0	Parking Ratio (spaces/unit)	2.00
Floor Area Ratio	0.41		

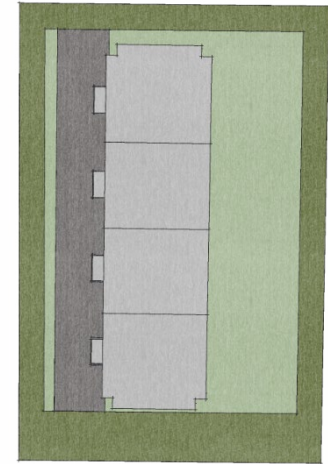
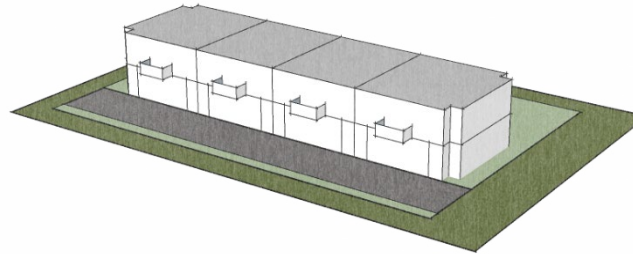


Figure 5: GC Zone Building Prototype

Physical Metric	GC		
Housing Type	Multifamily		
Lot Width (ft)	120	Front Setback (ft)	10 ⁶
Lot Depth (ft)	180	Rear Setback (ft)	10
Site Area (sf)	21,600	Side Setback (ft)	10
# of Units	10	Unit Size (sf, average)	781
Density (sf/unit)	2,160	Building Footprint (%)	18%
Density (units/ac)	20.0	Parking Spaces	12
Building Height (stories)	2.0	Parking Ratio (spaces/unit)	1.20
Floor Area Ratio	0.49		

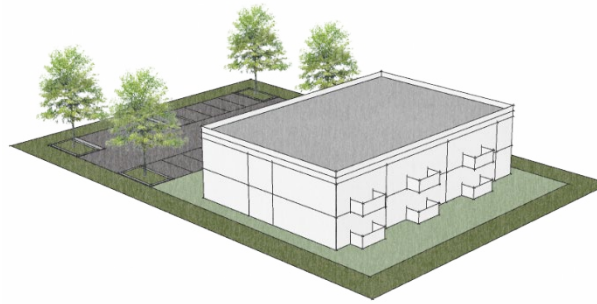
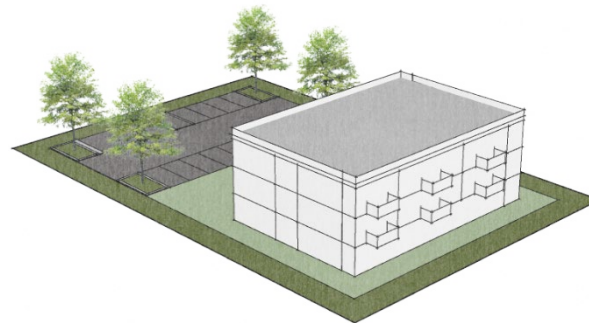


Figure 6: GC-MPD Zone Building Prototype

Physical Metric	GC - MPD		
Housing Type	Multifamily		
Lot Width (ft)	120	Front Setback (ft)	10 ⁷
Lot Depth (ft)	180	Rear Setback (ft)	10
Site Area (sf)	21,600	Side Setback (ft)	10
# of Units	13	Unit Size (sf, average)	660
Density (sf/unit)	1,662	Building Footprint (%)	18%
Density (units/ac)	26.2	Parking Spaces	12
Building Height (stories)	3.0	Parking Ratio (spaces/unit)	.92
Floor Area Ratio	0.73		

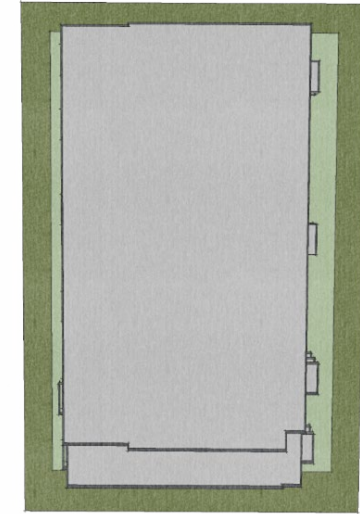
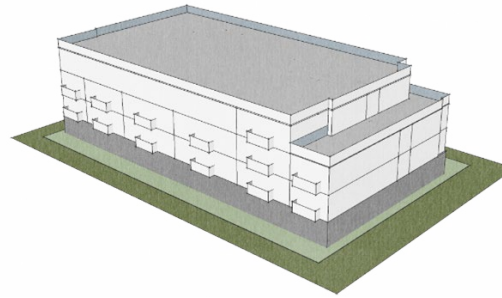


⁶ Properties along Highway 248 and Kearns Blvd. would be subject to a 30-foot setback. This condition was not modeled but it would affect some properties in this zone.

⁷ Ibid.

Figure 7: AMPD Zone Building Prototype

Physical Metric	GC - AMPD		
Housing Type	Multifamily		
Lot Width (ft)	120	Front Setback (ft)	10 ⁸
Lot Depth (ft)	180	Rear Setback (ft)	10
Site Area (sf)	21,600	Side Setback (ft)	10
# of Units	22	Unit Size (sf, average)	720
Density (sf/unit)	982	Building Footprint (%)	33%
Density (units/ac)	44.4	Parking Spaces	21
Building Height (stories)	4.0	Parking Ratio (spaces/unit)	.95
Floor Area Ratio	1.23		



⁸ Ibid.

3.3 Housing Affordability Barriers and Strategies

3.3.1 Code Barriers to Housing Affordability

Use Regulations and Housing Types

Barrier 1: Lower density zones (SF, HR1, RD) prohibit missing middle housing types that could provide more affordable housing options.

Missing middle housing types can be compatible with lower density neighborhoods with predominantly single-family housing yet provide options for smaller and more affordable units. These housing types can even appear as single-family homes from the exterior. Design and development standards can be applied to ensure these housing types are compatible in lower density zones.

The LMC currently either does not allow or conditionally allows most missing middle housing types in lower density zones (Table 3). In the SF Zone, duplexes are permitted only on lots designated for duplexes on the official subdivision plat and no other middle housing type is allowed. The HR-1 Zone allows duplexes with a conditional use permit and prohibits any other middle housing type. RD allows duplexes and allows other middle housing types such triplexes and fourplexes with a conditional use permit.

A related issue is that the defined terms used for housing types in the LMC preclude distinguishing these types from either single-family or multi-unit dwelling. Fourplexes and townhouses would be defined as a multi-unit dwelling. Cottage cluster housing would be defined as single-family dwelling, although this type is different in both form and affordability.

It should be noted that covenants, conditions, and restrictions (CC&Rs) may preclude these housing types in certain subdivisions and master planned areas, which is outside of the City’s purview because these agreements are between private parties rather than between a governmental entity and a homeowner.

Table 3: Allowed Housing Types by Zone

Housing Type	SF	HR1	RD	HRM	RDM	GC
Single-Family Dwelling	A	A	A	A	A	C
Accessory Apartment	A	A	A	A	A	A
Duplex Dwelling	L	C	A	A	A	C
Triplex Dwelling	P	P	MPD	C	A	C
Multi-Unit Dwelling	P	P	MPD	C	MPD	C
A = Allowed; L = Allowed but Limited; C = Conditional; MPD = Master Planned Development Required; P = Prohibited						
	Administrative Review		Discretionary Review			Prohibited

Barrier 2: Medium density zones (HRM, RDM) require missing middle housing types to be approved through discretionary review procedures.

The HRM and RDM zones are intended for medium density housing and a wider variety of housing types than the lower density zones, however, missing middle housing types generally require either a conditional use permit or a Master Planned Development (MPD) application (Table 3).

A conditional use permit or MPD application are discretionary review procedures. The procedure allows for the Planning Commission and/or the City Council to review projects on a case-by-case basis and determine if the project satisfies the relevant approval criteria of the LMC. These approval criteria are generally broadly defined, thus providing significant discretion to the Planning Commission or City Council to request modifications, impose conditions of approval, or deny projects.

Discretionary review procedures are a barrier to housing development due to the uncertainty, additional cost, and perceived risk associated with the review process. This issue is discussed further below.

Barrier 3: Commercial/mixed use zones (GC) require high density multi-family housing to be approved through discretionary review procedures.

All housing projects in the GC Zone must be approved through a conditional use permit. As discussed above, this can present barriers to housing development uncertainty, additional cost, and perceived risk. If high density housing is a priority and a desired use in the GC Zone, then reducing the scope of the discretionary procedure or allowing projects to be approved through administrative review (by staff) would support this goal.

Review Procedures

Barrier 4: Discretionary review procedures add costs to the pre-development process and may deter some projects due to greater risk and uncertainty.

Discretionary review procedures such as the MPD, AMPD, and conditional use permit are perceived as a higher risk by developers due to the uncertainty associated with the review process and approval timeline. As a result, some otherwise economically viable projects may not be pursued, and the City could forgo opportunities for new housing production. Further, projects that are pursued must absorb additional costs that can be attributed to the discretionary review process.

There are three related, but separate issues associated with discretionary review processes:

- 1. Extended review timelines.** The multiple steps included in the process, which may include meetings with both the Planning Commission and City Council, extend the overall length of the process. Further, these boards may request design changes or additional information to be prepared by the applicant, which can require additional meetings. Projects can be delayed further as they wait for openings on the meeting agenda. Delays contribute to a developer's carrying costs, which are the costs of holding land or property (financing, insurance, taxes, etc.) while development plans are finalized. Construction costs or financing costs (interest rates) may also increase during this review timeline.

2. **Modifications or conditions of approval.** The broadly defined approval criteria in a discretionary review procedure adds uncertainty and risk by increasing the chances that significant changes to the site design or development program will be required in order to obtain approval. These changes do not always add significant cost to the development, but they often have an impact on the economic viability of the project. If the changes reduce the number of units or amount of floor area that can be built, they are more likely to impair feasibility and may even render the project not viable.
3. **Risk of denial.** Finally, there is always a chance that the project will be completely denied, which is a major financial risk for a developer. They will have already invested a significant sum in pre-development costs, including planning and design, to be able to submit their application for review.

One developer that was interviewed for this project commented that the current review procedures for MPD and AMPD projects were difficult to navigate:

“There is no consistency...you would resolve one issue, it would be discussed, then someone in the audience would ask a question, and it would restart the process. Keep the discretion to a minimum and let the code dictate what you can do.”

– Local housing developer

This barrier is more significant for smaller development projects, such as infill of missing middle housing, which are often pursued by smaller developers and less experienced developers. The additional costs of discretionary review can be more easily absorbed by a larger project. These costs do not scale proportionately with the size of the project, so they will have a disproportionate impact on smaller projects.

Lot Size and Density

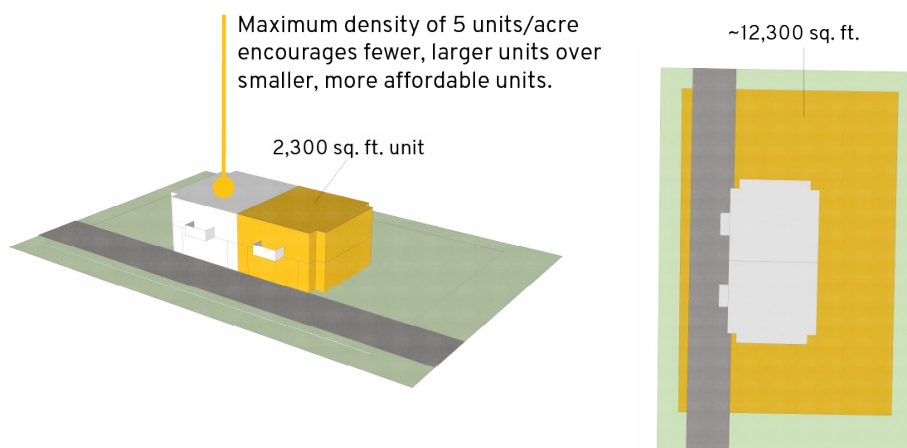
Barrier 5: Maximum densities in several zones (SF, RD, RDM) strongly discourage missing middle housing and favor larger, more expensive units.

The SF, RD, and RDM zones set a maximum density for housing that is unlikely to induce a housing developer to build a duplex, triplex, or other middle housing type over a single-family house. In the SF and RD zones, the maximum density is three units an acre, and in the RDM Zone, it is only increased to five units an acre.

A building prototype was modeled in the RDM Zone to test how this development standard impacts middle housing (Figure 8). The building prototype was modeled on a half-acre site, thus only two units were possible given the maximum density of five units per acre. If the units are attached in the form of a duplex, then it results in a relatively inefficient use of the site with low lot coverage. About 12,000 square feet of land area remains in open space.

A private developer would likely view this as an underutilized site. They would likely increase the size of the units and target a higher income buyer, or they would instead build two detached homes on the same lot, which are typically in greater demand than attached units for high income households.

Figure 8: Duplex Prototype, RDM Zone



Barrier 6: Higher minimum lot sizes for missing middle housing types than single-family houses (HR1, HRM) discourage middle housing development.

The HR1 and HRM zones, which are centered on the historic core of Park City, require minimum lot sizes that scale up by the number of attached units on the site (Table 4). While this ensures that all housing types are built at a similar density level (units per acre), this approach presents significant barriers to building missing middle housing types like duplexes, triplexes, and fourplexes.

Table 4: Minimum Lot Sizes, HR1 and HRM Zones

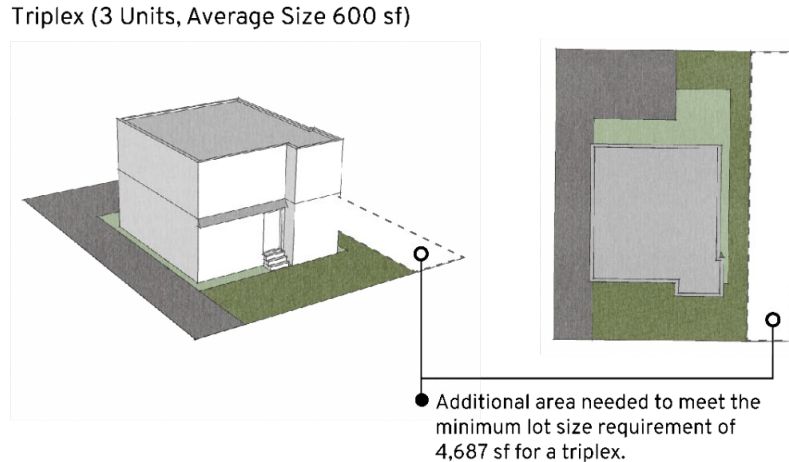
Housing Type	HR1	HRM
Single-Family Dwelling	1,875 sf	1,875 sf
Duplex Dwelling	3,750 sf	3,750 sf
Triplex Dwelling	N/A	4,687 sf
4-Unit Dwelling	N/A	5,625 sf

This standard has two negative impacts on development feasibility and affordability:

- 1. Requires lot consolidation.** Many existing lots in the HR1 and HRM zones are smaller than the minimum lot size required for a duplex, triplex, or fourplex. A single-family house is the only housing type allowed on lots less than 3,750 square feet. Thus, in most cases, a developer would need to acquire and consolidate multiple, adjacent lots in order to build missing middle housing. It can be very difficult to find adjacent lots that are of low enough value to make development viable and that have willing sellers within a reasonable time frame.
- 2. Discourages attached units.** Another disincentive is the lack of any increased density by building middle housing types compared to a single-family dwelling. Attached units have some disadvantages compared to detached units, such as privacy, light, air circulation, access to open space, and building code requirements. If one cannot build at a higher density when building attached units, then these disadvantages may outweigh the benefits of building attached units. By

requiring larger lots for middle housing types, the LMC is effectively discouraging these types and favoring single-family houses.

Figure 9: Triplex on a Lot Size of 3,750 sf



Lastly, requiring larger lots for middle housing types is more likely to result in a duplex or triplex that is out of scale with single-family homes because it encourages larger units and larger buildings.

If minimum lot sizes are reduced, setback requirements may present a barrier for triplexes and four-unit dwellings. Similar to lot size requirements, setbacks scale by number of units. The side setback requirement for triplexes and four-unit dwellings is 10 feet, compared to only five feet for single-family and duplexes. The front setback requirement is 20 feet for triplexes and four-unit dwellings, but only 15 feet for single-family and duplexes. These setback requirements limit the buildable area and make it more difficult to build middle housing types

It is important to note that any changes to remove barriers to middle housing would not require a developer to build middle housing. Developers would still have the option to develop single family dwellings if they choose.

Open Space Requirements

Barrier 7: Minimum open space requirements may constrain housing affordability and transit-supportive density.

The amount of open space required by the LMC depends on the review procedure, the zone, and whether the site is vacant or being redeveloped (Table 5). As outlined above, nearly all higher density housing developments in the focus zones would be required to be approved either through the MPD or AMPD process.

MPD projects in the SF, RD, and RDM zones are required to set aside 60 percent of the site for open space if proposed on a vacant site. This is a high amount of open space on a site. If a portion of that open space

could have otherwise been developed with additional housing units, depending on the size and physical characteristics of the site, then this standard is impairing housing affordability and economic feasibility. This standard would also present a major barrier to building at a high enough density to effectively support transit ridership.

The HR1, HRM, and GC zones are exempt from this minimum open space requirement for development of vacant sites. This is consistent with the goal for higher density development in these central locations. However, if the site is being redeveloped then a minimum open space requirement of 30 percent applies. Given that little vacant land remains in these zones, most developments will be subject to this standard. This standard is a less significant barrier to housing affordability than the 60 percent requirement, however, it will likely present a challenge for some high-density projects.

Figure 10: Redevelopment in GC Zone with 30% Open Space Requirement



Comparatively, in the AMPD, the minimum open space requirement for projects is 20 percent, which is a more achievable and reasonable standard. This reduced open space requirement would allow more units to be built, supporting deeper affordability and transit ridership. There may be opportunities to offer additional flexibility on this standard, as well as the MPD standards, to spur deeper housing affordability.

Table 5: Minimum Open Space Requirements

Project Type	SF	HR1	RD	HRM	RDM	GC
Administrative (By-Right)	None					
MPD – Vacant Site	60%	None	60%	None	60%	None
MPD – Redevelopment	30%					
AMPD	20%					

Building Height

Barrier 8: Maximum building heights of 27'/28' in medium density zones may present barriers to missing middle housing types.

Missing middle housing types vary widely in height. At one end of the middle housing spectrum exists cottage cluster homes - small, detached houses often designed as a single-story unit, typically under 15 feet in height. At the other end of the spectrum exists multiplex buildings that can involve stacking multiple units into three stories.

The existing maximum building height of 27'/28' (up to 2.5 stories) for lower and medium density zones (SF, HR1, HRM, RD, RDM) may be able to accommodate the height of most middle housing types on lots that have the space for a larger building footprint. The LMC allows for the ridge of pitched roofs to extend five feet about this height limit. Existing lots in SF and RD are typically larger at over 10,000 square feet. If the lot is large enough, a sixplex can technically fit in a 2.5 story building that can range from 25 to 28 feet.

However, this height limit can become a barrier to middle housing development when applied to smaller, narrower lots, such as those found in HR1 or HRM. Typical lot sizes in both these zones range from 1,875 square feet to 3,750 square feet, with a typical lot width of 25 to 50 feet. Given the smaller size of these lots, buildings with more than three to four units will likely need to stack units higher than 2.5 stories in order to provide reasonably sized units, likely exceeding the 27'/28' maximum building height. As a result, the height limit has the potential to restrict the larger missing middle housing types in HR1 and HRM.

Further, if higher density development is desired for the medium density zones (RDM, HRM) then current height limits of 27'/28' are a major barrier to this goal. As discussed below, building heights of four stories or higher are much more likely to achieve these goals.

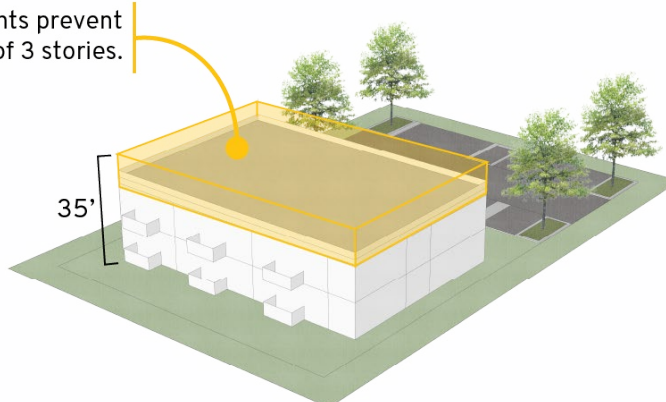
Barrier 9: Maximum building height of 35' in the GC Zone prohibits residential densities that support affordability and transit ridership.

In the GC Zone, the maximum building height of 35 feet is a major barrier to the density needed to support affordability and transit ridership. Combined with the minimum parking requirements, discussed below, this will result in relatively low-density projects.

The impact of height and parking standards in the GC Zone was tested with a development prototype on a half-acre site. The result is a two-story building with 10 units, equivalent to a relatively low density of 20 units per acre (Figure 11). If surface parking is used (the most economical way to provide parking) then the parking requirements effectively limit the building to two stories unless the developer chooses to build larger units (average unit size for this analysis is 750 square feet).

Figure 11: Multifamily Prototype, GC Zone

Off-street parking requirements prevent building to maximum height of 3 stories.



When density is limited by height and other code standards, developers will frequently choose to build larger and more expensive units in order to improve economic feasibility. This contradicts the goals of producing affordable housing since larger and costlier units do not align with the diverse housing needs of the community.

Moreover, this height limit hinders the potential for compact, community-oriented development. As discussed above, research has found that transit ridership begins to increase when the surrounding neighborhood achieves densities of at least 30 units per acre. This is an average density for the entire area within ½ mile of a major transit stops. Nearly all areas of the GC Zone likely fall below this threshold today, so it would be advantageous for new projects to exceed this amount in order to raise the overall average density near transit.

Barrier 10: Height bonuses available for MPD projects are discretionary and do not allow for additional density or floor area.

Under the MPD process, maximum height requirements still apply; however, the Planning Commission may consider granting a height increase if determined necessary for the feasibility of the development. This approach presents two challenges. First, the granting of the bonus lies at the discretion of the Planning Commission, which lacks certainty for developers. More significantly, any granted height increase cannot result in project that exceeds the square footage or building volume allowed by the zone's maximum building height. This means that height may be increased, but density cannot.

Height bonuses are typically offered to raise housing densities, especially in areas where the intent is to promote more housing. They also aid development feasibility by generating additional revenue through extra square footage obtained from added stories. Restricting the floor area in conjunction with a height increase can undermine the benefits of a height bonus, as it fails to increase density and provide the financial incentive necessary for development feasibility.

Figure 12: MPD Height Bonus

Height bonus does not result in additional units because MPD standards prohibit adding floor area to the site.



Compared to the AMPD requirements discussed below, the criteria for granting an MPD height bonus leaves significant discretion to the Planning Commission. There are six different approval criteria to receive the height bonus, complying with some of which may partially negate the benefit of the height increase. This is due to requirements such as providing more open space or parking in exchange for the increased height.

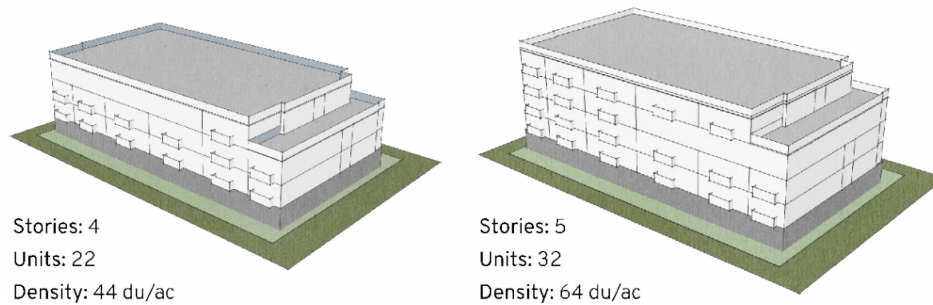
Barrier 11: Height bonuses for AMPD projects remain lower than optimal for deeper affordability and transit-supportive density.

Unlike the MPD discretionary process for height bonuses, the AMPD process is intended to incentivize developers to produce deed-restricted affordable housing through an objective process. Among other allowances, a height limit increase to 45 feet is granted outright. This bonus would grant 10 to 18 extra feet in height for AMPD projects in the zones under review for this project, allowing for an additional one or two stories in any given project. If using the height bonus, the LMC requires the upper story to be set back 10 feet from any perimeter façade.

An AMPD prototype was modeled on a typical lot size in the GC Zone to show the impact that AMPD requirements and allowances have on a project compared to the GC Zone base standards. The height bonus, in conjunction with parking reductions and the removal of density limits associated with the MPD standards, results in a four-story, 22-unit building, equating to a density of 44 units per acre.

This level of density is more consistent with the City’s affordability and transit goals. However, considering the relatively high requirements for affordable housing units (50 percent) and the level of affordability required for AMPD projects (80 percent of AMI), this height bonus may remain insufficient for many potential projects. An increase in allowed height could spur additional housing development and support deeper affordability and transit-supportive density. Figure 13 provides an illustration of a five-story height limit with setback requirement, which results in a 32-unit building, equating to 64 units per acre.

Figure 13: Existing AMPD Building (4 Stories) and Alternative Test (5 Stories)



Off Street Parking

Barrier 12: Minimum parking requirements for duplexes and triplexes (2 spaces per unit) are a barrier to infill development on smaller sites.

Smaller sites available for infill development are often limited in space. Requiring two parking spaces per unit for multi-unit projects can consume a significant portion of the available land, reducing the buildable space available to fit multiple units, like a duplex or triplex, on a site. In addition, land costs for infill development are often high. The need to allocate a significant amount of space for parking increases the overall cost of development, making it a less financially attractive project and can discourage developers from pursuing duplex and triplex developments.

Barrier 13: Minimum parking requirements for market rate multi-unit dwellings (1-2 spaces per unit) prohibit densities that support transit ridership.

The LMC's minimum off-street parking requirements are among the most significant barriers to building higher density housing projects. The LMC requires between one to two spaces per unit depending on the size of the unit:

- Under 1,000 square feet: 1 space unit
- 1,000 square feet to 2,000 square feet: 1.5 spaces per unit
- Greater than 2,000 square feet: 2 spaces per unit

As illustrated by Figure 11, these minimum parking requirements result in a two-story building at a density of 20 units per acre in the GC Zone. Slightly higher densities could be achieved while meeting the parking requirement and the 35-foot height limit of the GC Zone, but this would require structured or underground parking, which is two to four times more costly to build than surface parking, undermining affordability potential.

Reducing parking requirements for market rate housing near transit allows developers to build higher density housing that support transit ridership. Because residents live near transit, it can help to reduce vehicles owned per household, which reduces a household's overall transportation costs. Higher densities can achieve more affordable market rates because developers can spread the costs of the development

over more, which coupled with reduced transportation costs can have overall affordability benefits for residents.

Barrier 14: Parking reductions available through the MPD or AMPD process require discretionary approval that can discourage their use and may offer insufficient benefits to offset the associated risk.

For both MPD and AMPD projects, parking ratios and parking reductions are established at the Planning Commission’s discretion. For MPD projects, parking may be reduced by submitting a study demonstrating a reduced parking need or, if meeting certain criteria, by paying an in-lieu fee. The approval criteria for granting a parking reduction are broad, giving the commission wide latitude to not grant a reduction.

For AMPD projects, a parking study remains required to reduce parking requirements, and the study must show there is a reduced need, but the Planning Commission may also consider whether the reduction would improve economic feasibility of the project. The LMC limits the total reduction that the commission may grant, depending on unit size.

There are two reasons why this approach may present barriers to spurring additional housing development and affordable units:

1. **Discretionary approval.** The uncertainty associated with applying for a parking reduction may deter some developers from even proposing a reduction. Further, it may also cause some developers to apply for a smaller reduction than would be optimal for the project in order to secure approval.
2. **Allowable reductions may be insufficient.** The Planning Commission may reduce the parking required for AMPD projects to no lower than the ratios presented in Table 6. If this full reduction were granted, then this would typically result in a 25 percent to 40 percent reduction in minimum parking required compared to the base requirements, depending on the mix of unit sizes in the project. This would have a positive impact on feasibility and affordability for many projects. However, it is unclear whether this reduction would be sufficient to incent a private developer to use the AMPD process and commit to providing 50 percent of units to be affordable.

Table 6: Base Parking Requirement and Allowable Reduction for AMPD Projects

Unit Size	Base Requirement (spaces per unit)	Allowed Reduction for AMPD (spaces per unit)	
		Market Rate Units	Affordable Units
<600 SF	1 .0	0.5	None
600-1,000 SF	1.0	1.0	0.5
1,000-2,000 SF	1.5	1.5	1.0
>2,000 SF	2.0	2.0	1.5

3.3.2 Code Strategies for Housing Affordability

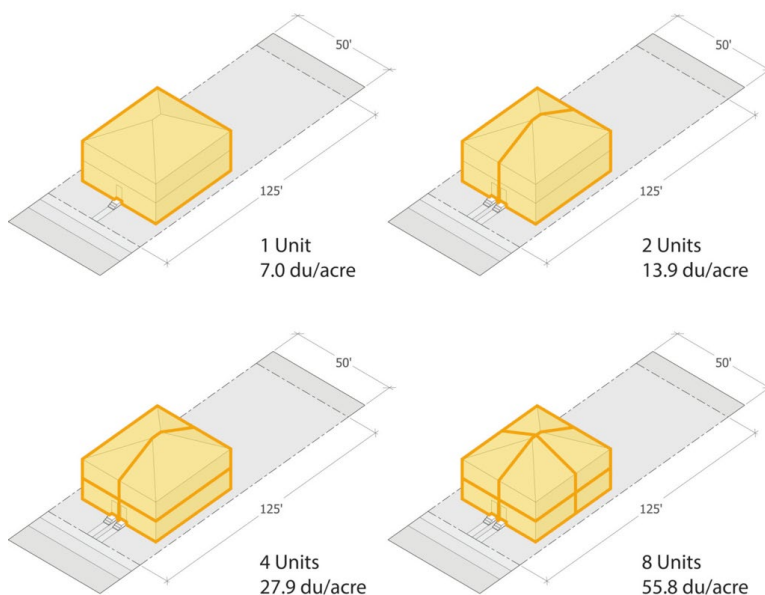
Best Practice 1: Create opportunities for missing middle housing development that is appropriately scaled and encourages smaller, more affordable units.

Allowing for missing middle housing types in single-family or low-density zones, if designed correctly, is a proven and widely implemented strategy for spurring housing production and creating opportunities for a wider variety of housing types, especially lower cost market rate housing. The LMC currently has very limited opportunities for missing middle housing, even though these housing types could be compatible with existing single-family neighborhoods.

The effectiveness of a code change to allow missing middle housing depends on several key details about how the code is structured. Based on the case study presented below and knowledge of lessons from other communities across the country, these are best practices for designing a missing middle housing code:

1. **Allow on most existing lots.** In the zones where missing middle housing is to be allowed, minimize any restrictions that would too narrowly constrain where these housing types can be built, such as limiting them to corner lots or very large lots.
2. **Select missing middle housing types that are compatible with the scale and form of existing housing in the zone.** Some of the missing middle housing types are associated with larger buildings than may be out of scale in some neighborhoods, such as a six- to 12-unit multiplex or row of townhouses.
3. **Increase maximum density or reduce minimum lot sizes.** Allow for missing middle housing at a high enough density so that these types could be built on a similar sized lot as a single-family house. This drives greater feasibility, encourages smaller units, and results in more compatible building sizes.
4. **Consider a maximum floor area ratio that encourages smaller units.** A key tool to encourage a developer to build a missing middle housing type rather than a single-family house is by limiting the overall floor area or the Floor Area Ratio (FAR) so that it discourages extremely large single-family houses.

Figure 14: Same Size Building, Varying Densities



Source: Opticos Design; du = dwelling units

- 5. Allow flexibility for 3-story buildings on smaller lots.** Even if units and buildings are smaller, it may still be necessary to allow for building heights of up to three stories (about 30 to 35 feet) in order for missing middle housing to be viable on smaller lots.
- 6. Define and allow cottage cluster housing.** Cottage cluster housing is a unique form of housing where multiple small, detached units are oriented around a common open space. These developments often cannot meet standards applicable to single-family subdivisions and are distinct from multi-family housing in important ways.
- 7. Reduce barriers to Accessory Apartments.** Accessory Apartments are small units that are built on the same lot as a single-family house yet are smaller in size and intended to have minimal impacts on surrounding properties. A house with an accessory apartment is similar to a duplex, except one of the units is clearly accessory to the larger, primary unit. The LMC currently allows Accessory Apartments in all residential zones, but some standards that apply to Accessory Apartments may inhibit their development. Reducing these barriers could include removing the minimum lot size requirement for detached accessory apartments, increasing maximum size and floor area, and removing or reducing minimum parking requirements.

While many cities have adopted changes to allow missing middle housing in recent years, one of the first was the city of Portland, Oregon. There is now data on the market response to this code change, providing some indication of whether it was successful. The case study below describes how this code change illustrates many of the best practices noted above.

The City of Portland adopted zoning code changes to allow more housing options in Portland and to also regulate the size and scale of new housing in 2020. This project was known as the Residential Infill Project (RIP) and went into effect in 2021. The RIP allows duplexes, triplexes and fourplexes, sixplexes (with affordability requirements), as well as additional/expanded ADU allowances in three single-family zones.

In addition to allowing more units per parcel, the RIP placed limits on the maximum floor area allowed for all buildings, including single-family dwellings (Table 7). This approach prevented excessively large and more expensive single-family homes from being built. This not only limited single-family home sizes, but encouraged the development of middle housing types because developers could achieve additional FAR with more units. The City explained the rationale for the FAR limit as follows:

Applying a floor area ratio (FAR) is intended to prevent disproportionately large buildings, while retaining flexibility that does not create a barrier to new development or remodels. There are other approaches like reduced building coverage, lower heights and increasing setbacks that could be applied; however, they can excessively limit development of smaller lots, while still allowing overly large buildings on larger lots.

Reducing building coverage alone encourages taller buildings. Combining height limits with building coverage limits creates a complicated set of rules that are inflexible. FAR provides for a proportionate amount of square footage that is linked to lot size. How that square footage is allocated (either spread out or stacked up) remains flexible.

Table 7: FAR Limits by Zone and Units per Lot (City of Portland)

Units	R2.5	R5	R7
1	0.4 to 1	0.5 to 1	0.7 to 1
2	0.5 to 1	0.6 to 1	0.8 to 1
3+	0.6 to 1	0.7 to 1	0.9 to 1

Two bonuses are available to obtain additional floor area in any of the zones. These bonuses are mutually exclusive and cannot be combined. The first bonus is intended to encourage retaining existing houses and the second bonus is available when one unit is rented to households that earn no more than 60 percent of the median family income or sold to households that earn no more than 80 percent of the median family income.

The City recently evaluated the impact of the code change by analyzing permit and sales data pre- and post- adoption of the change. These are the key takeaways of the analysis:

1. The majority of housing units permitted in the R2.5, R5, and R7 zones in the first year since adoption of RIP were in missing middle housing projects (Figure 15).
2. FAR limits imposed by RIP have prevented very large, and more expensive single dwelling homes from being built.
3. Middle housing tends to be located in inner neighborhoods near urban amenities like public transportation and walkable retail.

- Developers of missing middle housing frequently take advantage of low/no parking requirements.

Figure 15: Single-Family House and Triplex in R-5 Zone with Same Lot Size Before and After RIP Project (City of Portland)

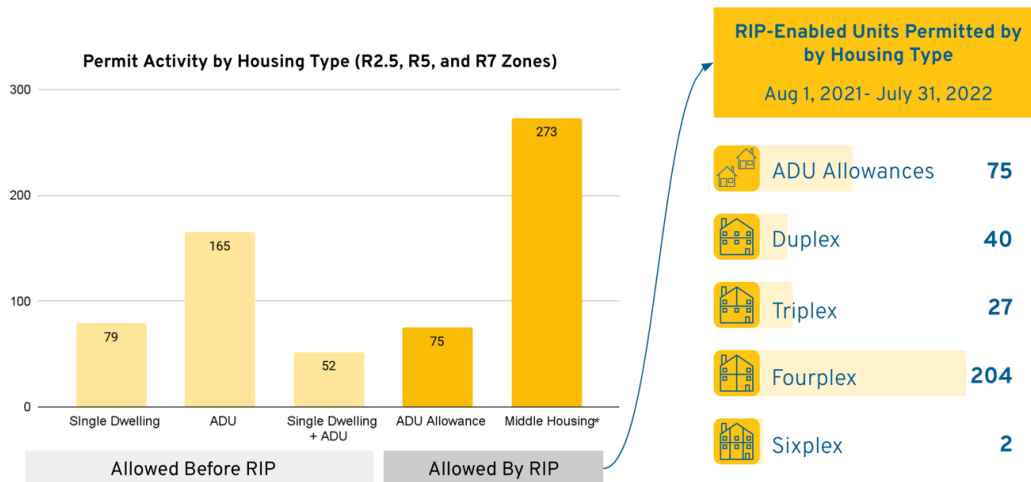


Large **Single-Family House** Allowed before RIP Project



Triplex with similar square footage

Figure 16: Analysis of Middle Housing Code Change (City of Portland)



Best Practice 2: Limit the scope of discretionary review to provide greater certainty to developers and encourage developments that meet key community goals.

As discussed above, discretionary review requirements may deter some housing development and can add significant costs to the pre-development process. At the same time, these processes provide a forum for the public to comment on large projects that could impact the community and for City officials to influence the design of projects, to ensure they are consistent with community goals.

The review procedures of five peer cities were reviewed to identify potential alternative practices. The cities are Breckenridge (CO), Aspen (CO), Steamboat Springs (CO), Ketchum (ID), and Jackson (WY). It was

found that these cities generally have similar requirements for discretionary review for larger housing projects. None of the cities offer an administrative approval option for larger projects.

One community that has recently begun to modify their discretionary review process is Ketchum, Idaho. These changes include clarifying administrative design review requirements, providing design review exemptions, and streamlining processes for key housing types such as townhomes and condominiums.

There are examples of state governments that have recognized that negative impacts of discretionary review on housing production and passed legislation to limit the ability of cities to require discretionary procedures:

- **Oregon Clear and Objective Standards:** State law requires cities to adopt and apply clear and objective standards, conditions, and procedures regulating the development of “needed housing.”⁹ Needed housing was recently redefined by the state to include all housing. Local development standards may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. Discretionary procedures are allowed but must be an optional alternative to a clear and objective procedure.
- **California Streamlined Ministerial Approval Process:** California requires the availability of a Streamlined Ministerial Approval Process for developments that include affordable units and meet other criteria. “Ministerial approval” means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements.

There are many options for how the City could attempt to reduce the barriers associated with discretionary review procedures. Based on lessons from other communities across the country, these are the recommended best practices:

1. **Increase the threshold for which discretionary review is required.** The LMC currently requires a conditional use permit, MPD, or AMPD procedure even for relatively small projects of less than 10 units. As discussed above, discretionary review is a greater barrier to smaller projects. These thresholds could be increased to allow smaller projects to be reviewed administratively.
2. **Exempt certain types of projects from discretionary review.** The City could incentivize projects that meet critical needs by defining criteria for exemption from discretionary review. This may include share of affordable units, depth of affordability, meeting objective design standards, and other criteria that would ensure the project contributes to high priority goals.
3. **Exempt projects in certain locations from discretionary review.** Similarly, the City could define locations where housing development is being prioritized and could allow for administrative review

⁹ Oregon Revised Statute (ORS) 197.307(4)

of projects in these locations. This could be combined with objective criteria that apply to the project design or affordability.

4. Limit discretionary review to design and apply objective standards to density and floor area.

In lieu of a complete exemption from discretionary review, the City could limit the scope of the approval criteria that the Planning Commission or City Council may apply. This could include creating objective standards for issues that directly impact density or floor area, such as building height, parking, setbacks, and open space. Discretionary criteria could continue to apply to site design and architecture, so long as they did not impinge on the “floor” of allowable density or floor area that is provided by the objective standards. For example, an approval criterion could be added to the LMC that states that the Planning Commission or City Council may not require the project to reduce density or floor area below the amount allowed by objective standards in the LMC.

Best Practice 3: Provide a viable pathway for high density housing in key locations to deepen affordability and support transit ridership.

As discussed above, density is critical to achieving both deeper affordability and fostering community-oriented development. Housing developers require high densities to overcome the high cost of land, spread fixed costs of development across more units, and offset the impact of lower rents/prices for affordable deed-restricted units.

Multiple LMC standards must be modified to provide viable pathway to higher density housing. In the GC, RDM, and HRM zones, where higher density housing is desired, the most important standards are maximum height, minimum parking, minimum open space, and maximum density.

Compared to the peer cities reviewed for this project, Park City has some of the most restrictive maximum building height standards among these peer cities (Table 8). The GC Zone permits up to three stories outright and four stories for AMPD projects. In comparison, all the peer city case studies, with the exception of Aspen, allow four or more stories outright in commercial/mixed-use zones. Height limits in Steamboat Springs allow up to seven stories.

The case studies provided below highlight potential alternative approaches to regulating two key issues: maximum height and minimum parking requirements. Based on the case studies presented below and knowledge of lessons from other communities across the country, these are the recommended best practices:

- 1. Allow for up to four- to five-story buildings to maximize feasibility.** While three-story buildings are lower cost to construct because they are 100 percent wood frame, it is very difficult to achieve a high density while also providing open space and parking on the site. Buildings that are four to five stories are a more efficient use of land and can enable more site area to be used for open space or parking while achieving a high density.
- 2. Use step backs and other massing controls to address compatibility.** The visual character of larger and taller buildings is not only determined by their overall height. The proportions and massing of the building contribute strongly to character and perceived scale. The LMC currently requires an upper story step back for portions of the façade above the base zone height limit. This and other massing controls, such as a maximum façade length or articulation standards, can help reduce the visual prominence of taller buildings while allowing higher density.

Figure 17: Example of Development with Additional Height and Stepbacks (Ketchum, ID)



- 3. Create predictable, objective pathways to lower parking requirements.** The case studies of parking requirements in Steamboat Springs and Ketchum, provided below, highlight examples of providing objective standards for reduced parking requirements. Both cities offer by-right reductions in parking requirements for projects that meet objective standards, including mixed use buildings, shared parking, proximity to transit, affordable housing, smaller units, and targeted zones/locations. These objective, by-right reductions are more likely to be used because they are more predictable than discretionary criteria and do not require the developer to prove that parking demand will be lower for their project. The amount of parking that is reduced may depend on project location and TDM features (see Best Practice 2 in Section 3.4.2 above).
- 4. Focus more on quality and location of open space and less on quantity.** In some cases, the LMC requires minimum open space of 30 percent or 60 percent of the site for MPD projects. However, the LMC has minimal standards for how that open space should be used or improved, if at all. The intent of the standards appears to be to regulate the visual character of the development rather than to ensure access to recreational amenities. In areas where higher density housing is desired, it is recommended to require a modest quantity of the site (such as 10-20 percent), but to set high standards for how the open space is improved (with amenities like playgrounds, gardens, etc.) to provide recreational value to residents.

As discussed further below, all of these standards need to be designed in the context of calibrating the base requirements and bonus incentives in order to encourage inclusion of deed-restricted affordable units. This calibration is also critical if the City elects to allow for parking reductions for projects that incorporate TDM strategies.

CASE STUDY:

Maximum Height Standards in Peer Communities

Table 8: Maximum Height Standards (Park City and Peer Communities)

City	High-Density Residential Zones		Commercial/Mixed-Use Zones	
	Lowest Height	Highest Height	Lowest Height	Highest Height
Park City	27'	28'	28'	35'
Steamboat Springs, CO	34'	75'	32'	105'
Ketchum, ID	35'	35'	42'	42'/52 [*]
Jackson, WY	35'	35'	46'	46'
Breckenridge, CO	2 stories	3 stories	2 stories	5 stories
Aspen, CO	25'	32'	28'	28'

^{*} Height bonus to 52' for 100% affordable housing projects.

CASE STUDY:

Parking requirements (Steamboat Springs, CO)

Table 9: Parking Requirements (Steamboat Springs, CO)

Use	Parking Requirement
Multiple-Family Residential	1 BR: 1.5 per dwelling unit 2-3 BR: 2 per dwelling unit >3 BR: 2 per dwelling unit + 1 per bedroom over 3 Mixed-Use Zones: <2,000 sf: 1.5 per dwelling unit 2,000-3,000 sf: 2 per dwelling unit >3,000 sf: 2.5 per dwelling unit
One-Family Residential	2 per dwelling
Two-Family Residential	2 spaces per dwelling unit

^{*} Parking standards for deed-restricted affordable housing shall be reduced to one space per dwelling unit.

Table 10: Parking Reduction for Mixed-Use and Shared Facilities (Steamboat Springs, CO) ¹⁰

Required Parking	Reduction for Mixed Use and Shared Facilities	Reduction for Projects Within 660 feet of a Transit Line
<50 space	0% max	0% max
50-100 spaces	2.5% max	10% max
101-150 spaces	5% max	
151-200 spaces	7.5% max	20% max
201-250 spaces	10% max	
251-300 spaces	12.5% max	
301-350 spaces	15% max	
351-400 spaces	17.5% max	
>400 spaces	20% max	

¹⁰ Reductions for mixed-use/shared facilities and proximity to transit may be combined.

Table 11: Parking Requirements and Reductions (Ketchum, ID)

Residential in high-density zones	
Units 0 to 2,000 square feet	1 parking space
Units 2,001 square feet and above	2 parking spaces
Residential multiple-family dwelling within the Community Core (CC) District and the Tourist zones	
Units 750 square feet or less	0 parking spaces
Units 751 square feet to 2,000 sf	1 space
Units 2,001 sf and above	2 parking spaces
Residential (one family dwelling), in all applicable zoning districts	2 parking spaces per dwelling unit
Parking reductions	
Community Housing (affordable housing)	Exempt from parking minimums
Community Core District	Minimum number of parking spaces provided on site shall be four spaces per 5,500 square feet of lot area In a circumstance where the off-street parking matrix results in a requirement of more than four parking spaces, four on street parking spaces per 5,500 square feet of lot area may be credited toward the required parking demand after the required four space minimum on site is satisfied.
Shared Parking Reduction	A reduction of up to 25 percent of on-site vehicle parking requirements with shared parking plan
Parking reduction through transportation demand management	For projects with a FAR greater than 0.5 a TDM plan may be provided to demonstrate that alternative strategies will be utilized to offset the demand for parking. A reduction of up to 25 percent of on-site vehicle parking requirements may be approved

Best Practice 4: Calibrate AMPD bonus incentives for affordable housing so that they are scalable, market-feasible, and attractive to private developers.

Every development project in Park City must contribute to the need for affordable housing through the inclusionary housing resolution. It requires a minimum of 20 percent of units (or unit equivalents) to be provided in one of six ways (see the definition of Deed-Restricted Affordable Housing above for more details). If a developer exceeds this requirement and builds a minimum of 50 percent of units as affordable on-site, then they are eligible for AMPD bonus incentives. As detailed above, these incentives provide increased density, increased height, reduced open space, and reduced parking.

There are several limitations to the current AMPD incentives: the required minimum percentage of affordable units (50 percent) in a project is high, the required depth of affordability for the units (80 percent of AMI) is relatively low, and the incentives are only available to larger projects (over 10 units). Additionally, while the density bonus that is possible is high compared to the base zone, the absolute density of an AMPD project remains relatively low. Our prototype achieved a density of 44 units per acre, yet four-story buildings with lower parking ratios and open space can often achieve 50-100 units per acre.

Based on the case studies presented below and knowledge of lessons from other communities across the country, these are the recommended best practices:

- 1. Provide bonus incentives to smaller, missing middle projects.** Many cities do not set a minimum threshold for the size of project to be eligible for bonus incentives. Many smaller projects could potentially include affordable units if there were a strong incentive to do so. These incentives need to be calibrated to the lot sizes, building sizes, and densities that are feasible with these smaller projects.
- 2. Calibrate the required depth of affordability to enhance market feasibility.** As illustrated by the two case studies below and other examples, many cities allow for units that are affordable to slightly higher incomes (such as 100 percent or 120 percent of AMI) to qualify for incentives. This enhances feasibility as the rent or prices on these units can be slightly higher.
- 3. Consider allowing workforce housing for local employees, regardless of income level, to qualify for incentives.** Some resort-based and tourism communities are addressing their housing issues for local employees by allowing housing that is restricted for occupancy by local employees (“workforce housing”) to qualify for bonus incentives, regardless of the income of the employee. See case study below on Jackson, Wyoming.
- 4. Set minimum share of affordable units to enhance market feasibility.** As illustrated by the two case studies below and other examples, many cities begin to offer incentives for projects that include less than 50 percent affordable units. Frisco only requires 50 percent of the bonus units, not total units, to be affordable. Lowering this threshold can enhance market feasibility by increasing overall revenue from market rate units.
- 5. Structure the incentives so they scale up and down with the number of affordable units that are provided.** The AMPD incentives are structured as a single tier. If 50 percent of units are affordable, then the incentive is granted. Other cities use a structure that is scalable based on the share of affordable units (see Jackson, WY case study below) or have multiple tiers with incentives that scale up at each tier.

- 6. Design the incentives to work in tandem with any TDM incentives.** As discussed in Table 17 of Section 3.4.2 below, there may be parking reductions for TDM incentives. Any parking reductions that are available for incorporating TDM strategies should be designed to continue to encourage provision of affordable units. If there are multiple pathways to reducing parking requirements, some developers will seek out the lowest cost strategy. If TDM strategies are less costly to implement, then the incentives could inadvertently discourage developers from using the affordable housing incentives.

The case studies below highlight some of the best practices. The City of Frisco, CO recently adopted code changes to incentivize affordable housing in the core area, mixed use, and high-density residential zones. A few LMC changes to highlight for Park City to consider include eligibility of units affordable at a maximum 140 percent AMI for ownership or maximum 120 percent AMI for rental, with an average AMI not to exceed 100 percent. Additionally, the City provides incentives that scale up to provide greater benefits to 100 percent affordable housing projects, such as 100 percent density bonus, bulk plane encroachment allowances, and significantly reduced setbacks.

The City of Jackson and Teton County, WY adopted an incentive program in 2016 for the development of workforce housing. A key feature of this program provides a workforce housing floor area bonus to encourage development, especially by the private sector, of additional deed-restricted housing by allowing additional unrestricted floor area in that excess volume. The incentive, which gives developers an additional 2 square feet of market-rate housing above their floor area maximum in exchange for 1 square foot of deed-restricted housing, has been successful. It provides greater flexibility and allows projects to pencil by enabling developers to spread the costs of restricted units over more market-rate units.

CASE STUDY: Frisco, CO

Population: 2,903 **Average Home Price:** \$966,000

Relevant Background

The City of Frisco has identified the development of affordable housing in the community as a high priority. In December 2022, a developer of a potential affordable housing project submitted a request for specific code amendments which could provide incentives to facilitate the proposed project. City staff considered the modifications requested and other potential changes to create a series of proposed amendments to the Unified Development Code. A series of amendments were proposed from additional density for affordable housing projects to reduced parking requirements near transit. The City Council adopted the amendments in April 2023.

Relevant Code

The following [code amendments](#) were included to incentivize affordable housing in Frisco in the core area, mixed use, and high density residential zones. A density bonus program is available for developments with a mix of market-rate and deed-restricted units. The program requires a minimum of 50 percent of the total number of bonus units is provided as affordable housing deed-restricted for occupancy for purchase to households earning up to a maximum 140 percent of AMI, or maximum 120 percent of AMI for rental, with an average AMI not to exceed 100 percent.

The Affordable Housing Development Incentive Program encourages the voluntary preservation or development of new housing units, or preservation of existing dwelling units, for the local workforce through residential development incentives, in exchange for deed-restriction on all housing units in the development.

- Up to 100 percent increase in maximum density of the zone
- 20 percent increase in lot coverage
- Reduced setbacks
- 10 percent height increase
- Bulk and massing requirement reductions
- 20 percent landscaping requirement reduction

Recent Developments

The project that was the impetus for these zoning code changes is a 54-unit affordable housing mixed-use project and is planned to be modularly built. The project will be attainable to 30-120 percent area median income. The project will provide 31 parking spaces and is utilizing the car share parking reduction as part of the project.

CASE STUDY:	City of Jackson and Teton County, WY
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Population: 10,849

Average Home Price: \$2.9 million

Relevant Background

The City and County adopted an incentive program in 2016 for the development of workforce housing. This program, instead of capping rent amounts through an AMI percentage, requires occupancy by local employees or business owners. The workforce rentals and most ownership units have an appreciation cap limiting how much rents and sale prices can increase. According to a recent local article, that ability to set rents/prices, plus incentives that give developers extra floor area in exchange for putting a workforce restriction on their projects, have spurred development.

Relevant Code

According to the City and County's intention of the [workforce housing program](#), in many cases the volume of the building allowed by the minimum setback and maximum height exceeds the volume of the building allowed by FAR of the property. The purpose of the workforce housing floor area bonus is to encourage development, especially by the private sector, of additional deed-restricted housing in that excess volume by allowing additional unrestricted floor area. The incentive, which essentially gives developers an additional two square feet market-rate development above their floor area maximum in exchange for one square foot of deed-restricted development, is popular. Developers report that it is attractive because they are able to use workforce restrictions to access that square footage rather than affordable restrictions, which would artificially lower prices.

Recent Developments

A developer has taken advantage of this program to build a 100 percent workforce Mercill Avenue Condos and the 100 percent affordable Flat Creek Apartments. Allowing this flexibility has led to more units being

built, [the developer said](#). The Mercill Condos are a 30-unit development, and the Flat Creek Apartments are a 48-unit Flat Creek affordable housing development for residents making 30-60 percent of the median family income. The City and County also financially invested in the Flat Creek Apartments.

3.4 Transportation Barriers and Strategies

The LMC can incorporate enhancements to reach local multimodal transportation goals and address parking management. The following section outlines opportunities for code amendments that may improve connectivity and reduce parking requirements while promoting multimodal transportation options.

3.4.1 Code Barriers to Enhancing Multimodal Transportation Goals

Barrier 1: Access and Connectivity Standards

Access and connectivity standards are not comprehensively addressed in the LMC as they are in peer communities, such as Bozeman which clearly defines examples of development standards to promote pedestrian and bike connectivity. Access and connectivity standards are typically addressed for vehicular and non-vehicular transportation modes that are often utilized to promote walkable and bicycle-friendly communities. The LMC does address this in the Master Planned Developments ([Section 15-6](#)) under Subsection G (Site Planning) of [Section 15-6-5](#):

Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the Master Planned Development and safe travel to adjoining public sidewalks, trails, and Rights-of-Way. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

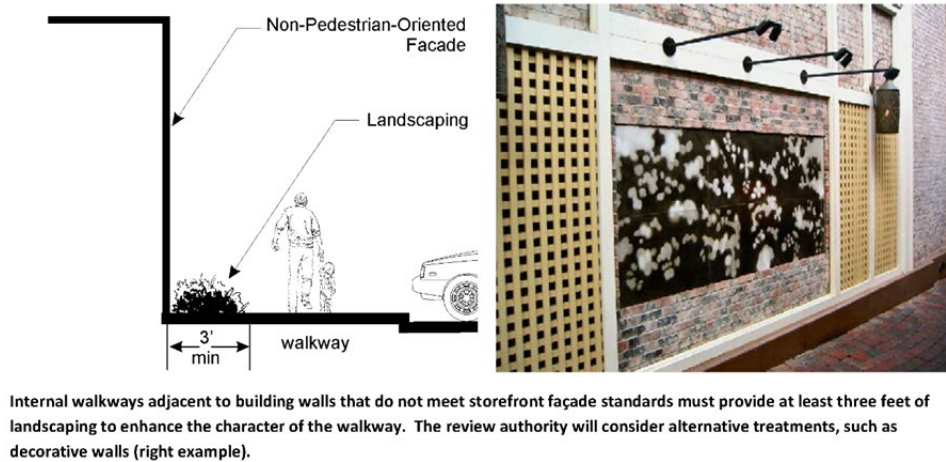
Additional access and connectivity standards are recommended to be added in this section to ensure development is contributing to Park City's multimodal transportation goals. Overall access and connectivity standards can be tailored to each individual district or general standards for districts in multi-modal, mixed-use areas, and residential districts can be established. Examples include:

- **Residential:** Requiring sidewalks to be installed on both sides of all streets in each new residential subdivision that meets the minimum standards of the Americans with Disabilities Act, unless a plan approved by the city council indicates that a bicycle or multi-use trail should be installed instead of a sidewalk.
- **Residential:** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
- **Commercial – Access to Sidewalk:** All buildings must feature pedestrian connections to a sidewalk per applicable block frontage standards.

Additionally, there is an opportunity to integrate design and engineering standards regarding roadways and pedestrian and bicycle facilities in the access and connectivity sections. Park City can include high-level common standards such as roadway cross sections, sidewalk paving patterns, crosswalk standards, and

pathway designs. Figure 18 shows an example of providing graphics in this section to provide more clarity on the exact standards.

Figure 18: Example of internal walkways adjacent to buildings standards in Bozeman’s Municipal Code



Barrier 2: Parking Requirements in Excess of Demand

The current parking ratios for certain uses present another barrier. Off-street parking ratios have traditionally been set far in excess of what is needed. This can lead to an increase in land and development costs, making housing more expensive and discouraging walking and biking. Minimum parking requirements should be set as low as possible while still meeting the planning goals of preventing traffic congestion and providing commercial parking in residential neighborhoods. Many peer communities have lowered minimum required parking ratios, added parking maximums in certain areas, and offered parking management strategies that give developers incentives to reduce the overall quantity of off-street parking required while promoting multimodal transportation options.

Barrier 3: Lack of Existing Parking Management and TDM Strategies

The current LMC has limited strategies to meet minimum parking ratios. Peer communities are including alternative strategies that developers can choose from to reduce overall parking requirements. Alternative strategies usually take form in mixed-use and shared parking facilities, off-site parking facilities, proximity to transit, and alternative minimum vehicle parking ratios in designated overlay zones. Additionally, strategies can be geared toward including a TDM component that specifically encourages other forms of transportation. Park City can include these types of strategies in the LMC to provide developers with options for meeting parking requirements while simultaneously meeting multimodal goals.

3.4.2 **Code Strategies for Enhancing Multimodal Connectivity and Promoting TDM Strategies**

The following section consists of a review of best practices from peer and other communities that address issues identified during the barrier identification analysis. These examples showcase different ways codes can incorporate strategies to promote multimodal travel through reduced parking requirements, parking reduction incentives, and how to incorporate TDM efforts.

Best Practice 1: Zoning Standards for Access/Connectivity and Parking Reductions

CASE STUDY:	Palo Alto, CA
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A strategy used in the Palo Alto Municipal Code is a Pedestrian and Transit Oriented Development Combining District or Overlay (“Overlay”).¹¹ The Overlay is intended to allow higher-density residential dwellings on commercial, industrial, and multi-family parcels within a walkable distance of the California Avenue Caltrain station while protecting low-density residential parcels and parcels with historical resources that may also be located in or adjacent to this area. The Overlay can be combined with other districts/combination of districts. The Overlay is intended to:

- Support the use of public transportation;
- Encourage a variety of housing types, commercial retail, and limited office uses;
- Encourage project design that achieves an overall context-based development for the overlay area;
- Require streetscape design elements that are attractive to pedestrians and bicyclists;
- Increase connectivity to surrounding existing and planned pedestrian and bicycle facilities; and
- Implement the city's Housing Element and Comprehensive Plan.

Streetscape design elements are required to promote a safe pedestrian and bicycling environment for new projects in the overlay area. Example requirements from the Palo Alto Municipal Code that could be included in Park City’s LMC include:

- Connectivity for pedestrians and cyclists with external and internal (if any) streets, pathways, or bike facilities
- Pathways and streets that present a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks
- Wide sidewalks (built as easements beyond the property line if needed, but not to the detriment of existing or future bike lanes) along the primary pedestrian and bicycling corridor
- Bicycle amenities that contribute to the area's bicycle environment and safety needs, such as safety lighting, showers and changing areas, or dedicated bike lanes or paths
- Ground floor uses that are appealing to pedestrians through well-designed visibility and access

¹¹ [Palo Alto Municipal Code](#)

- Covered waiting areas, building projections and colonnades, and awnings on primary pedestrian routes

CASE STUDY: Fort Collins, CO

The Transit-Oriented Development Overlay Zone (“Overlay Zone”) within the Fort Collins Land Use Code is another land use strategy to reduce the number of required minimum parking in areas with access to transit.¹² The purpose of the Overlay Zone is to modify the underlying zone districts south of Prospect Road to encourage land uses, densities, and designs that enhance and support transit stations along the Mason Corridor. These provisions allow for a mix of goods and services within convenient walking distance of transit stations; encourage the creation of stable and attractive residential and commercial environments within the Overlay Zone; and provide for a desirable transition to the surrounding existing neighborhoods.

In addition to the extent of the Overlay Zone, the provisions regarding parking also apply in the H-M-N, High-Density Mixed-Use Neighborhood, and the C-C, Community Commercial Zone districts. Multi-family dwellings and mixed-use dwellings within the Overlay Zone may reduce the required minimum number of parking spaces further by providing demand mitigation elements as shown below:

Table 12: Fort Collins Demand Mitigation Strategies that allow for an additional parking reduction for multi-family and mixed-use dwellings within the Overlay Zone

Demand Mitigation Strategy	Parking Requirement Reduction
Affordable Housing Dwelling Unit for Sale or for Rent (equal to or less than 60% Area Median Income)	50%
Transit Passes for each tenant	10%
Car Share	5 spaces/1 car share
Within 1,000 feet walking distance of MAX Station.	10%
Bicycle & Pedestrian Level of Service A	10%
Off-Site Parking	1:1
Shared Parking	Based on Approved Alternative Compliance*
Parking Impact Study	Based on Approved Alternative Compliance*
Participation in the City's Bike Share Program	Based on Approved Alternative Compliance*
Transportation Demand Management (TDM)	Based on Approved Alternative Compliance*

¹ Walking distance shall mean an ADA-compliant, contiguous improved walkway measured from the most remote building entrance to the transit station and contained within a public ROW or pedestrian easement.

² Upon written request by the applicant, the decision maker may approve an alternative parking ratio, other than the minimum required in the Overlay Zone per subparagraph 3.2.2(K)(1)(a)(1), that may be substituted in whole or in part for a ratio meeting the standards of this Section.

¹² [City of Fort Collins Land Use Code](#)

The City of Aurora has *Urban Street Standards* for transit-oriented developments and urban centers that foster a safe, comfortable, pleasant, and pedestrian-friendly multi-modal travel environment.¹³ The Aurora Comprehensive Plan identifies various transit-accessible sites and urban centers throughout the city and includes a recommendation to “develop urban street standards for use in emerging areas of the city such as urban centers and transit-oriented development sites.”

The standards are divided into three context zones (core, transition, and edge) that reflect different levels of pedestrian activity, and the street networks within should be interconnected to encourage compact and mixed-use developments. The roadside zone includes four sub-zones (edge, furnishings, throughway, and frontage) that provide flexibility for landscaping, street furnishings, pedestrian through movements, and roadside activities. Each roadside zone includes “defining elements” such as the number of travel lanes, and if on-street parking is allowed. These standards define cross-section measurements for each road type to provide uniformity throughout the city.

The roadside zone standards provide flexibility for different types of activities and ensure that the pedestrian realm has a consistent design throughout the city. Park City can choose to incorporate comparable standards from the Park City Design Standards Construction Specifications and Standard Drawings into the LMC to improve overall uniformity in development. Additionally, Park City could create zones similar to Aurora that designate certain design elements that are required in each sub-zone to ensure that pedestrian connectivity needs are met. Table 13 shows standard characteristics of the sub-zones that are part of the roadside zone, which includes the area between curbs and the front property line of adjoining parcels.

Table 13: Aurora Urban Street Standards Sub-Zone Characteristics

Sub-Zone	Function	Minimum Width
Edge Zone	Interface between parked vehicles and street furniture	1.5 feet, may be widened to 4 feet at transit stops with shelters
Furnishings Zone	Buffer component between the active pedestrian walking area and the vehicle traveled way area	7 feet
Throughway Zone	Intended for pedestrian travel only, entirely clear of obstacles and provides a smooth walking surface	6 feet
Frontage Zone	Area adjacent to the property line that may be defined by a building facade, landscaping area, fence, or screened parking area	1.5 feet, width may be increased to accommodate a variety of activities associated with adjacent uses, such as outdoor seating or merchant displays

¹³ [Aurora Urban Street Standards For Transit Oriented Developments and Urban Centers](#)

Opportunities to Address Access/Connectivity and Parking Reductions in Park City

To better align Park City's transportation goals and minimum parking requirements with peer communities, such as Aspen and Fort Collins, new proposed parking ratios for certain land uses are identified above in Table 14 and Table 15. The recommended adjustments to the minimum required parking ratios apply for all developments in Park City. Additional parking reductions for specific districts, overlays, or identified areas are recommended to further reduce parking requirements in targeted areas. These areas could include downtowns, transit corridors, and historic districts for example. Furthermore, incentives can be offered that reduce or cap the amount of parking that can be provided based on desired development characteristics such as including affordable housing (see Best Practice 4 in Section 3.3.2 above).

Table 14: Recommended Residential Minimum Parking Ratio Requirements

Use	Sub-Use	Current Parking Ratio (Number of Spaces)	Recommended Parking Ratio (Number of Spaces)
Single Family Dwelling	N/A	2 per dwelling unit	No change
Duplex Dwelling	N/A	2 per dwelling unit (4 total)	1.5 space per dwelling unit (3 total)
Triplex Dwelling	N/A	2 per dwelling unit (6 total)	1.5 space per dwelling unit (5 total)
Multi-Unit Dwelling	≤1,000 sf floor area	1 per dwelling unit	No change
	1,001 – 1,999 sf floor area	1.5 per dwelling unit	No change
	>2,000 sf floor area	2 per dwelling unit	No change
Accessory Apartment	N/A	1 per bedroom	1 space per dwelling unit
Lockout Unit in Single Family and Duplex Dwellings	N/A	1 per bedroom	1 space per dwelling unit
Dormitory	N/A	1 per 200 sf floor area devoted to accommodations	75% of the number of people housed or 1 per 200 sf floor area devoted to accommodations, whichever is less
Boarding House, Hostel	N/A	1 per 2 beds; and 1 per manager's unit	No change
Secondary Living Quarters	N/A	1 per bedroom in addition to requirements for primary residence	No change
Guest House/Nightly Rental	N/A	1 per unit Parking for the first 6 bedrooms is based on the parking requirement for the dwelling. An additional space is required for every additional 2 bedrooms utilized by the Nightly Rental Use. Parking for Historic Structures may be allowed on the Street adjacent to the Property if approved by the Planning, Engineering, and Building Department	No change

Table 15: Recommended Non-Residential Minimum Parking Ratio Requirements

Uses	Current Parking Ratio (Number of Spaces)	Recommended Parking Ratio (Number of Spaces)
Group Care Facility	1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater	No change
Childcare Center	1 per on-duty staff per shift and 1 per 6 children	No change
Public and Quasi-Public Institutions, church, and school; Public Utility Uses; and Cemetery	1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf of floor area, whichever is greater	No change
Auditorium and Assembly Hall	1 space per every 5 seats	No change
Bed and Breakfast Inn	1 space per bedroom and 1 space per on-duty manager	No change
Hotel, Minor, and Major	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space	No change
Offices, General	3 spaces per 1,000 sf of leasable floor area	2 spaces per 1,000 sf of leasable floor area
Offices, Intensive	5 spaces per 1,000 sf of leasable floor area	4 spaces per 1,000 sf of leasable floor area
Office and Clinic, Medical	5 spaces per 1,000 sf of leasable floor area	No change
Hospital, Limited Care	1 space per 2 beds	No change
Hospital, General	3 spaces per bed	1.5 spaces per bed
Automobile Sales/Rental	1 space per vehicle plus one space per employee	No change
Financial Institution, with and without drive-up	3 spaces per 1,000 sf of net leasable floor area	2 spaces per 1,000 sf of net leasable floor area
Retail & Service Commercial, Minor, Personal Service	3 spaces for each 1,000 sf of net leasable floor area	0 spaces required for buildings that have less than or equal to 3,000 net leasable floor area Above 3,000 net leasable floor area is 3 spaces for each 1,000 sf of net leasable floor area
Retail & Service Commercial, Major	5 spaces for each 1,000 sf of net leasable floor area	No change
Retail & Service, outdoor storage	3 spaces per 1,000 sf of inside net leasable floor area	No change
Retail & Service, Auto Related and Gas Stations	5 spaces per 1,000 sf of net leasable floor area	No change

Uses	Current Parking Ratio (Number of Spaces)	Recommended Parking Ratio (Number of Spaces)
Shopping centers or complexes of multi-tenant retail spaces	3.5 spaces per 1,000 sf of leasable floor Area, excluding corridors and service areas not related to individual tenant retail spaces	No change
Convenience Store, Support Commercial Uses	5 spaces per 1,000 sf of net leasable floor area	4 spaces per 1,000 sf of net leasable floor area
Cafe/Deli	3 spaces per 1,000 sf of net leasable floor area	2 spaces per 1,000 sf of net leasable floor area
Restaurant, Standard, and Bar	1 space for every 100 sf of net leasable Area, including kitchen areas	0 spaces required for buildings that have less than or equal to 3,000 net leasable floor area Above 3,000 net leasable floor area is 3 spaces for each 1,000 sf of net leasable floor area
Restaurant, Outdoor Dining	Based on Site-specific review at the time of CUP	No change
Restaurant, With Drive-up	15 per 1,000 sf of net leasable floor area	7 per 1,000 sf of net leasable floor area
Light Industrial and Wholesale establishments	1 for every 2 employees in the largest shift plus 1 space for each vehicle used in conducting the business and wholesale, storage uses at 1 per 1,000 sf of floor area, and light manufacturing at 2.5 per 1,000 sf of floor area	1 space per 1,000 square feet of floor area and 1 for every 2 employees in the largest shift
Temporary Improvement	1 per employee plus 2 guest spaces	1 per employee plus 1 guest space
Tramway Station/Ski Base Facility	See Chapter 8.20	No change
Recreation Facility, Private or HOA	Minimum of 1 space per 4 persons maximum rated capacity	No change
Recreation Facility, Public	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area, or 1 per 3 persons rated capacity depending on type of facility	1 space per 4 seats or 3 spaces per 1,000 sf of floor area, or 1 per 3 persons rated capacity depending on type of facility
Indoor Entertainment, Theater	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on the type of facility	No change
Commercial Outdoor Recreation and Stables, Riding Academy	1 space per 3 persons maximum rated capacity	No change
Master Planned Developments	As determined by the Planning Commission based on proposed Uses	No change
Mining Operations	2 spaces per 3 employees	No change
Airports/Heliports	As determined by the Planning Commission based on a traffic generation study	No change

Best Practice 2: Additional Opportunities through Parking Standards

CASE STUDY: Bozeman, MT

The Bozeman Municipal Code has off-street parking required minimums set on the lower side with options for reducing the minimum requirements.¹⁴ The range of the parking reductions available depends on which zone and use the project falls under (retail, restaurant, office, and other). Parking reductions are offered for affordable housing, residential uses in mixed-use projects, car-sharing agreements, and transit availability. Reductions to the minimum amount of parking required are desired in certain zones and the total allowable parking reduction ranges from 10 percent to 40 percent depending on which use and zone the project is in. Additionally, no parking minimums are currently required in the Midtown Urban Renewal District (B-2M). The Downtown Business District (B-3) has alternative options to meet parking requirements, such as a cash-in-lieu fee option, and a stipulation that the first 3,000 square feet of a non-residential use are not included in the calculation of required parking. The code looks comprehensively at all districts and has parking reductions that are appropriate to each district and support the city's Growth Policy.

Bozeman also has “Non-motorized Circulation and Design” standards and “Vehicle Circulation and Parking” standards within the Site Planning and Design Elements Division of the municipal code. Within the section on “Non-motorized Circulation and Design,” pedestrian accessibility, internal circulation, pedestrian paths, and design standards for sites are determined. In the “Vehicle Circulation and Parking” section, driveway provisions, inter-site connectivity, internal roadway design, and drive-through facility standards are listed. Park City can incorporate these types of standards that clarify how pedestrian accessibility should be addressed within developments.

CASE STUDY: Aspen, CO

Parking requirements in Aspen can be fulfilled by off-street parking, off-site parking, reserved and accessory spaces, and mobility measures in proper accordance with the requirements. Depending on the Zone District, the options for meeting the parking requirements differ. Additionally, there are parking maximums in designated infill areas that do not allow on-site parking over one hundred twenty-five percent of the Parking Provision Maximum requirement. Aspen's parking requirements are designed to ensure that there is enough parking to meet the needs of the community, while also discouraging the oversupply of parking. By offering a variety of ways to meet parking requirements, Aspen is encouraging developers to think creatively about how to provide parking for their projects.

¹⁴ [Bozeman Municipal Code](#)

Opportunities to Address Parking Standards in Park City

Table 16 describes a variety of parking management and reduction strategies, as well as possible applications of each sourced from peer and other communities.

Table 16: Summary of Parking Management Strategies

Parking Management Strategy	Description	Sample Application*
Off-Site Parking	Off-site parking refers to parking facilities that are located away from the project	Within designated areas, the [designated authority] may authorize all or a portion of the required parking for a use to be located on a site within the designated area or not more than 800 feet from the boundaries of the parking assessment area, where the zoning of such site permits parking as a use.
Park and Ride Facilities	Park and ride facilities are designed to encourage the use of public transportation by providing a place for commuters to park their cars and then take public transportation to their final destination.	Public/Institutional and office land uses that provide regularly scheduled shuttle or transit from a park and ride may receive up to a five percent reduction in the number of required off-street parking spaces.
Adjustments to Existing Parking Facilities	Authorized reductions to the amount of parking needed to be supplied by the developer	The [designated authority] may approve a reduction in existing on-site parking spaces to achieve the city's waste management objectives, make improvements to on-site circulation that would reduce or eliminate a hazard, or bring substandard parking stalls into compliance with current design requirements
Shared Parking	Shared parking is a parking management strategy that involves multiple land uses or businesses sharing parking facilities. Shared parking is usually part of downtown settings where there is public parking because the same parking facility serves many different destinations within walking distance	For any site or sites with multiple uses where joint use of on-site private or nearby public parking facilities can occur without conflict, and the use is exempt from parking assessment, the total number of spaces otherwise required by application of the schedule may be reduced when the joint facility will serve all existing, proposed, and potential uses as effectively and conveniently as would separate parking facilities for each use or site. The number of parking stalls required for any new development or addition may be reduced by no more than twenty percent (20%) of the total number of spaces otherwise required for the site or sites.
Percentage of Compact Parking Stalls	Compact parking stalls are smaller than standard parking stalls, typically measuring 7.5 feet by 15 feet. Compact parking stalls are often used in mixed-use developments to meet parking requirements while conserving space.	For parking facilities exceeding five stalls or within a designated area, a maximum of fifty percent compact parking stalls may be allowed.
EV Charging Parking Spaces	Designated parking Spaces for EV only	A parking space with an EV charging station or make-ready equipment may count as two parking spaces for the purpose of complying with a minimum parking space requirement but may not reduce total required parking by more than 10 percent.
Parking Maximums	Parking maximums set a limit on the number of parking spaces that can be built for a particular development or area, typically used in downtowns or in close proximity to transit.	Maximums are set at no more than 125 percent of the minimum parking requirements and apply to all land use types in specific zones or designated areas.

Parking Management Strategy	Description	Sample Application*
Designated Car-Sharing Parking	Parking spaces designated for car sharing vehicles only	Each drop-off/pick-up space, measuring 10-feet wide by 22-feet deep, up to a maximum of three, allocated and marked for car sharing services counts as 1.5 off-street parking spaces.
Square footage deductions	Typically for smaller development projects in small-scale community commercial mixed-use growth where parking demand may be fulfilled by existing parking spaces in the nearby vicinity.	The first 3,000 gross square feet of a non-residential building within the designated area or adjacent to designated storefront block frontage is not included in the calculation of required parking.
Structured Parking	Typically used when parking garages are in close proximity to the site and parking occupancy is found to accommodate the new development.	An additional 15 percent reduction may be taken when the site is within 800 feet of a parking structure of at least 200 spaces.
Tuck-Under Parking	Tuck-under parking is a type of parking arrangement where the building has an open ground floor that is used for parking. Typically used in multi-family, non-residential, or mixed-use zones.	Each two on-site tuck-under parking spaces shall count as three off-street parking spaces.
*Sample Applications are sourced from a variety of municipal codes such as: Palo Alto, CA, Aspen, CO, Fort Collins, CO, Bozeman MT, Steamboat Springs, CO, and Littleton, CO.		

Best Practice 3: TDM Strategies

CASE STUDY: Aspen, CO

As part of the Transportation Impact Analysis (TIA) process, Aspen established unified transportation and mobility standards to promote the city's policies relating to mobility, access to employment opportunities, and sustainability.¹⁵ Projects that are not exempt from a TIA are required to provide Multimodal Level of Service (MMLOS) Mitigation Tools and/or TDM strategies for any new trips the project creates. Minor projects must select at least two appropriate TDM measures as part of their mitigation strategy and major developments must mitigate trips using a minimum of five TDM measures. The remainder of mitigation options for minor or major projects may be selected from TDM or MMLOS options at the discretion of the developer. TDM strategies are policies that reduce travel demand, particularly by single-occupancy vehicles and MMLOS tools are improvements to transportation service qualities for travelers using a variety of modes including pedestrians, bicyclists, and transit passengers.

Aspen provides a menu of TDM and MMLOS measures (known together and referred to in the code as "Mobility Measures") that have the capacity to fully reduce vehicle trips equal to or greater than the new peak hour trips generated by the project. When projects are TIA exempt, mobility measures may be

¹⁵ Aspen [Transportation Impact Analysis and Guidelines](#)

provided to satisfy parking requirements as outlined by each zone district. When projects are required to produce a TIA, surplus mobility measures may be used to fulfill parking requirements.

The mobility measures establish a variety of ways for property owners and developers to mitigate their impacts on the transportation network through an integrated approach, which incorporates the TIA Guidelines with Off-Street Parking Requirements. MMLOS tools are broken into categories and examples of such are provided:

- Pedestrian: Large-scale landscaping that improves the pedestrian experience
- Bicycle: A new bicycle path with city approved design
- Transit: New bus stop with at least two basic amenities

TDM Strategies are also broken into categories and examples from each are provided:

- Neighborhood/Site Enhancement Strategies: shared shuttle service, implementation of non-motorized zones
- Transit System Improvement Strategies: Service/frequency improvement, network expansion
- Commute Trip Reduction Program Strategies: Carpool matching, compressed work weeks, car share programs, bike share programs

The process for using the mobility standards is as follows:

1. Determine the project's TIA applicability and calculate the project's resulting "parking requirement," and
2. Provides a Mobility Plan that includes the applicant's parking and mobility mitigation requirements, which includes the provision of parking, utilization of cash-in-lieu, and/or provision of mobility options, including TIA mitigations if applicable.

The city then reviews the project's mitigations for parking and mobility together as part of the project's land use application. This strategy is customizable for the developer and specific use that can reduce overall parking requirements while increasing multimodal travel options.

CASE STUDY: Lake Tahoe/Placer County, CA

Placer County, which encompasses the Lake Tahoe area, requires some employers to create a Transportation Plan with the intent of reducing vehicle emissions and traffic congestion and delaying the need for major transportation facility improvements. The Transportation Plan is required for each existing employer or common work location having 100 or more employees working at a single site for at least 20 hours per week, and/or for every employer or common work location upon reaching a level of 100 or more employees working at one site for at least 20 hours per week. The County established a Transportation Control Measures (TCM) Menu with various trip reduction options.¹⁶ Each TCM is assigned a trip reduction

¹⁶ [Placer County, California County Code, 10.20.070 Transportation control measure \(TCM\) menu.](#)

credit, and each transportation plan must include measures that have a cumulative total of 30 trip reduction points. Examples of TCM's are:

- Posting the location of all bicycle routes within at least a five-mile radius of the facility
- Posting of rideshare information
- Bicycle parking facilities
- In-House carpool matching service
- Parking fee for single-occupancy vehicles
- Flexible work location/telecommuting
- Transit system subsidy/grant

Opportunities to Address TDM in Park City

Table 17 outlines opportunities for amending the LMC to incorporate TDM measures as a mitigation option for development impacts and parking requirements. Many of the strategies are adapted from Park City's Transportation Demand Management Plan to be most effective in the city context. Incorporating TDM measures in the LMC can be achieved in a variety of ways as demonstrated by the peer communities. These include overlay zones, requiring developers to submit a transportation plan that includes incorporating TDM strategies, or MMLOS tools to meet desired parking ratios. The measures outlined in Table 17 provide a flexible framework for incorporating TDM into the LMC. Generally, the more effective a TDM strategy is at reducing single-occupancy vehicle trips, the less parking is needed. Developers may be required to select a specific number of TDM measures from a menu of options that best align with their projects and the community's needs, to mitigate the development's impacts.

Table 17: Menu of Potential TDM Strategies for Developers

Category	TDM Strategy	Description	SOV Reduction*
Bike & Ped	Provide pedestrian network improvements	This measure will increase the sidewalk coverage to improve pedestrian access. Providing sidewalks and an enhanced pedestrian network encourages people to walk instead of drive.	Up to 1%
Bike & Ped	Construct or improve bike facility	Construct or improve a single bicycle lane facility (only Class I, II, or IV) that connects to a larger existing bikeway network. Providing bicycle infrastructure helps to improve biking conditions within an area.	
Bike & Ped	Provide a bike repair station	Station should include basic tools and space for common repair tasks, This may include a stand, air pump, tire lever, wrenches, and other common bicycle maintenance tools.	
Land Use	Provide/improve connections to existing bike path/lane	Provide or improve connections within site design to existing high-quality bicycle and pedestrian infrastructure.	
Transit	Implement transit-supportive roadway treatments	Transit-supportive treatments incorporate a mix of roadway infrastructure improvements and/or traffic signal modifications to improve transit travel times and reliability.	
Guaranteed Ride Home Service	Ensure non-car-dependent employees have a way home in urgent situations	Supplement existing City/County Guaranteed Ride Home (GRH) program with participation of employers to ensure employees who do not utilize a SOV have a free ride home (taxi/Uber/Lyft) in urgent situations.	
Shared Mobility	Provide bicycle sharing program subsidy	Fully or partially pay for tenants'/employees'/students' yearly membership fee and insurance associated with bike-sharing.	
Bike & Ped	Provide showers and lockers	Provide space for active transportation users to shower, change, and store any equipment, they use during their commute.	Up to 5%
Shared Mobility	Provide employer-sponsored vanpools	Provide subsidies or company-provided vehicles for vanpooling and assist with vanpool formation by means of helping individuals identify others with similar commute patterns. This measure may also apply to point-to-point shuttles sponsored by an employer (i.e., "tech buses")	
Programmatic	Require TDM Coordinators at major employers (≥50 employees)	Designate a staff person as the TDM coordinator to coordinate, monitor and publicize TDM activities.	
Programmatic	Flexible work schedules	Implement a generalized commute trip reduction program, such as flexible work schedules that allow for employees to commute less into their workplace. Examples include compressed work schedules ("4/10s") or work from home options.	
Land Use	Proximity to transit	Locate the project is within a 1/2 mile to a ¼ mile of high-frequency transit (15-minute headways).	Up to 10%
Shared Mobility	Implement a carshare program	Provide full-service ride matching, travel information website, and smartphone application or pay for employees' subscriptions to such services.	
Parking	Unbundle parking costs	For residential developments, require that parking spaces be paid for separately from the primary mortgage/HOA dues/rent.	

Category	TDM Strategy	Description	SOV Reduction*
Parking	Implement employee parking cash-out	Cash-out is when employers provide employees with a choice of foregoing their current subsidized or free parking for a cash payment equivalent to or greater than the cost of the parking space.	
Parking	Implement off-street parking pricing	Price parking at all off-street facilities associated with the project. Pricing should be at a level equal to or higher than typical prices in the project area.	
<p><i>* SOV Reduction Calculations derived from California Air Pollution Control Officers Association (CAPCOA) Handbook for Local Governments, Communities, and Project Developers for Assessing Greenhouse Gas Emissions Reductions, Climate Vulnerabilities, and Health and Equity.</i></p>			

4. Conclusion & Next Steps

This Initial Report lays the basis for the Project's next stage: Recommended LMC Amendments which utilize the findings and strategies described above. Ongoing public engagement will shape the recommended amendments. An online survey and Planning Commission work session will provide important opportunities for feedback and discussion of this Initial Report. The feedback received will be used to draft the Recommended LMC Amendments, which will also be discussed and reviewed publicly at a community open house and Planning Commission work session before public hearings.



PARK CITY
1884



FEHR & PEERS



Planning Commission Staff Report



Subject: Utah Property Rights Ombudsman Office
Author: Planning Team
Date: November 8, 2023
Type of Item: Work Session

Summary

The Utah Property Rights Ombudsman will provide an overview of their office, which safeguards Utah property rights through education and dispute resolution. For more information, please visit <https://propertyrights.utah.gov/>.

Planning Commission Staff Report



Subject: 123 Ridge Avenue
Application: PL-23-05876
Author: Alexandra Ananth, Senior Planner
Date: November 8, 2023
Type of Item: Conditional Use Permit - Administrative

Recommendation

(I) Review the Conditional Use Permit (CUP) for a Nightly Rental at 123 Ridge Avenue, located in the Historic Residential – Low Density (HRL) Zoning District; (II) hold a public hearing; and (III) consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (COA) as outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Jerry Fiat, 123-129 Ridge, LLC
Location: 123 Ridge Avenue
Zoning District: Historic Residential – Low Density (HRL)
Adjacent Land Uses: Residential, Resort
Reason for Review: Nightly Rentals in the HRL Zoning District require a CUP¹

COA Condition of Approval
CUP Conditional Use Permit
HRL Historic Residential – Low Density

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

Summary

The Applicant seeks a CUP for a Nightly Rental at 123 Ridge Avenue, located in the HRL Zoning District. 123 Ridge Avenue is a three-bedroom Single-Family Dwelling constructed in 1994 and includes a two-car garage. The Lot is 0.2 acres or 8,617 square feet.

Background

The HRL Zoning District is divided into three sub-neighborhoods:

1. the western sub-neighborhood along Sampson Avenue, Ridge Avenue, and King Road
2. the McHenry Avenue sub-neighborhood
3. the Lower Rossi Hill sub-neighborhood along Deer Valley Loop and Rossi Hill Drive.

123 Ridge Avenue is in the western sub-neighborhood. No more than twelve Nightly

¹ LMC [§ 15-2.1-2\(B\)](#)

Rentals are allowed in the western sub-neighborhood.² Currently, there are ten approved Nightly Rentals in this sub-neighborhood.

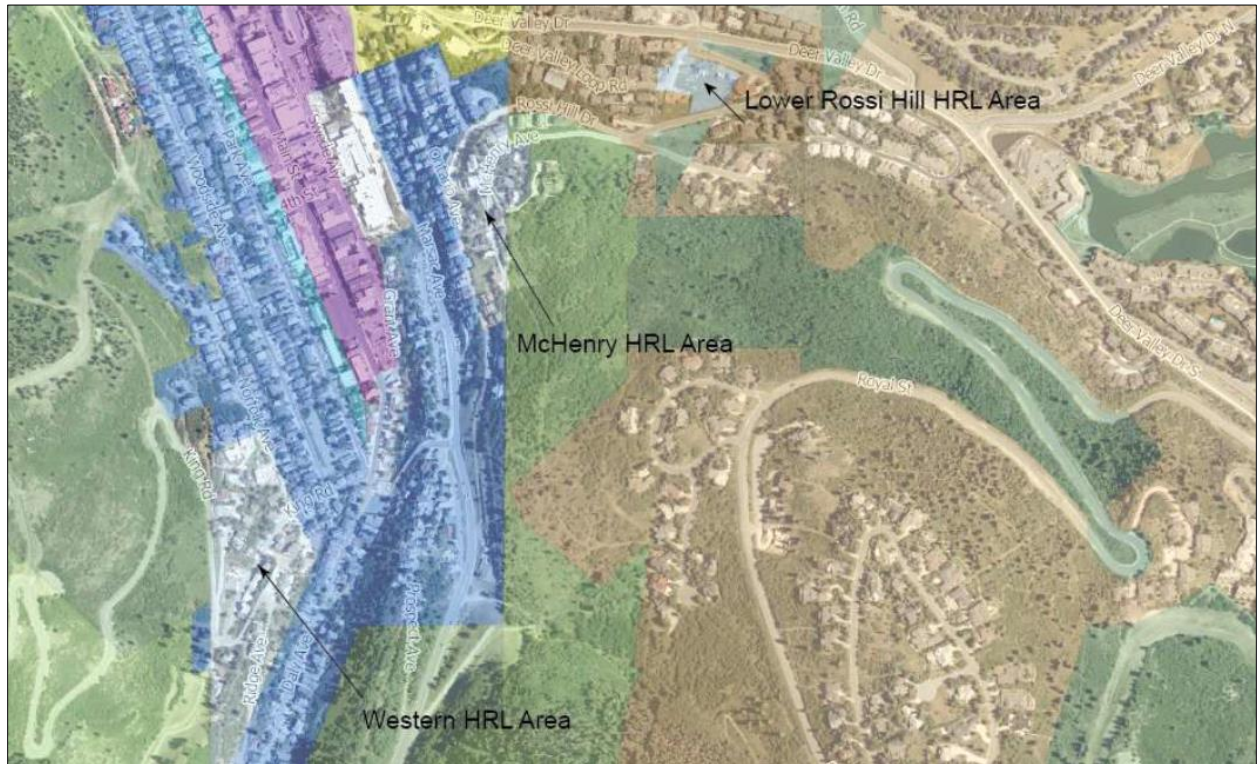


Figure 1: Map of HRL Nightly Rental sub-neighborhoods

Ordinance No. [2018-09](#) approved the Ridge Avenue Plat Amendment, located at 123 Ridge Avenue. Ordinance No. [2019-09](#) approved a one-year extension. Ordinance No. [2020-11](#) approved an additional one-year extension of time.

123 Ridge Avenue is Lot 1 of the Ridge Avenue Plat Amendment Amending Lot 1, Summit County Recorder Entry No. [1157217](#), recorded on March 5, 2021, and consists of 0.2 acres (8,617 square feet). The Lot was originally part of the Ridge Avenue Subdivision recorded on December 15, 1995, as Entry No. [444460](#). The Lot is adjacent to the Alice Claim Subdivision also recorded on March 5, 2021, as Entry No. [1157218](#). There are no easements or Conditions of Approval that impact the CUP for a Nightly Rental.

The Single-Family Dwelling at 123 Ridge Avenue was constructed in 1994 under Building Permit 94-00438. Staff approved an HDDR for the house on August 15, 1994.

² LMC [§ 15-2.1-2\(B\)](#)

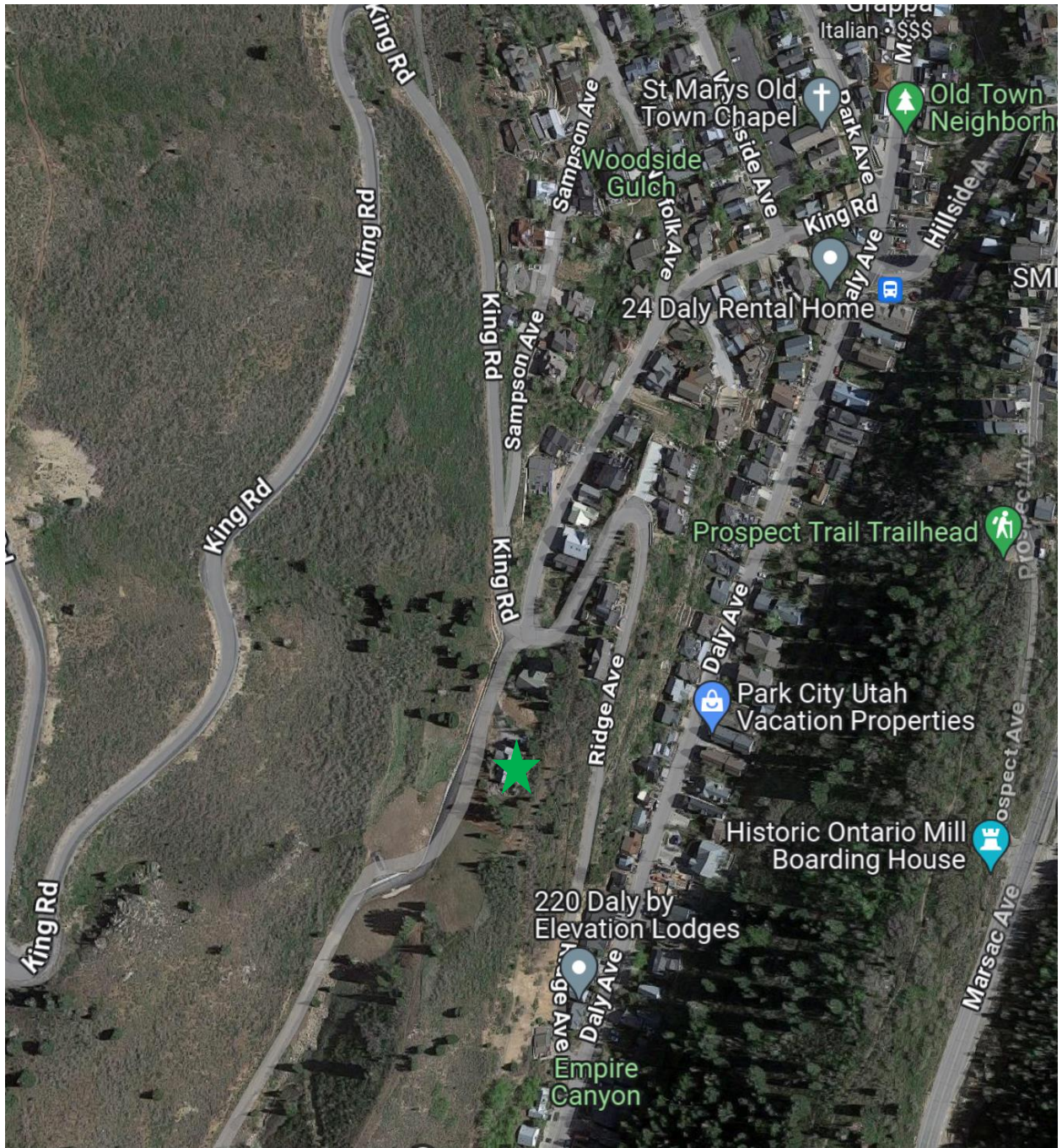


Figure 2: Aerial view of 123 Ridge Avenue and neighborhood

Analysis

LMC [§ 15-15-1](#) defines Nightly Rentals as “[t]he rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.”

For Nightly Rentals in the western sub-neighborhood of the HRL Zoning District, in addition to the CUP criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether the proposed Nightly Rental mitigates the impacts of and addresses the following items:

- (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces;
- (b) all rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season;
- (c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and
- (d) property management contact information shall be displayed in a prominent location inside the Nightly Rental.³

These requirements are reflected in Conditions of Approval (COAs) 2-4.

(I) The proposal for a Nightly Rental complies with LMC Chapter 15-2.1, Historic Residential Low-Density District Requirements.

Nightly Rentals in the HRL District require a CUP, however there are no Lot or Site Requirements for Nightly Rentals in this district.

Parking for Nightly Rentals with less than six (6) bedrooms is based on the parking requirement for the dwelling, which is two (2) parking stalls.⁴ The dwelling has a 2-car garage and room for additional vehicles in the driveway, meeting the parking requirements.

(II) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

³ LMC [§ 15-2.1\(B\)\(1\)](#)

⁴ LMC [§ 15-3-6\(A\)](#)

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
<p>Size and location of the Site – No maximum or minimum Lot or dwelling size for Nightly Rental properties or dwellings</p>	<p>No Required Mitigation - 123 Ridge Avenue is a 3,000 square-foot Single-Family Dwelling with three bedrooms on a 0.2 acre (8,617 square feet) Lot. Nightly rental occupancy is limited by the International Residential Code and requires a Business License. The Building Department will determine the maximum occupancy to ensure that appropriate emergency openings are provided.</p>
<p>Traffic considerations</p>	<p>See COA 2 - 123 Ridge Avenue is accessed by a private driveway. The site has an access easement agreement (No. 1062990) from their abutter at 135 Ridge Avenue to connect to Ridge Avenue. There is not expected to be a significant change in traffic generated for the property as a Nightly Rental compared to a Single-Family Dwelling. 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. Nightly Rentals agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. COA 2 limits the number of cars to no more than two vehicles based on the number of available parking stalls. All wheel drive vehicles are required during the winter season.</p>
<p>Utility capacity</p>	<p>No Required Mitigation – No change to utility capacity or storm water run-off is anticipated.</p>
<p>Emergency vehicle access</p>	<p>No Required Mitigation – No change to access is anticipated.</p>
<p>Off-Street parking</p>	<p>See COA 2 – 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. Nightly Rentals agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. COA 2 limits the number of cars to no more than two vehicles based on the number of available parking stalls and requires all-wheel vehicles during the winter season.</p>
<p>Vehicular and pedestrian circulation</p>	<p>No Required Mitigation – No change to circulation is proposed.</p>

Fencing, screening, and landscaping	No Required Mitigation – No change to fencing, screening, or landscaping are proposed.
Orientation to buildings on adjoining Lots	No Required Mitigation – 123 Ridge Avenue is buffered by vacant Lots from existing neighbors. There are no residents living in any of the Alice Claim subdivision Lots yet.
Open Space	No Required Mitigation – No changes to the site are proposed.
Signs and lighting	See COA 5 and 6 – No signs are proposed. COA 5 prohibits any signs advertising the Nightly Rental. COA 6 requires that any outdoor lighting conform to the Dark Sky Code LMC § 15-5-5(J) prior to issuance of a Business License.
Compatibility of the design of the Structure	No Required Mitigation – No changes to the Single-Family Dwelling are proposed.
Noise and mechanical factors	See COA 7 – The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of Municipal Code of Park City Chapter 6-3 , Noise, illegal conduct, or any other abuse which violates Nightly Rental regulations or COAs is grounds for business license revocation.
Control of delivery and service vehicles	See COA 8 – Trash receptacles shall be stored on site and placed for trash pickup according to the Municipal Code of Park City § 6-1-11 .
Ownership	See COA 1 – 123 Ridge Avenue is owned by the Applicant who must receive and maintain a Business License for the Nightly Rental Use.
Sensitive Land	No Required Mitigation – 123 Ridge Avenue is not located within the Sensitive Land Overlay and no changes to the site are proposed.
Consistency with the General Plan	No Required Mitigation – Old Town Neighborhood Section 6.7 (pg. 217) of the General Plan recognizes a balance of nightly rentals and primary housing stock. The subzone cap of 12 Nightly Rentals implements such balancing of interests, and the application complies with the zone requirements. The Applicant has stated that they spend portions of the winter in a warmer climate but return often for work, which precludes them from renting to long term renters.

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(III) The Development Review Committee requires Conditions of Approval.⁵

The Development Review Committee will review the proposal on November 7, 2023, prior to the public hearing on November 8, 2023. Any issues raised that require additional Conditions of Approval will be discussed at the hearing.

Department Review

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

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on October 25, 2023. Staff mailed courtesy notice to property owners within 300 feet on October 25, 2023. The *Park Record* published notice on October 25, 2023.⁶

Public Input

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

Alternatives

- The Planning Commission may approve the Nightly Rental Conditional Use Permit with Conditions;
- The Planning Commission may deny the CUP and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to November 29, 2023.

Exhibits

- Exhibit A: Draft Action Letter
- Exhibit B: Applicant’s Letter of Intent and Floor Plans

⁵ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁶ LMC [§ 15-1-21](#)



Planning Department

November 8, 2023

Jerry Fiat
123 Ridge Avenue
Park City, UT 84060
435.513.1273
JFiat777@gmail.com

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	123 Ridge Avenue
Zoning District:	Historic Residential – Low Density (HRL)
Application:	Nightly Rental CUP
Project Number:	PL-23-05867
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	November 8, 2023
Project Summary:	CUP for a Nightly Rental

Action Taken

On November 8, 2023, the Planning Commission conducted a public hearing and approved a Conditional Use Permit (CUP) for a Nightly Rental according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Applicant seeks a CUP for a Nightly Rental at 123 Ridge Avenue, located in the HRL Zoning District.
2. 123 Ridge Avenue is a three-bedroom Single-Family Dwelling constructed in 1994 and includes a two-car garage and large driveway area.
3. 123 Ridge Avenue is in the western sub-neighborhood of the HRL.
4. No more than twelve (12) Nightly Rentals are allowed in the western sub-neighborhood. At the time of application there are ten (10) approved Nightly Rentals in this sub-neighborhood.
5. 123 Ridge Avenue is Lot 1 of the Ridge Avenue Plat Amendment Amending Lot 1, Summit County Recorder Entry No. 1157217, recorded on March 5, 2021, and consists of 0.2 acres (8,617 square feet). The Lot was originally part of the Ridge Avenue Subdivision recorded on December 15, 1995, as Entry No. 444460. The Lot is adjacent to the Alice Claim Subdivision also recorded on March 5, 2021, as Entry No. 1157218. There are no easements or Conditions of Approval that impact the Conditional Use Permit for a Nightly Rental.



Planning Department

6. The proposal for a Nightly Rental complies with LMC Section 15-2.1, *Historic Residential Low-Density District* Requirements.
7. The Development Review Committee reviewed the proposal on November 7, 2023, and did not identify any issues.
8. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

CUP Review Criteria	Analysis of Proposal
<p>Size and location of the Site – No maximum or minimum Lot or dwelling size for Nightly Rental properties or dwellings</p>	<p>No Required Mitigation - 123 Ridge Avenue is a 3,000 square-foot Single-Family Dwelling with three bedrooms on a 0.2 acre (8,617 square feet) Lot. Nightly rental occupancy is limited by the International Residential Code and requires a Business License. The Building Department will determine the maximum occupancy to ensure that appropriate emergency openings are provided.</p>
<p>Traffic considerations</p>	<p>See COA 2 - 123 Ridge Avenue is accessed by a private driveway. The site has an access easement agreement (No. 1062990) from their abutter at 135 Ridge Avenue to connect to Ridge Avenue. There is not expected to be a significant change in traffic generated for the property as a Nightly Rental compared to a Single-Family Dwelling. 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. Nightly Rentals agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. COA 2 limits the number of cars to no more than two vehicles based on the number of available parking stalls. All-wheel drive vehicles are required during the winter season.</p>
<p>Utility capacity</p>	<p>No Required Mitigation – No change to utility capacity or storm water run-off is anticipated.</p>
<p>Emergency vehicle access</p>	<p>No Required Mitigation – No change to access is anticipated.</p>



Planning Department

<p>Off-Street parking</p>	<p>See COA 2 – 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. Nightly Rentals agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. COA 2 limits the number of cars to no more than two vehicles based on the number of available parking stalls and requires all-wheel vehicles during the winter season.</p>
<p>Vehicular and pedestrian circulation</p>	<p>No Required Mitigation – No change to circulation is proposed.</p>
<p>Fencing, screening, and landscaping</p>	<p>No Required Mitigation – No change to fencing, screening, or landscaping are proposed.</p>
<p>Orientation to buildings on adjoining Lots</p>	<p>No Required Mitigation – 123 Ridge Avenue is buffered by vacant Lots from existing neighbors. There are no residents living in any of the Alice Claim subdivision Lots yet.</p>
<p>Open Space</p>	<p>No Required Mitigation – No changes to the site are proposed.</p>
<p>Signs and lighting</p>	<p>See COA 5 and 6 – No signs are proposed. COA 5 prohibits any signs advertising the Nightly Rental. COA 6 requires that any outdoor lighting conform to the Dark Sky Code LMC § 15-5-5(J) prior to issuance of a Business License.</p>
<p>Compatibility of the design of the Structure</p>	<p>No Required Mitigation – No changes to the Single-Family Dwelling are proposed.</p>
<p>Noise and mechanical factors</p>	<p>See COA 7 – The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of Municipal</p>



Planning Department

	Code of Park City Chapter 6-3, Noise, illegal conduct, or any other abuse which violates Nightly Rental regulations or COAs is grounds for business license revocation.
Control of delivery and service vehicles	See COA 8 – Trash receptacles shall be stored on site and placed for trash pickup according to the Municipal Code of Park City § 6-1-11.
Ownership	See COA 1 – 123 Ridge Avenue is owned by the Applicant who must receive and maintain a Business License for the Nightly Rental Use.
Sensitive Land	No Required Mitigation – 123 Ridge Avenue is not located within the Sensitive Land Overlay and no changes to the site are proposed.
Consistency with the General Plan	No Required Mitigation – Old Town Neighborhood Section 6.7 (pg. 217) of the General Plan recognizes a balance of nightly rentals and primary housing stock. The subzone cap of 12 Nightly Rentals implements such balancing of interests, and the application complies with the zone requirements. The Applicant has stated that they spend portions of the winter in a warmer climate but return often for work, which precludes them from renting to long term renters.



Planning Department

Conclusions of Law

1. The Application, as conditioned, complies with LMC § 15-1-10(E) *Conditional Use Permit Criteria* and LMC Chapter 15-2.1, *Historic Residential Low Density District*.
2. The proposed Use, as conditioned, is compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The proposed Use is consistent with the Park City General Plan.
4. The effect of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant shall be responsible for obtaining a Business License for the Nightly Rental and the Use must be inspected by the Building Department prior to being offered for rent.
2. Nightly Rental Agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. The Nightly Rental Agreement for 123 Ridge Avenue shall limit the number of vehicles to two vehicles. The Nightly Rental Agreement shall also specify that all-wheel drive vehicles are required during the winter season.
3. The Nightly Rental Agreement for 123 Ridge Avenue shall provide renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service.
4. Property management contact information shall be displayed in a prominent location inside the Nightly Rental.
5. Outdoor signage advertising the property as a nightly rental is prohibited.
6. Exterior lighting shall comply with LMC § 15-5-5(J), *Outdoor Lighting*.
7. The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of Municipal Code of Park City Chapter 6-3, *Noise, illegal conduct, or any other abuse which violates Nightly Rental regulations or COAs* is grounds for business license revocation.
8. Trash receptacles shall be stored on site and placed for trash pickup according to the Municipal Code of Park City § 6-1-11.



Planning Department

If you have questions or concerns regarding this Final Action Letter for a Nightly Rental CUP at 123 Ridge Avenue, please call Alexandra Ananth, at 435-615-5066, or email alexandra.ananth@parkcity.org.

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Project File

Exhibit A: Applicant's Letter of Intent and Floor Plans

Jerry Fiat
123 Ridge Ave.
Po Box 4581
Park City Utah 84060
435 513 1273

Jfiat727@gmail.com

To Whom This May Concern

I am applying for a Conditional Use Permit for Nightly rentals at my home located at 123 Ridge Ave, Park City Utah.

123 Ridge is located in HRL zoning. It sites at the edge of old town, near the intersection of King rd, Ridge Ave, and Sampson.

The house is about 3000 sq. ft. has three bedrooms, three bathrooms, a two-car garage. There is a large private driveway that can park 5 or more cars.

While the home is in the historic district it is surrounded by vacant land and or lots, there are no adjoining homes. My closest neighbor does not live in their home, it is mostly vacant with some guests infrequently. I believe there are only 2 other homes within 300 feet of 123 Ridge (one is a rental, and one is a second home).

I have lived in Park City for the last 23 years and at 123 Ridge for the last 15 years.

Due to an injury, I do not do well in the cold and can no longer participate in winter activities (like skiing). Therefore, I am spending most of the winter months in a warmer climate.

I can work remotely for the most part in the winter, however I need to be in Park City every other week for a few days to work.

With the need to come back to Park City every other week for a few days it precludes me from renting 123 Ridge as a long-term rental over the winter months.

Most homes in old town are in very close proximity to other homes, with lack of adequate parking, snow storage, difficult access to the driveway etc. nightly rentals in most cases in Oldtown have significant impact on neighbors, noise, traffic, parking, etc.

123 Ridge is very insulated, with excellent parking, room to turn around in the driveway, off a dead-end private road with currently no other homes on the road.

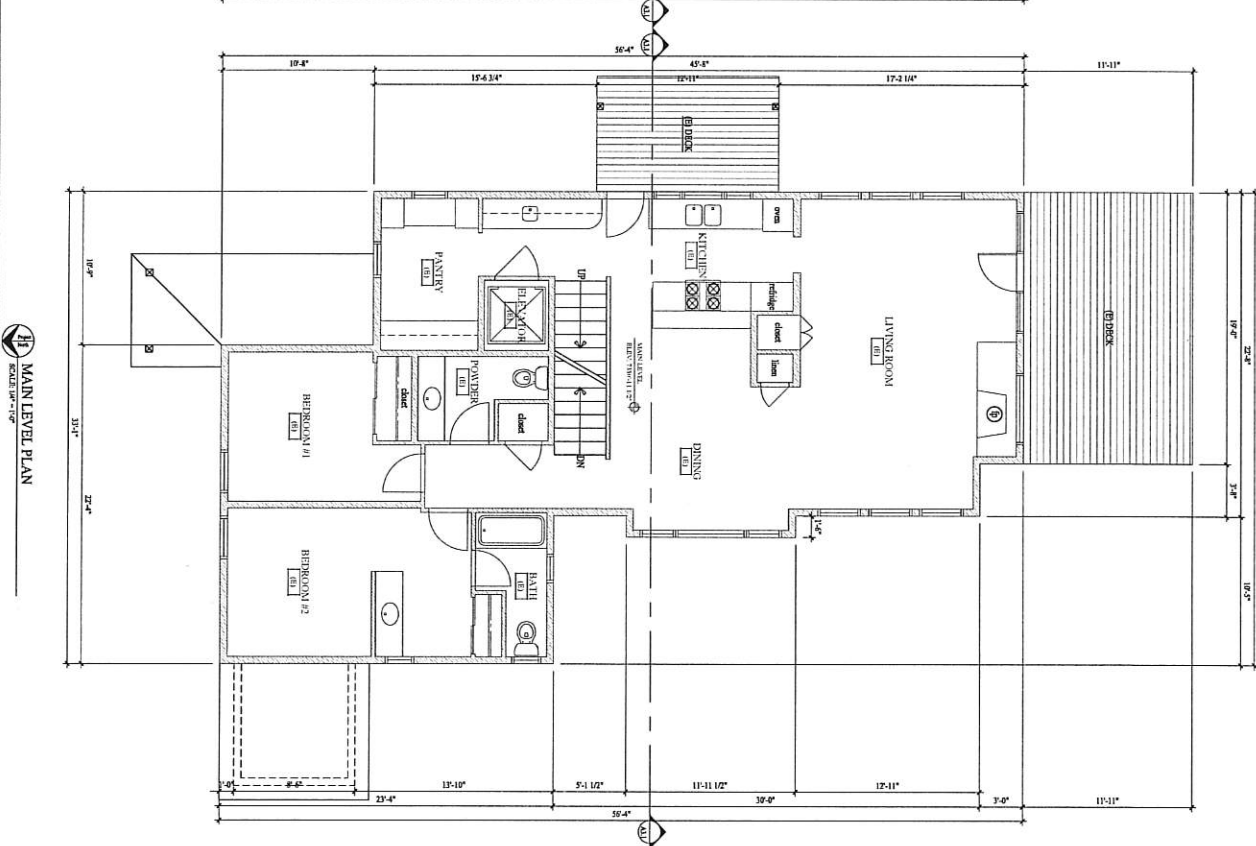
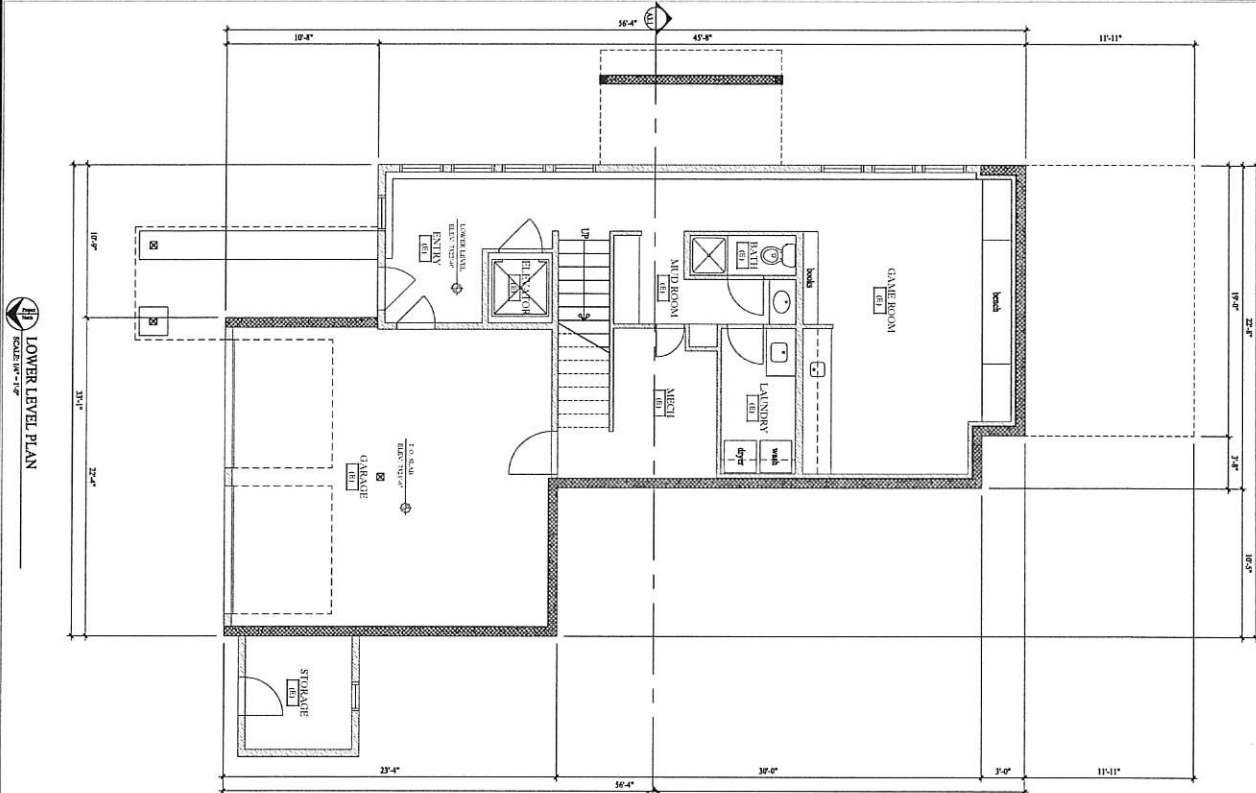
I do not believe nightly rentals at 123 Ridge will adversely impact my neighbors or the neighborhood.

Thank you in advance for your help and consideration.

Sincerely,



Jerry Fiat



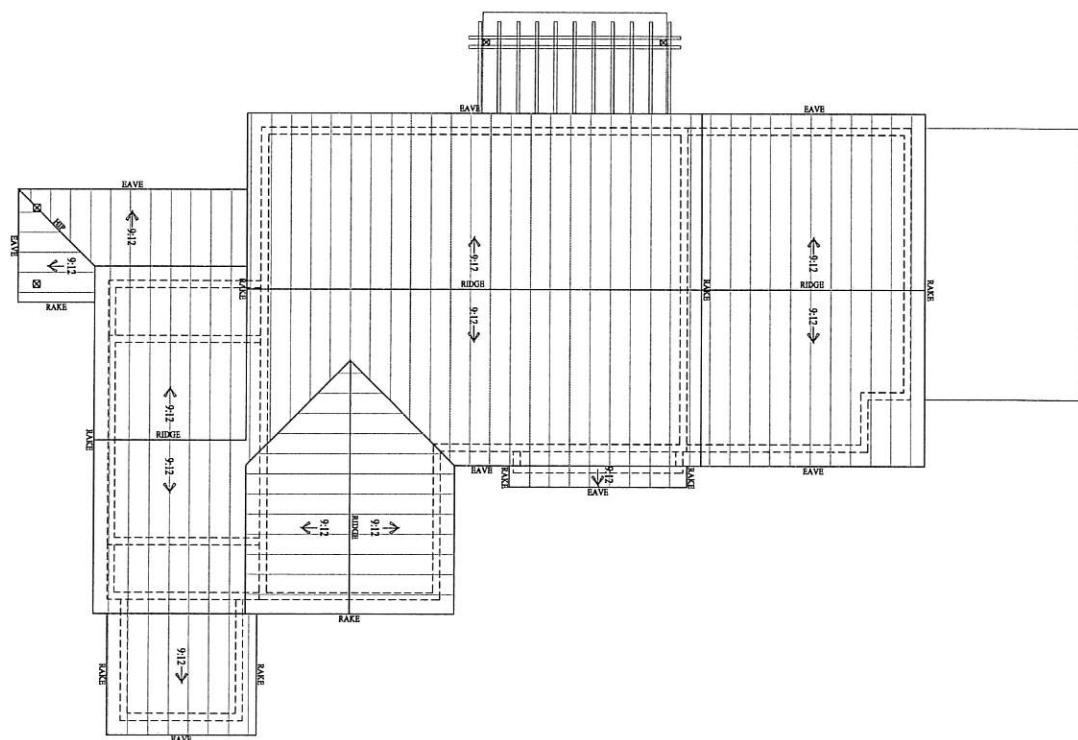
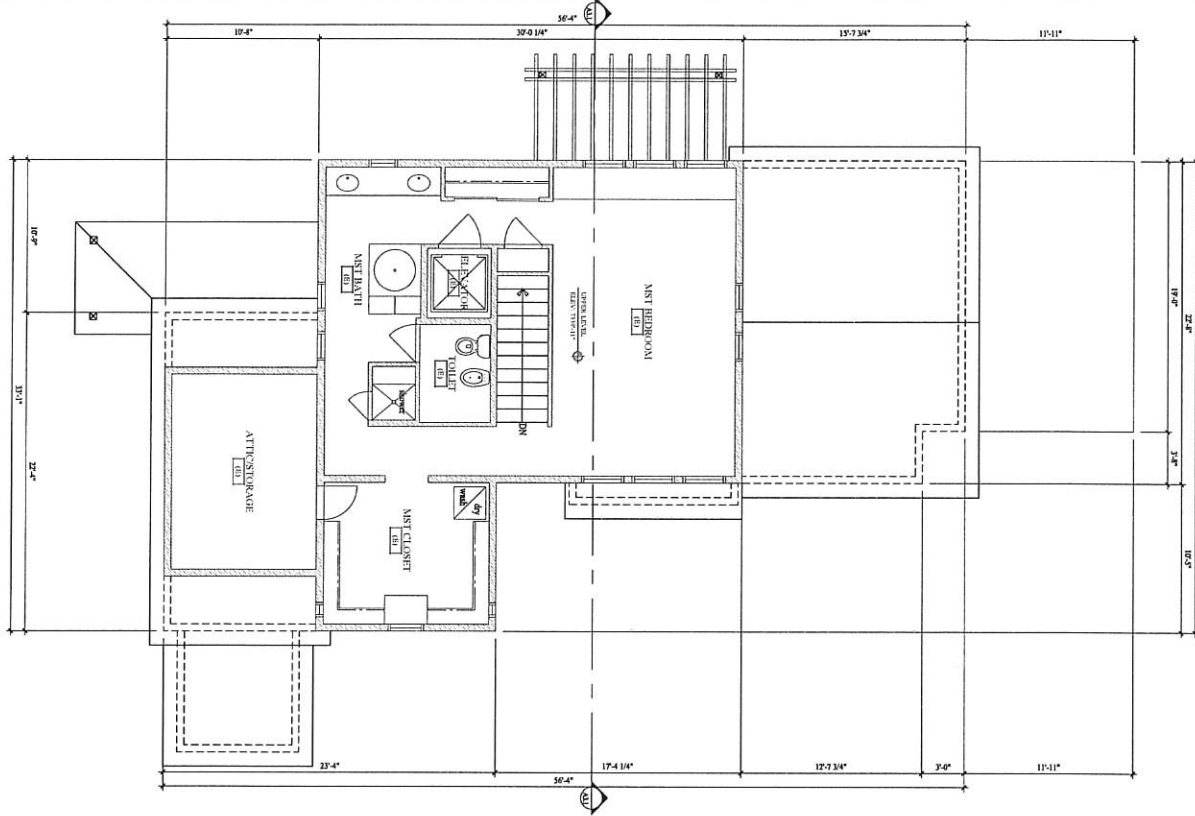
WALL LEGEND

- EXISTING 3/4" PLYWOOD WALL
- EXISTING 1/2" GYPSUM BOARD WALL
- EXISTING CMU WALL
- NEW CMU WALL
- NEW 3/4" PLYWOOD WALL
- NEW 1/2" GYPSUM BOARD WALL
- NEW RELAY WIRING
- NEW RELAY NEW

KEY NOTES

ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE USED FOR GENERAL INFORMATION ONLY. VERIFY DIMENSIONS ON SITE AND CONSTRUCTION DOCUMENTS.

<p>A1.1</p>	<p>LOWER LEVEL PLAN MAIN LEVEL PLAN</p>	<p>XX RESIDENCE REMODEL 123 KING ROAD PARK CITY, UTAH 84060</p>	<p>Jonathan DeGray Architect</p> <p><small>P.O. Box 1674, 814 Main Street, Suite 302, Park City, Utah 84060 Tel: 435-849-7263, E-mail: degrayarch@questoffice.net</small></p>
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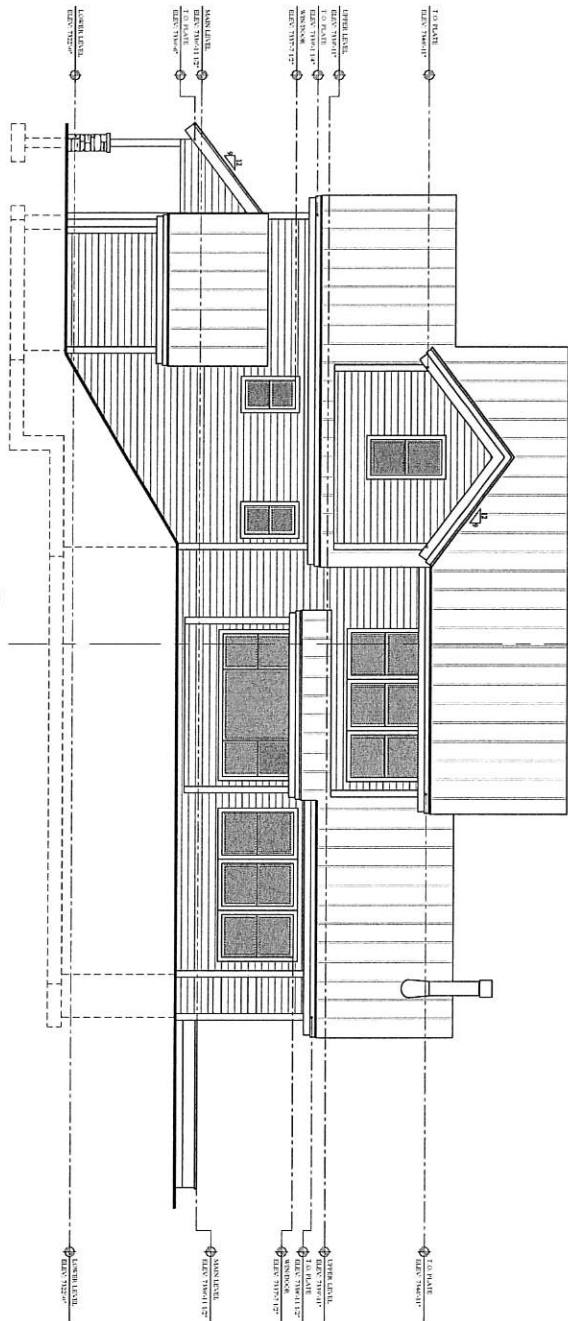
WALL LEGEND

- EXISTING 1/2" THICK WALL
- EXISTING 4" THICK CONCRETE WALL
- EXISTING WALL TO BE DEMOLISHED
- NEW CONCRETE WALL
- NEW 1/2" THICK WALL
- INDICATE EXISTING
- INDICATE NEW

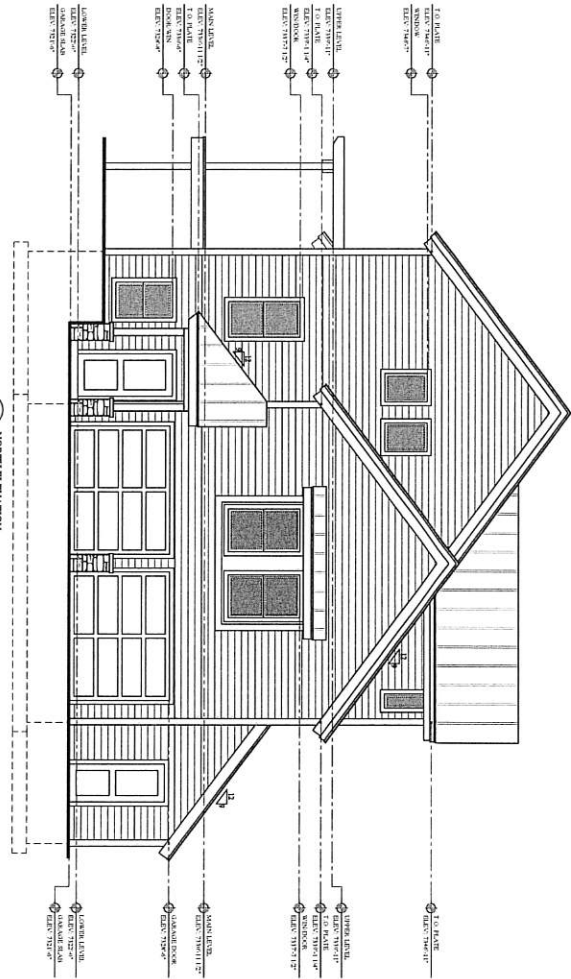
KEY NOTES

ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION

<p>DATE: MARCH 17, 2017</p> <p>PROJECT NUMBER: 1703-01</p> <p>REVISIONS:</p>	<p>UPPER LEVEL PLAN</p> <p>ROOF PLAN</p>	<p>PROJECT DESCRIPTION</p> <p>XX RESIDENCE REMODEL 123 KING ROAD PARK CITY, UTAH 84060</p>	<p>Jonathan DeGray Architect</p> <p>P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060 Tel: 435-645-7263, E-mail: jdegrayarch@jdwestoffice.net</p>	<p>A1.2</p>
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1 WEST ELEVATION
 A1 SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION
 A1 SCALE: 1/8" = 1'-0"

KEY NOTES

NORTH ELEVATION
 WEST ELEVATION

XX RESIDENCE
 REMODEL
 123 KING ROAD
 PARK CITY, UTAH 84060

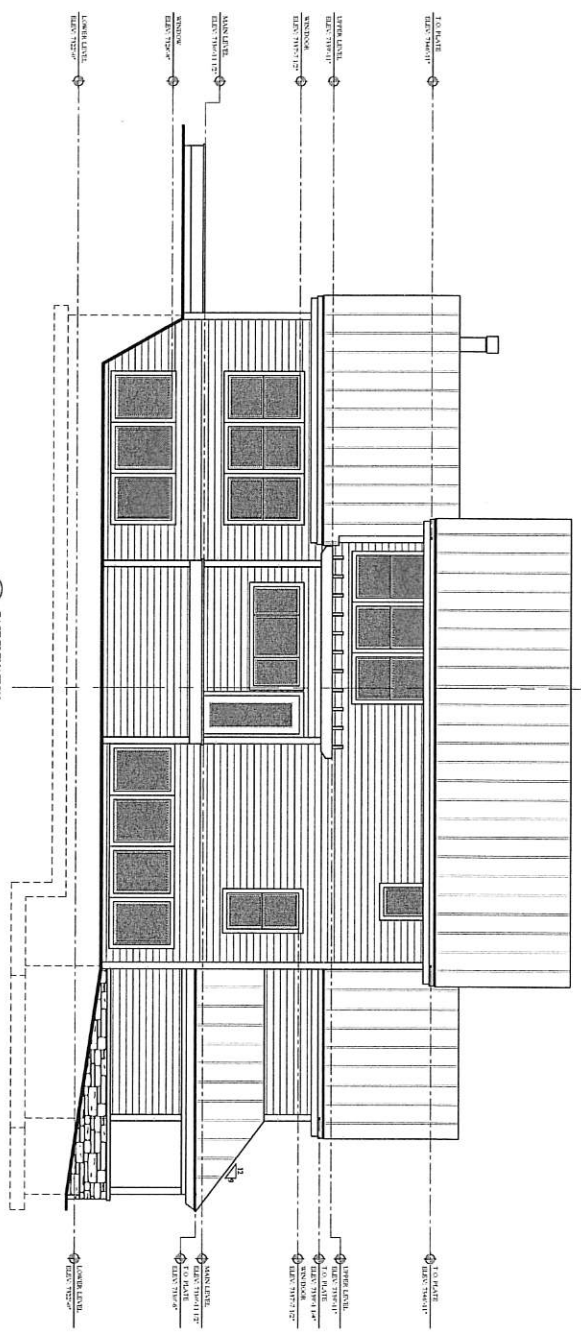
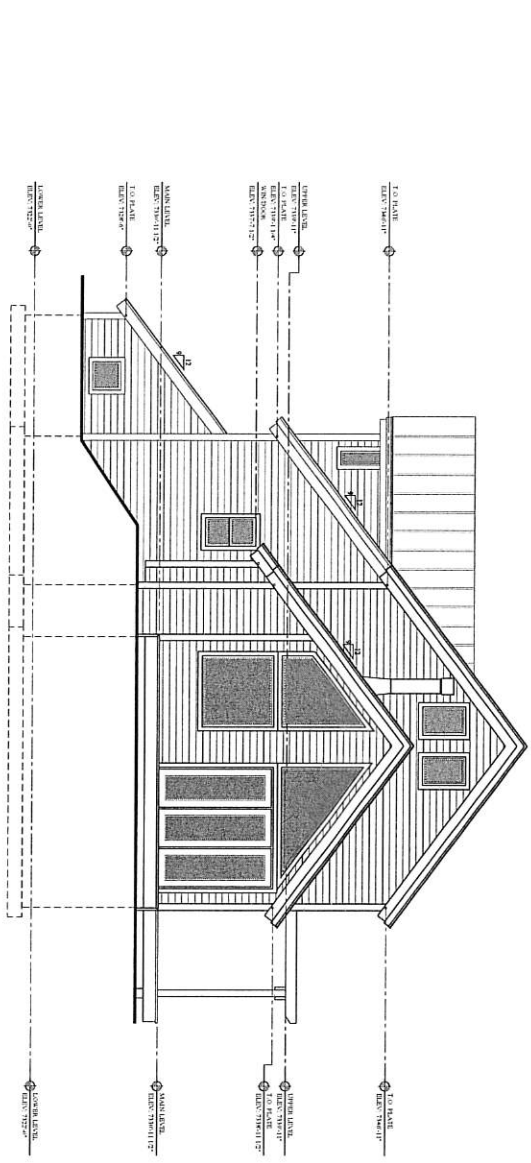
Jonathan DeGray
 Architect

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
 Tel: 435-649-7263, E-mail: degrayarch@westco.com

A2.1

DATE: MARCH 17, 2017
 PROJECT NUMBER: 170141

PROJECT DESCRIPTION



KEY NOTES

A2.2

DATE: MARCH 11, 2017
 PROJECT NUMBER: 1703-01

SHEET DESCRIPTION: EAST ELEVATION SOUTH ELEVATION

PROJECT DESCRIPTION: XX RESIDENCE REMODEL 123 KING ROAD PARK CITY, UTAH 84060

Jonathan DeGray Architect
 P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
 Tel: 435-648-7263, E-mail: dggrayarch@twosixoffice.net

Planning Commission Staff Report



Subject: Residential Lot Size Maximum
Application: PL-23-05821
Author: Spencer Cawley, Planner II
Date: November 8, 2023
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Discuss proposed Land Management Code amendments that establish a maximum lot size for residential development in Old Town’s Transitional Zoning Districts; (II) hold a public hearing; and (III) consider continuing the discussion to January 10, 2024.

Description

Applicant: Planning Department

Zoning Districts: Residential – 1
Residential – Medium Density
Recreation Commercial

Land Management Code Sections Amended: Residential – 1
§ 15-2.12-3 Lot and Site Requirements

Recreation – Medium Density
§ 15-2.15-3 Lot and Site Requirements

Recreation Commercial
§ 15-2.16-5 Special Requirements for Single Family and Duplex Dwellings

Reason for Review: The Planning Commission reviews and forwards a recommendation to the City Council for Land Management Code amendments; the City Council takes Final Action¹

LMC Land Management Code
R – 1 Residential – 1
RC Recreation Commercial
RMD Residential – Medium Density

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

Background

On April 26, 2023, the Planning Commission requested prioritization of Land

¹ LMC [§ 15-1-7](#)

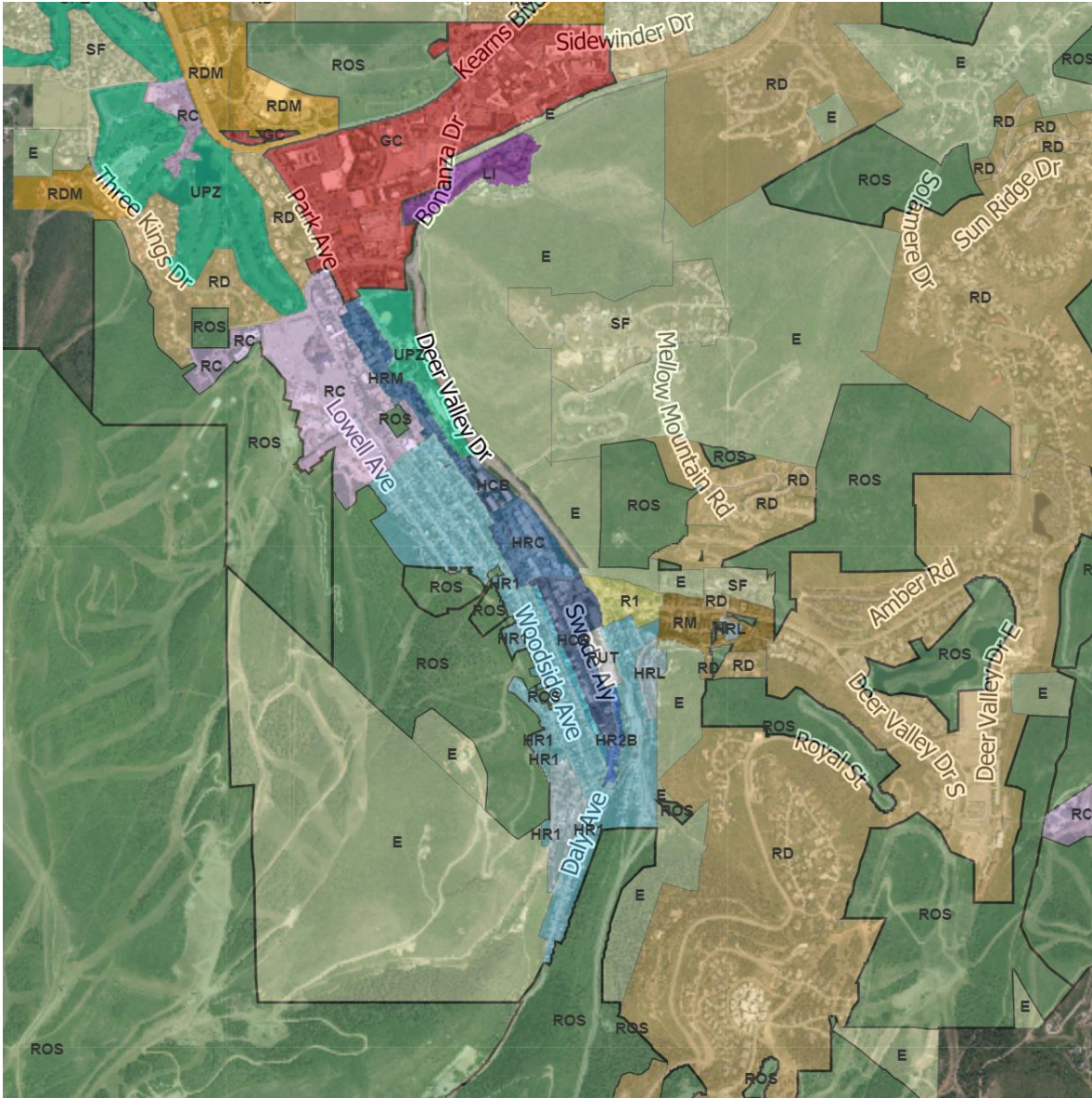
Management Code amendments regarding lot combinations for residential uses in Historic Districts ([Minutes](#), p. 2). On May 10, 2023, in response to this request, Planning Staff issued public notice of a Pending Ordinance establishing maximum lot sizes for residential uses in the Historic Residential Districts.

On May 24, 2023, the Planning Commission conducted a public hearing and asked staff to evaluate whether the Lot Combination regulations for Single-Family Dwellings should expand to the Recreation Commercial and other Zoning Districts that are transition zones from Old Town to adjacent neighborhoods ([Staff Report](#); [Meeting Minutes](#), p. 24).

On August 23, 2023, the Planning Commission directed staff to issue a pending ordinance establishing a maximum lot size for residential uses in the Old Town neighborhood's transition zones, including the Residential – 1 (R – 1), Recreation Commercial (RC), and Residential – Medium Density (RM) Zoning Districts ([Staff Report](#); [Meeting Minutes](#)). On August 29, 2023, staff issued notice of a [pending ordinance](#) and sent public notice to property owners within the R – 1, RC, and RM Zoning Districts.

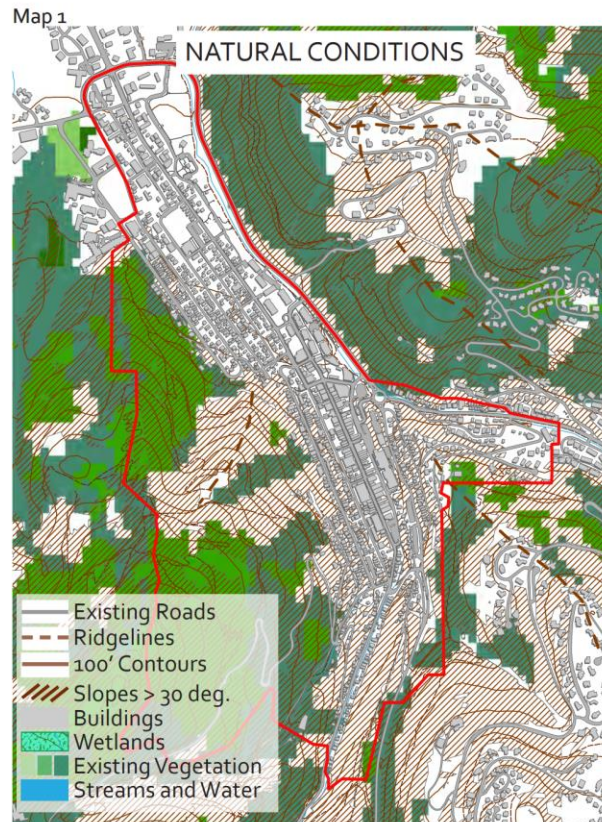
On October 26, 2023, the City Council adopted [Ordinance No. 2023-50](#) as recommended by the Planning Commission, establishing a maximum lot size in the Historic Residential Zoning Districts for compatible infill. The scope of the current pending ordinance for Planning Commission discussion is limited to those Zoning Districts that serve as a transition from Old Town to adjacent neighborhoods – the R – 1, RC, and RM Zoning Districts.

The City's Historic Residential Zoning Districts include HRL, HR – 1, HR – 2, and HRM, shown in the [Zoning Map](#) in shades of blue below:



However, the Old Town neighborhood outlined in the General Plan also encompasses portions of the R – 1, RC, and RM Zoning Districts outlined in red below:

OLD TOWN



The purpose of the Residential – 1 Zoning District includes continuation of land uses and architectural scale and styles of the original Park City residential area and transition in use and scale between the Historic Districts and Deer Valley Resort.² LMC [§ 15-2.12-3\(A\)](#) establishes a minimum lot size of 2,812 square feet (one and one-half Old Town lots) for a Single-Family Dwelling and 3,750 square feet for a Duplex in the Residential – 1 Zoning District.

The purpose of the Recreation Commercial Zoning District includes promotion of buildings with designs that reflect traditional Park City architectural patterns, character, and site designs and mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City.³ LMC [§ 15-2.16-5\(A\)](#) establishes a minimum lot size of 1,875 square feet for Single-Family Dwellings and 3,750 square feet for Duplexes in the Recreation Commercial Zoning District.

² LMC [§ 15-2.12-2\(A\) and \(E\)](#)

³ LMC [§ 15-2.16-1\(H\) and \(I\)](#)

The purpose of the Residential Medium Zoning District includes encouraging new development compatible with historic structures in the surrounding area that provides a transition in use and scale between the Historic District and resort developments.⁴ LMC [§ 15-2.15-3\(A\)](#) establishes a minimum lot size of 2,812 square feet (one and one-half Old Town lots) for a Single-Family Dwelling and 3,750 square feet for a Duplex in the Residential Medium Zoning District.

I. General Plan Recommendations

The Planning Commission considered Goal 15⁵ and Objective 15B⁶ of the [Park City General Plan](#) when establishing a maximum lot size in the City’s Historic Residential Zoning Districts. The General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929).”

Community Planning Strategy 15.12 *Historic Character Goals* encourages the City to examine lot sizes in Old Town to determine if a maximum lot size would provide more compatible mass and scale for new structures as well as additions to existing structures.

Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents. When considering infill housing in the R – 1, RC, and RM Zoning Districts, Objective 7A of the General Plan recommends to “[i]ncrease diversity of housing stock to fill voids within housing inventory (including price, type, and size) to create a variety of context sensitive housing opportunities.” Community Planning Strategy 7.1.1 recommends decreasing minimum and maximum lot size requirements that might allow for affordable/attainable infill housing.

II. Old Town Transition Zone Lot Sizes

The tables below illustrate average parcel sizes in these transition Zoning Districts:

Zoning District	Parcel Square Footage	Parcel Acreage
Residential – 1	4,741	0.11
Recreation Commercial	9,083	0.21
Residential Medium	3,096	0.07
Overall Average	5,640	0.13

⁴ LMC [§ 15-2.15-1\(B\) and \(D\)](#)

⁵ Goal 15 is to “[p]reserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.”

⁶ Objective 15B of the General Plan is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions.

Within these three zones, there are ten vacant lots or parcels (excluding the North Norfolk parcels currently undergoing Plat Amendment review). Of the ten vacant parcels, six meet the minimum lot size requirements. Of these six the average area is 6,414 square feet or 0.15 acres. The six parcels are identified in the following images:

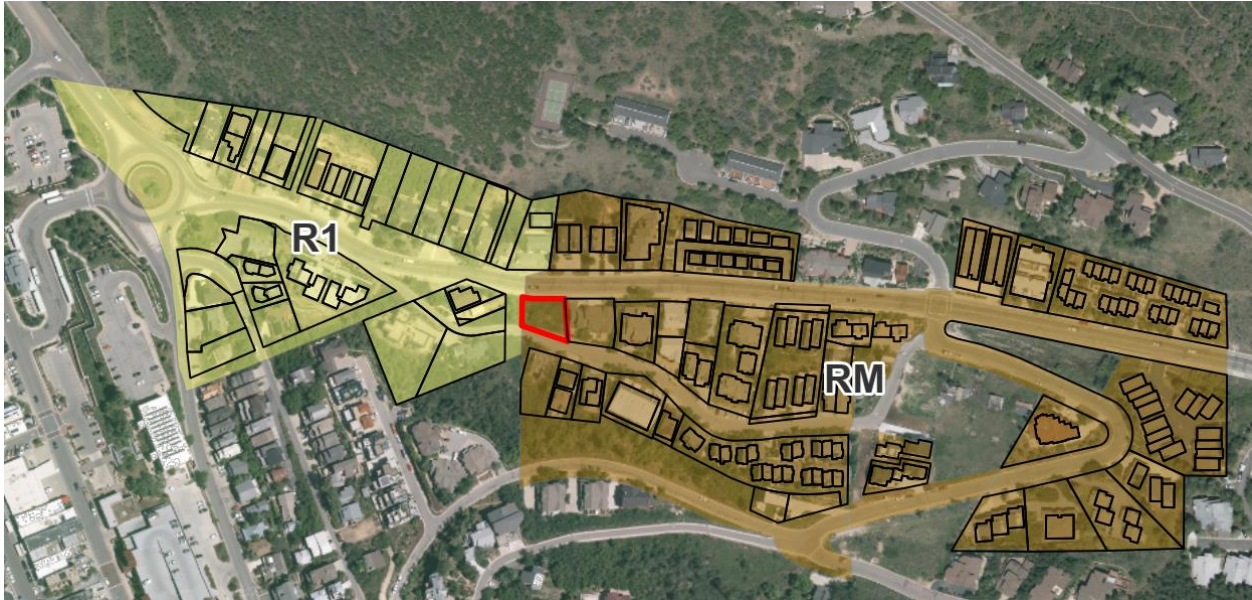


Figure 1: R – 1(yellow), RM (brown) - One vacant, buildable parcel.



Figure 2: RC - Five vacant, buildable parcels.

III. Historic Residential Sites

The average parcel size for Single-Family Dwellings in Historic Residential Zoning Districts (HRL, HR – 1, HR – 2, and HRM) is 4,370 square feet or 0.1 acres. There are eight Historic Sites identified on the City’s Historic Sites Inventory within the transition zones. The following table identifies the number of Historic Residential Sites in these transition zones:

Zoning District	Significant Site	Landmark Site
R – 1	1	0
RC	3	1
RM	3	0

IV. Maximum Lot Size Pending Ordinance

At the direction of the Planning Commission, the Pending Ordinance establishes a maximum lot size for single-family, duplex, triplex, and four-plex uses in these Old Town transition zones:

- **Residential – 1**
 - Maximum lot size of 3,750 square feet, or two Old Town lots, for Single-Family Dwellings
 - Maximum lot size of 7,500 square feet, or four Old Town lots, for Duplex Dwellings
 - Maximum lot size of 11,250 square feet, or six Old Town lots, for Triplex Dwellings
 - Exempt Historic Sites that exceed the maximum lot size
- **Residential – Medium Density**
 - Maximum lot size of 3,750 square feet, or two Old Town lots, for Single-Family Dwellings
 - Maximum lot size of 7,500 square feet, or four Old Town lots, for Duplex Dwellings
 - Maximum lot size of 11,250 square feet, or six Old Town lots, for Triplex Dwellings
 - Exempt Historic Sites that exceed the maximum lot size
- **Recreation Commercial**
 - Maximum lot size of 3,750 square feet, or two Old Town lots, for Single-Family Dwellings
 - Maximum lot size of 7,500 square feet, or four Old Town lots, for Duplex Dwellings
 - Exempt Historic Sites that exceed the maximum lot size

Planning Staff requests Planning Commission input on the following:

- Due to the low potential for new residential development in the transition zones,

does the Planning Commission consider a maximum lot size appropriate for the R – 1, RC, or RM Zoning Districts?

- Are there additional justifications for establishing a maximum lot size in these areas?
- What additional information does the Planning Commission need to evaluate a maximum lot size in the Transition Zones?

Department Review

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

Public Input

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

Exhibits

Exhibit A: Pending Ordinance

Ordinance No. 2023-XX

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE RESIDENTIAL
MAXIMUM LOT SIZE FOR THE RESIDENTIAL-1, RESIDENTIAL MEDIUM, AND
RECREATION COMMERCIAL ZONING DISTRICTS**

WHEREAS, Park City has over 400 registered historic sites, two National Historic Districts, and six Historic Zoning Districts;

WHEREAS, Goal 15 in the Park City General Plan is to “[p]reserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations;”

WHEREAS, the General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929);”

WHEREAS, Historically, lots in Park City’s Old Town were platted 25 feet in width and 75 feet in depth;

WHEREAS, to mitigate infill development on larger lots, the LMC establishes Maximum Building Footprint regulations in the Historic Residential – 1, Historic Residential – 2, and Historic Residential Low – Density Zoning Districts that proportionally reduce the building footprint as lot size increases;

WHEREAS, the Land Management Code establishes minimum lot sizes but does not establish maximum lot sizes for residential Historic Districts;

WHEREAS, the Land Management Code establishes the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts to transition use and scale between the Historic Districts and resort and town development;

WHEREAS, the Planning Commission requested Lot Combination land use regulations be prioritized for evaluation and updates;

WHEREAS, on August 25, 2023, the Planning Commission directed staff to issue a pending ordinance for maximum lot sizes for Single-Family, Duplex, and Triplex Uses in the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts,

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, and to protect or promote moderate income housing;

WHEREAS, on November 8, 2023, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, on November 8, 2023, the Planning Commission forwarded a _____ recommendation for City Council's consideration;

WHEREAS, on January 25, 2024, the City Council conducted a duly noticed public hearing;

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT

CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code

Sections 15-2.12-3 Residential – 1 Lot and Site Requirements, 15-2.15-3 Residential Medium Lot and Site Requirements, and 15-2.16-5 Recreation Commercial Special Requirements for Single Family and Duplex Dwellings, as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS ___th day of _____ 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

DRAFT

1 **Attachment 1**

2 **15-2.12-3 Lot And Site Requirements**

3 Except as may otherwise be provided in this Code, no Building Permit shall be issued
4 for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street
5 on the Streets Master Plan, or on a private easement connecting the Lot to a Street
6 shown on the Streets Master Plan. All Development must comply with the following:

7 A. **LOT SIZE**. The minimum Lot Area for a Single-Family Dwelling is 2,812 square
8 feet and the maximum Lot Area is 3,570 square feet. The minimum Lot Area for a
9 Duplex Dwelling is 3,750 square feet and the maximum Lot Area is 7,500 square
10 feet.]; and] The minimum Lot Area for a Triplex Dwelling is 5,625 square feet and
11 the maximum Lot Area is 11,250 square feet. The minimum width of a Lot must
12 be thirty-seven and one-half feet (37.5') measured fifteen feet (15') back from
13 Front Lot Line. In the case of unusual Lot configurations, Lot Width
14 measurements shall be determined by the Planning Director.

15 B. **FRONT SETBACK**.

- 16 1. The minimum Front Setback is fifteen feet (15').
- 17 2. New Front Facing Garages for Single Family and Duplex Dwellings must
18 be at least twenty feet (20') from the Front Property Line.
- 19 3. Parking Spaces are allowed within the required Front Yard, but not within
20 five feet (5') of Side Lot Lines.

21 C. **FRONT SETBACK EXCEPTIONS**. The Front Setback must be open and free of
22 any Structure except:

- 23 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
24 as permitted in Section 15-4-2. On Corner Lots, Fences more than three
25 feet (3') in height are prohibited within twenty-five feet (25') of the
26 intersection at back of curb.
- 27 2. Uncovered steps leading to the Main Building provided the steps are not
28 more than four feet (4') in height from Final Grade, not including any
29 required handrails, and do not cause any danger or hazard to traffic by
30 obstructing the view of a Street or intersection.
- 31 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
32 projecting not more than five feet (5') into the Front Setback.
- 33 4. Roof overhangs, eaves, and cornices projecting not more than two feet
34 (2') into the Front Setback.
- 35 5. Sidewalks, patios, and pathways.
- 36 6. Driveways leading to a garage or Parking Area. No portion of a Front
37 Yard, except for approved driveways, allowed Parking Areas, patios, and
38 sidewalks may be Hard-Surfaced or graveled.
- 39 7. Circular driveways meeting all requirements stated in Section 15-3-4
40 herein.

41 D. **REAR SETBACK**. The minimum Rear Setback is ten feet (10').

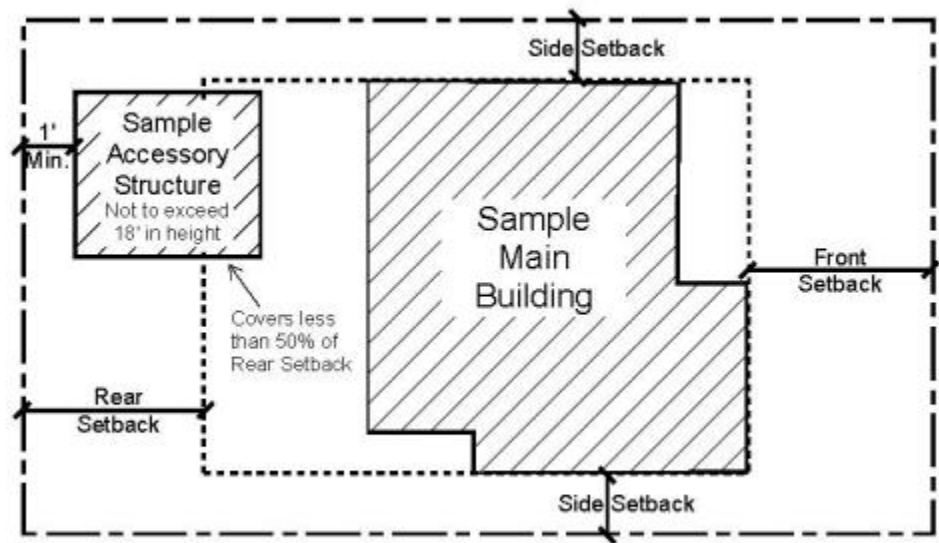
42 E. **REAR SETBACK EXCEPTIONS**. The Rear Setback must be open and free of
43 any Structure except:

- 44 1. Bay Windows not more than ten feet (10') wide projecting not more than
45 two feet (2') into the Rear Setback.

- 46 2. Chimneys not more than five feet (5') wide projecting not more than two
47 feet (2') into the Setback.
- 48 3. Window wells and light wells projecting not more than four feet (4') into the
49 Rear Setback.
- 50 4. Roof overhangs and eaves projecting not more than two feet (2') into the
51 Rear Setback.
- 52 5. Window sills, belt courses, cornices, trim, and other ornamental features
53 projecting not more than six inches (6") beyond the window or Structure to
54 which it is attached.
- 55 6. Detached Accessory Buildings, not more than eighteen feet (18') in height,
56 located a minimum of five feet (5') behind the front façade of the Main
57 Building and maintaining a minimum Rear Setback of five feet (5'). Such
58 Structure must not cover over fifty percent (50%) of the Rear Setback. See



the following illustration:



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7. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

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63

8. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹

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9. Patios, decks, pathways, steps and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

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72

73 F. **SIDE SETBACK.**

74 1. The minimum Side Setback is five feet (5').

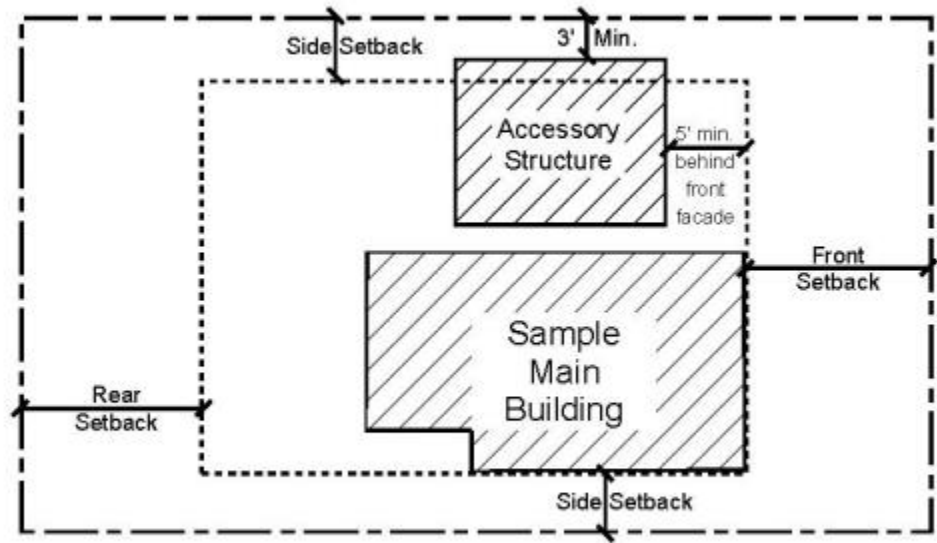
75 2. A Side Setback between connected Structures is not required where
76 Structures are designed with a common wall on a Property Line, each
77 Structure is located on an individual Lot, the Lots are burdened with a
78 party wall agreement in a form approved by the City Attorney and Chief
79 Building Official, all applicable Building and Fire Code requirements are
80 met, and the Use is an Allowed or Conditional Use in the Zoning District.

81 a. Exterior Side Setbacks shall be based on the required minimum
82 Side Setback for each Lot; however the Planning Commission may
83 consider increasing exterior Side Setbacks during Conditional Use
84 Permit review to mitigate potential impacts on adjacent Property.
85 Side Setback exceptions continue to apply.

86 3. The minimum Side Setback for a Detached Accessory Building not greater
87 than eighteen feet (18') in height, located at least five feet (5') behind the
88 front facade of the Main Building is one foot (1'), except when an opening
89 is proposed on an exterior wall adjacent to the Property Line, at which
90 time the minimum Side Setback must be three feet (3'). See the following

91

illustration:



92

93

4. On a Corner Lot, the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard, and a ten foot (10') Setback is required for both the Main and Accessory Buildings.

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G. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any

97

Structure except:

98

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Setback.

99

100

2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Setback.

101

102

3. Window wells and light wells projecting not more than four feet (4') into the

103

Side Setback.

- 104 4. Roof overhangs and eaves projecting not more than two feet (2') into the
105 Side Setback.
- 106 5. Window sills, belt courses, cornices, trim, and other ornamental features
107 projecting not more than six inches (6") beyond the window or main
108 Structure to which it is attached.
- 109 6. Patios, decks, pathways, steps, and similar Structures not more than thirty
110 inches (30") in height above Final Grade located at least a one foot (1')
111 from the Side Lot Line.
- 112 7. Fences, walls, and retaining walls not more than six feet (6') in height, or
113 as permitted in Section 15-4-2. A retaining wall may have multiple steps,
114 however, each exposed face cannot exceed six feet (6') in height and the
115 horizontal distance between the walls, front face to rear face, must be at
116 least three feet (3') and planted with approved vegetation. The Planning
117 Director may approve minor deviations to the height and stepping
118 requirements based on Site specific review.²
- 119 8. Driveways leading to an approved garage or Parking Area, maintaining a
120 three foot (3') landscaped Setback to the Side Lot Line. A paved turn out
121 Area, to aid in backing a vehicle out of a garage or Parking Area, is
122 allowed, but may not be used for parking and must maintain a one foot (1')
123 landscaped Setback to the Side Lot Line.
- 124 9. Paths and steps connecting to a City stairway or path.
- 125 10. Screened mechanical equipment, hot tubs, and similar Structures located
126 a minimum of five feet (5') from the Side Lot Line.

127 H. **SNOW RELEASE**. Site plans and Building design must resolve snow release
128 issues to the satisfaction of the Chief Building Official.

129 I. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
130 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
131 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
132 enough to permit automobile drivers an unobstructed view. This provision must
133 not require changes in the Natural Grade on the Site.

134 ¹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

135 ²Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

136 HISTORY

137 *Adopted by Ord. [00-51](#) on 9/21/2000*

138 *Amended by Ord. [06-76](#) on 11/9/2006*

139 *Amended by Ord. [2016-44](#) on 9/15/2016*

140 *Amended by Ord. [2018-43](#) on 7/19/2018*

141 **15-2.15-3 Lot And Site Requirements**

142 Except as may otherwise be provided in this Code, no Building Permit shall be issued
143 for a Lot unless such Lot has the Area, width, and depth required, and Frontage on a
144 Street shown as a private or Public Street on the Streets Master Plan or on a private
145 easement connecting the Lot to a Street shown on the Streets Master Plan.

146 All Development must comply with the following:

147 A. **LOT SIZE**. Minimum Lot Area for Residential Uses is as follows:

Single Family Dwelling	2,812 sq. ft.
------------------------	---------------

Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

148

149 Maximum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	3,750 sq. ft.
Duplex Dwelling	7,500 sq. ft.
Triplex Dwelling	11,250 sq. ft.
Four-plex Dwelling	15,000 sq. ft.

150

151 B. Minimum Lot Area for all other Uses shall be determined by the Planning
 152 Commission during the Conditional Use review.

153

154 Developments consisting of more than four (4) Dwelling Units require a Lot Area
 155 at least equal to 5,625 square feet plus an additional 1,000 square feet per each
 156 additional Dwelling Unit over four (4) units. All Setback, height, parking, Open
 157 Space, and architectural requirements must be met. See Section 15-1-10,
 158 Conditional Use permit review.

159 C. **LOT WIDTH**. The minimum width of a Lot is 37.50 feet, measured fifteen feet
 160 (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot

161 Width measurements shall be determined by the Planning Director. The Planning
162 Commission may reduce the minimum Lot Width during review of a Master
163 Planned Development.

164 D. **FRONT SETBACK.**

- 165 1. The minimum Front Setback for all Single Family, Duplex Dwellings, and
166 Accessory Buildings is fifteen feet (15'). See 15-2.13-3(C)(3) for exception
167 for Lots with a depth of seventy-five feet (75') or less.
- 168 2. New Front Facing Garages for Single-Family and Duplex Dwellings must
169 be at least twenty feet (20') from the Front Lot Line.
- 170 3. The minimum Front Setback for Lots seventy-five feet (75') deep or less is
171 ten feet (10').
- 172 4. See Section 15-2.15-4 for special requirements for Tri-Plex and Multi-Unit
173 Dwellings.

174 E. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of
175 any Structure except:

- 176 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
177 as permitted in Section 15-4-2. On Corner Lots, Fences more than three
178 feet (3') in height are prohibited within twenty-five feet (25') of the
179 intersection at back of curb.
- 180 2. Uncovered steps leading to the Main Building, provided, the steps are not
181 more than four feet (4') in height from Final Grade, not including any
182 required handrails, and do not cause any danger or hazard to traffic by
183 obstructing the view of a Street or intersection.

- 184 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
185 projecting not more than five feet (5') into the Front Setback.
- 186 4. Roof overhangs, eaves, and cornices projecting not more than three feet
187 (3') into the Front Setback.
- 188 5. Sidewalks, patios, and pathways.
- 189 6. Driveways leading to a garage or approved Parking Area. No portion of a
190 Front Yard, except for approved driveways, patios, allowed Parking Areas,
191 and sidewalks, may be Hard-Surfaced or graveled.
- 192 7. Circular driveways meeting all requirements stated in Section 15-3-4
193 herein.

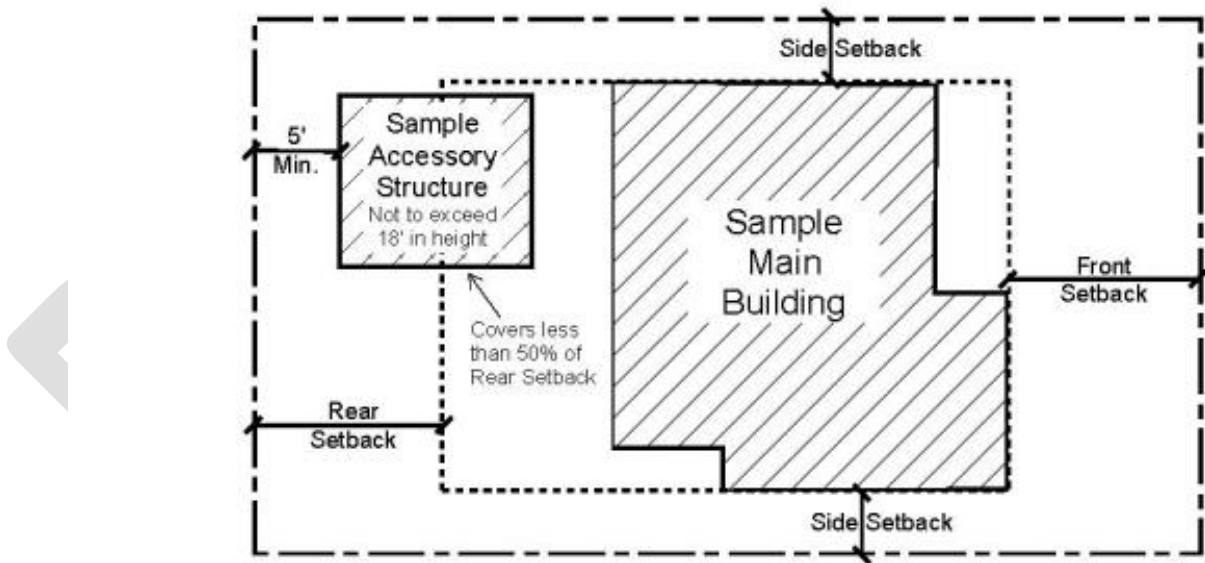
194 F. **REAR SETBACK.**

- 195 1. The minimum Rear Setback for Single Family and Duplex Dwellings is ten
196 feet (10').
- 197 2. See Section 15-2.15-4 special requirements for Multi-Unit Dwellings.

198 G. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of
199 any Structure except:

- 200 1. Bay Windows not more than ten feet (10') wide projecting not more than
201 two feet (2') into the Rear Setback.
- 202 2. Chimneys not more than five feet (5') wide projecting not more than two
203 feet (2') into the Rear Setback.
- 204 3. Window wells and light wells projecting not more than four feet (4') into the
205 Rear Setback.

- 206 4. Roof overhangs and eaves projecting not more than three feet (3') into the
207 Rear Setback.
- 208 5. Window sills, belt courses, cornices, trim, and other ornamental features
209 projecting not more than six inches (6") beyond the window or main
210 Structure to which it is attached.
- 211 6. Detached Accessory Buildings not more than eighteen feet (18') in height
212 and maintaining a minimum Rear Setback of five feet (5'). Such Structures
213 must not cover over fifty percent (50%) of the Rear Setback. See the
214 following illustration:



- 215
- 216 7. Hard-Surfaced Parking Areas subject to the same location requirements
217 as a detached Accessory Building.
- 218 8. Screened mechanical equipment, hot tubs, and similar Structures located
219 at least five feet (5') from the Rear Lot Line.

220 9. Fences, walls, and retaining walls not more than six feet (6') in height, or
221 as permitted in Section 15-4-2. Retaining walls may have multiple steps,
222 however, each exposed face cannot exceed six feet (6') in height and the
223 horizontal distance between the walls, front face to rear face, must be at
224 least three feet (3') and planted with approved vegetation. The Planning
225 Director may approve minor deviations to the height and stepping
226 requirements based on Site specific review.¹

227 10. Patios, decks, pathways, steps, or similar Structures not more than thirty
228 inches (30") above Final Grade, located at least five feet (5') from the Rear
229 Lot Line.

230 H. **SIDE SETBACK.**

231 1. The minimum Side Setback for any Single Family, Duplex Dwelling or
232 Accessory Building is five feet (5').

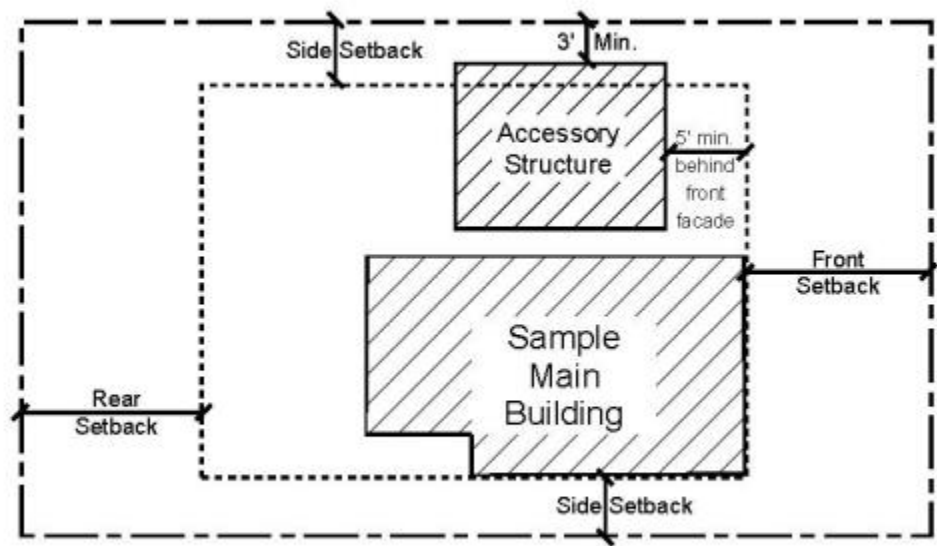
233 2. A Side Setback between connected Structures is not required where
234 Structures are designed with a common wall on a Property Line, each
235 Structure is located on an individual Lot, the Lots are burdened with a
236 party wall agreement in a form approved by the City Attorney and Chief
237 Building Official, all applicable Building and Fire Code requirements are
238 met, and the Use is an Allowed or Conditional Use in the Zoning District.

239 a. Exterior Side Setbacks shall be based on the required minimum
240 Side Setback for each Lot; however the Planning Commission may
241 consider increasing exterior Side Setbacks during Conditional Use

242 Permit review to mitigate potential impacts on adjacent Property.

243 Side Setback exceptions continue to apply.

244 3. The minimum Side Setback for a detached Accessory Building not greater
245 than eighteen feet (18') in height, located at least five feet (5') behind the
246 front facade of the Main Building is three feet (3'). See ~~teh~~ the following
247 illustration:



248

249 4. On Corner Lots, the Side Yard that faces a Street or platted Right-of-Way
250 is considered a Front Yard, and the minimum Setback is ten feet (10') for
251 both Main and Accessory Buildings.

252 5. See Section 15-2.15-4 Special Requirements for Multi-Unit Dwellings.

253 I. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
254 Structure except:

- 255 1. Bay windows not more than ten feet (10') wide projecting not more than
256 two feet (2') into the Side Setback.
- 257 2. Chimneys not more than five feet (5') wide projecting not more than two
258 feet (2') into the Side Setback.
- 259 3. Window wells and light wells projecting not more than four feet (4') into the
260 Side Setback.
- 261 4. Roof overhangs and eaves projecting not more than three feet (3') into the
262 Side Setback.
- 263 5. Window sills, belt courses, cornices, trim, and other ornamental features
264 projecting not more than six inches (6") beyond the window or main
265 Structure to which it is attached.
- 266 6. Patios, decks, pathways, steps, and similar Structures not more than thirty
267 inches (30") in height above Final Grade, provided there is at least a one
268 foot (1') Setback to the Side Lot Line.
- 269 7. Fences, walls, and retaining walls not more than six feet (6') in height, or
270 as permitted in Section 15-4-2. Retaining walls may have multiple steps,
271 however each exposed face cannot exceed six feet (6') in height and the
272 horizontal distance between the walls, front face to rear face, must be at
273 least three feet (3') and planted with approved vegetation. The Planning
274 Director may approve minor deviations to the height and stepping
275 requirements based on Site specific review.¹
- 276 8. Driveways leading to an approved garage or Parking Area maintaining a
277 three foot (3') landscaped Setback to the Side Lot Line.

278 9. Paths, patios, and steps connecting to a City stairway or path.
279 10. Screened mechanical equipment, hot tubs, and similar Structures located
280 a minimum of five feet (5') from the Side Lot Line.

281 J. **SNOW RELEASE**. Site plans and Building design must resolve snow release
282 issues to the satisfaction of the Chief Building Official.

283 K. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
284 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
285 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
286 enough to permit automobile drivers an unobstructed view. This provision must
287 not require changes in the Natural Grade on the Site.

288 ¹Fences and walls greater than six feet (6') in height require an administrative
289 Conditional Use permit

290 HISTORY

291 *Adopted by Ord. [00-51](#) on 9/21/2000*

292 *Amended by Ord. [06-76](#) on 11/9/2006*

293 *Amended by Ord. [2016-44](#) on 9/15/2016*

294 *Amended by Ord. [2018-43](#) on 7/19/2018*

295 **15-2.16-5 Special Requirements For Single Family And Duplex Dwellings**

296 Except as may otherwise be provided in this Code, no Building Permit shall be issued
297 for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a
298 Street shown as a private or Public Street on the Streets Master Plan, or on a private
299 easement connecting the Lot to a Street shown on the Streets Master Plan.

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The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and the maximum Lot Area is 3,570 square feet. The minimum Lot Area for a Duplex Dwelling is 3,750 square feet and the maximum Lot Area is 7,500 square feet. The minimum width of a Lot is twenty five feet (25'); measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

B. **BUILDING ENVELOPE - RC DISTRICT.** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 2-16-5(C).

C. **BUILDING PAD - RC DISTRICT.** The Building Pad is the Lot Area minus required Front, Rear and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:
 - a. Porches or decks, with or without roofs;
 - b. At Grade patios;
 - c. Upper level decks, with or without roofs;
 - d. Bay Windows;
 - e. Chimneys;
 - f. Sidewalks, pathways, and steps;

323 g. Screened hot tubs; and

324 h. Landscaping.

325 2. Exceptions to the Building Pad Area, excluding Bay Windows, are not
326 included in the Building Footprint calculations, and are subject to Planning
327 Director approval based on a determination that the proposed exceptions
328 result in a design that:

329 a. provides increased architectural interest consistent with the Design
330 Guidelines for Historic Districts and Sites; and

331 b. maintains the intent of this section to provide horizontal and vertical
332 Building articulation.

333 D. **BUILDING FOOTPRINT – RC DISTRICT**. The maximum Building Footprint of
334 any Single Family or Duplex Structure located on a Lot, or combination of Lots,
335 not exceeding 18,750 square feet in Lot Area, shall be calculated according to
336 the following formula for Building Footprint, illustrated in Table 15-2.16.

337
338 Accessory Buildings listed on the Park City Historic Structures Inventory that are
339 not expanded, enlarged or incorporated into the Main Building, shall not count in
340 the total Building Footprint of the Lot.

341
342 The maximum Building Footprint for any Structure located on a Lot or
343 combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500
344 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit,
345 for garage floor area. A Conditional Use permit is required for all Structures with

346 a proposed footprint of greater than 3,500 square feet.

347

348 $MAXIMUM FP = (A/2) \times 0.9^{A/1875}$

349 Where FP= maximum Building Footprint and A= Lot Area.

350 Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

351

352 See the following Table 15-2.16 below for a schedule equivalent of this formula.

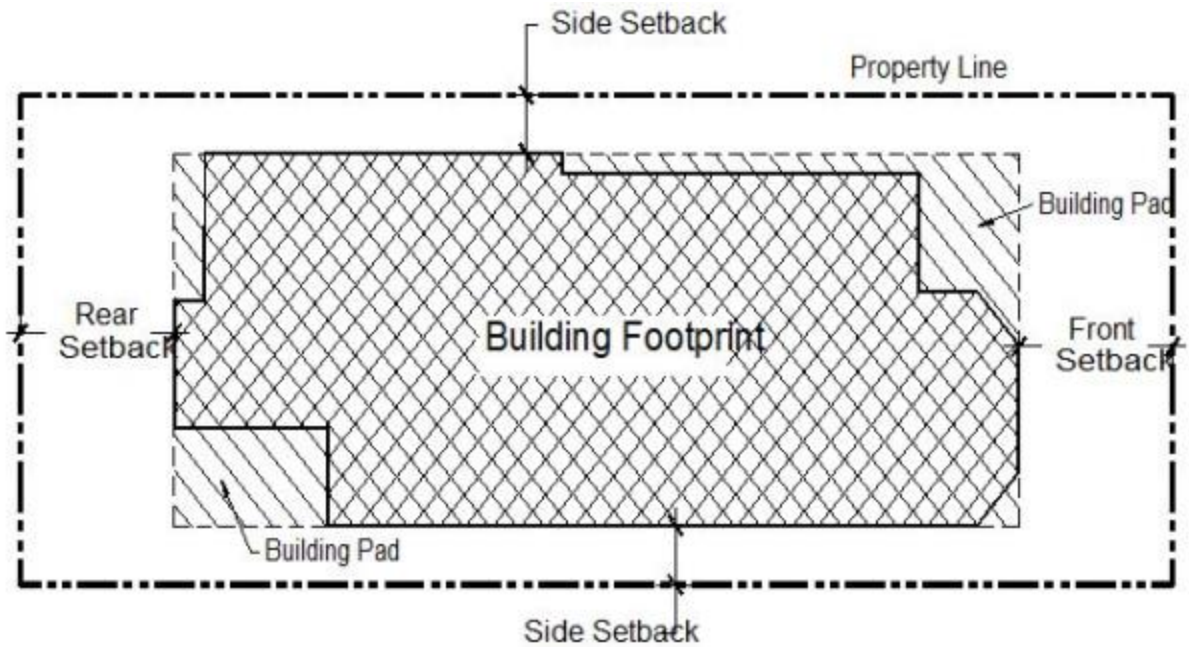
353

354 TABLE 15-2.16

Lot Depth \leqft.*	Lot Width, ft. Up to:	Side Setbacks Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
		3 ft.	6 ft.			
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519

75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

355 E. *For Lots > 75' in depth use Footprint formula and Table 15-2.16a for Front and
 356 Rear Setbacks.



357
 358 F. **FRONT AND REAR SETBACK.** Front and Rear Setbacks are as follows:

359
 360 Table 15-2.16a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.

From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

361

362 G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of

363 any Structure except:

364 1. Fences or walls not more than four feet (4') in height, or as permitted in
 365 Section 15-4-2. Fences and Walls. On Corner Lots, Fences more than
 366 three feet (3') in height are prohibited within twenty-five feet (25') of the
 367 intersection at back of curb.

368 2. Uncovered steps leading to the Main Building; provided the steps are not
 369 more than four feet (4') in height from Final Grade, not including any
 370 required handrail, and do not cause any danger or hazard to traffic by
 371 obstructing the view of the Street or intersection.

372 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
 373 projecting not more than three feet (3') into the Front Setback.

374 4. Roof overhangs, eaves, and cornices projecting not more than three feet
 375 (3') into the Front Setback.

376 5. Sidewalks, patios, and pathways.

377 6. A driveway leading to a garage or Parking Area. No portion of a Front
378 Yard, except for patios, driveways, allowed Parking Areas and sidewalks
379 may be Hard-Surfaced or graveled.

380 H. **REAR SETBACK EXCEPTIONS**. The Rear Setback must be open and free of
381 any Structure except:

382 1. Bay Windows not more than ten feet (10') wide, projecting not more than
383 two feet (2') into the Rear Setback.

384 2. Chimneys not more than five feet (5') wide projecting not more than two
385 feet (2') into the Rear Setback.

386 3. Window wells and light wells projecting not more than four feet (4') into the
387 Rear Setback.

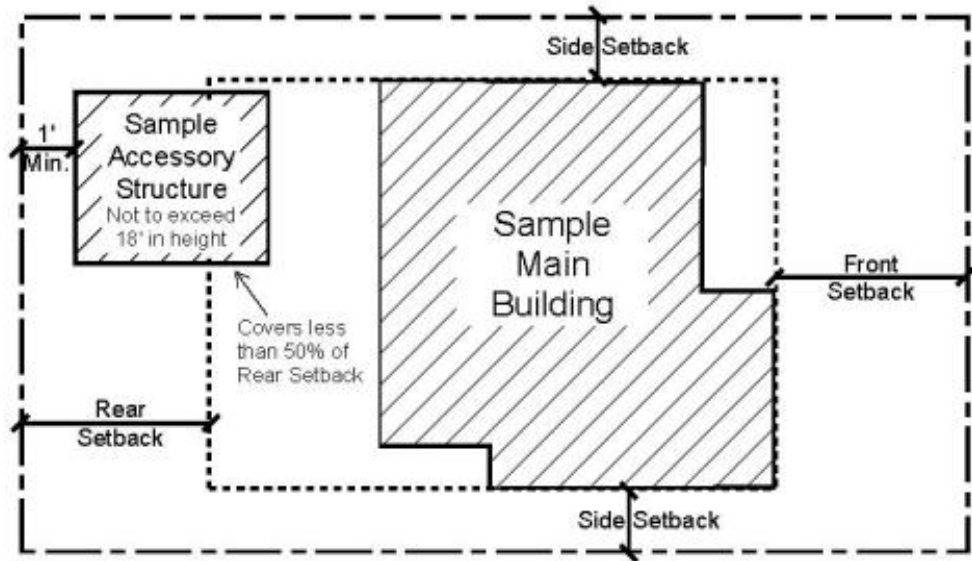
388 4. Roof overhangs and eaves projecting not more than two feet (2') into the
389 Rear Setback.

390 5. Window sills, belt courses, cornices, trim, exterior siding, and other
391 ornamental features projecting not more than six inches (6") beyond the
392 window or main Structure to which it is attached.

393 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
394 located a minimum of five feet (5') behind the front façade of the Main
395 Building, and maintaining a minimum Rear Setback of one foot (1'). Such
396 Structures may not cover more than fifty percent (50%) of the Rear

397

Setback. See the following illustration:



398

399

7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

400

401

8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

402

403

9. Fences and walls as permitted in Section 15-4-2, Fences and Walls.

404

10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade.

405

406

11. Pathways and steps connecting to a City staircase or pathway.

407

I. **SIDE SETBACKS.**

408

1. The minimum Side Setback is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16

409

410

above.

411 2. Site plans and Building designs must resolve snow release issues to the
412 satisfaction of the Chief Building Official.

413 3. On Corner Lots, the minimum Side Setback that faces a side Street or
414 platted Right-of-Way is five feet (5').

415 4. A Side Setback between connected Structures is not required where
416 Structures are designed with a common wall on a Property Line, each
417 Structure is located on an individual Lot, the Lots are burdened with a
418 party wall agreement in a form approved by the City Attorney and Chief
419 Building Official, all applicable Building and Fire Code requirements are
420 met, and the Use is an Allowed or Conditional Use in the Zoning District.

421 a. Exterior Side Setbacks shall be based on the required minimum
422 Side Setback for each Lot; however the Planning Commission may
423 consider increasing exterior Side Setbacks during Conditional Use
424 Permit review to mitigate potential impacts on adjacent Property.

425 Side Setback exceptions continue to apply.

426 b. Building Footprint shall be based on the total lot Area of the
427 underlying Lots. The Planning Commission may consider
428 decreasing Building Footprint during Conditional Use Permit review
429 to mitigate potential impacts on adjacent Property.

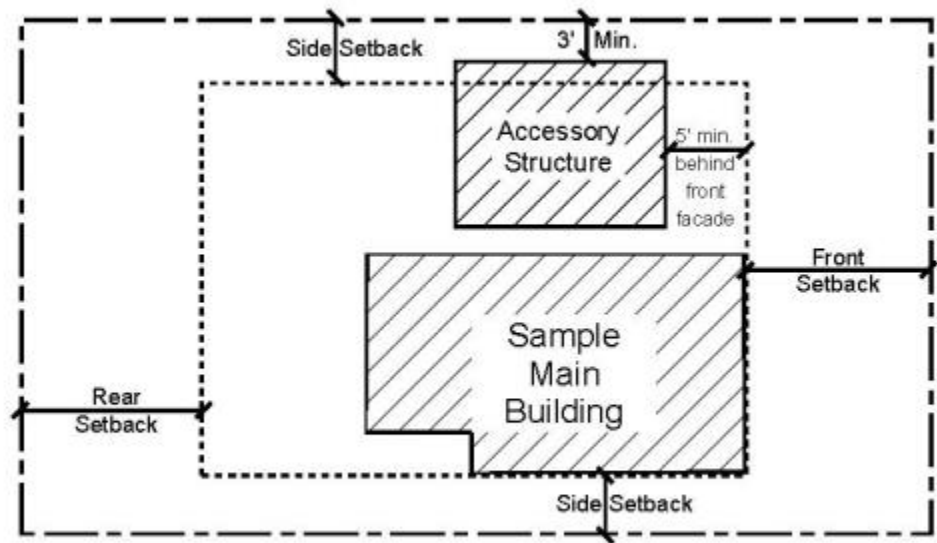
430 J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
431 Structure except:

432 1. Bay Windows not more than ten feet (10') wide projecting not more than
433 two feet (2') into the Side Setback.¹

- 434 2. Chimneys not more than five Feet (5') wide projecting not more than two
435 feet (2') into the Side Setback.¹
- 436 3. Window wells and light wells Projecting not more than four feet (4') into
437 the Side Setback.¹
- 438 4. Roof overhangs and eaves projecting not more than two feet (2') into the
439 Side Setback. A one foot (1') roof or eave overhang is permitted on Lots
440 with a Side Setback of less than five feet (5').¹
- 441 5. Window sills, belt courses, trim, cornices, exterior siding, and other
442 ornamental features projecting not more than six inches (6") beyond the
443 window or main Structure to which it is attached.
- 444 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
445 inches (30") in height from Final Grade.
- 446 7. Fences and walls as permitted in Section 15-4-2.
- 447 8. Driveways leading to a garage or approved Parking Area.
- 448 9. Pathways and steps connecting to a City staircase or pathway.
- 449 10. A detached Accessory Building, not more than eighteen feet (18') in
450 height, located a minimum of five feet (5') behind the front facade of the
451 Main Building, and maintaining a minimum Side Setback of three feet (3').

452

See the following illustration:



453

454

11. Mechanical equipment (which must be screened), hot tubs, or similar

455

Structures located a minimum of three feet (3') from the Side Lot Line.

456

K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release

457

issues to the satisfaction of the Chief Building Official.

458

L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet

459

(2') in height above Road Grade shall be placed on any Corner Lot within the Site

460

Distance Triangle. A reasonable number of trees may be allowed, if pruned high

461

enough to permit automobile drivers an unobstructed view. This provision must

462

not require changes in the Natural Grade on the Site.

463

M. **BUILDING HEIGHT**. No Single Family or Duplex Dwelling Structure shall be

464

erected to a height greater than twenty-seven feet (27'). This is the Zone Height

465

for Single Family and Duplex Dwellings. Final Grade must be within four vertical

466 feet (4') of Existing Grade around the periphery of the Structure, except for the
467 placement of approved window wells, emergency egress, and a garage entrance.

468 The following height requirements must be met:

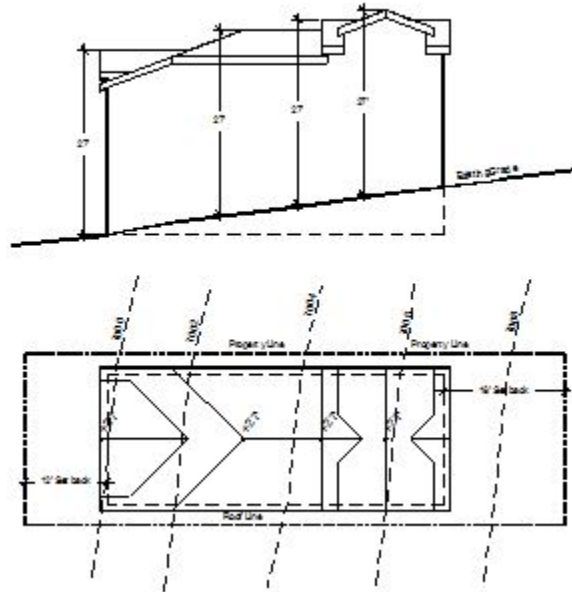
469 1. A Structure shall have a maximum height of thirty five feet (35') measured
470 from the lowest finish floor plane to the point of the highest wall top plate
471 that supports the ceiling joists or roof rafters.

472 2. A ten foot (10') minimum horizontal step in the downhill façade is required
473 unless the First Story is located completely under the finished Grade on all
474 sides of the Structure. The horizontal step shall take place at a maximum
475 height of twenty three feet (23') from where Building Footprint meets the
476 lowest point of existing Grade. Architectural features, that provide
477 articulation to the upper story façade Setback, may encroach into the
478 minimum ten foot (10') Setback but shall be limited to no more than twenty
479 five percent (25%) of the width of the building encroaching no more than
480 four feet (4') into the Setback, subject to compliance with the Design
481 Guidelines for Historic Sites and Historic Districts.

482 3. Roof Pitch. The primary roof pitch must be between seven:twelve (7:12)
483 and twelve:twelve (12:12). A Green Roof may be below the required 7:12
484 roof pitch as part of the primary roof design. In addition, a roof that is not
485 part of the primary roof design may be below the required 7:12 roof pitch.

486 a. A structure containing a flat roof shall have a maximum height of
487 thirty five feet (35') measured from the lowest floor plane to the
488 highest wall top plate that supports the ceiling joists or roof rafters.

489 The height of the Green Roof, including the parapets, railings, or
490 similar features shall not exceed twenty four inches (24") above the
491 highest top plate mentioned above.



492
493 **N. BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- 494 1. Antennas, chimneys, flues, vents, and similar Structures, may extend up
495 to five feet (5') above the highest point of the Building to comply with
496 International Building Code (IBC) requirements.
- 497 2. Water towers, mechanical equipment, and associated Screening, when
498 Screened or enclosed, may extend up to five feet (5') above the height of
499 the Building.
- 500 3. Elevator access. The Planning Director may allow additional height to
501 allow for an elevator compliant with the American Disability Acts
502 standards. The Applicant must verify the following:

- 503 a. The proposed height exception is only for the Area of the elevator.
504 No increase in square footage is being achieved.
- 505 b. The proposed option is the only feasible option for the elevator on
506 the site.
- 507 c. The proposed elevator and floor plans comply with the American
508 Disability Act (ADA) standards.
- 509 4. Garage on Downhill Lot. The Planning Commission may allow additional
510 Building Height (see entire Section 15-2.16-5 (L) on a downhill Lot to
511 accommodate a single car wide garage in a Tandem Parking
512 configuration; to accommodate circulation, such as stairs and/or an ADA
513 elevator; and to accommodate a reasonably sized front entry area and
514 front porch that provide a Compatible streetscape design. The depth of the
515 garage may not exceed the minimum depth for internal Parking Space(s)
516 as dimensioned within this Code, Section 15-3. The additional Building
517 Height may not exceed thirty-five feet (35') from Existing Grade.

518 ¹Applies only to Lots with a minimum Side Setback of five feet (5') or greater.

519 HISTORY

520 *Adopted by Ord. [00-51](#) on 9/21/2000*

521 *Amended by Ord. [06-76](#) on 11/9/2006*

522 *Amended by Ord. [09-10](#) on 3/5/2009*

523 *Amended by Ord. [11-05](#) on 1/27/2011*

524 *Amended by Ord. [13-48](#) on 11/21/2013*

525 *Amended by Ord. [15-35](#) on 10/12/2015*

526 Amended by Ord. [2016-44](#) on 9/15/2016

527 Amended by Ord. [2018-43](#) on 7/19/2018

DRAFT

Planning Commission Staff Report



Subject: Accessory Uses
in Master Planned Developments
Application: PL-23-05914
Author: Rebecca Ward
Date: November 8, 2023
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Open a public hearing regarding the pending ordinance for Accessory Uses in Master Planned Developments, and (II) continue the public hearing to December 13, 2023.

Background

The Planning Commission prioritized amendments to Land Management Code Section 15-6-8 *Unit Equivalents* to clarify Support Commercial, Residential Accessory, and Resort Accessory Uses in Master Planned Developments. On December 14, 2022 ([Staff Report](#); [Minutes](#), p. 25) and February 8, 2023 ([Staff Report](#); [Minutes](#), p. 21), the Planning Commission conducted work sessions on the amendments. The Planning Commission was scheduled to conduct a public hearing on March 22, 2023, but continued the item to April due to a late meeting ([Staff Report](#); [Minutes](#), p. 44). On April 12, 2023, the Planning Commission made final adjustments to the proposed amendments, conducted a public hearing, and unanimously forwarded a positive recommendation to the City Council ([Staff Report](#); [Minutes](#), p. 18).

On April 27, 2023, the City Council reviewed the proposed amendments and continued the discussion to June 12, 2023, requesting clarification on Support Commercial Uses for Hotels and consistency in Child Care Facility references ([Staff Report](#); [Minutes](#), p. 18). On June 12, 2023, the City Council reviewed the clarifications, continued the discussion to a later date, and directed staff to reach out to stakeholders for input ([Staff Report](#); [Minutes](#), p. 2). On August 22, 2023, staff requested the City Council continue the item to September 28, 2023, to allow time for additional outreach ([Staff Report](#); [Minutes](#), p. 9).

On September 28, 2023, the City Council unanimously denied the recommended amendments and requested the formation of a task force to be created by the Mayor to evaluate the proposed amendments to Accessory Uses in Master Planned Developments. The Council directed staff to issue a pending ordinance for a public hearing with the Planning Commission on November 8 to initiate a new six-month pending ordinance period to provide an opportunity for further evaluation. The Council would like clarification on four items: (1) what is the purpose of the amendments, (2) what are the financial implications, (3) what type of development do the amendments incentivize/disincentivize, and (4) what is the purpose of the footnote connecting Resort Support Commercial to approved Master Planned Developments ([Minutes](#), p. 7).

Staff publicly noticed a new pending ordinance on October 25, 2023, establishing a six-month timeline for Planning Commission and City Council review. The pending ordinance incorporates the Planning Commission original recommendations but removes the amendments specific to meeting space. The task force has not yet met. Staff recommends the Planning Commission open a public hearing and continue the public hearing to December 13, 2023.

Exhibit

Exhibit A: Pending Ordinance

Pending Ordinance

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-6-8 *UNIT EQUIVALENTS* AND SECTION 15-15-1 *DEFINITIONS* REGARDING SUPPORT COMMERCIAL AND RESIDENTIAL AND RESORT ACCESSORY USES FOR MASTER PLANNED DEVELOPMENTS AND SECTIONS 15-2.7-2 *USES FOR THE RECREATION AND OPEN SPACE ZONING DISTRICT*, 15-2.18-2 *USES FOR THE GENERAL COMMERCIAL ZONING DISTRICT*, AND 15-2.19-2 *USES FOR THE LIGHT INDUSTRIAL ZONING DISTRICT TO CLARIFY RESORT SUPPORT COMMERCIAL IS ALLOWED WHEN APPROVED AS PART OF A MASTER PLANNED DEVELOPMENT*

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and the unique mountain town community;

WHEREAS, the Land Management Code promotes the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City;

WHEREAS, the Land Management Code outlines allowances for Support Commercial Uses and exempts certain Residential and Resort Accessory Uses from counting toward the total Unit Equivalents within a Master Planned Development; these Accessory Uses are intended to provide services and support uses for patrons, employees, and residents within the development, and not for the general public;

WHEREAS, the Accessory Use exemptions from Unit Equivalents presents challenges for Master Planned Development review because they may result in increased mass and bulk of a project and over time, and uses intended for patrons, employees, and residents on site may be opened to the general public without mitigating impacts like increased traffic and parking, and without contributing to affordable housing obligations;

WHEREAS, on December 14, 2022, and February 8, 2023, the Planning Commission conducted work sessions on the proposed amendments;

WHEREAS, on April 12, 2023, the Planning Commission conducted a duly noticed public hearing and unanimously forwarded a positive recommendation on the proposed Land Management Code amendments to the City Council;

WHEREAS, on April 27, 2023, June 12, 2023, and September 28, 2023, the City Council conducted duly noticed public hearings on the proposed Land Management Code amendments and unanimously denied the amendments;

WHEREAS, on September 28, 2023, the City Council directed staff to form a task force upon the advice of the Mayor, issue a pending ordinance to reconsider the

amendments, and remanded the matter to the Planning Commission for review on November 8, 2023.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY TITLE 15 LAND MANAGEMENT CODE. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code Section 15-6-8 *Unit Equivalents*, Section 15-15-1 *Definitions*, Section 15-2.7-2 *Uses* for the Recreation and Open Space Zoning District; Section 15-2.18-2 *Uses* for the General Commercial Zoning District; and Section 15-2.19-2 *Uses* for the Light Industrial Zoning District are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS ___th day of _____ 2024.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

1 **Attachment 1**

2 **15-6-8 Unit Equivalents**

3 Density of Development is a factor of both the Use and size of Structures built within a
4 project. In order to allow for, and to encourage, a variety of unit configurations, Density
5 shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1)
6 Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family
7 Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot
8 equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned
9 Development (MPD). The MPD may stipulate maximum Building Footprint and/or
10 maximum floor area for single family and duplex Lots. Residential Unit Equivalents for
11 Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per
12 2,000 square feet and portions of Unit Equivalents for additional square feet above or
13 below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23
14 Unit Equivalents.

15 Affordable Housing units required as part of the MPD approval, and constructed on Site
16 do not count towards the residential Unit Equivalents of the Master Plan. Required ADA
17 units do not count towards the residential Unit Equivalents.

18 ~~[Support Uses and accessory meeting space use Unit Equivalents as outlined in~~
19 ~~Section 15-6-8(C) and (D) below.]~~

20 A. **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage
21 shall be measured from the interior of the exterior unit walls. All bathrooms, halls,
22 closets, storage and utility rooms within a unit will be included in the calculation
23 for square footage. ~~[Exterior hallways, common circulation and hotel use areas,~~
24 ~~such as lobbies, elevators, storage, and other similar Areas, will not be included.]~~

25 Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating
26 rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

27 B. **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be
28 included in the overall square footage of a unit.

29 C. **SUPPORT COMMERCIAL WITHIN ~~[RESIDENTIAL MASTER PLANNED~~**
30 **~~DEVELOPMENTS HOTELS]~~**. ~~[Within a Hotel or Nightly Rental condominium~~
31 ~~project, the] The~~ Floor Area of Support Commercial ~~Uses [uses]~~ may not exceed
32 five percent (5%) of the total Floor Area of the approved residential Unit
33 Equivalents ~~or 5,000 square feet in total, whichever is lesser.~~ Conventional Chain
34 Businesses are prohibited as Support Commercial Use. Signage for Support
35 Commercial Uses is limited to interior spaces. Marketing for Support Commercial
36 Uses is limited to primary Uses on Site. [Any unused Support Commercial floor
37 area may be utilized for meeting space Uses.] Support Commercial shall be
38 included in Affordable Housing obligations and calculations subject to Housing
39 Resolution No. 05-2021, as amended.

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

45 E. **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part
46 of a Master Planned Development, shall be calculated on the basis of one (1)
47 Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of

48 common corridors, for each part of a 1,000 square foot interval. For example:
49 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

50 **F. RESIDENTIAL ACCESSORY USES.** ~~Residential Accessory Uses include~~
51 ~~typical back-of-house uses and administration facilities that are for the benefit of~~
52 ~~the residents of a commercial Residential Use, such as a Hotel or Nightly Rental~~
53 ~~Condominium project and that are common to the residential project and are not~~
54 ~~located within any individual Residential unit.] Residential Accessory Uses do not~~
55 require the use of Unit Equivalents ~~[and include, but are not limited to, such Uses~~
56 ~~as]:~~

57 ~~[Ski/Equipment lockers~~

58 ~~Lobbies~~

59 ~~Registration~~

60 ~~Concierge~~

61 ~~Bell stand/luggage storage~~

62 ~~Maintenance Areas]~~

63 Mechanical rooms and shafts limited to electrical, heating, ventilation, plumbing,

64 and air conditioning equipment and ductwork necessary for the operation of the

65 Building

66 Laundry facilities ~~[and storage]~~

67 Employee facilities related to the operation of the property

68 ~~[Common pools, saunas and hot tubs, and exercise areas not open to the public~~

69 ~~Telephone Areas~~

70 ~~Guest business centers~~

71 ~~Public restrooms~~

72 ~~Administrative offices]~~

73 Hallways and circulation

74 Elevators and stairways

75 Child Care Facilities

76 Enclosed Bicycle Storage that exceeds the requirements of Section 15-3-9

77 G. **RESORT ACCESSORY USES.** The following Uses are considered accessory for

78 the operation of a resort for winter and summer operations. These Uses are

79 ~~[considered typical back of house uses and are]~~ incidental to and customarily

80 found in connection with the principal Use or Building and are operated for the

81 convenience of the Owners, occupants, employees, customers, or visitors to the

82 principal resort Use. Accessory Uses associated with an approved summer or

83 winter resort do not require the Use of a Unit Equivalent, but shall be included in

84 the Affordable Housing obligations and calculations subject to Housing

85 Resolution No. 05-2021, as amended, and shall be calculated as part of the

86 parking demand requirements and traffic impact studies. These Uses and square

87 footages require Planning Commission review and approval. Resort Accessory

88 Uses may include~~[, but are not limited to, such Uses as]:~~

89 ~~[Information]~~

90 ~~[Lost and found]~~

91 First Aid Mountain patrol

92 ~~[Administration]~~

93 Maintenance ~~[and storage]~~ facilities

94 Emergency medical facilities
95 ~~[Public lockers]~~
96 Public restrooms
97 Employee restrooms, employee locker rooms, and employee break rooms~~, and~~
98 ~~employee dining areas]~~
99 ~~[Ski school/day care facilities]~~ Employee and public Child Care Facilities
100 ~~[Instruction facilities]~~
101 ~~[Ticket sales]~~
102 Equipment/ski check
103 Circulation and hallways for these Resort Accessory Uses

104 HISTORY

105 *Adopted by Ord. [02-07](#) on 5/23/2002*
106 *Amended by Ord. [06-22](#) on 4/27/2006*
107 *Amended by Ord. [09-10](#) on 3/5/2009*
108 *Amended by Ord. [10-14](#) on 4/15/2010*
109 *Amended by Ord. [11-05](#) on 1/27/2011*

110 **15-2.7-2 Uses**

111 Uses in the ROS District are limited to the following:

- 112 A. **ALLOWED USES.**
- 113 1. Conservation Activity
 - 114 2. Food Truck Locations⁴
- 115 B. **ADMINISTRATIVE CONDITIONAL USES**¹.
- 116 1. Trail and Trailhead Improvement

- 117 2. Outdoor Recreation Equipment
- 118 3. Essential Municipal Public Utility Use, Service, or Structure, less than 600
- 119 sq. ft.
- 120 4. Accessory Building, less than 600 sq. ft.
- 121 5. Ski-related Accessory Building, less than 600 sq. ft.
- 122 6. Parking Area or Structure with four (4) or fewer spaces
- 123 7. Outdoor Event, Outdoor Music
- 124 8. Temporary Construction Improvement
- 125 9. Raising, grazing of horses
- 126 10. Raising, grazing of livestock
- 127 11. Anemometer and Anemometer Towers

128 C. **CONDITIONAL USES.**

- 129 1. Agriculture
- 130 2. Recreational Outdoor and Trail Lighting
- 131 3. Recreation Facility, Private⁵
- 132 4. Recreation Facility, Public
- 133 5. Recreation Facility, Commercial
- 134 6. Golf Course
- 135 7. Passenger Tramway Station and Ski Base Facility
- 136 8. Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- 137 9. Recreational Sports Field
- 138 10. Skating Rink
- 139 11. Skateboard Park

- 140 12. Public and Quasi-Public Institution, Church, and School, Park, Plaza,
141 Structure for Public Assembly, greater than 600 sq. ft.
- 142 13. Essential Municipal Public Utility Use, Facility, Service, and Structure,
143 greater than 600 sq. ft.
- 144 14. Accessory Building, greater than 600 sq. ft.
- 145 15. Ski-Related Accessory Building, greater than 600 sq. ft.
- 146 16. Child Care Center
- 147 17. Commercial Stable, Riding Academy
- 148 18. Vehicle Control Gates²
- 149 19. Resort Support, Commercial⁶
- 150 20. Cemetery
- 151 21. Parking Area or Structure with five (5) or more spaces
- 152 22. Telecommunications Antenna³
- 153 23. Mines and Mine Exploration
- 154 24. Plant and Nursery stock products and sales
- 155 25. Fences greater than six feet (6') in height from Final Grade.
- 156 26. Small Wind Energy Systems

157 D. **PROHIBITED USES**. Any use not listed above as an Allowed or Conditional Use
158 is a prohibited Use.

159 ¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process.

160 Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time
161 frames and shall be removed at the expiration of the Master Festival permit.

162 ²See Section 15-4-19 for specific review criteria for gates

163 ³Subject to Section 15-4-14, Telecommunications

164 ⁴The Planning Director or designee shall, upon finding a Food Truck Location in compliance with
165 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
166 letter.

167 ⁵See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

168 ⁶ Subject to provisions of Chapter 15-6 and Master Planned Development approval

169 HISTORY

170 *Adopted by Ord. [00-51](#) on 9/21/2000*

171 *Amended by Ord. [04-08](#) on 3/4/2004*

172 *Amended by Ord. [09-10](#) on 3/5/2009*

173 *Amended by Ord. [2018-55](#) on 10/23/2018*

174 *Amended by Ord. [2022-08](#) on 4/28/2022*

175 *Amended by Ord. [2022-16](#) on 5/26/2022*

176 **15-2.18-2 Uses**

177 Uses in the GC District are limited to the following:

178 A. **ALLOWED USES.**

- 179 1. Secondary Living Quarters
- 180 2. Lockout Unit¹
- 181 3. Accessory Apartment²
- 182 4. Nightly Rental
- 183 5. Home Occupation
- 184 6. Child Care, In-Home Babysitting³
- 185 7. Child Care, Family³
- 186 8. Child Care, Family Group³
- 187 9. Child Care Center³

- 188 10. Accessory Building and Use
- 189 11. Conservation Activity
- 190 12. Agriculture
- 191 13. Plant and Nursery Stock production and sales
- 192 14. Bed and Breakfast Inn
- 193 15. Boarding House, Hostel
- 194 16. Hotel, Minor
- 195 17. Hotel, Major
- 196 18. Office, General
- 197 19. Office, Moderate Intensive
- 198 20. Office, Intensive
- 199 21. Office and Clinic, Medical and Veterinary Clinic
- 200 22. Financial Institution without a drive-up window
- 201 23. ~~[Commercial, Resort Support]~~
- 202 24. Retail and Service Commercial, Minor
- 203 25. Retail and Service Commercial, Personal Improvement
- 204 26. Retail and Service Commercial, Major
- 205 27. Cafe or Deli
- 206 28. Restaurant, General
- 207 29. Hospital, Limited Care Facility
- 208 30. Parking Area or Structure with four (4) or fewer spaces
- 209 31. Parking Area or Structure with five (5) or more spaces
- 210 32. Food Truck Location¹⁰

- 211 **B. CONDITIONAL USES.**
- 212 1. Single Family Dwelling
- 213 2. Duplex Dwelling
- 214 3. Triplex Dwelling
- 215 4. Multi-Unit Dwelling
- 216 5. Group Care Facility
- 217 6. Public and Quasi-Public Institution, Church, and School
- 218 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 219 8. Telecommunication Antenna⁴
- 220 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- 221 10. Timeshare Project and Conversion
- 222 11. Timeshare Sales Office, off-site within an enclosed Building
- 223 12. Private Residence Club Project and Conversion⁸
- 224 13. Financial Institution with a Drive-up Window⁶
- 225 14. Retail and Service Commercial with Outdoor Storage
- 226 15. Retail and Service Commercial, Auto Related
- 227 16. Transportation Service
- 228 17. Retail Drive-Up Window⁶
- 229 18. Gasoline Service Station
- 230 19. Restaurant and Cafe, Outdoor Dining⁷
- 231 20. Restaurant, Drive-up Window⁶
- 232 21. Outdoor Event⁷
- 233 22. Bar

- 234 23. Sexually Oriented Businesses⁸
- 235 24. Hospital, General
- 236 25. Light Industrial Manufacturing and Assembly
- 237 26. Temporary Improvement⁷
- 238 27. Passenger Tramway and Ski Base Facility
- 239 28. Ski tow rope, ski lift, ski run, and ski bridge
- 240 29. Commercial Parking Lot or Structure
- 241 30. Recreation Facility, Public
- 242 31. Recreation Facility, Commercial
- 243 32. Recreation Facility, Private⁹
- 244 33. Indoor Entertainment Facility
- 245 34. Heliport
- 246 35. Temporary Sales Trailer in conjunction with an active Building permit for
- 247 the Site.⁸
- 248 36. Fences greater than six feet (6') in height from Final Grade⁷
- 249 37. Household Pet, Boarding⁷
- 250 38. Household Pet, Daycare⁷
- 251 39. Household Pet, Grooming⁷
- 252 40. Dwelling Unit, Fractional Use¹¹
- 253 **41. Commercial, Resort Support¹²**

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

255 is a prohibited Use.

256 ¹Nightly rental of Lockout Units requires Conditional Use permit.

257 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

258 ³See Section 15-4-9, Child Care and Child Care Facilities.

259 ⁴See Section 15-4-14, Telecommunication Facilities.

260 ⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

261 ⁶See Section 15-2.18-6 for Drive-Up Window review.

262 ⁷Requires an Administrative Conditional Use permit.

263 ⁸See Section 15-4-16 for additional criteria.

264 ⁹See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

265 ¹⁰The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
266 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
267 letter.

268 ¹¹Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use.

269 ¹²[Subject to provisions of Chapter 15-6 and Master Planned Development approval](#)

270 HISTORY

271 *Adopted by Ord. [00-51](#) on 9/21/2000*

272 *Amended by Ord. [04-39](#) on 9/23/2004*

273 *Amended by Ord. [06-76](#) on 11/9/2006*

274 *Amended by Ord. [14-57](#) on 11/20/2014*

275 *Amended by Ord. [2018-55](#) on 10/23/2018*

276 *Amended by Ord. [2020-45](#) on 10/1/2020*

277 *Amended by Ord. [2021-51](#) on 12/16/2021*

278 *Amended by Ord. [2022-08](#) on 4/28/2022*

279 *Amended by Ord. [2022-21](#) on 10/27/2022*

280 **15-2.19-2 Uses**

281 Uses in the LI District are limited to the following:

282 A. **ALLOWED USES.**

- 283 1. Secondary Living Quarters
- 284 2. Accessory Apartment¹
- 285 3. Nightly Rental
- 286 4. Home Occupation
- 287 5. Child Care, In-Home Babysitting²
- 288 6. Child Care, Family²
- 289 7. Child Care, Family Group²
- 290 8. Child Care Center²
- 291 9. Agriculture
- 292 10. Plant and Nursery Stock
- 293 11. Office, General
- 294 12. Office, Moderate Intensive
- 295 13. Office, Intensive
- 296 14. Financial Institution without drive-up window
- 297 15. Retail and Service Commercial, Minor
- 298 16. Retail and Service Commercial, Personal Improvement
- 299 17. Retail and Service Commercial, Major
- 300 18. ~~Commercial, Resort Support~~
- 301 19. Hospital, Limited Care
- 302 20. Parking Area or Structure with four (4) or fewer spaces
- 303 21. Food Truck Location⁸

304 B. **CONDITIONAL USES.**

- 305 1. Multi-Unit Dwelling

- 306 2. Group Care Facility
- 307 3. Child Care Center²
- 308 4. Public and Quasi-Public Institution, Church, and School
- 309 5. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 310 6. Telecommunication Antenna³
- 311 7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
- 312 8. Accessory Building and Use
- 313 9. Raising, grazing of horses
- 314 10. Bed and Breakfast Inn
- 315 11. Boarding House, Hostel
- 316 12. Hotel, Minor
- 317 13. Private Residence Club Project and Conversion⁶
- 318 14. Office and Clinic, Medical and Veterinary Clinic
- 319 15. Financial Institutions with Drive-Up Window⁵
- 320 16. Retail and Service Commercial with Outdoor Storage
- 321 17. Retail and Service Commercial, Auto-Related
- 322 18. Transportation Services
- 323 19. Retail Drive-Up Window⁵
- 324 20. Gasoline Service Station
- 325 21. Café or Deli
- 326 22. Restaurant, General
- 327 23. Restaurant, Outdoor Dining
- 328 24. Restaurant, Drive-Up Window⁵

- 329 25. Outdoor Event⁶
- 330 26. Bar
- 331 27. Hospital, General
- 332 28. Light Industrial Manufacturing and Assembly Facility
- 333 29. Parking Area or Structure with five (5) or more spaces
- 334 30. Temporary Improvement⁶
- 335 31. Passenger Tramway Station and Ski Base Facility
- 336 32. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- 337 33. Recreation Facility, Public
- 338 34. Recreation Facility, Commercial
- 339 35. Recreation Facility, Private⁷
- 340 36. Entertainment Facility, Indoor
- 341 37. Commercial Stables, Riding Academy
- 342 38. Heliports
- 343 39. Commercial Parking Lot or Structure
- 344 40. Temporary Sales Office, in conjunction with an active Building permit.
- 345 41. Fences and Walls greater than six feet (6') in height from Final Grade⁶
- 346 42. Household Pet, Boarding⁶
- 347 43. Household Pet, Daycare⁶
- 348 44. Household Pet, Grooming⁶
- 349 **45. Commercial, Resort Support⁹**

350 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use
351 is a prohibited Use.

352 ¹Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.
353 ²See Section 15-4-9, Child Care and Child Care Facilities.
354 ³See Section 15-4-14, Telecommunication Facilities.
355 ⁴See Section 15-4-13, Placement of Satellite Receiving Antennas.
356 ⁵See Section 15-2.19-8, Criteria for Drive-Up Windows.
357 ⁶Subject to an Administrative Conditional Use permit.
358 ⁷See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.
359 ⁸The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
360 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
361 letter.
362 ⁹Subject to provisions of Chapter 15-6 and Master Planned Development approval

363 HISTORY

364 *Adopted by Ord. [00-51](#) on 9/21/2000*
365 *Amended by Ord. [04-39](#) on 9/23/2004*
366 *Amended by Ord. [06-76](#) on 11/9/2006*
367 *Amended by Ord. [14-57](#) on 11/20/2014*
368 *Amended by Ord. [2018-55](#) on 10/23/2018*
369 *Amended by Ord. [2020-45](#) on 10/1/2020*
370 *Amended by Ord. [2021-51](#) on 12/16/2021*
371 *Amended by Ord. [2022-08](#) on 4/28/2022*

372 **15-15-1 Definitions**

373

374 ~~**[Commercial Use, Resort Support.** A Commercial Use that is clearly incidental to, and~~
375 ~~customarily found in connection with, the principal resort Use, and which is operated~~

376 ~~and maintained for the benefit or convenience of the Owner, occupants, employees,~~

377 ~~customers of, or visitors to, the principal Use.]~~

378