



STAFF REPORT

To: Summit County Council
From: Amir Caus, County Planner and Leslie Crawford, County Engineer
Date of Meeting: May 21, 2014
Type of Item: Special Exception - Public Hearing, Possible Action
Process: Legislative Review

RECOMMENDATION: Staff has reviewed the application for compliance with all standards in the Snyderville Basin Development Code (Development Code) and found that the information provided for the requested Special Exceptions to the road grade and setbacks is insufficient to make a positive recommendation. Accordingly, staff recommends that the Summit County Council review the proposed Discovery CORE Development Special Exception, conduct a public hearing and deny the application pursuant to the findings of fact and conclusions of law found in this staff report.

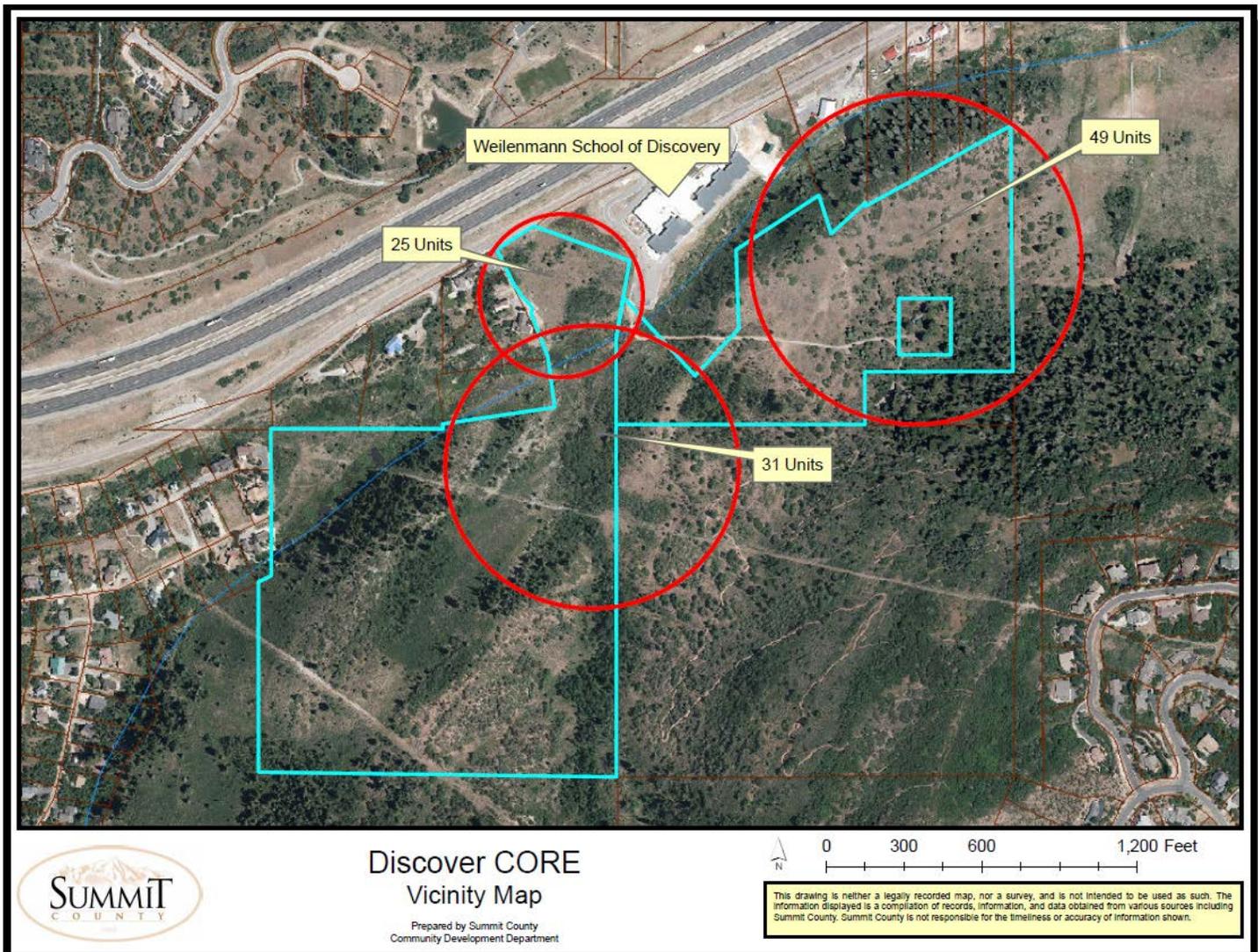
Project Description

Project Name: Discovery CORE Development Special Exception
Applicant(s): Glen K. Lent, Representative
Property Owner(s): Milton and Diane Weilenmann; Scott Anderson; Aldon Anderson Family LLC; and Mike Milner
Location: Kilby Road (west of Gorgoza), Summit County, Utah
Zone District: Hillside Stewardship (HS)
Parcel Number and Size: Parcels PP-38-C (20.98 acres), PP-38-C-3 (1 acre), and PP-39 (45.41 acres)
Type of Process: Legislative
Final Land Use Authority: Summit County Council (SCC)

Proposal

The applicant is requesting Special Exception approval to allow for increase in road grades, decrease of front setbacks, and decrease of side setbacks. The applicant has indicated that these Special Exceptions are necessary to allow additional flexibility in designing the project for Final Plat approval.

Vicinity Map



Background

The Discovery CORE project consists of 105 units of density and is a mixed affordable housing / market rate housing development processed under the CORE (Community Oriented Residential Enhancement Zones) program that was in effect from July 2008 until November 2011. On October 5, 2011, the SCC approved the CORE designation with a condition that the Final Plat is generally consistent with the “development bubbles” identified at the October 5, 2011 meeting (Exhibits B and C). The approval for the designation was also conditioned on the approval of the Final Plat. [The CORE language can be found in Exhibit D]

The applicant submitted a Final Subdivision Plat for Phase I on March 14, 2013. During the Staff review it was discovered that certain design criteria required by the Development Code would be difficult to meet and the project may not keep to the spirit of the clustered development as part of the CORE designation approval.

On August 22, 2013, the applicant submitted a Special Exception application for several exceptions. A public hearing was held on November 13, 2013. At that meeting the SCC decided that the number of exceptions requested was excessive and directed the applicant to meet with Staff to adjust the design.

The applicant, owner, and Staff have had a series of meetings discussing various design options. Between December 19, 2013 and March 29, 2014, the applicant submitted twelve different versions of the proposed project. Staff received a grading plan on March 7, 2014 which revealed additional concerns with regards to the design criteria required in the Code. The applicant submitted a modified version on March 29, 2014, however Staff's concerns were still not fully addressed. At this point the applicant made an official request for a decision within 45 days as per the State Code. Further meetings have taken place since the 45 day request and additional materials have been provided by the applicant. However, Staff finds that the design requirements of the Development Code have not been satisfied. Consequently, Staff is obligated to make a negative recommendation.

Please refer to Exhibit A for the applicant's latest version (submitted on May 15, 2014) of the request.

Analysis and Findings

1. Road Grade Exception

Staff can support the proposed road grade request up to 10% grade in some instances as this will help decrease the cut and fill necessary to construct the road. The American Association of State and Highway Transportation Officials (AASHTO) states grades of up to 11% are allowed on local roads in rolling areas. The special exception request for the road grades would be an exception to the Summit County Code but would not necessarily be an unsafe roadway.

There is a portion of the roadway as proposed that is 12%. Staff has offered to work with the applicant to evaluate the safety of this roadway grade however there has been no definitive answer regarding this road grade or the safety implications. In a meeting on May 14, 2014, the applicant agreed to reduce the 12% request to 11% to match the aforementioned AASHTO specification.

The road grades as shown on the grading plan indicate that there may be some unforeseen problems with the intersections. The Development Code Section 10-4-10.B.3 states the following:

“The grade within one hundred feet (100’) of any intersection shall not exceed three percent (3%)”.

The grading plan that was submitted on May 13, 2014 shows several intersections that do not meet this criterion. In order for staff to approve the road grades, staff would need evidence that the intersections would work according to the County Code. This has not been proven.

Additionally, the overall grading plan indicates that there may be issues with the construction of driveways to the homes. It is unclear that driveways will be able to be designed that meet the County’s driveway ordinance. Therefore, another special exception may be required in the future.

2. Front Setback Exception

The front setback requirement in the Hillside Stewardship zone is 30 feet from the right-of-way. The applicant is requesting a reduced front setback; however a final illustration has not been submitted. Staff can support a theory for a reduced front setback because it should reduce the amount of cut and fill on steeply sloping lots. There is precedent for this condition. The setback would need to be of sufficient depth to accommodate a parking area in front of the garage. This would mean a minimum depth of 18 feet from the back of the sidewalk to the structure. Depending on the configuration, a 10 foot front setback would satisfy this condition. A more detailed plan would reveal which lots would need this exception. At this time it appears that the applicant is asking for a blanket front yard setback exception.

3. Side Setback Exception

The side setback requirement in the Hillside Stewardship zone is 12 feet. The applicant has requested a 6 foot side setback for the purpose of design flexibility and reduction of cut and fill. At this time, Staff cannot support this request as the need for a side yard setback Special Exception has not adequately been demonstrated.

Additional Considerations: Layout, Critical Slopes, Grade, Stabilizing, Retaining Walls, and Access Problems

- The applicant has changed the layout from the original 59 single family lots and 46 townhomes to 73 single family lots and 32 townhomes. This has resulted in a 6.4 acre increase of the project disturbance area in order to allow for the density and the lot layout. The applicant feels that this new addition keeps in spirit of the original “bubble” diagram as recommended by the SCC. The CORE open space requirements would still be met therefore Staff considers this generally acceptable.

- Development layout and design is prohibited in areas which include slopes of 30% or greater [Section 10-4-3-C]. There is one section of the road that appears to be in a slope that is in excess of 40%. The applicant has not presented a final solution to this requirement.
- Road grades are not allowed to exceed 3% if located within 100 feet of any intersection [Section 10-4-10-D]. The applicant has not presented a solution to this issue.
- All cut and fill slopes in excess of 3:1 are required to be properly stabilized and revegetated, as evidenced in a professionally prepared grading and conservation plan attached to the application for a permit [Section 10-4-3-E]. There appear to be multiple areas that this requirement would apply to. The applicant has not presented a solution to this requirement.
- Over-lot grading or the significant removal of soil material on the uphill side of a site and filling on the downhill side, when natural slope conditions exceed 10% of the site to create a large, flat development pad is not permitted [Section 10-4-3-E]. All development shall generally conform to the existing contours of the land. The last plan, received on May 13, 2014 identifies significant over-lot grading. The applicant has not presented a solution to this item.
- Retaining walls are required to be used when cuts or fills exceed 10 feet as measured vertically at the edge of the road shoulder [Section 10-4-10-C]. There appear to be multiple areas that this requirement would apply to.
- Buildings shall not be located on soils with severe limitations for any of the proposed uses, unless fully mitigated by appropriate design and construction techniques. Limitations on development may be due to any of a number of factors, including the depth to bedrock or a water table, soil permeability, the soil's propensity to shrink and swell and other factors, as determined by the soil conservation service (USDA) [Section 10-4-3-E]. Roads on soils having low bearing strengths, high shrink/swell potentials or high frost heave hazards may be required, upon recommendation of the County Engineer, to be constructed to specifications more demanding than those required on others [Section 10-4-10-D]. A soils report for the site categorically states that significant areas of the development contain expansive soils, unsuitable for development which further exacerbates the grading and stabilization problem. The soils report did not take the additional project disturbance area into consideration. The report leaves additional questions as to what kind of mitigation is appropriate and should take place prior to any final approvals, but does provide solutions to the areas that were explored during the study.

In a meeting on May 14, 2014, the applicant indicated that they would provide more materials at the May 21, 2014 SCC to further demonstrate how the aforementioned issues will be addressed and why the Special Exceptions should be approved.

Standards for Approval

Section 10-3-7 of the Development Code states that the SCC shall not approve a Special Exception unless the applicant demonstrates that:

1. The special exception is not detrimental to the public health, safety, and welfare.
Staff believes that the applicant has not demonstrated that certain Development Code requirements are being met; therefore the public health, safety, and welfare cannot be analyzed.
2. The intent of the Development Code and General Plan will be met.
Staff has reviewed the Development Code against the proposed application and there are not enough details submitted by the applicant which demonstrate that certain Code requirements can be met.
3. The applicant does not reasonably qualify for any other equitable processes provided through the provisions of the Development Code; and,
Staff has found that the proposed application did not meet each of the technical requirements for the Board of Adjustment to grant a variance.
4. There are equitable claims or unique circumstances warranting the special exception.
Staff finds that the proposed lot layout is per the applicant and the difficulties of the density, home types, and lot types versus the site are all self-imposed hardships and the applicant has not demonstrated why the project warrants Special Exceptions.

The applicant has not demonstrated compliance with key components of Chapter 4. These critical areas will affect the overall layout of the project and thus the necessity of the special exception request. Development on critical slopes and impact of road grading has not fully been explained. Some lots appear to be on slopes over 30% which is prohibited. Functional driveways have not been shown and this is a concern on some of the steeper lots, especially the downhill lots. The information submitted often appeared contradictory in the illustrations provided.

Although the applicant has indicated that the code requirements could be met and will be met during the construction phases. It is Staff's conclusion that the request is not completely independent of the aforementioned issues. All of these concerns would need to be addressed during the Final Plat process. At this time much of the information submitted remains conceptual. For example, the applicant indicated on May 14, 2014 that some lots would be reconfigured. A revised plan has not yet been received.

Recommendation

With the lack of information supporting the special exception requests, Staff recommends that the SCC review and deny the requested Special Exceptions based on the following findings of fact and conclusions of law:

Findings of Fact:

1. Milton & Diane Weilenmann; Scott Anderson; Aldon Anderson Family LLC; Mike Milner are the owners of record of parcels PP-38-C, PP-38-C-3, and PP-39.
2. The Discovery CORE overlay zone was approved by the Summit County Council on October 5, 2011.
3. Summit County Council conditioned the October 5, 2011 approval that the development be clustered and that the Final Plat be generally consistent with the development bubbles identified at the October 5, 2011 meeting.
4. The setbacks for all structures are subject to the HS zone district which are 30 feet from the right-of-way and 12 feet for the side and rear yards.
5. As per the applicant's analysis, the proposed front setback Special Exception is to allow for the Discovery CORE Development for reduced setbacks in order to maximize the cluster development recommended by the Summit County Council and to reduce the cut and fill required to develop the project.
6. As per the applicant's analysis, the applicant has requested a side setback Special Exception in order to allow the Discovery CORE Development flexibility and to reduce impacts on the site.
7. Public notice of the public hearing was published in the May 10, 2014 issue of the *Park Record*.
8. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels on May 6, 2014.
9. Staff has reviewed the Special Exception for compliance with applicable Development Code standards.

Conclusions of Law:

1. The applicant has not demonstrated critical Development Code requirements have been met in order to demonstrate that the special exception is not detrimental to the public health, safety, and welfare.
2. The proposed lot layout is per the applicant and the hardship is self-imposed, therefore there are no equitable claims or unique circumstances warranting the special exception.

Public Notice, Meetings and Comments

This item was publicly noticed as a public hearing with possible action by the SCC. Notice of the public hearing was published in the issue of The Park Record. Courtesy postcards were mailed to all property owners within 1,000 feet of the subject Parcel.

Attachments

Exhibit A – Applicant’s Exhibits and Reasoning for the Exceptions

Exhibit B – Recommended Development Bubble Map

Exhibit C – November 13, 2013 SCC Minutes

Exhibit D – CORE Language

EXHIBIT A.1

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Peter Barnes](#); [Leslie Crawford](#); [Sean Clark](#)
Subject: Fw: Road Grade Exception Exhibits
Date: Thursday, May 15, 2014 11:46:05 AM
Attachments: [Road Slope Exception Exhibit 01.pdf](#)
[Road Grade Comparison Exhibit 01.pdf](#)
[Road Grade Comparison Exhibit 02.pdf](#)
[Road Grade Comparison Exhibit 03.pdf](#)

Here are some updated road grade analyses for the staff report.

Glen K. Lent, PE

President

Alpine Development, LLC

P: 801 403 9660

F: 435 604 0746

----- Forwarded Message -----

From: Tom <tromney@focusutah.com>

To: "Glen Lent (glen@alpine-development.com)" <glen@alpine-development.com>

Cc: "dseanclark@gmail.com" <dseanclark@gmail.com>

Sent: Thursday, May 15, 2014 11:26 AM

Subject: Road Grade Exception Exhibits

Glen,

Attached are the 4 exhibits I would think you will want to show to get the 10% and 11% road grade exception.

1. Road Slope Exception Exhibit: It includes the overall grading plan which shows the locations where we are asking for 10% and 11% road grades, how the lots can be graded to make them buildable, the locations of roadway with a fill of 10' or greater including the retaining walls in those areas to meet the code.
2. The 3 Road Grade Comparison Exhibits which show different locations on the site to illustrate how much higher the roads will be relative to existing grade if we are not allowed the 10% and 11% slopes. This will then create a larger grading footprint on the overall site.

Thanks

Thomas Romney, P.E.

Project Manager



502 W. 8360 South

Sandy, Utah 84070

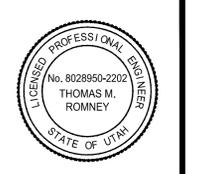
p 801.352.0075

www.focusutah.com

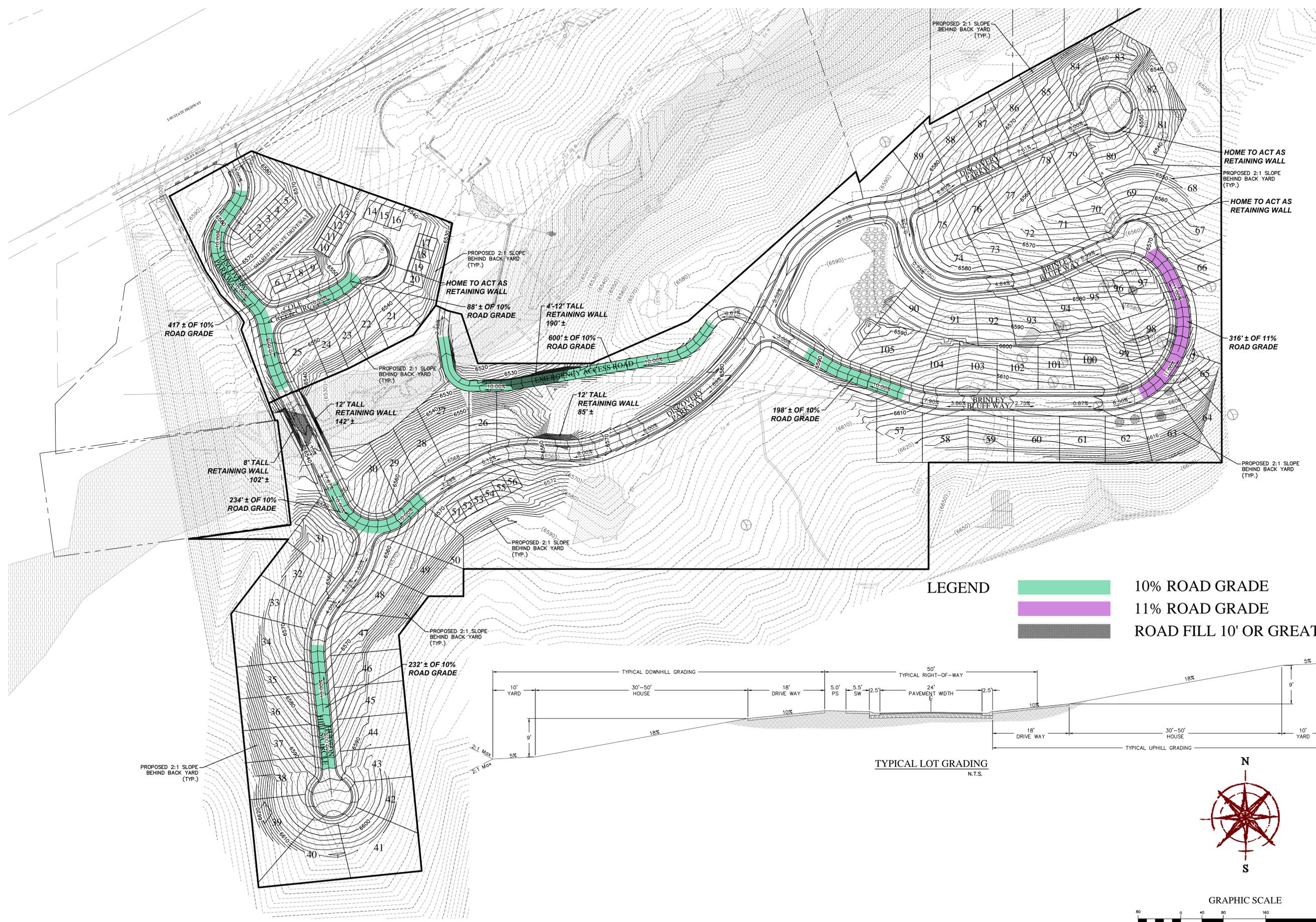
EXHIBIT A.2

tromney@focusutah.com

This e-mail and attachments, if any, may contain confidential and/or proprietary information. Please be advised that the unauthorized use or disclosure of the information is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by reply e-mail and delete all copies of this message and attachments. Access, copying, forwarding, or re-use of information by/for non-intended or non-authorized recipients is prohibited. Furthermore, any drawings, maps, specifications, calculations and other documents, prepared by Focus Engineering and Surveying, LLC (FOCUS) and FOCUS' consultants are Instruments of Service for use solely with respect to the intended Project. This includes documents in electronic form. FOCUS and FOCUS' consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. The Instruments of Service shall not be used by the owner for future additions or alterations to the intended Project or for other projects, without the prior written agreement of FOCUS. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to FOCUS and FOCUS' consultants

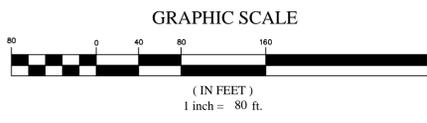
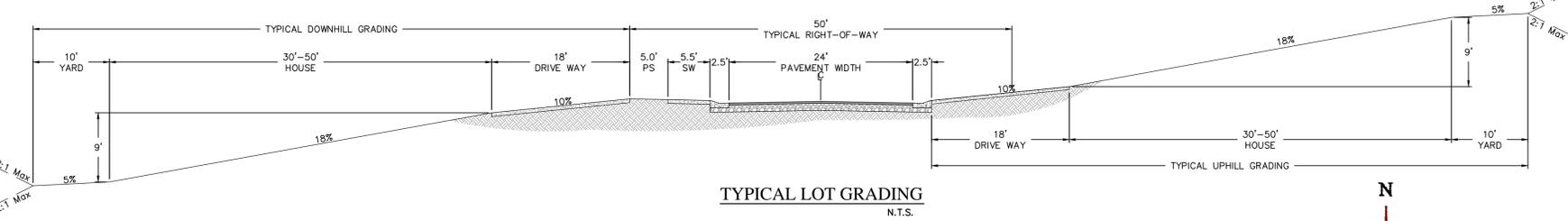


ROAD SLOPE EXCEPTION EXHIBIT
 DISCOVERY PHASE 1 & 2
 SUMMIT COUNTY, UTAH



LEGEND

- 10% ROAD GRADE
- 11% ROAD GRADE
- ROAD FILL 10' OR GREATER



REVISION BLOCK

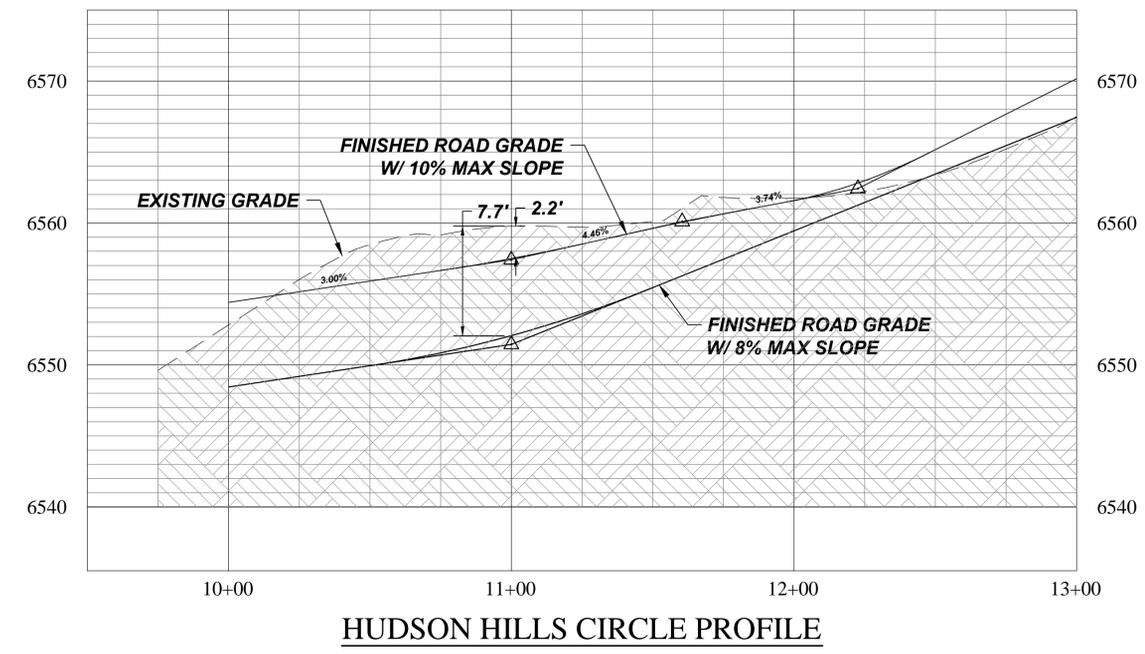
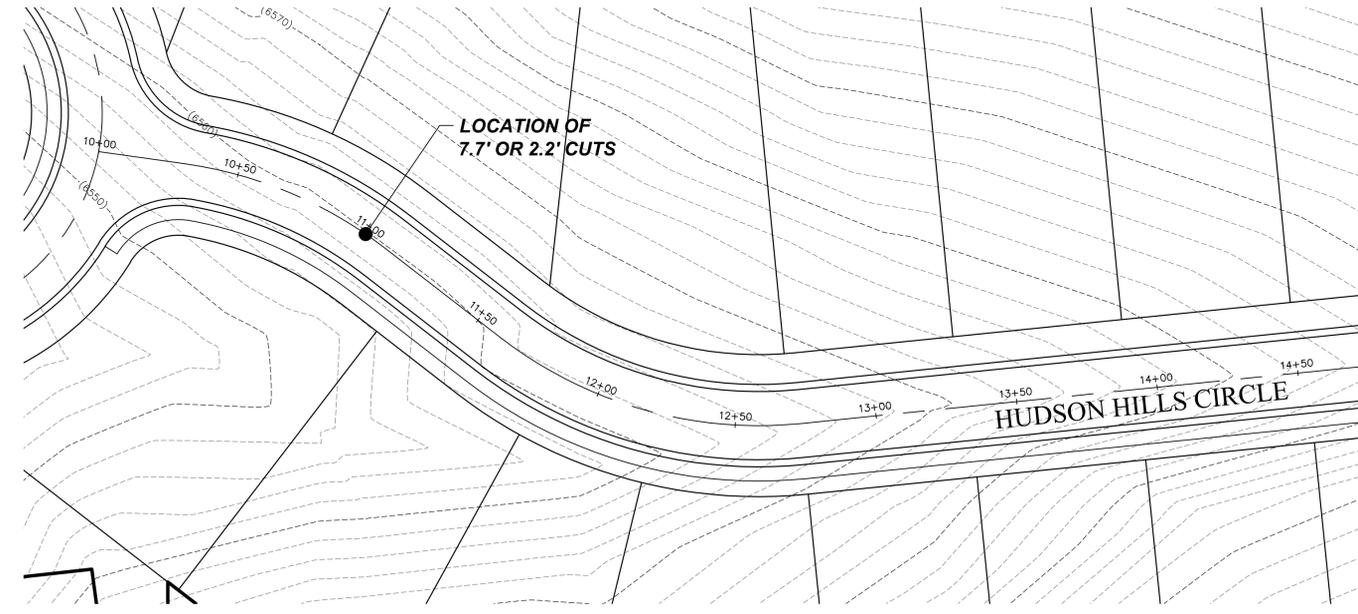
#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

ROAD SLOPE EXCEPTION EXHIBIT

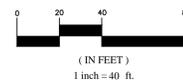
Scale: 1"=80' Drawn: KB
 Date: 05/15/2014 Job #: 14-009
 Sheet: **01**

Z:\2014\14-009 Discovery 2014\Design 14-009.dwg (Exceptions)\Road Slope Exception Exhibit 01.dwg

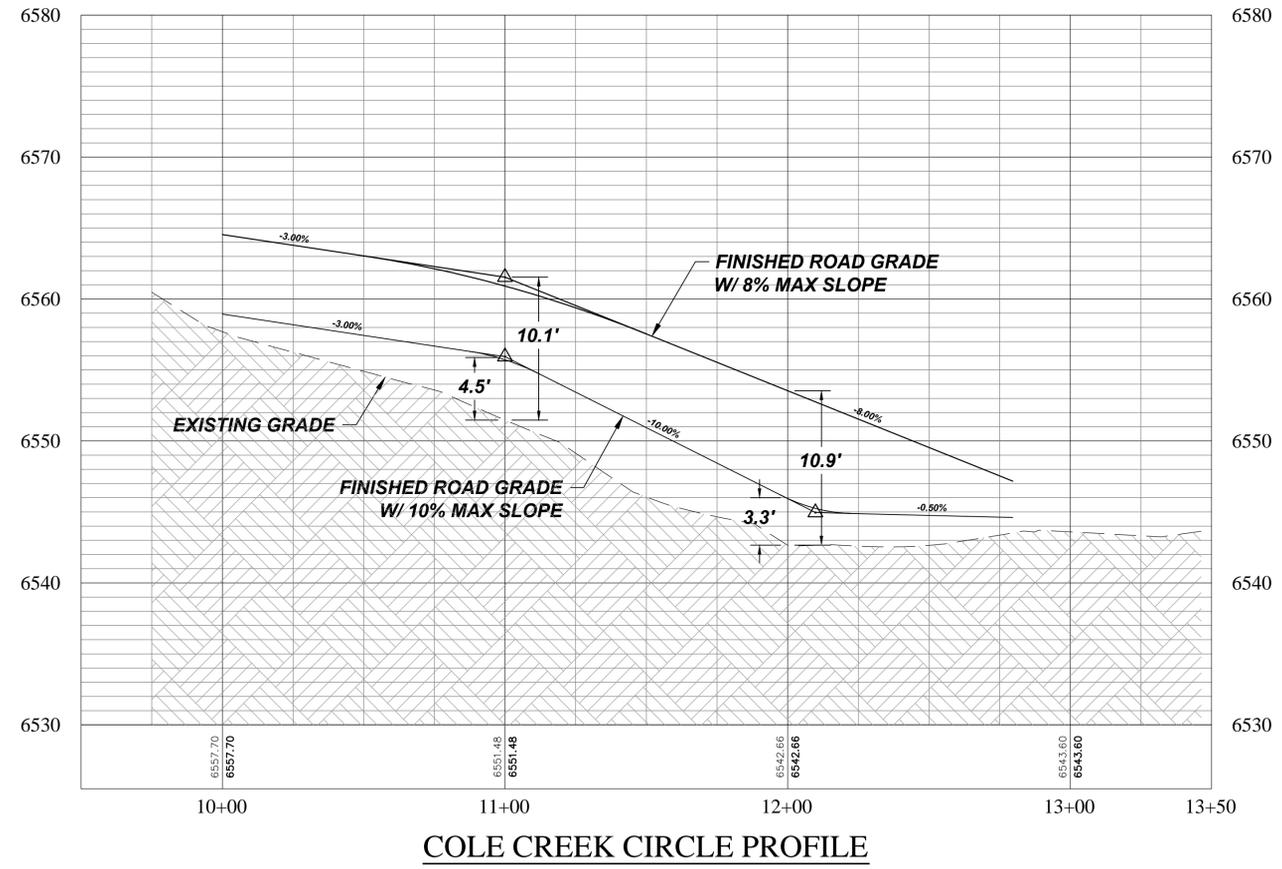
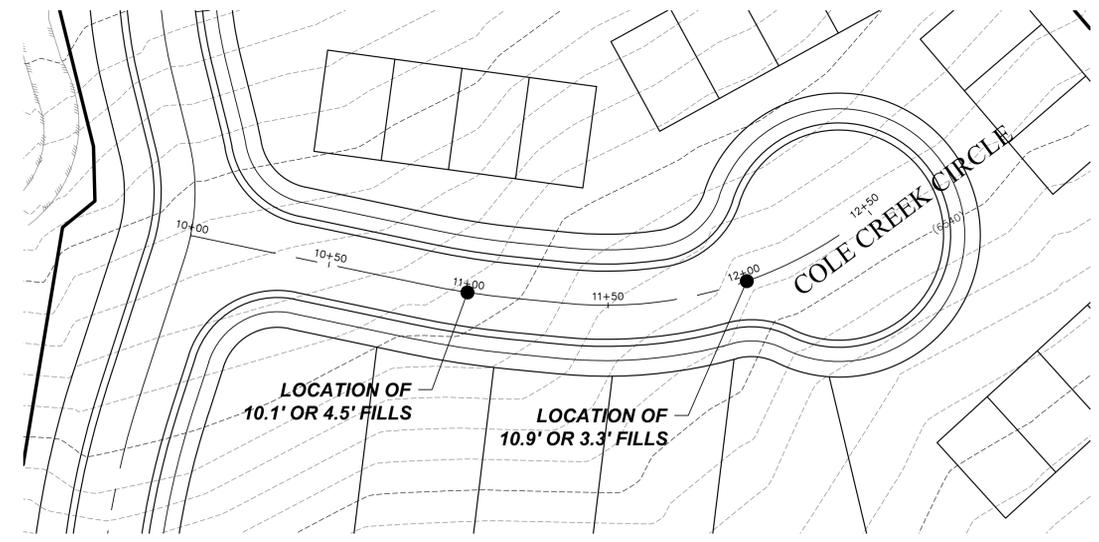
HUDSON HILLS
ROAD GRADE
COMPARISON
EXHIBIT 01



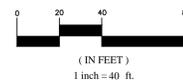
DESIGNED BY:



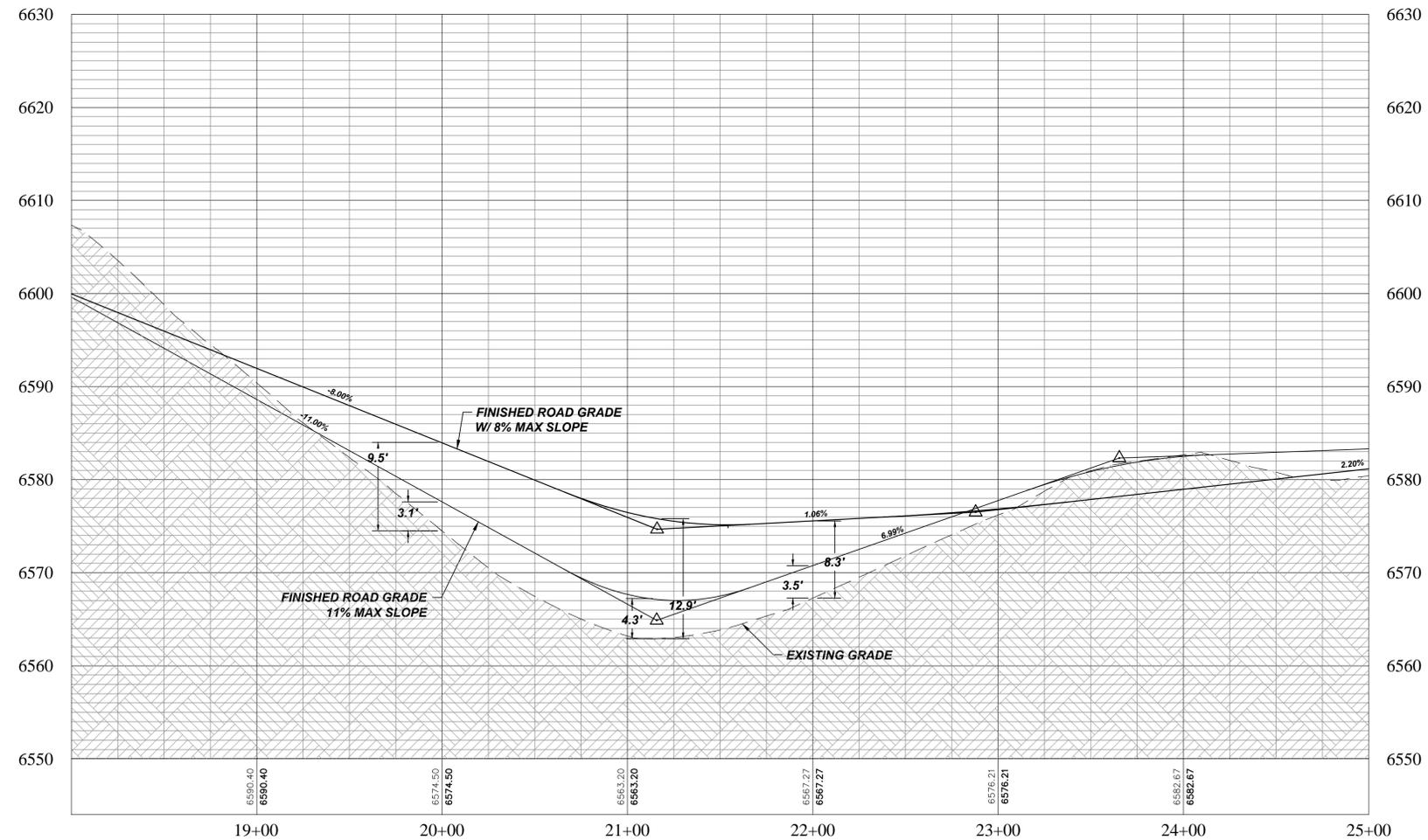
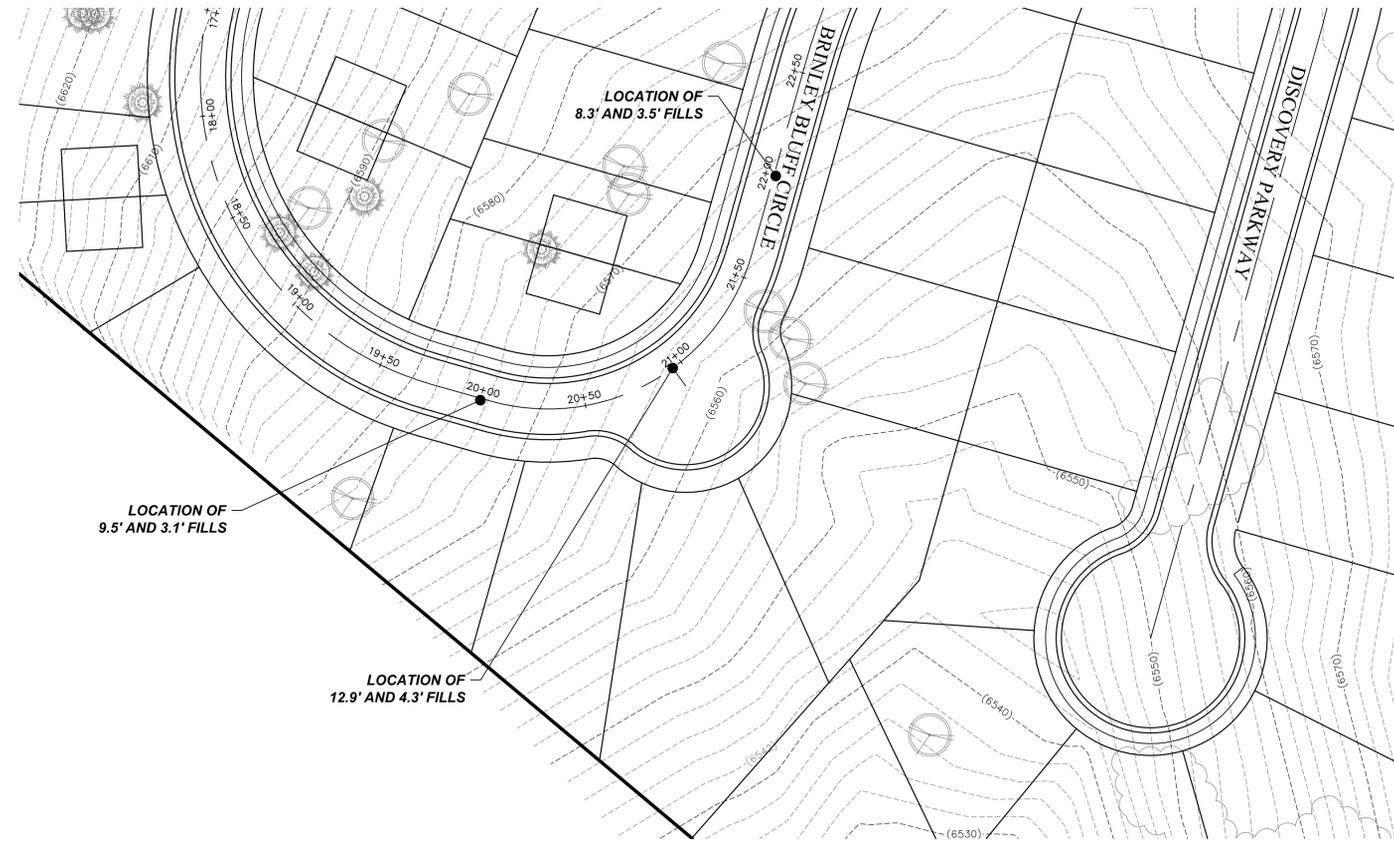
COLE CREEK
ROAD GRADE
COMPARISON
EXHIBIT 02



DESIGNED BY:



BRINLEY BLUFF WAY
ROAD GRADE
COMPARISON
EXHIBIT 03



BRINLEY BLUFF WAY PROFILE

DESIGNED BY:

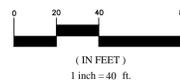


EXHIBIT A.7

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Leslie Crawford](#); [Peter Barnes](#); [Sean Clark](#)
Subject: Fw: Anticipated Lot Layout Exhibit
Date: Thursday, May 15, 2014 11:47:34 AM
Attachments: [Anticipated Lot Layout Exhibit.pdf](#)

Here is an updated lot layout for the staff report.

Glen K. Lent, PE
President
Alpine Development, LLC
P: 801 403 9660
F: 435 604 0746

----- Forwarded Message -----

From: Tom <tromney@focusutah.com>
To: "Glen Lent (glen@alpine-development.com)" <glen@alpine-development.com>
Cc: "dseanclark@gmail.com" <dseanclark@gmail.com>
Sent: Thursday, May 15, 2014 11:32 AM
Subject: Anticipated Lot Layout Exhibit

Glen,

Attached is the anticipated lot layout exhibit so they have an overall with lot areas and open space.

Thanks

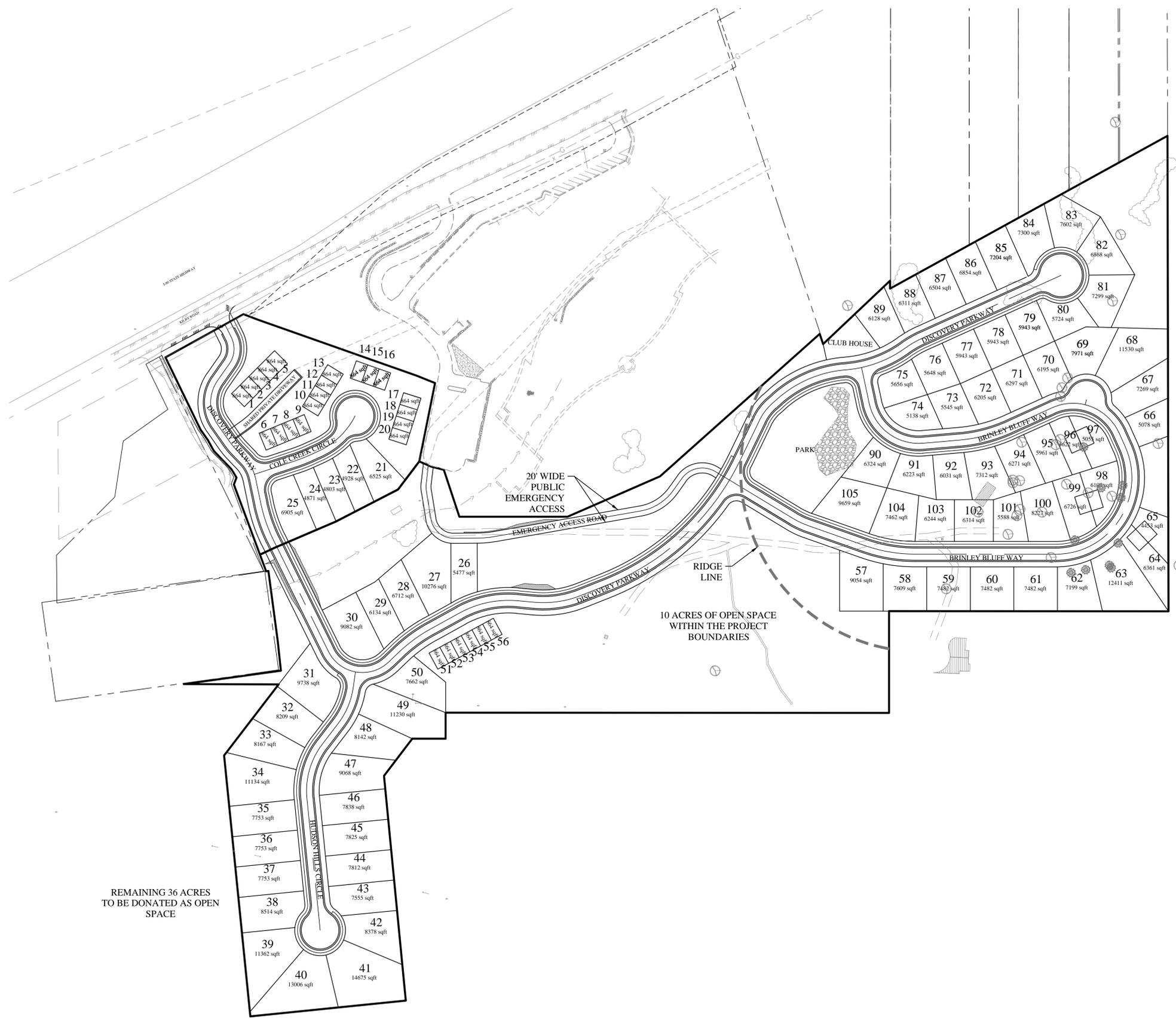
Thomas Romney, P.E.
Project Manager


FOCUS
ENGINEERING & SURVEYING, LLC
502 W. 8360 South
Sandy, Utah 84070
p 801.352.0075
www.focusutah.com
tromney@focusutah.com

This e-mail and attachments, if any, may contain confidential and/or proprietary information. Please be advised that the unauthorized use or disclosure of the information is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by reply e-mail and delete all copies of this message and attachments. Access, copying, forwarding, or re-use of information by/for non-intended or non-authorized recipients is prohibited. Furthermore, any drawings, maps, specifications, calculations and other documents, prepared by Focus Engineering and Surveying, LLC (FOCUS) and FOCUS' consultants are Instruments of Service for use solely with respect to the intended Project. This includes documents in electronic form. FOCUS and FOCUS' consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. The Instruments of Service shall not be used by the owner for future additions or alterations to the intended Project or for other projects, without the

EXHIBIT A.8

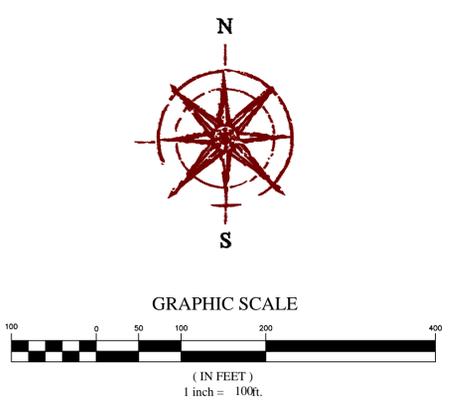
prior written agreement of FOCUS. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to FOCUS and FOCUS' consultants



REMAINING 36 ACRES
 TO BE DONATED AS OPEN
 SPACE

CONCEPT NARRATIVE

LOCATED AT:	SUMMIT COUNTY, UTAH
ORIGINAL PROPERTY	67.97 ACRES
SINGLE FAMILY LOTS	79 UNITS
TOWNHOME LOTS	26 UNITS
OPEN SPACE	46 ACRES± (67%)



DISCOVERY COVE
 CONCEPT

REVISION BLOCK	
#	DESCRIPTION
1	
2	
3	
4	
5	
6	

ANTICIPATED LOT LAYOUT

Scale: 1"=100'	Drawn: RRH
Date: 05/15/2014	Job #: 14-009
Sheet:	01

EXHIBIT A.10

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Leslie Crawford](#); [Peter Barnes](#); [Sean Clark](#)
Subject: Fw: Open Space Exhibit
Date: Thursday, May 15, 2014 11:50:07 AM
Attachments: [Open Space Exhibit.pdf](#)

Please include.

Glen K. Lent, PE
President
Alpine Development, LLC
P: 801 403 9660
F: 435 604 0746

----- Forwarded Message -----

From: Tom <tromney@focusutah.com>
To: "Glen Lent (glen@alpine-development.com)" <glen@alpine-development.com>
Cc: "dseanclark@gmail.com" <dseanclark@gmail.com>
Sent: Thursday, May 15, 2014 11:36 AM
Subject: Open Space Exhibit

Glen,

Attached is the updated Open Space Exhibit

Thomas Romney, P.E.
Project Manager



ENGINEERING & SURVEYING, LLC

502 W. 8360 South

Sandy, Utah 84070

p 801.352.0075

www.focusutah.com

tromney@focusutah.com

This e-mail and attachments, if any, may contain confidential and/or proprietary information. Please be advised that the unauthorized use or disclosure of the information is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by reply e-mail and delete all copies of this message and attachments. Access, copying, forwarding, or re-use of information by/for non-intended or non-authorized recipients is prohibited. Furthermore, any drawings, maps, specifications, calculations and other documents, prepared by Focus Engineering and Surveying, LLC (FOCUS) and FOCUS' consultants are Instruments of Service for use solely with respect to the intended Project. This includes documents in electronic form. FOCUS and FOCUS' consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. The Instruments of Service shall not be used by the owner for future additions or alterations to the intended Project or for other projects, without the prior written agreement of FOCUS. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to FOCUS and FOCUS' consultants

EXHIBIT A.11

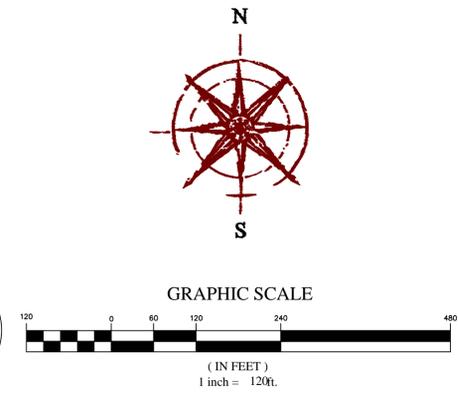


CONCEPT NARRATIVE

LOCATED AT:	SUMMIT COUNTY, UTAH
ORIGINAL PROPERTY	67.97 ACRES
SINGLE FAMILY LOTS	79 UNITS
TOWNHOME LOTS	26 UNITS
OPEN SPACE	42 ACRES± (62%)

OPEN SPACE REQUIREMENTS

DEVELOPMENT AREA	31.62 ACRES
ACTIVE OPEN SPACE AREA	10.54 ACRES
PERCENTAGE OF ACTIVE OPEN SPACE	33.3%
OVERALL PROPERTY AREA	67.97 ACRES
MEANINGFUL OPEN SPACE AREA	36.35 ACRES
PERCENTAGE OF MEANINGFUL OPEN SPACE	53.5%



DISCOVERY COVE
 OPEN SPACE EXHIBIT

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

CONCEPT	
Scale: 1"=120'	Drawn: RRH
Date: 05/15/2014	Job #: 14-009
Sheet:	01

EXHIBIT A.13

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Leslie Crawford](#); [Peter Barnes](#)
Subject: More exhibits
Date: Thursday, May 15, 2014 12:12:44 PM
Attachments: [Uphill - Downhill.docx](#)

Glen K. Lent, PE
President
Alpine Development, LLC
P: 801 403 9660
F: 435 604 0746

DISCOVERY RIDGE

UPHILL HOUSES

This building type is an effective response to steep topography on the uphill side of the street. The living, kitchen, and dining spaces are located on the upper (second) story, where a patio at the rear is accessible directly from these spaces. The upper story balcony faces the street and provides "eyes on the street." The tandem double car garage is directly accessible from the street. The garage door is no more than 8 feet wide and tucked under the balcony. A bonus bedroom suite is provided on the street level.



Streetview of three uphill houses



View of the street from an upper level porch

DOWNHILL HOUSES

This building type is an effective response to steep topography on the downhill side of the street. To reduce the amount of fill wider side of the building faces the street. The living, kitchen, and dining spaces are located on the street level. A double car garage, also located on this level, is accessed directly from the street. An additional bedroom suite and a family room are located on the lower level (walk-out basement). When the rear faces south this building type works the best.



Streetview of four downhill houses

EXHIBIT A.16

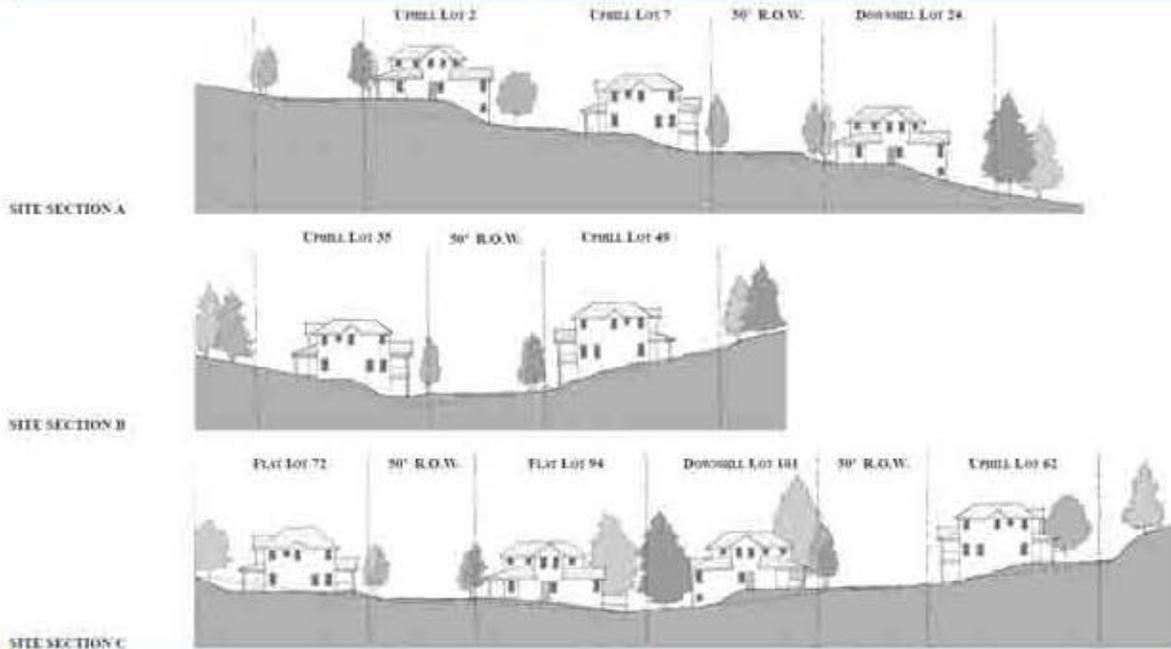


EXHIBIT A.17

PARK CITY, UTAH

DISCOVERY

APRIL 2014



P E L D N A
ARCHITECTS AND INTERIORS
KIMBLE PRODUCTIONS, LLC, 1200 AVENUE K, KIMBLE GRANDE, PARK CITY, UTAH 84302
801.938.8243, 801.938.8244 | 801.938.8245 | WWW.PELDNDNA.COM

EXHIBIT A.18

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Leslie Crawford](#); [Peter Barnes](#); [Sean Clark](#)
Subject: More exhibits
Date: Thursday, May 15, 2014 12:16:37 PM
Attachments: [On-ramp merge viewshed.pdf](#)

To be used with the concept of the bubble diagram was created for the viewshed and this new area is not in the viewshed.

Glen K. Lent, PE

President

Alpine Development, LLC

P: 801 403 9660

F: 435 604 0746

EXHIBIT A.19

Viewshed

Viewshed from On-ramp merge

- Legend
- Gorgoza Park
 - Jeremy Golf & Country Club
 - No Worries Cafe & Grill
 - Weilenmann School of Discovery

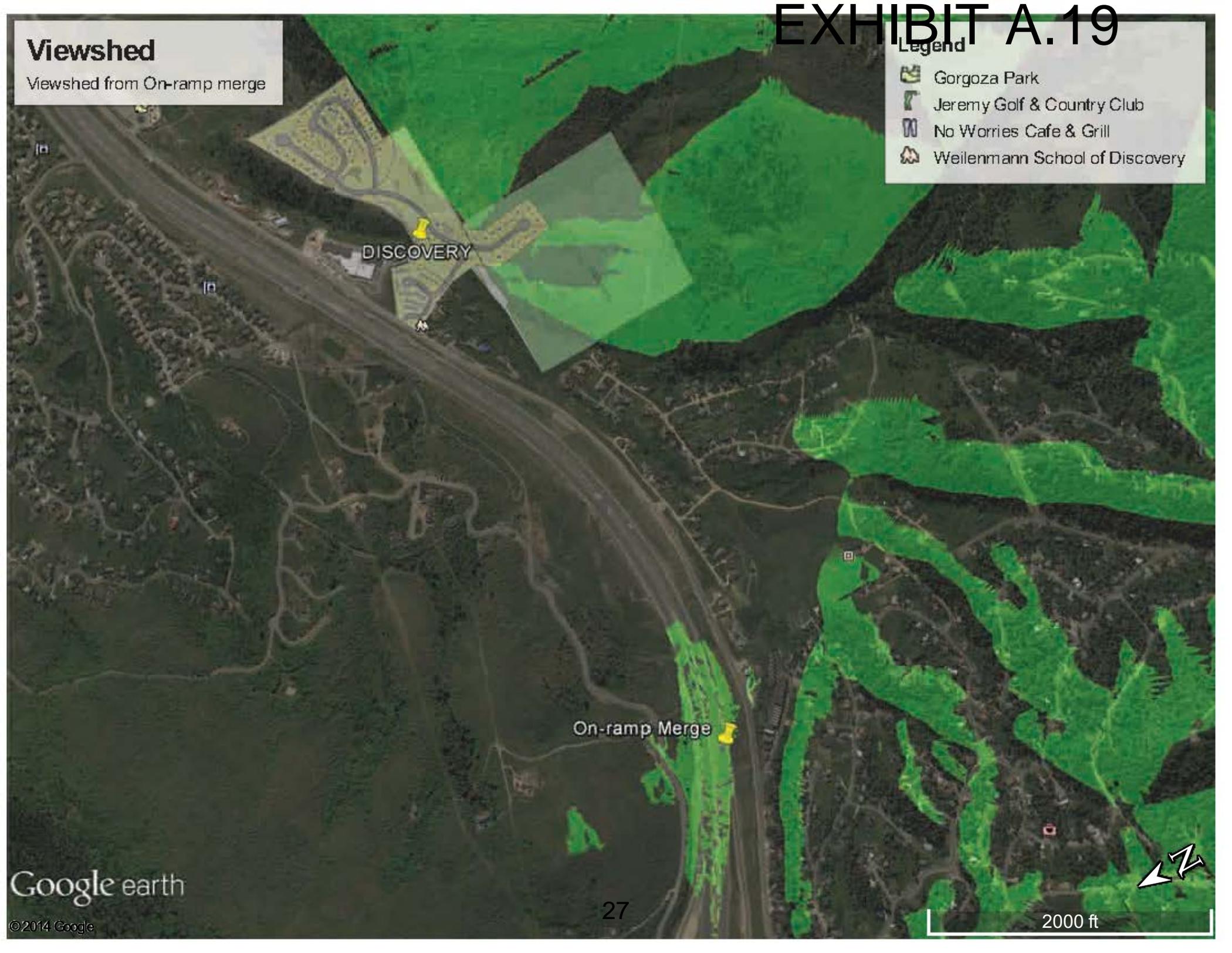


EXHIBIT A.20

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Peter Barnes](#); [Leslie Crawford](#); [Sean Clark](#)
Subject: viewshed
Date: Thursday, May 15, 2014 12:18:12 PM
Attachments: [Timberline Entrance viewshed.pdf](#)
[Uphill - Downhill.docx](#)

To be used with the concept of the bubble diagram was created for the viewshed and this new area is not in the viewshed. Word document shows uphill/downhill lot consideration and the plan view of where the cross sections were done.

Glen K. Lent, PE
President
Alpine Development, LLC
P: 801 403 9660
F: 435 604 0746

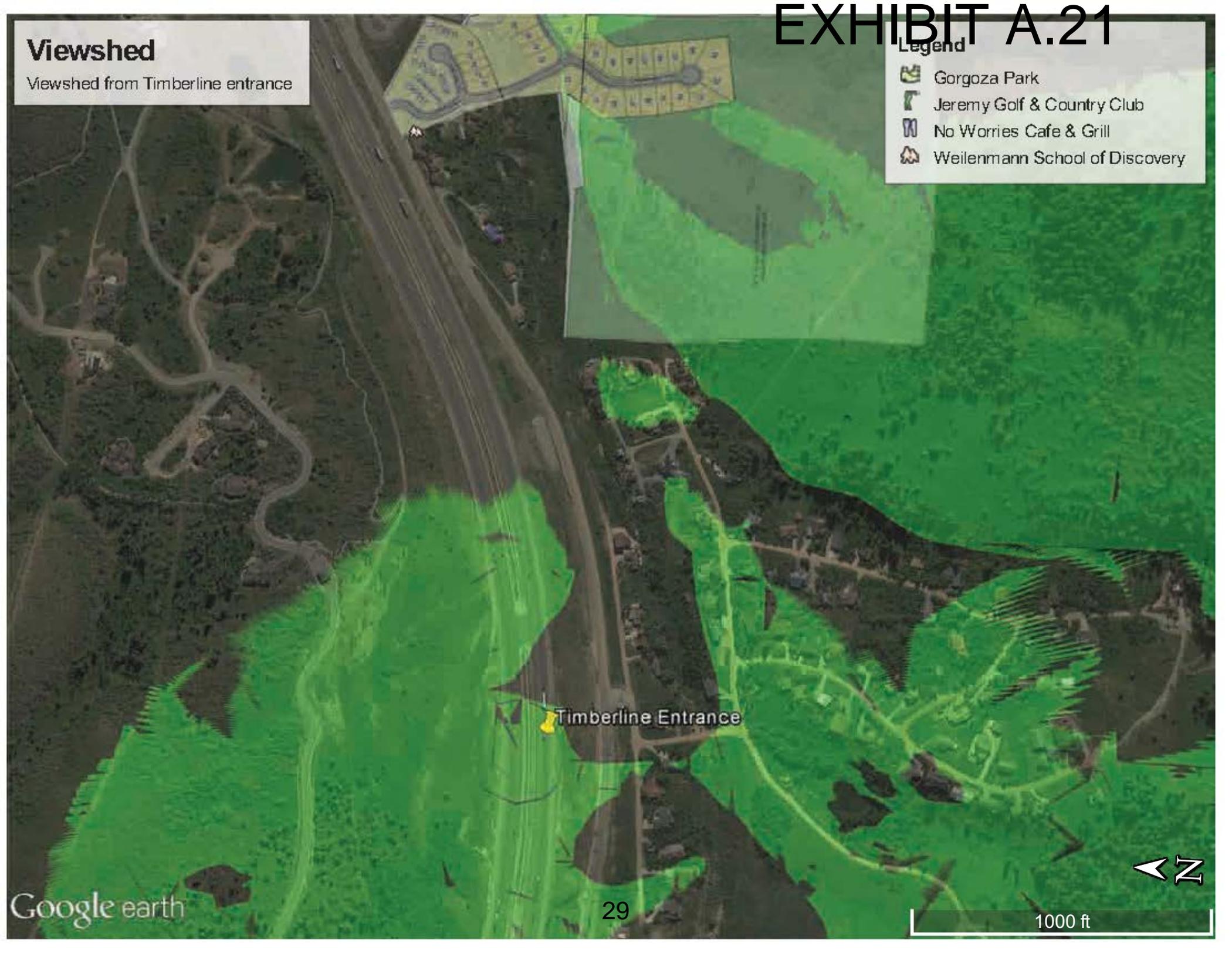
EXHIBIT A.21

Viewshed

Viewshed from Timberline entrance

Legend

-  Gorgoza Park
-  Jeremy Golf & Country Club
-  No Worries Cafe & Grill
-  Weilenmann School of Discovery



Timberline Entrance

EXHIBIT A.22

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Peter Barnes](#); [Leslie Crawford](#); [Sean Clark](#)
Subject: Fw: Scanned image from MX-6240N
Date: Thursday, May 15, 2014 12:20:54 PM
Attachments: [noreply@drhorton.com_20140515_100732.pdf](#)

Our summary for reduced sideyard setbacks. The exhibit shows how a 52' wide lot, a 28' X 40" house could be rotated 90 degrees and coupled with 6' sideyard setbacks versus 12' creating a scenario where the grading will be much better. Bullet points below.

Reduced side yard setbacks...

- Embodies the goal of the clustering by keeping the lots smaller.
- Gives more ability for placement of driveways on slopes
- Allows flexibility with avoiding natural features (rock outcropping, trees, etc.)
- Allows for a diverse streetscape as opposed to a cluster of the same product (Bear Hollow)
- Simplifies lot grading by allowing houses to be wider and less deep thereby reducing cuts and fills on sloping lots.

[Glen K. Lent, PE](#)

President

Alpine Development, LLC

P: 801 403 9660

F: 435 604 0746

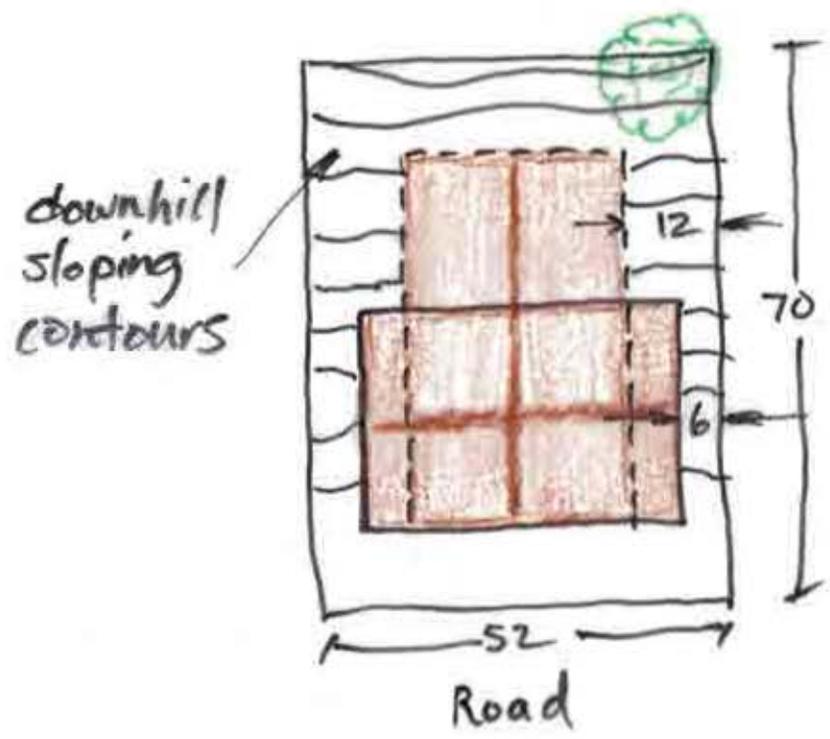


EXHIBIT A.24

From: [Glen K. Lent](#)
To: [Amir Caus](#)
Cc: [Peter Barnes](#); [Leslie Crawford](#); [Sean Clark](#)
Subject: Fw: Setback and Road Slope Diagrams
Date: Thursday, May 15, 2014 2:48:48 PM
Attachments: [Lot Diagram_no layers.pdf](#)
[Slope Diagram.pdf](#)

Setback request and slope diagram you requested.

Glen K. Lent, PE

President

Alpine Development, LLC

P: 801 403 9660

F: 435 604 0746

----- Forwarded Message -----

From: Colleen Cummings <Colleen@pel-ona.com>
To: glen@alpine-development.com
Cc: 'Ronnie Pelusio' <ronnie@pel-ona.com>
Sent: Tuesday, May 13, 2014 5:01 PM
Subject: Setback and Road Slope Diagrams

Glen,

The diagrams for building setbacks and 8% vs 12% slope are attached here. Let us know if you need anything else!

Colleen Cummings

PEL-ONA ARCHITECTS & URBANISTS

4676 Broadway Boulder, Colorado 80304

TEL: 303.443.7876

Colleen@Pel-Ona.com

PROPERTY LINE

SIZE YARD
SETBACK

6' ON LOTS
45' WIDE
& LESS

8' ON LOTS
GREATER
THAN 45'
WIDE

18' MIN
GARAGE FACE
TO SIDEWALK
OR CURB.
[WHICHEVER IS
NEARER]

PROPERTY LINE

10' MIN
BUILDING
FACE
TO PROPERTY
LINE

6' MIN PORCH TO
PROPERTY LINE

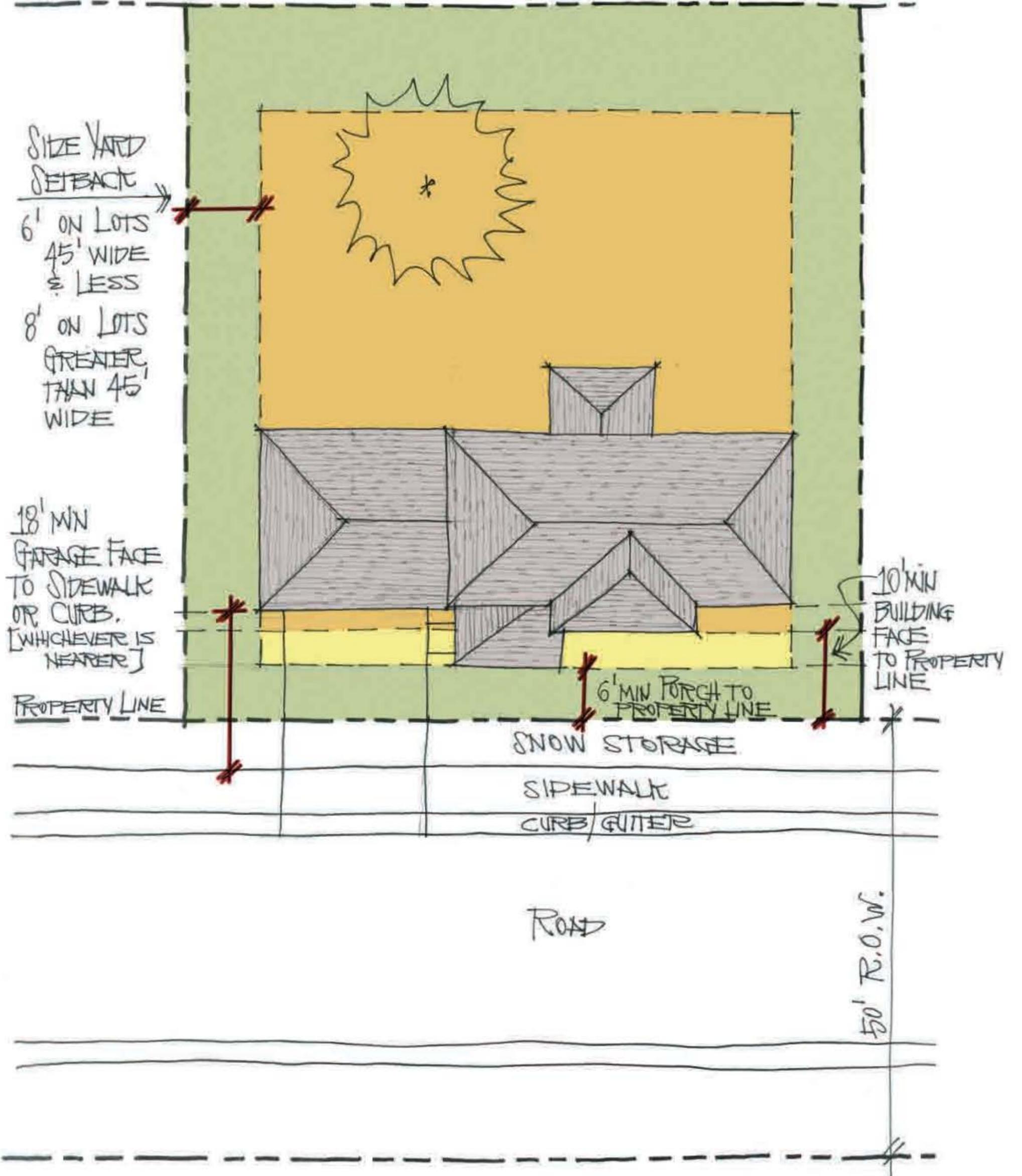
SNOW STORAGE

SIDEWALK
CURB/GUTTER

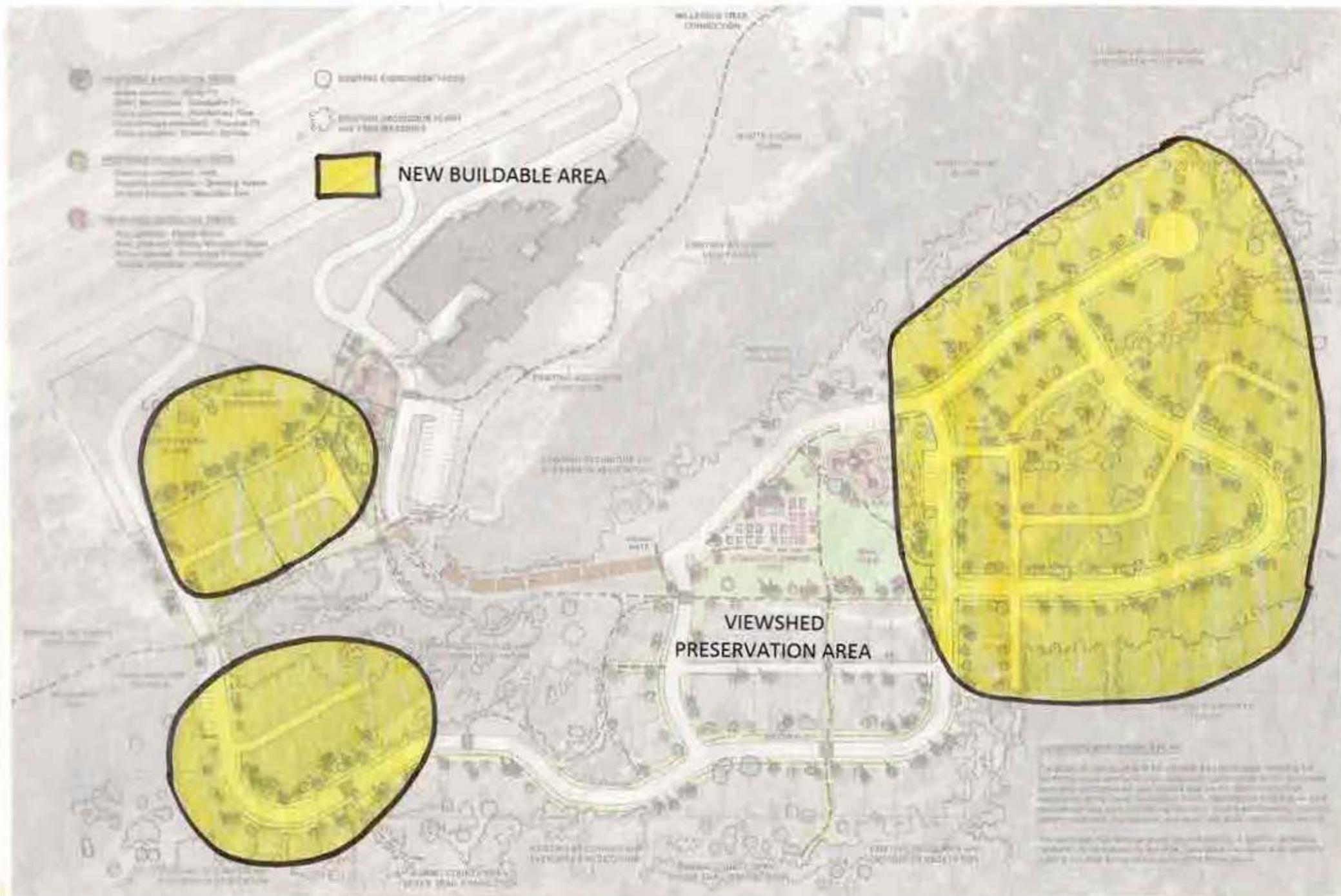
ROAD

50' R.O.W.

BUILDING SETBACKS







five Council Members live on the west side of the County, and it would be more convenient for the Council Members to hold the meetings in the Snyderville Basin.

Vice Chair Robinson explained that, with regard to this hearing, he tried to have the meeting moved, but it would have created a number of untoward consequences, and they could not move the meeting. He stated that, as a matter of general policy, they have tried to hold meetings in the location where there is the greatest interest. He explained that there is also a political and legal concern that Coalville is the County seat, and they try not to move the County seat to the Snyderville Basin by de facto measures. He acknowledged that this public hearing should have been scheduled for the Snyderville Basin and apologized that it was not. Their general rule is to hold one meeting a month in the Snyderville Basin to preserve Coalville as the County seat.

Mr. Hague requested that the Council consider splitting the meetings evenly between Coalville and the Snyderville Basin. He believed there is a lot more going on in the Snyderville Basin than there is on the eastern side of the County.

Insa Riepen with Recycle Utah distributed Summit County shopping bags to the Council Members. She reported that Jaren Scott is pleased with having fewer plastic bags at the landfill.

Vice Chair Robinson closed the public input.

PUBLIC HEARING AND POSSIBLE APPROVAL OF REQUEST FOR SPECIAL EXCEPTION FOR BUILDING SETBACKS, ROAD GRADE STANDARDS, RIGHT-OF-WAY STANDARDS, CURB AND GUTTER STANDARDS, AND SIDEWALK STANDARDS FOR THE DISCOVERY CORE SUBDIVISION, GLEN LENT, APPLICANT; AMIR CAUS, COUNTY PLANNER; LESLIE CRAWFORD, COUNTY ENGINEER

County Planner Amir Caus presented the staff report and provided a brief history of the Discovery CORE project. He explained that the project was approved on October 5, 2011, with the Council requiring the developer to place the development within specific bubble areas on the site to preserve viewsheds and maximize open space. He explained that the applicant is requesting an exception to the building setbacks as described in the staff report as well as an exception to the road grade standards, right-of-way standards, curb and gutter standards, and sidewalk standards required by the County Engineer's Office. He reported that notice was published in the Park Record, and notices were mailed to all property owners within 1,000 feet, and Staff has received comment expressing concern that the project was granted too much density and that the special exception request should be denied based on that.

Vice Chair Robinson noted for the record that the Council has received additional e-mails from JoAnn Funseth and Janet Mann. He confirmed with Glen Lent, the applicant, that the plan for the project has remained basically the same since it was approved.

Planner Caus provided a visual analysis of the project with the units located in the development bubbles as designated by the Council at the time of development approval. Mr. Lent explained that he created the bubble map to help resolve the viewshed concerns as the project was being considered. Planner Caus stated that Staff recommends that the Council approve the special exception regarding the setbacks as recommended in the staff report. He noted that the special exceptions being requested this evening rely on each other, and if one is denied, the others would also be inapplicable.

Leslie Crawford, County Engineer, reviewed the requested exceptions to the County Engineering Codes and Ordinances for the Discovery CORE subdivision as outlined in the staff report. The exception requests included variances in road grades at intersections, variances in right-of-way and pavement widths, driveway access to more than five residences, and a variance to the requirement that driveway access must be a minimum of 50 feet from an intersection. She reviewed the criteria for granting a special exception and stated that Staff recommended the County Council conduct a public hearing, take into consideration any public comment, and approve the special exception for this development. If they choose to deny the special exception they should make appropriate findings.

Glen Lent, the applicant, commented that the setbacks may be shorter, but every townhome would have at least an 18-foot driveway, and every single-family home would have at least a 21-foot driveway. He noted that there is a 10-foot easement from the back of curb, and they have added at least eight feet beyond that, so every townhome will have a two-car garage as well as the ability to park two cars outside the garage.

Mr. Thomas asked Mr. Lent to address the issue of snow storage. He asked where the snow would be stored with less setback and less right-of-way. Mr. Lent replied that he has worked with Staff on that issue. He noted that the easement is only 3 feet short on each side of the road, and they have 10-feet beyond the curb on both sides of the road to allow for snow storage and utilities. On the 60-foot roads, there is ample space beyond the curb, with 16 feet on both sides of the road.

Vice Chair Robinson noted that the minutes state that the split between workforce housing and market rate units was to be determined at a later time and asked what split is proposed. Mr. Lent explained that certain provisions in the Code allow them to build larger workforce units and target an AMI of 50% or less to reduce the number of units required. Each workforce unit is a larger unit, which is what the community needs, resulting in 28 affordable units, with the rest being market rate units. Council Member Armstrong asked if Mr. Lent has consulted with Scott Loomis and Mountainlands Community Housing Trust to be sure these units will meet the community's needs. Mr. Lent replied that he has been meeting with Mr. Loomis for about six years, and Mr. Loomis has always indicated that the larger the affordable housing unit, the better it would be. He stated that he has met with Mr. Loomis about three times in the last four months, and they are working on a housing agreement.

Mr. Thomas noted that the exception request seems to be based on open space visibility and hiding the development and asked if Mr. Lent could still build the project within the bubbles without a special exception. Mr. Lent replied that they would not be able to. Tom Spencer, also representing the applicant, stated that under the Hillside Stewardship (HS) standards they would not be able to build a single house. Without these exceptions, the project would be unbuildable.

Vice Chair Robinson questioned why that was not discussed at the time of the CORE approval. Mr. Lent replied that he was surprised that they had to apply for a special exception and noted that they have not changed the size of the roads since the original application. He had been under the impression that was generally accepted and part of the CORE Rezone itself. He explained that many of the standards in the HS Zone are not designed for a mountain community with clustering, and the standards he is requesting are not much different than the Town Center standards, while the general development standards are similar to what might be seen in Sandy or Draper.

Vice Chair Robinson opened the public hearing.

Art Lang stated that he lives close to this development and believes the request for a steeper road grade would be a safety hazard. He commented that these roads might not be quite as bad as those in Summit Park, but over the years the County Council and County Commission have said they would never approve a road structure like that in Summit Park because it has been so difficult and dangerous to maintain the roads. He stated that special equipment had to be purchased in order to maintain the roads in Summit Park and asked if the County would have to have special equipment to maintain the roads in Discovery. He recalled that, in the beginning, the roads were intended to be private roads, but now that they are public roads, the County has inherited a safety and maintenance problem. He recalled that the stipulated order in the lawsuit talked about the roads being built to County standards or standards agreed to between the County and the developer, and he did not believe the special exceptions would be in the spirit of that agreement. Another issue that is important to him is that the road crosses the stream in two places, and Toll Canyon Creek is important wildlife habitat. The stipulated order indicated there would be a bridge span over that creek, and to him that means a clear spanning of a waterway, but it does not make sense to call what is proposed a span. He provided pictures of Toll Canyon Creek in the spring, when it routinely floods, and what the applicant proposes as a span across the creek. He did not believe this meets the spirit of the Code or the spirit of the stipulated order, and he believed it would damage the environment.

Chris Hague, a resident of the Trailside area, recalled that the Planning Commission recommended disapproval of this project, and the CORE Rezone was repealed during the processing of the Discovery project. He believed the Discovery project was approved by the Council based on sympathy for the developer, who had been jerked around by the Planning Department for two years. He noted that the developer has stated the project cannot go forward without these exceptions, which is a typical case where the developer comes before the Planning Commission knowing they will come back later asking for exceptions. He claimed that these issues were not part of the original application because of the problems involved in the exceptions. He believed the Planning Commission objected to this project because of the viewshed, and he did not believe it has been improved or that the proposed exceptions would enhance the project. He stated that there will be a tremendous incursion on the viewshed for

traffic coming from the west on I-80 into the Snyderville Basin, and these exceptions will not improve that.

Becky Rambo stated that what they have heard tonight only reinforces that this project was a bad idea from the start, and the developer cannot even put 105 homes on the site and still meet the Code. She believed this is a matter of principle and recalled that the applicant said in many meetings that he would do what is required by the Code to address their concerns, and now he is asking for exceptions to that Code. She was surprised that the Engineering Staff had made a positive recommendation even though they say this does not meet the Code. If that is the case, she questioned why they even have a Code. She believed the applicant has had plenty of time to determine whether he could make this development viable with 105 units and requested that the Council deny the special exceptions.

Josh Mann stated that his objection is based on fairness. He recalled that someone came in from Red Hawk a couple of months ago to request an exception because his driveway was a little too steep, and he was told that he knew the rules when he came in and was forced to redo his driveway to raise or lower it by about 4 inches. In this case, if they allow all these exceptions, the Council is saying they will do it for this developer, but they are not willing to do it for the little guy. He also recalled that the Manager has said a lot of private roads want to be annexed into the service areas, but they are only 20 feet wide and do not fit what the County wants, so before they can be annexed, they have to be increased to 24 feet. He did not see how they could allow this developer to put in 20-foot roads while requiring other people to meet the 24-foot width requirement. If they think the exceptions are all right, they should make that the Code and make it fair for everyone, not give a special exception to a development just because it has been around for a long time.

Michael Milner, one of the owners of about two-thirds of the property in Discovery, stated that they have owned the property for 32 years, and the Weilenmanns have owned it longer than that. They have also had Mr. Lent under contract for five years. He believed people may be forgetting the purpose of this meeting, which is affordable housing. He stated that they went forward with this under the CORE to provide affordable housing because it was needed, and it is still needed. He explained that they will not make anything on the affordable lots; they will be provided at cost. He stated that they will be contributing real affordable housing that allows people to live here. They are accomplishing that goal as well as keeping almost 80% open space, which is almost an impossible combination, and he believed the exceptions seem very reasonable to accomplish those two goals.

Nicholas Schapper, a Trailside resident, asked whether the County is going to build a standards-based organization and apply a certain amount of common sense. He stated that this project was very controversial, and during the past five years, they have had time to do their due diligence and get everything right. When they made the deal for 105 units, no one said exceptions would be needed to get 105 units. He stated that they can either apply the standards or not, and there are exceptions to every rule, but they need to be exceptional, not simply saying they can't do the project. Anyone who has developed a piece of property would look at this land and know it would not be easy. Another thing that has always been a controversy is that, when Staff prepares a report, it has to look at both sides, not just say there are no safety issues. It should say what the consequences will be if they make the exception, because there are consequences to what the applicant is requesting. He stated that he did not see any pros and cons in the staff report; it just

said it is all good. He stated that the staff report was dated November 11, which hardly gave any time for the public to review it. He asked for an analysis of the pros and cons of the special exceptions and what the impacts would be on both sides.

Art Lang read a letter from Lorin Redden, who could not attend the meeting this evening. Mr. Redden's letter reviewed the process for determining the density for this project and stated that Staff and the applicant made an incorrect assumption that 105 units is the only option for this site, not that it is the correct number. He stated that the correct procedure would have been to account for the geological site constraints, Codes, etc., and determine the appropriate number of units based on that. He believed the affordable housing would appeal to young families, but there is not enough space for children to play, and the narrow streets would create significant public safety hazards. He asked the County Council and the developer to look at the development based on site constraints and applicable codes. He did not believe the proposed setbacks were reasonable or practical, and it was clear to him that 105 units are too many for the available space.

Cathy Rasmussen, a resident of Coalville, explained that the property for the Discovery CORE was purchased from her family and was originally transferred to her family through a U.S. Patent. She stated that they owned the property for over 100 years and have seen a lot of changes during that time. She stated that her nieces and nephews cannot afford to live in this area that they pioneered where she went to Park City High School, and her father and uncles worked in the mines. She stated that affordable housing is needed, and that is one reason this project was approved. People who have been here well over 100 years can see nothing from their property for themselves from generation to generation, and now the great-great-grandchildren cannot even afford to live there. When this project was approved based on affordable housing, she thinks that says something about the process. She encouraged the Council to approve this application for the affordable housing aspect. She believed if they are going to have affordable housing in this area, some exceptions will be needed.

Mike Weilenmann, one of the property owners, stated that they originally got the idea of building affordable housing because the County sent them a letter indicating their property was one of several possible sites that would work for affordable housing. At that point they talked to Mr. Lent and felt they were doing something to help the community. He recalled that there had also been opposition to the Weilenmann School, but he believed it was a benefit to have the two close together, and he could see a teacher buying a home in this development and being able to walk to school. With regard to a culvert in the stream, he explained that they have had a culvert in the stream ever since they purchased their property about 60 years ago, and what the developer has proposed would be better than what is there now. He explained that they are part of this community and are not planning to sell this project and move on. They want to do something that will be positive for the community.

Rob Burton, a resident of Timberline, stated that he received notice of this meeting just a couple of days ago, which was not enough time to go over the plans. Vice Chair Robinson confirmed with Mr. Burton that he received a post card because he lives within 1,000 feet of this property and stated that he believed those are usually mailed out 14 days in advance of the meeting. Mr. Burton admitted that he had just picked up his mail a few days ago, but the drawings were not available, and there was not enough time for a legitimate public comment period. He believed if there had been more time, more people would be here to refute these exceptions. He stated that

the exceptions would increase the density of the population in the area, which would increase traffic. He believed it was ludicrous that the Engineering Department would say that this is safe, and the Codes are there for a reason. He did not believe a 10% slope on a road in a crowded area was safe. He questioned whether the outcome would have been different if these points had been brought up in the original consideration of this project, and he believed making these exceptions and possibly further exceptions is a slippery slope that is unacceptable to him.

Thanks;

Lorin

13 November 2013

To: Summit County Council

From: Lorin Redden, Summit County Resident for 17 years, 4017 Kilby Road

Subject: Comments to be read into public record regarding Discovery CORE Development Special Exception

Two years ago the County Council approved the Discovery CORE Rezone allowing a maximum density of 105 units. The County Council's approval of 105 units came after a long and controversial process that was ultimately based on a weighted average of the lot sizes within the 1000 ft boundary of Discovery's proposed footprint. The maximum density of 105 units was determined by looking at the existing lots outside of the proposed Discovery Development.

Now we need to look inside at the proposed developable space and determine the appropriate number of lots based on protecting the environment, working around the geological constraints of the site, following our development codes, and providing for public safety. Both the applicant and the Planning Division Staff incorrectly make the assumption that 105 units is the only option. It is not a given that 105 units is the correct number! Discovery and the County have the process backwards. They are starting with 105 units and shoe-horning these units into the developable space. The correct procedure would be to account for the geological site constraints, codes, etc, and let the appropriate number of unit's fallout from there.

The "affordable housing" promised by the Discovery Development will appeal to young families; however, the compact nature of the development does not provide sufficient space for children to play. Sure the development does promise to provide some common areas, but in the world we live in, parents don't always have time to take their children to these playgrounds, and wise parents are not going to send their children to these areas unsupervised. Children will ultimately be playing in their minimal front and back yards and unfortunately on the streets in front of their homes. If approved, the proposed setbacks plus narrower and steeper streets will create significant public safety hazards.

I encourage the County Council and the Applicant to look at the development based on site constraints and applicable codes. Design the roads at the proper widths and grades to meet safety and environmental concerns and then compromise on reasonable setbacks for a compact, high density development. In my opinion, the setbacks as proposed are neither reasonable nor practical. Only after this has been done can the appropriate number of units be determined for the development. It is clear 105 is too many for the available space.

Vice Chair Robinson kept the public hearing open.

Mr. Spencer stated that he did not believe anyone was trying to mislead the Council when the Discovery CORE was approved. At the time it was approved, it was a concept plan, and there was no engineering and no way for Staff or anyone else to assess what exceptions might be needed. He explained that they have just been working on the engineering over the last eight months and have had several meetings with Staff about it. He also noted that the CORE Code indicated that, in order to achieve the objective of the CORE, it was presumed that the Council would allow exceptions to the Development Code in order to achieve those objectives. He recalled that they tried to meet as many of the existing criteria in the current Code as possible, and he found it interesting that, in areas where they need to allow for 10% road grades, the Code does not allow them. The Code allows for 10% grades in flatter zone districts, but in the Hillside Stewardship area, they only allow 8%, so there seems to be a dichotomy in the design standards. He explained that they did not just pull the numbers for the special exception request out of the air. They are all in the existing Code, but just not for this zone district. He clarified that the setbacks are very tight and not all of them meet what is in the Code.

Mr. Lent explained that the images they used in their original presentation were intended to show an open-bottomed culvert, and they agreed to span the creek with an open-bottom culvert. He stated that their wetlands consultant suggested that the Army Corps would want the culverts that are put on the side for the health of the downstream wetlands. That was explained thoroughly to the attorney for the CAGE group, and the construction was agreed to through the stipulation order. He explained that the setbacks are very similar to those in Bear Hollow. He suggested that, if the Council feels strongly about clustering and preserving viewshed corridors, they come up with a new standard. He stated that these standards are not unusual for a higher density development.

Council Member Carson expressed concern about snow removal and stated that she believed these changes would exacerbate that issue. She expressed concern that snow might end up back on the public road and impede walkability and transportation. Mr. Lent explained that these standards are the same ones they have proposed all along. In talking with the engineers, they felt a minimum of 10 feet past the curb was needed for snow storage. They originally asked Red Barn, which does snow removal for Bear Hollow, to review the plans, and they issued a letter saying that the Discovery standards were acceptable and could be met. Ms. Crawford explained that they have had discussions about snow storage and reviewed the plans, and Engineering believes there is adequate space for snow storage. Mr. Spencer explained that even on the narrowest roads they are using the 44-foot right-of-way standards for Resort Centers that allows for snow storage behind the curb. Mr. Lent noted that, in working with the engineers, they actually moved some of the roads to accommodate the snow storage.

Council Member Carson recalled that part of the CORE requirements involved walkability and transit and that there were some issues with the transportation plan. She asked how these changes would affect walkability and access to transportation. Mr. Lent stated that he believes this development makes the whole community more walkable. They will extend the Millennial Trail through the project and provide a trailhead for the Recreation District. He noted that the Toll Canyon open space has limited access, and they are working with the Recreation District on donating 40 acres at the back of the project and an easement to the Toll Canyon property. The Mid-Mountain Trail will also ultimately come down to this project through the Toll Canyon

purchase. They also have internal sidewalks throughout the project, and the emergency access road will be plowed so they can allow people to use it as a pedestrian trail. Will Pratt with the Snyderville Basin Recreation District indicated the 40-acre parcel being donated by the Discovery project and the access from Kilby Road to the open space parcel. He also indicated that the Millennium Trail is scheduled to be completed between I-80 and Kilby Road, which is not on the Discovery parcel. They will also need to request space on the bridge for the trail because of wetland requirements.

Council Member Armstrong explained that they are not here to revisit the approval of the Discovery CORE project; the developer has come to ask for a special exception. He commented that special exceptions should be special, with some overriding unique issue that needs to be addressed, and they are in danger every time they see a special exception request of it not being unique. He explained that the Council has tried to establish that there is a Development Code and that they want to stick with it, and special exceptions really should be special. He stated that he was disappointed in the analysis in the staff report of the factors looked at in granting special exceptions, because he has no idea what the unique or equitable elements are in this circumstance. As they look at the requests being made by the developer for a variance in the standards and ordinances, he would like to understand why they exist in the first place. He stated that comparing the zoning established for this project to the Resort Center and Town Center Zones is not helpful, because this is a different area, a hillside area, and he would like to know the purpose of the standards for this area. Ms. Crawford replied that they were established for the health, safety, and welfare of the public. Council Member Armstrong noted that this area is on a north slope with snow for substantial periods of the year. He asked about the purpose of the road width standards. Ms. Crawford replied that they provide for safety and snow storage and room for cars and pedestrians to travel. Council Member Armstrong stated that he did not believe those safety factors are arbitrary and asked about the standard for the number of units per driveway. Ms. Crawford replied that is for fire safety and for emergency vehicles to access the homes. She reported that they discussed this with Fire Marshall Scott Adams, who indicated that they could have access to seven units if they would provide a turnaround or hammerhead. Council Member Armstrong asked about the purpose of the restriction regarding driveway distance from intersections. Ms. Crawford replied that it is so cars will not back out onto roadways where other cars are turning and to keep cars backing out as far from the intersection as possible. The standard is 50 feet, and the applicant is asking for as close as 10 feet from the intersection.

Council Member Armstrong asked about the setback requirements. Planner Caus stated that he does not have the background on the setbacks, but this amount of density could not meet the zone-required standards. Council Member Armstrong suggested that they determine why they have standards in place and whether the exception creates a problem with respect to what the standard was designed to protect from or to do and whether there will be a problem if the standard is not met, and that is how the analysis should be done. He asked if Staff has done an analysis of what impacts narrowing the road will have on emergency vehicles, snow plows, and school buses and asked if street parking would be allowed. Ms. Crawford replied that no street parking will be allowed, snow plows will be able to function, and they have not talked about school bus access to the area. She stated that one reason she believed the road standard exceptions do not present a health and safety concern is that she was told the speed limit would be 15 mph. She noted that the main road has a 24-foot pavement width with a 50-foot right-of-way, and that is what most people will travel on. She was also told initially that these roads

would be private roads, and now the developer is asking the County to take over the roads. From a health, safety, welfare standpoint for private roads, Engineering does not have a problem with the roads, but they do not meet County standards. Council Member Armstrong commented that he would find it very difficult to drive 15 mph.

Council Member Armstrong stated that he believed the developer had indicated that there was not another mix of housing or configuration they could develop within the bubbles that were approved. Mr. Lent explained that there was another bubble area on the south side of the creek, but they felt that area needed to be preserved. It is by the trailhead, and there is some significant slope on it which would make it difficult to develop. He believed there might be some savings if they develop only townhomes, but they would prefer not to do that. He stated that they never anticipated that there would not be a single-family element to this development. He stated that the biggest problem is the road grades, and developing roads at 8% would require a substantial amount of cuts and fills in the hillside, which he did not believe anyone would want to see. There would have to be a fair amount of retaining walls, and the bridges would be very high. Council Member Armstrong stated that he assumed there would be a fair number of children in the workforce housing units and expressed concern about setbacks in areas where children might congregate and play. He asked how the children would move around this development and if the developer has done an analysis of whether this is safe for children. Mr. Lent explained that the planners and architects designed this development to be a community, to make it walkable, and with a park. He noted that some of the smaller road widths are essentially alleys that are being built to road standards. He explained that there is also a whole network of trails on the open space. He indicated the sidewalks proposed within the development.

Council Member Carson expressed concern that these things were not brought up when the project was approved. She agreed that they need to know why the standards were put in place and stated that one of the Council's biggest charges is to protect the public's health, safety, and welfare. Mr. Lent suggested that the Council look at some locations where there are 10% slopes. Council Member Carson stated that she would also like Scott Loomis's input.

Council Member Armstrong asked about the pricing on the affordable units. Mr. Lent replied that it is anticipated that they would be between \$200,000 and \$260,000.

Vice Chair Robinson stated that he is disappointed that they had all these iterations of units and locations and agreed on the bubbles and certain density. He noted that one condition of approval for the CORE Rezone was that it would not be recorded and effective unless and until the associated major development is granted approval. He asked if the CORE said they would waive the other requirements in the Code. He believed the developer should have known whether what he proposed would meet the Code and should have raised that issue at the time. He questioned whether the outcome would have been the same if the Council had known that. He also asked why they have these standards and commented that everyone might like a lesser side yard or to not provide a hammerhead or make other exceptions to the Code. He expressed frustration that they are at this point and getting all these exception requests. He believed many of the special exception requests are predicated on the County owning the roads. The County has not been inclined to approve public or private roads that do not meet County standards, because over the years developers have built private roads and eventually the property owners want the County to take care of the roads when they start to fall apart, and they do not want to perpetuate that. He noted that the settlement agreement states that the road will be offered to the County and asked

what that means. Mr. Lent explained that was a request of the CAGE group. He thought they were doing the better thing by not making the roads private and not putting that burden on the HOA in an affordable housing project. He stated that he would prefer that they be County roads.

Vice Chair Robinson asked if a County road could have 20 feet of asphalt. Ms. Crawford replied that they could not; the Code requires that all roads be 24 feet wide. She explained that the Code does not have dimensions for private roads. Vice Chair Robinson asked about setbacks. Planner Caus explained that the Planning Department does not distinguish between private and public roads as far as setbacks are concerned. If no right-of-way is identified, in most zones the setback requirement is 55 feet from the center line of the road. Otherwise the setbacks are 30 feet from the right-of-way and 12 feet for side yards. Mr. Lent asked how Bear Hollow was approved. Mr. Thomas replied that Bear Hollow was one of the County's first Specially Planned Areas. Vice Chair Robinson explained that they should have been having these discussions as part of the original approval. Mr. Lent stated that he thought there was flexibility within the CORE Zone, and it was not until about three months ago that Staff sent a detailed list of what was needed, including special exceptions.

Vice Chair Robinson asked Staff and the applicant to get together and brainstorm the road issue and what exceptions are necessary while finding a way to live within the bubbles and within the Code. He stated that he did not anticipate throwing the Code out the window when he voted on the Discovery project.

Council Member Carson requested feedback from Scott Loomis and information from the service providers. She stated that she would also like illustrations of what the two grades mean.

Council Member Carson made a motion to continue this item to the first Wednesday in December at the Richins Building and to keep the public hearing open. The motion was seconded by Council Member Armstrong and passed unanimously, 3 to 0.

The County Council meeting adjourned at 8:00 p.m.

Claudia McMullin

Council Chair, Claudia McMullin

Kent Jones

County Clerk, Kent Jones



10-5-16 Community Oriented Residential Enhancement Zones (CORE)

This program is viewed as a pilot project which may be disbanded, modified, or continued following its evaluation, which shall occur no more than twelve (12) months from the effective date of this program.

- A. The provision of workforce housing is essential to maintaining a diverse and healthy community where people from all walks of life can live together. It is not desirable to have essential workers commuting into the community, which adds to traffic congestion, pollution, and stress. Reducing the number of cars into and out of the community, increasing walkability within and between neighborhoods, providing access to trails, and ensuring that different housing types are mixed and integrated compatibly to create strong neighborhoods, are all goals that may be achieved through this program. Therefore, the purposes of the CORE zones are to:
1. encourage the voluntary provision of workforce housing by allowing workforce and market density in excess of the underlying zone;
 2. encourage development designed in a manner so as to cluster development in the least visually and environmentally sensitive areas and maximize open space;
 3. encourage walkable developments;
 4. encourage transit-oriented development and uses and developments that minimize traffic impacts;
 5. promote significant linkages to the broader community open space and trail network;
 6. encourage the development of high quality public places such as parks, trails, and recreation facilities;
 7. encourage a mix of housing types in the same neighborhood;
 8. allow developments that are visually compatible with adjacent developments;
 9. encourage development which preserves the natural setting to the greatest extent possible, and
 10. encourage development which allows pet ownership.
- B. CORE Zone Categories: there shall be eight (8) categories of CORE zones:
1. CORE A shall have a maximum overall density of 0.5 units per acre and shall be considered only for parcels or portions of parcels that are 150 acres or less in size. Parcels larger than 150 acres in size will be considered for CORE A if

a major, contiguous portion of the property remains in meaningful natural open space, and in this case, the overall open space for the development must exceed 80%.

2. CORE B shall have a maximum overall density of one (1) unit per one (1) acre. CORE B shall be considered only for parcels or portions of parcels that are 100 acres or less in size, and greater than 50 acres. Parcels larger than 100 acres in size will be considered for this category if a major, contiguous portion of the property remains in meaningful natural open space. In this case, the overall open space for the development must exceed 80%.
3. CORE C shall have a maximum overall density of two (2) units per acre. CORE C shall be considered only for parcels or portions of parcels that are less than fifty (50) acres in size.
4. CORE D shall have a maximum overall density of five (5) units per acre, and shall be considered only for parcels or portions of parcels that are less than thirty (30) acres in size.
5. CORE E shall have a maximum overall density of ten (10) units per acre, and shall be considered only for parcels or portions of parcels that are less than twenty (20) acres in size.
6. CORE F shall have a maximum overall density of fifteen (15) units per acre, and shall be considered only for the purpose of infill or redevelopment, for parcels that are less than twenty (20) acres in size, and that demonstrate reasonable appropriateness considering the location and surrounding uses and infrastructure.
7. CORE G: Resort Sponsored Seasonal Housing – A 100% seasonal housing project may be considered only for the purpose of providing temporary or seasonal housing for major resort employers in Summit County. The major employer will be required to provide a guaranteed management plan for the units including maintenance and response to nuisance complaints. These units may be studio or dormitory. Parcels considered for this designation must be directly served by public or private mass transit, or may extend public mass transit to serve the parcel.
8. CORE H: Mixed Use Workforce Communities shall have a maximum overall density of twenty (20) units per acre, and may consist of a mix of residential and commercial uses. A Mixed Use Workforce Community must be a minimum of five (5) acres in size.
 - i. A minimum of 20% of the total floor area of the development shall be dedicated to neighborhood commercial uses.
 - ii. Allowable commercial uses are those outlined in Section 10-2-10 as being permitted uses in the Neighborhood Commercial zone.

- iii. Applications for rezone to Mixed Use Workforce Communities shall demonstrate reasonable appropriateness considering the location and surrounding uses and infrastructure. Parcels considered for this designation must be directly served by transit, and shall only be permitted adjacent to similar densities and uses, or in areas that will not create incompatible residential densities.
- iv. These projects shall also comply with the following principles: a) development that minimizes the dependence on the automobile; b) an integrated network of walkable streets; c) roads designed to slow traffic; d) buildings located in appropriate proximity to the street to spatially define the streets as public space; e) design that encourages residential above retail and commercial uses; and f) an appropriate range of amenities within walking distance.

C. Off-Site Workforce Housing

- 1. 100% Commercial Development meeting the requirements of Section 10-5-7, Commercial Alternatives, may apply for additional density through an off-site CORE rezone, to offset the land costs and facilitate the provision of off-site workforce housing as outlined in Section 10-5-9 of this Chapter. There shall be no additional market rate residential density provided on the parcel.
- 2. The obligation shall be met through the provision of finished units and not through the provision of land only.

D. Designation procedures:

- 1. Each application will be reviewed on a case by case basis and be compared to the Needs Assessment to determine if the project is necessary to address the Workforce Housing needs of the Snyderville Basin.
- 2. Nothing in this chapter shall be construed to mean that compliance with these criteria guarantee project and rezone approval. Rezone and project approvals are at the sole discretion of the Legislative Body of Summit County, following the public hearing process.
- 3. Any parcel may be considered for designation as a CORE zone or zones. A parcel or multiple contiguous parcels may be considered for multiple CORE zones in one application provided all owners of the parcels participate in the application process. Applications involving multiple contiguous parcels and/or multiple CORE zones may apply only for an original approval. The applicant shall bear the burden of proof to demonstrate that multiple CORE zones meet the intent and criteria of this Code.
- 4. Applicants shall not be permitted additional CORE rezones beyond the original approval. All property to be rezoned under the CORE rezone process shall be planned comprehensively to meet all requirements concurrently.

5. An application for rezone will be considered only when such application is considered simultaneously with an applicable workforce housing proposal for the entire property to be rezoned.
 6. The applicants shall enter into a Housing Agreement with Summit County finalizing the rezone and housing proposal, and the Housing Agreement shall be recorded against the property prior to rezone finalization. The rezone and housing proposal shall be processed concurrently, and neither shall be approved or modified independently from the other.
 7. The Legislative Body of Summit County may permit the rezone of the property only after it has determined that both the rezone and accompanying workforce housing proposal are consistent with the goals, objectives, and policies of the General Plan and all other criteria and considerations described in this Title, and said action is necessary to promote the public health, safety and welfare of the residents of the Snyderville Basin.
 8. The rezone shall be considered void after one (1) year unless substantial construction or development on the approved housing project has taken place or has proceeded with reasonable diligence, without interruption; provided, however, that a longer period of time may be provided for a phased development as set forth specifically in the Housing Agreement and approved by the Legislative Body of Summit County.
- E. Requirements: development applying for consideration for CORE density bonuses shall comply with all of the following requirements, in addition to the requirements of Section 10-5-3. Failure to comply with any of these requirements is grounds for project denial:
1. The property is located within ½ mile of year-round public or private mass transit, or can demonstrate that the property is slated for year-round public transit in the five-year transit plan.
 2. The project shall have access to a public sewer system, and shall have written proof that the system is capable of serving the proposed density.
 3. The area has access to a water system, and shall have proof of adequate wet water and that the system is capable of serving the proposed density, and has access to electricity.
 4. The proposed density is appropriate to and compatible with existing adjacent uses and neighborhoods within 1000', as measured from the edge of the proposed CORE rezone. If there are no existing uses and / or neighborhoods within 1000', the burden of proof is on the applicants to demonstrate that the proposed density is appropriate where proposed.
 - a. Compatibility: if any existing neighborhood is located within 1000' of a proposed CORE development, the CORE development shall not

exceed twice the average density of that portion of the neighborhood or neighborhoods within a distance of 1000’.

- b. Appropriateness: if any existing neighborhood is located within 1000’ of a proposed CORE development, the CORE development shall utilize home types similar to the existing home types within those portions of the neighborhood or neighborhoods within a distance of 1000’.
5. The project is located a minimum of 2000’ from any previously approved CORE project.
 6. In CORE developments in which the workforce housing is priced for households earning up to a maximum of 80% of the AMI, a minimum of one (1) Workforce Unit Equivalent (WUE) shall be provided for every market rate unit. In CORE developments in which all of the workforce housing is priced for households earning less than 60% of the AMI, a minimum of one (1) WUE shall be provided for every 1.5 market rate units. The 20% mandatory requirement shall not be applied to CORE developments in addition to these required minimum ratios.
 7. No development shall occur on sensitive lands. Development shall be clustered in the least visually sensitive area of the property.
 8. At least thirty percent (30%) of the parcel shall be preserved as meaningful open space as defined in Chapter 5 of the General Plan, except as otherwise stated in this Code. Additionally, a minimum of 20% of the developed portion of the parcel shall be utilized as active open space such as pocket parks and trails, which shall be maintained by the Development. Open space shall be clustered with adjacent open space to the greatest extent possible, and may be used as a buffer from adjacent uses if deemed appropriate.
 9. If a parcel is partially rezoned to a CORE zone, the balance of the parcel outside the CORE zone may be counted toward the 30% open space requirement, provided one of the following requirements are met:
 1. The preservation of the open space will protect view corridors, and an open space preservation nonprofit such as Utah Open Lands or Summit Land Conservancy is willing to hold a conservation easement on the land, the finalization of said easement to be a condition of approval, or
 2. The preservation of the open space will preserve critical wildlife habitat, as verified by the Utah Division of Wildlife Resources. The open space shall also be placed under a conservation easement to ensure protection.
 10. A transportation study shall be done, and if the additional density results in any reduction in the level of service of roads serving the project, such

reduction in service shall be mitigated by the project. If traffic impacts cannot be reasonably mitigated, that could be grounds for project denial.

11. Interior and exterior connectivity shall be provided, including but not limited to sidewalks and trails, both within the development and connecting the development to adjacent developments, parks, schools, churches and neighborhood commercial areas.
 12. Residential parking shall be covered, and shall be provided at a rate of two (2) spaces per unit. If spaces are assigned to particular units, visitor parking will also be provided throughout the project at a rate of 0.25 spaces per unit. Designated visitor parking is not required to be covered.
 13. All building elevations shall comply with the Architectural standards outlined in Section 10-4-20, and shall be presented to the Snyderville Basin Planning Commission to be reviewed as part of the approval process.
 14. For projects exceeding nine (9) units per acre in a multi-family design, a minimum of 25% of the parking shall be provided underground or in structured parking.
 15. All other site planning requirements outlined in the SBDC will apply to the proposed project.
 16. All projects shall propose a solid waste management and recycling plan which shall be reviewed and approved by the County. Central areas for collection of garbage and recycling shall be integrated into the projects.
 17. It is recommended that projects use green building principles in an effort to reduce future energy demands and associated costs.
- F. Exceptions: for projects exceeding nine (9) units per acre, the following exceptions from the requirements of this Title may be made:
1. Where the applicant has demonstrated that reducing building footprints through the inclusion of an additional building level for either residential use or for structured parking purposes will significantly increase the preservation of meaningful open space that meets the requirements of section C.5 above, the building height for multi-family structures containing workforce units may be permitted to exceed the 32' limit, up to a maximum of forty five feet (45'). Buildings utilizing this additional height shall be designed so that no living space is located above forty feet (40'), and shall not be designed with flat roofs.