



STAFF REPORT

To: Summit County Council (SCC)
Report Date: Thursday, September 1, 2011
Meeting Date: Wednesday, September 7, 2011
Author: Sean Lewis, County Planner
Project Name & Type: Amendments to Community Development and Engineering Fee Schedules: Electronic Payments
Type of Item: Work Session
Future Routing: Public Hearing with SCC (adoption by resolution)

EXECUTIVE SUMMARY: The Community Development and Engineering Departments will be implementing the GovPartner permit review and tracking software in late September or early October 2011. This change will affect the current processes used by the departments for credit card transactions. As such the departments are asking the SCC to consider amending the fee schedule to address the necessary changes.

A. **Project Description**

- **Project Name:** Community Development/Engineering Fee Schedule Amendments: Electronic Payments

B. **Community Review**

This item is scheduled as a work session on the agenda. Prior to adoption of any proposed changes to the fee schedule, the SCC will conduct a public hearing. Following a public hearing, any changes to the fee schedules would occur by resolution.

C. **Background**

Fee Schedule Amendments:

The Community Development and Engineering departments updated and amended their fee schedules on September 2, 2010. These amendments followed months of work by Staff and hired consultants to analyze and determine the actual costs of providing services for the review and processing of applications.

Credit Card Processing:

Credit Card¹ transactions are an agreement for payment of funds between a merchant (Summit County), a consumer (the applicant), and the consumer's financial institution. The Merchant pays a fee to their credit card processor for each transaction they process. These fees vary based on the type of card used in the transaction. For Summit County, credit card fees average 2.7% of the total transaction amount (i.e. \$2.70 per \$100).

Per Utah State Code Section 17-15-28 Summit County may charge an "electronic payment fee" to defray fees charged by the processing agents to process an electronic payment.

The Community Development Department started accepting credit card payments in 2008. At that time, County administration insisted that transaction fees associated with credit card transaction fees not be paid by Summit County. A decision was made to use a third party credit card processor. This processor, Official Payments, allows municipalities to handle transactions at no cost to the county. Official Payments charges consumers a set fee which is added to the transaction. This fee is enough to cover the costs of the financial institutions transaction fees plus a cut for Official Payments. Summit County is made whole on the original amount of the transaction. Due to card issuer regulations, the Community Development Department is not able to accept Visa transactions at this time (Visa cards represent more than half of all credit cards issued²). The Engineering Department does not accept credit cards at this time.

GovPartner:

The County Manager authorized the purchase of software for the purpose of issuing, reviewing, and tracking permits which are processed through the Planning, Building, and Engineering Divisions. After interviewing several companies, an agreement was signed with GovPartner to provide this service, including allowing the payment of application fees online. The GovPartner software includes a credit card processor that is compliant with all current security and internet transaction requirements.

The decision to use GovPartner as an online processor means that the Community Development and Engineering Departments will need to adjust their fee schedules to accommodate the increased costs of accepting credit card transactions. It is anticipated that the Community Development and Engineering Departments could accumulate approximately \$27,000 in credit card transaction fees based on past transaction history.

¹ For the purposes of this report, the term credit card will be used interchangeably to mean both credit card and debit card transactions, unless otherwise noted.

² In 2008 Forbes listed Visa market share at 44% of credit card transactions and 48% of all debit card transactions. www.creditcards.com lists Visa circulation (number of cards issued) at more than double the nearest competitor.

D. Identification and Analysis of Issues

Added Fee vs. included Cost

There are two common methods to cover costs associated with credit card transactions. 1) add a “convenience fee” to the transaction that only applies to those paying with a credit card or 2) build the cost into the price of the service similar to a grocery store, so that everyone pays the same amount regardless of what form of payment (cash, check, credit) is used. There are pros and cons to each method.

With the convenience fee method, the County would be directly passing the costs of handling credit card transactions to those who are using the service. This is the method preferred by the County Manager. However, due to the complicated nature of rules established by the various credit card brands (Visa, MasterCard, etc.) it may not be possible to simply add a convenience fee onto credit card transactions. For example the following is a list of some of the differences between the regulations for each brand regarding convenience fees³:

- Visa: charge convenience fees for online transactions ONLY, not in-person. Fee must be flat or fixed, regardless of payment amount.
- American Express: online transactions only, not in-person.
- MasterCard: fees can be charged without restriction, but must be same as other credit card brands
- Discover: fees can be charged without restriction, but must be same as other credit card brands

A flat or fixed fee would not allow Summit County to assess fees based on a tiered or variable method, nor do the credit card companies allow a fee to be charged to those paying in person.

The “grocery store” or included cost method is simply that every applicant pays the same for every application, and credit card transaction fees are just built into the cost of the service. In this instance there may be some who pay with cash or check who might pay slightly more than they would with the convenience fee option, however, the grocery store method eliminates any problems with face to face transactions, as well as any consumer reluctance to use credit cards to avoid paying the convenience fee.

E-checks

The Summit County Treasurer has been exploring options to allow payment by e-check. Transaction fees for e-checks are significantly less than those for credit cards. E-checks allow a consumer to provide a bank routing number along with their account number for funds to be electronically debited from the consumer’s checking account by a merchant. The GovPartner software is not currently configured for this option, although Staff has asked GovPartner to provide information regarding the future feasibility of implementing e-check functionality.

³ See Exhibit A for detailed regulations

E. **Recommendation(s)/Alternatives**

Staff recommends that the County Council review and discuss the information presented in this report with Staff; and provide Staff direction on how to address credit card transaction fees. Any changes to the fee schedule would require a public hearing before the County Council with adoption by resolution.

Attachment(s)

Exhibit A – Credit Card Regulation Documents

<C:\Users\seanl\Desktop\CDP\Credit Cards\Credit Card Staff Report WS 9-7-11.doc>

Convenience Fees - General Requirements - U.S. Region 5.2.E

In the U.S. Region, except as specified otherwise for Tax Payment Transactions in "Tax Payment Program Fee Requirements - U.S. Region," a Merchant that charges a Convenience Fee must ensure that the fee is:

- Charged for a bona fide convenience in the form of an alternative payment channel outside the Merchant's customary payment channels
- Disclosed to the Cardholder as a charge for the alternative payment channel convenience
- Added only to a non-face-to-face Transaction. The requirement for an alternate payment channel means that Mail/Telephone Order and Electronic Commerce Merchants whose payment channels are exclusively non-face-to-face may **not** impose a Convenience Fee.
- A flat or fixed amount, regardless of the value of the payment due
- Applicable to all forms of payment accepted in the alternative payment channel
- Disclosed before the completion of the Transaction and the Cardholder is given the opportunity to cancel
- Included as a part of the total amount of the Transaction

ID#: 010410-010410-0003035

Convenience Fees Not Assessed by a Third Party - U.S. Region 5.2.E

In the U.S. Region, except as specified in "Tax Payment Program - Interchange Reimbursement Fee Qualifications and Fee Amount - U.S. Region," a Convenience Fee may only be charged by the Merchant that actually provides goods or services to the Cardholder. A Convenience Fee may **not** be charged by any third party.

ID#: 010410-010410-0003037

Convenience Fees on Recurring Transactions - U.S. Region 5.2.E

In the U.S. Region, except as permitted in "Tax Payment Program - Interchange Reimbursement Fee Qualifications and Fee Amount - U.S. Region," a Convenience Fee must **not** be added to a Recurring Transaction.

ID#: 010410-010410-0003038



MasterCard
Worldwide

The MasterCard® Convenience Fee Program



Program Summary

MasterCard has put in place a convenience fee program for participating pre-certified government and education entities, or their third-party agents. Participants in the program will be permitted to assess a convenience fee for MasterCard transactions, whether conducted in person, Internet, phone, mail or kiosk, but not on cash, check, Automated Clearing House (ACH), and Personal Identification Number (PIN) based debit, provided that the conditions set out below are satisfied.

Eligible Payments and Allowable Convenience Fees

- Eligible payments include payments collected by the entity from individuals and businesses that are eligible to be collected on a payment card.
- The convenience fee can be assessed as either a flat per transaction fee, a variable/tiered rate fee based on the amount owed, or a fixed percentage of the amount owed.
- MasterCard cardholders cannot be assessed a convenience fee that would discriminate against the brand relative to other payment card acceptance brands, such as American Express, Discover, and Visa.

Program Participation Eligibility and Requirements

The MasterCard Convenience Fee Program is open to the following educational institutions and public sector merchant categories:

- Elementary and secondary schools for tuition and related fees, and school-maintained room and board
- Colleges, universities, professional schools, and junior colleges for tuition and related fees, and school-maintained room and board
- Local, state, and federal courts of law that administer and process court fees, alimony, and child support payments
- Government entities that administer and process local, state, and federal fines
- Local, state, and federal entities that engage in financial administration and taxation
- Government Services; merchants that provide general support services for the government

Your acquirer (see "How to Get Started") will be able to determine whether your institution or public sector agency is eligible for the MasterCard Convenience Fee Program. Once that determination has been made, your acquirer will need to register you for the program—whether you have already started a card acceptance program or are launching a new program.

As a participant in the program, your organization must also meet these additional requirements:

- Participants that store, transmit, or process MasterCard account data for Internet-based transactions must provide evidence of compliance with the MasterCard Site Data Protection (SDP) program's underlying Payment Card Industry (PCI) Data Security Standard to their acquirer. Evidence of compliance must include a successful quarterly scan report from a MasterCard approved scanning vendor and a compliant annual self-assessment questionnaire.
- Participants using a third-party agent for storage and processing of MasterCard account data must document such on their registration form so MasterCard can ensure that the agent is SDP compliant.
- Registration of PCI compliance is an annual requirement.

Processing Requirements

- Cardholders must be notified of the convenience fee at the time of payment and be given the opportunity to opt out of the sale. In no case may the entity collecting payment be allowed to charge the fee without disclosure to the cardholder prior to finalizing payment.
- Payments and convenience fees must be processed under the correct and same merchant category code that is associated with one of the eligible merchant categories.
- A customer service number must be transmitted to your acquirer for both the payment and the convenience fee collected.

The convenience fee charged must not be advertised by the collecting entity or its third-party agent as an offset to the merchant discount rate.

Best Practice

- To minimize customer service inquiries, it is strongly recommended that the convenience fee charged be processed as a separate and unique transaction and not be included in the total amount for the product or obligation paid for.

How To Get Started

If you already accept MasterCard payment cards, contact your acquirer for more information about the program.

If you don't currently accept MasterCard credit and debit cards, it's easy to begin. Your first step is to obtain an "acquirer," which is simply a financial institution that is a licensed MasterCard member providing services such as card payment processing, hardware and software, and monthly statements.

Speak to your current commercial financial institution about card processing services. Or register to receive referrals to acquirers that can help you begin accepting payment cards by visiting www.mastercardmerchant.com.

To Learn More

To learn more about the MasterCard Convenience Fee Program, contact your acquirer or send an e-mail to public_us_acceptance@mastercard.com.



Discover — Unrestricted

Discover permits convenience fees and does not restrict their use except that Discover cards must be treated equally with other card brands.

AMEX

OK to charge fees for online only

American Express has the following policy:

American Express does not allow "surcharges," which are defined as fees charged to a cardholder by the merchant to collect discount revenue that a merchant is unwilling to pay and no true, direct convenience is provided to the cardholder.

American Express does allow convenience fees to be imposed only when all of the following criteria has been met by the merchant:

- The transactions are made by telephone, internet, or other method whereby the card is not physically present.
- The method of payment provides a true convenience for the cardholder.
- The transaction is related to:
 - Federal, state, or municipal government mandatory revenue payments (such as taxes, licenses, court fees, and fines)
 - Public utility payments
 - Mandatory fees at public higher education institutions (such as tuition and room and board)
- The amount of the convenience fee is clearly disclosed to the cardholder and the cardholder is given the opportunity to cancel the transaction.
- Any explanation describing why the convenience fee is being imposed, or how it is calculated, does not indicate the convenience fee is a charge from American Express or is necessary to cover the merchant's cost of accepting the card.
- The convenience fee is the same regardless of the form of payment product chosen (credit, debit, smart card, or similar product).

DAVID R. BRICKEY
COUNTY ATTORNEY

Criminal Division

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Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

LEGAL MEMORANDUM

To: Summit County Assessor, Summit County Manager, Summit County Council

From: David L. Thomas, Chief Civil Deputy

Date: August 3, 2011

Re: Abatement of Property Taxes under UCA §59-2-1347

1. In recent weeks, there has been a litany of applications under UCA §59-2-1347 for abatement of past property taxes where a taxpayer paid the secondary residential rate instead of the primary residential rate because of the failure to file a primary residential tax exemption affidavit in accordance with Summit County Code §1-12B-1.
2. The County Assessor has requested a legal opinion as to the legal requirements of granting such an abatement of past property taxes.
3. UCA §59-2-1347 provides as follows:

(1)(a) If any interested person applies to the county legislative body for an adjustment [abatement] . . . of taxes levied against property assessed by the county assessor, a sum less than the full amount due may be accepted, . . . where, in the judgment of the county legislative body, the best human interests and the interests of the state and the county are served. Nothing in this section prohibits the county legislative body from granting retroactive adjustments [abatements] . . . if the criteria established in the Subsection (1) are met. (emphasis added).
4. Historically, the County Assessor took the position that unless the County was at fault for the failure of the taxpayer to file a timely primary residential tax exemption affidavit, the interests of the county would not be served. Typically, taxpayers would not be granted this abatement.
5. Recently the County Council has taken a more lenient position wherein it has granted an abatement where the taxpayer can show that they would have been eligible for a primary residential tax exemption if they had applied. The Council has granted retroactive effect to the exemption.

6. Refunds must be made by the County Auditor from the current tax year. The Auditor then seeks recoupment of the tax refunded monies from the other county taxing entities. The largest of these entities are the school districts. These monies are lost for the current budget year. In future years, the tax rate will automatically adjust to account for the lost revenues.
7. The Utah State Tax Commission has made Rules concerning the interpretation and implementation of UCA §59-2-1347. R884-24P-41 provides as follows:
 - A. Requested adjustments [abatements] to taxes for past years may not be made under Utah Code Ann. Section 59-2-1347 if the requested adjustment is based only on property valuation.
 - B. Utah Code Ann. Section 59-2-1347 applies only to taxes levied but unpaid and may not serve as the basis for refunding taxes already paid.
 - C. Utah Code Ann. Section 59-2-1347 may only be applied to taxes levied for the five most recent tax years except where taxes levied remain unpaid as a result of administrative action or litigation. (emphasis added).
8. The granting of an abatement based upon the failure to file a primary residential property tax exemption affidavit is supportable under this Rule, as it is not a request for property valuation adjustment, but for an exemption. However, the Tax Commission Rule would prevent any refunding for past years where the taxes have already been paid. Further, it puts a limitations period of five (5) years.
9. Utah State Tax Commission Standard of Practice 3.14 implements the Rule and states “Adjustments can be made only to taxes levied but unpaid for the five most recent tax years.”
10. Notwithstanding R884-24P-41, the statute makes no such limitation on whether or not taxes have been paid as a disqualifying circumstance. In my legal opinion, such a limitation appears to be directly inconsistent with the statute, as the statute expressly allows retroactive adjustments without limitation.
11. The statute is silent as to a limitations period. However, most other limitations periods for property taxes is five (5) years. UCA §59-2-217 (Escaped Property); 59-2-506 (Farmland Assessment Act). Consequently, it is my legal opinion that the limitations period in the Rule would apply to these abatements.
12. The State Tax Commission has established a Form PT-33 to serve as an application for abatement under this section of the State Code. We should attempt to use that application in the future.

MEMORANDUM

To the Council:

The attached amendment to Ordinance 319 was discussed in a prior meeting of the Council and is presented here for your vote and approval.

This amendment will standardize the response to questions of prior years refunds of those who failed to file the proper Residency exemption forms in a timely manner. It is both my and Anita's conviction that this will be highly beneficial in the administration of the Residential Exemption process.

Thank you

Steve Martin
Summit County Assessor
PO Box 128
Coalville, Ut 84017
435.336.3251

**RESIDENTIAL PROPERTY TAX ABATEMENTS
SUMMIT COUNTY, STATE OF UTAH
ORDINANCE NO. ____**

PREAMBLE

WHEREAS, pursuant to UCA §59-2-1321, the county legislative body may grant an abatement of property taxes where there has been an erroneous or illegal assessment; and,

WHEREAS, pursuant to UCA §59-2-1347, the county legislative body may grant an abatement or deferral of property taxes where the best human interests and the interests of the state and the county are served; and,

WHEREAS, pursuant to UCA §59-2-103.5 and Summit County Code §1-12B-1 et. seq., the county legislative body may grant a residential property tax exemption; and,

WHEREAS, there has arisen circumstances where a property owner has failed to receive a residential property tax exemption within the statutorily prescribed time period and seeks to have the county legislative body abate those taxes; and,

WHEREAS, the Summit County Council finds that it is in the best interests of the residents of Summit County to provide a process for the consideration of such abatements;

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains that the Summit County Code shall be amended as follows:

Section 1. **Summit County Code §1-12B-2(H).**

Tax Abatement for Tax Years prior to Current Tax Year. Tax Abatements for prior tax years shall not be approved unless the tax payer demonstrates by a preponderance of

the evidence that an error on the part of the County, which prejudices the taxpayer, has been made. In all instances, the maximum abatement shall be five years.

Section 2. **Effective Date.** In order to preserve the peace, health, or safety of the County and the inhabitants thereof, this Ordinance shall take effect immediately upon publication in a newspaper published in and having general circulation in the County.

Enacted this ____ day of _____, 2011.

ATTEST:

Summit County Council

Kent Jones
Summit County Clerk

Christopher F. Robinson, Chair

Approved as to Form
David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Elliott _____
Councilmember Robinson _____
Councilmember Ure _____
Councilmember Hanrahan _____
Councilmember McMullin _____



Kimber Gabryszak
Planner III

Memorandum

To: Summit County Council (SCC)
From: Kimber Gabryszak, County Planner
Date: Thursday, September 1, 2011
Meeting date: Wednesday, September 7, 2011
Re: Amendments to Development Code concerning:

- Potential changes to Specially Planned Area (SPA) process
- Town Center and Resort Center Zones
- Master Planned Development (MPD)
- CORE incentive housing program

Executive Summary

In July, 2011 the SCC placed a moratorium on new applications for the CORE incentive housing program, outlined in Section 10-5-16 of the Snyderville Basin Development Code (Code). The SCC has directed Staff to work on amendments to the CORE program, and work on bringing amendments through the review and approval process.

This work session is to follow up on those instructions, discuss potential amendments with the SCC, and also discuss a potential replacement for the CORE that has arisen through the current Snyderville Basin General Plan update effort that is underway.

CORE background

The CORE program allows for increased density in exchange for the provision of additional workforce housing units in a development. The process leading to the adoption of the CORE was lengthy:

- Adoption of a Housing Needs Assessment in 2006, following public hearings before the Snyderville Basin Planning Commission (SBPC) and SCC
- Adoption of an updated Housing Element to the General Plan in 2006 following public hearings before the SBPC and SCC
- Meetings and drafts created by a subcommittee of the SBPC
- Adoption of a mandatory inclusionary housing program in December 2007, following an open house, and public hearings before the SBPC and SCC
- Adoption of the CORE incentive program in July 2007, following public hearings before the SBPC and SCC

Two (2) applications have been processed by the SBPC since the adoption of the CORE in July 2008. Neither project has received final approval due to a lengthy public process made more difficult due to unclear requirements for allowable density calculations:

- the Stone Ridge project, proposed between Old Ranch Road and Silver Summit
- the Discovery project, proposed on Kilby Road adjacent to Gorgoza Park and the Weilenmann School of Discovery

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Due to sections of the CORE language that are difficult to interpret and apply to projects, the SCC placed the moratorium on new CORE applications. The primary difficulty lies in the language that determines maximum density based on surrounding neighborhood density. More particularly, the clarifications desired include:

- Definition of “neighborhood” within 1000
- Clarification of the mathematical calculation used to determine average density of neighborhoods within 1000 feet
- How to apply the calculation to a proposed CORE project (i.e. does it apply only to the developable portion or to the entire project?)
- Other minor clarifications

GENERAL PLAN - background

The General Plan Subcommittee of the SBPC (Subcommittee) has been working with Staff and Service Providers for approximately the past year on the Snyderville Basin General Plan update. The process has included public workshops, service provider and special district input, both Subcommittee member and Staff discussions, and a set of Neighborhood Planning Area workshops that are currently underway.

In the process of editing the chapters in the General Plan, Staff and the Subcommittee have worked at improving the readability and organization of the Plan. This has included attempts to group the design guidelines in one location, as well as beginning the process of removing regulatory language from the General Plan and placing it in appropriate sections of the Development Code.

Much of the design language in the General Plan addresses the concepts of Village Centers and Town Centers. Due to the mostly developed nature of the Kimball Junction Town Center and issues with existing uses within the Town Center, Staff realized that a different approach to development may be needed to better reflect the existing nature and future potential of the Town Center. The future of SPAs and the concept of Town/Village/Resort centers may need to be rethought in general.

SPECIALLY PLANNED AREA PROCESS

The Specially Planned Area (SPA) process was originally available in all parts of the Snyderville Basin and was implemented into the Code in 1998. Through the “matrix system,” developers could increase their allowed density by providing major community benefits such as significant open space, trails, environmental enhancements, affordable housing, contributions for connectivity projects such as underpasses, and more.

Under the matrix system, there was no chart of allowed uses, and uses were determined through the process, under the system of negotiating and trading benefits and uses. Some notable projects developed under this process include Bear Hollow Village on S.R. 224, Redstone Village and Newpark in Kimball Junction, and the Woods of Parleys Lane at Parley's Summit on I-80.

The 2004 update to the Development Code removed the SPA process from all zones except the Town Center zone and the Resort Center zone, and removed the Village Center concept entirely. The General Plan map prior to 2004 designated a potential Village Center location; the only location was the Silver Creek Village Center at the southeast corner of the I-80/US40 junction. As of the time of revision, the Silver Creek Village Center SPA was undergoing review, so it was determined that the Village Center concept was no longer necessary. Unfortunately, the General Plan update did not fully reflect these changes, so the current General Plan refers to processes that no longer exist.

The Use Chart in the Snyderville Basin Development Code (Section 10-2-10) does not call out the TC and RC zones and their associated uses, as all uses are expected to be approved through the SPA process. The only area in the Basin currently zoned Town Center is the Kimball Junction area; under the SPA process, much of the remaining land in Kimball Junction was developed. The SPA process remains available for redevelopment, but there is no longer much, if any, opportunity for new development under this process. The expectation that all development will go through the lengthy and difficult SPA process makes it very difficult if not impossible for existing buildings and uses to change or expand, or for new uses to occupy small spaces. Without a list of allowed uses, many of the existing uses in the Town Center are considered nonconforming, and cannot expand or change their nature. Staff feels that this is inappropriate, and that the Use Chart should be modified to include a list of allowed uses.

The only area in the Basin currently zoned Resort Center is the Canyons Resort base area and most of that land is already entitled under the existing Canyons SPA agreement.

MPD PROCESS

Commercial Development, Design Guidelines, and predictability

In reading through the design standards for Village Centers in the General Plan, Staff was struck by the planning principles that are called out for these types of developments, such as walkability, connectivity, landscaping, environmental guidelines, and more. **Rather than being limited to Village and Town Centers, Staff would like to see the broader use of these principles and guidelines applied more widely.**

Alternatively, some of the principles are only appropriate for larger scale developments. In the recent review of some larger commercial and mixed use developments, Staff has felt that more clear, thorough, and strict standards would be useful. Many large scale commercial developments can have a large impact, just as a Town or Village Center SPA would. They can be quite visible, result in large traffic increases, increase impacts on the environment, and impact the character of the Basin. **Staff would like to see the Village Center concepts that are appropriate for larger developments become applicable to a wider range of projects.**

One purpose for the removal of the SPA process from all zones but the Town and Resort Center zones was to increase predictability for the community. The variable densities available and negotiated developments that resulted were “too vague” and unpredictable. While better predictability was gained by this removal, an unfortunate side effect was the lost ability to obtain community benefits in exchange for additional density. **Staff would like to recommend that the SBPC consider removing the SPA process, and replace it with a type of Master Planned Development (MPD) process.** This process would be similar to the SPA, but with the following changes:

- it would be much more predictable and understandable to both the community and developers, with clearly defined densities tied to zoning;
 - densities would be created for the Town Center zone, and the Commercial zones that currently have no density;
- a density tier system could be created, whereby additional density would be available if additional workforce housing were provided;

- it could enable rezones to be tied to a specific project where the applicant is interested in a use that the County finds appropriate to an area but where the other uses in that zone may not be appropriate (i.e. where office uses may be appropriate, but a car dealership may not);
- it would ensure that the planning guidelines and principles of the General Plan can be applied more widely;
- uses in the Town Center would be more clearly defined and understood.

CORE PROGRAM AMENDMENTS

Staff is recommending that the SCC consider replacing the CORE program with a tier in a newly created MPD zone. However, if the SCC still wants to pursue amendments to the existing CORE program, Staff has several suggestions. Staff has met with the County Attorney’s office as well as Scott Loomis of Mountainlands Community Housing Trust (MCHT) to go over potential amendments.

Overlay concept

One concept that Staff would like to discuss actually changes the structure of the program. It is a return of sorts to an overlay zone concept, where some areas of the Basin would be eligible to apply for a certain CORE zone, while others eligible to apply for different CORE zones. Staff and the SBPC would begin by identifying areas where infrastructure, development patterns, developable lands, and other factors would allow potential consideration of development.

For example, perhaps a certain area is appropriate only for lower density; in that case it would be identified as being eligible for only CORE A (1 unit per 2 acres) or B (1 unit per acre). Another area may be appropriate for medium densities, so it would be identified as eligible for COREs C-D (2-5 units per acre). Perhaps another area would be appropriate for high density infill, so could be eligible for COREs E-F (10-15 units per acre). Yet another area may not be appropriate for any CORE development.

This would involve creating a map with certain overlay bubbles identifying which CORE zones may be appropriate in which areas, and would remove the “compatibility” language from the CORE requirements, and replacing it with a density limit through available CORE zones.

In 2007, the County considered adopting an overlay zone program, however in that case small areas with specific properties were identified, which resulted in widespread public opposition. In this case, Staff proposes creating larger overlay zones and not identifying specific properties. All the original standards would still apply: separation between CORE zones, access to infrastructure and transit, percentage of workforce units, integration to some degree, open space, and so on.

Other CORE options

The SCC could also choose to leave the CORE as currently structured, and simply update the density calculation method language to have a more clear methodology, removing the confusion that has arisen in previous applications.

Additional amendments

Attached is a letter from Scott Loomis of MCHT, outlining additional amendments to the mandatory housing program that Staff would support. These include amendments and clarifications to both the mandatory and CORE incentive requirements:

- Changing the allowable prices to reflect real-world impacts and the lending situation

- Clarifying the “appropriateness” requirement in terms of unit types
- Clarifying the “integration” requirement
- Increasing reductions in mandatory requirement if lower incomes are targeted and / or the workforce housing is provided up front
- Other minor clarifications

Staff would also like the opportunity to look into several other changes:

- rework the Workforce Unit Equivalent formula to encourage smaller and larger units, as the current language unintentionally encourages larger units
- modify the off-site requirements for better clarity and to allow better cooperation with housing nonprofits
- add a fee-in-lieu formula

RECOMMENDATIONS

Staff would like to discuss the following concepts:

1. Adding uses to the Use Chart for the Town Center and Resort Center Zones rather than relying on the SPA process.
2. Making the General Plan design principles more widely applicable by replacing the Specially Planned Area process (SPA) with a type of Master Planned Development (MPD) process.
3. Requiring the MPD process for all development in certain zones, of a certain type, and/or over a certain size, to include both residential and commercial developments.
4. Removing the CORE program and replacing it with a tier in the MPD program, OR reworking the CORE to create overlay zones and clearer density
5. Other modifications to both the CORE and mandatory provisions

Following this work session, Staff will work on drafting amendments and taking them through the process with the SBPC, public hearings, and then to the SCC.

Exhibits:

- A. Snyderville Basin Development Code, SPA requirements (pages 6-12)
- B. Snyderville Basin Development Code, Use Chart (pages 13-19)
- C. Example MPD program: Park City Municipal MPD Chapter (pages 20-37)
- D. Letter from MCHT (pages 38-41)

10-2-11

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plan to minimize disturbance and shall preserve at least 75% of the parcel as Meaningful Open Space as described in the Snyderville Basin General Plan. Accordingly, priority will be given to preserved open space that: is contiguous with previously preserved land, furthers the protection of wetlands, stream corridors, important view sheds, wildlife corridors, water source protection areas and other unique and significant natural and environmental features. Small fragments of open area while sometimes necessary for key buffers or finished landscape areas shall not be considered Meaningful Open Space. Density should be located near previously constructed development and open space should be located adjacent to existing preserved areas.

2. Trails: Where a proposed development property contains trails or associated recreation facilities identified on the Snyderville Basin Trails and Recreation Master Plan, the applicant shall agree to place easements on the identified land and the land for these improvements will be provided for and recorded on the Final Plat/Site Plan. Where trails internal to a project can be linked to community trails; those links should be provided.

10-2-12: DEVELOPMENT WITHIN A TOWN CENTER OR RESORT CENTER ZONE DISTRICT:

- A. Intent: The purpose of the Town Center (TC) or Resort Center (RC) designation is to allow, at the discretion of Summit County, flexibility of land use, densities, site layout, and project design. Summit County may only use the Specially Planned Area (SPA) process to consider development within identified Town and Resort Center Zone Districts. This SPA process shall be used only when it is clearly demonstrated that, in doing so, substantial benefits will be derived by the residents of the Snyderville Basin by the application of the process. The burden rests upon the applicant to demonstrate that the project proposed for consideration under the SPA process is in the best interest of the general health, safety and welfare of Snyderville Basin Residents.

The purpose of a Town Center is to provide an economically and socially viable area that reflects the mountain character of its surroundings, promotes a sense of place and community identity supporting the residents of the Snyderville Basin, separate from, but complimentary to, Park City. The Town Center is the appropriate location in the Basin for general retail uses, such as grocery stores, and for full service restaurants.

The purpose of a Resort Center is to promote recreation uses and resort related facilities and amenities that are appropriate to support the recreational nature of the area, enhance County and Special Service District tax bases, and create

jobs. General retail uses serving primary residents of the Snyderville Basin are not considered appropriate in a Resort Center.

- B. Review Process: All SPA development applications will be reviewed as Major Development according to Chapter 3 of this Title.
- C. Base Density: The base density in Town and Resort Center Zone Districts is 1 unit/40 acres on Sensitive Lands and 1 unit/20 acres on Developable Lands in all Neighborhood Planning Areas.

Base densities shall not exceed those indicated and shall be consistent with Policy 3.6 of the General Plan. Development projects that comply with “base density” limits require compliance only with sound project planning principles and fundamental objectives of the Snyderville Basin General Plan and Code. All development must be placed in the least environmentally and visually sensitive areas within the parcel. Development on slopes of thirty percent (30%) or greater, in jurisdictional wetlands, and within 100-year floodplains is not allowed except where “specifically” permitted in the Development Code and when consistent with the General Plan. Reference shall be made to the applicable Neighborhood Land Use Plan Map, the visual sensitivity guidelines of the Snyderville Basin General Plan, and field observation for assessing the visual impacts of the project. Driveways and roads also shall be placed in the least sensitive parts of the site. All development must be compatible with appropriate and applicable resort, rural, and mountain design principles.

- D. Density in Excess of Base Density: The maximum potential density on Sensitive Lands is 1 unit/40 acres. The maximum potential density on Developable Lands is 5 units/acre. Actual density could be less depending on the project’s ability to meet incentive community benefit criteria. Density could be more if the project complies with all provisions of this Section. To achieve five units per one acre, Summit County will grant density increases when a development provides significant community benefits generally described in this Section. Areas designated as Town or Resort Centers are not guaranteed such higher densities. Higher densities **can only be achieved** through the accomplishment of the community objectives. Maximum densities can only be achieved through significant accomplishment of the community benefits listed in this Section. Summit County shall make a determination as to whether a developer has reasonably complied with these criteria. Moreover, the designation of a Town or Resort Center on a Land Use Plan Map is not intended to serve as a density windfall for an individual property owner, but require cooperation with surrounding land owners. Density will be affected by how well adjacent property owners work together to accomplish the goals of the General Plan.

1. Mandatory Land Use Planning Principles: The following land use planning principles shall be met in order to achieve density in excess of base density:
 - **Dedication and Preservation of Viewshed/Environmental Features**
 - **Consistency with the Desired Neighborhood Character**
 - **Community and Neighborhood Recreation Facilities**
- a. **Dedication and Preservation of Viewshed/Environmental Features of the area:**

Preservation of viewsheds shall, when possible, include the retention of all or major portions of all meadow and hillside viewsheds all ridgelines, and significant environmental features such as all waterways and non-jurisdictional wetlands, wildlife habitat, wildfire hazard areas, historic and cultural artifacts, and geologic features. This is to be accomplished by, among other things, minimizing the removal of vegetation from the site and the amount of over lot grading required to fit the project into the natural landscape. These important features of the predevelopment landscape shall be as identified on the applicable land use plan map or by field inspection at the time of a development application.
- b. **Consistency with the Desired Neighborhood Character:**

Development shall be compatible with the desired neighborhood development patterns and policies identified in the Snyderville Basin General Plan and both the applicable neighborhood planning area plan and land use plan map. Minor development that exceeds base densities shall ensure economy of service delivery not only for Summit County and special service districts, but also to residents of the development. At least sixty percent (60%) of the total development parcel(s) that exceed base density shall be maintained as open space in a manner that is consistent with the goals and objectives of the Snyderville Basin Development Code. In certain instances, development, at the option of Summit County and when requested in writing by the developer, may make a cash in lieu of open space contribution to Summit County for the purposes of acquiring open space and open use recreation facilities at another location.

c. **Community and Neighborhood Recreation Facilities:**

Development shall provide appropriate neighborhood recreation and trail facilities, in terms of location, type, and variety that meet the specific neighborhood resident demands that will be generated by the development project. The areas designated for such uses shall not simply be left over spaces within a development. They shall be appropriate in terms of size and quality for the intended use. The specific recreation and trail facilities provided shall be adequate to satisfy the neighborhood demand. While consideration shall be given to standards established in the Code, the unique characteristics of the neighborhood shall be taken into consideration in determining specific requirements. The long term care of these facilities shall be the responsibility of the developer or subsequent residents of the project. In certain instances, development with minimal units, at the option of Summit County and when requested in writing by the developer, may make a cash in lieu of facility contribution to the Snyderville Basin Special Recreation District to fulfill required neighborhood requirements. Written agreement approving the contribution and use of the funds shall require the consent of the Snyderville Basin Special Recreation District. Community contributions shall include the provision/dedication of sufficient land to accommodate public trail links/connections identified on the Recreation and Trails Master Plan. A development's contribution may occur on or off site, so long as the contribution is consistent with the intent of and serves the purpose identified in the Master Plan.

2. Incentive Community Benefit Criteria: The amount of additional density will be based on compliance with the following criteria:

- **Environmental Enhancements**
- **Restricted Affordable Housing**
- **Contribution to Community Trails and Parks**
- **Exceeds Open Space Requirements for Project**
- **Tax Base and Economic Enhancements**
- **Compatibility with Town, Resort, Village Design**

a. **Environmental Enhancements:**

Environmental enhancements shall include, but are not limited to, programs and improvements that will enhance existing wildlife habitat, rehabilitating wetlands disturbed by various land use practices, measures to protect air quality, establishing fisheries in

local streams, and other such features. Such enhancements must be compatible with the Snyderville Basin General Plan and the applicable neighborhood plan. Environmental enhancements must produce benefits for the enjoyment of all residents of the Snyderville Basin. Improvements that are provided largely for the enjoyment of residents of the development and which produce only minor benefits for the general population may receive some density credit, but only to the extent that the general public benefits from the improvement

b. **Restricted Affordable Housing:**

Higher densities will be permitted when restricted affordable housing is provided within the project. Restricted housing must be of a type that is compatible with the neighborhood within which it is proposed. Restrictions by deed or other desired mechanism shall include appropriate sales and resale restrictions, rental rates restrictions, and other appropriate measures. The restrictions shall ensure that the dwelling units are oriented toward persons employed within Summit County and remain affordable to those employed in Summit County in perpetuity, including sales beyond the original owner. Affordable housing types and size, together with the percentage of such units provided must be compatible with and deemed appropriate by Summit County for the neighborhood in which it is proposed and meet the housing needs of the community. Before restricted affordable housing density increases are granted, the ability of the local community to absorb the number and type of units proposed must be demonstrated. It is not the intent of Summit County to create neighborhoods comprised of restricted affordable housing only.

c. **Contribution to Community Trails and Parks:**

Contributions for community parks and trails shall be made according to the Snyderville Basin Recreation and Trails Master Plan. Facilities "required" to meet specific neighborhood or project needs will not be considered as contributions to the community-wide system. Improvements and/or contributions must be considered appropriate and desirable by the Snyderville Basin Special Recreation District. The level of density incentive will relate to the value of the community benefit received from the contribution.

d. **Exceeds Open Space Requirements for Project:**

Density incentives will be granted by Summit County when development project provides significant and meaningful open space consistent with the requirements established in Policy 5.1 of the General Plan, and when the amount of open space provided exceeds the required open space for the site as established in the Development Code.

e. **Tax Base and Economic Enhancements:**

The potential density incentive will be partially a function of tax base and economic enhancements desired by Summit County, which may include, but are not limited to, job generation for the local labor supply; enhancements to the resort economy which may include appropriate short-term accommodations and recreation amenities; significant assessed valuation increases that benefit County and special service districts; and/or significant increases in sales tax revenues to Summit County. Such projects shall be required to accommodate the unique seasonal employee housing needs of the development project in order to qualify for this measure. The development project shall be phased in a manner that ensures that tax revenues are available to Summit County and special service districts before those aspects of the project that may produce a fiscal burden on service providers are constructed. A fiscal, economic, and seasonal housing needs assessment of the project, based on assumptions approved by Summit County, will be required to demonstrate the level of enhancement generated by the project.

f. **Compatibility with Town, Resort, Village Design:**

Higher densities may be permitted within those areas designated Town or Resort Center on the applicable neighborhood land use plan map. However, to qualify for density increases under this provision, all development must comply with the appropriate design principles identified in Policy 3.8 of the Snyderville Basin General Plan. Furthermore, development shall be clustered at a minimum rate of approximately five (5) units per one acre so as to create an appropriate critical mass within the developed area.

3. Density in Excess of Five (5) Units/Acre: Density in excess of five (5) units/acre shall be determined based on the level of compliance with and the degree to which the project advances the community goals

established in all criteria in Section 10-2-12. To exceed five (5) units/acre in any designated town or resort center a proposal shall include:

a. **Land Bank and Development Right Relocation:**

Summit County will use density incentives to encourage development right relocation from a less desirable location within the Snyderville Basin to a more desirable location within the Snyderville Basin or suitable contributions of land for land bank purposes to Summit County. The incentive shall be related to the public benefit received from the relocation, but it is recognized that significant density increases may be considered to achieve development relocation. It also is recognized that less desirable locations for development vary in degree of significance to the community. The more significant the area in which the development rights are being relocated from, the greater the incentive that will be considered. To qualify, density must be relocated from one parcel to another, not within the same parcel. Before a density incentive is granted, it must be demonstrated that the proposed density is appropriate in the area acquiring the density and that a reduction of density from the area in which the development rights are being relocated is appropriate and in the public interest.

b. **Unique Public Facilities and Amenities Exceeding Project Requirements:**

Unique community facilities and amenities shall be considered only when it is demonstrated that the improvements or land contribution exceed the specific and identifiable impacts and/or needs of the project. The density shall be directly related to the value of the community benefit. Before a density incentive is granted, however, it also must be demonstrated that there is a need for the proposed improvements: that the improvements or land are needed or desired at the proposed location; that the land is appropriate in size and that the terrain is appropriate to accommodate the intended use; and the improvement is compatible with the surrounding neighborhood. Such benefits may include structured parking when it will result in the preservation of additional and desirable open space, school sites, trail underpass/overpass; public buildings; the provision of alternative transportation systems and facilities, or other such improvements that are determined to be desirable under the General Plan.

10-2-9
10-2-10

zone shall be required to be screened.

5. Outdoor Storage Yards: Outdoor Storage yards are prohibited in this zone.
6. Outdoor Display of Goods: Outdoor display of merchandise is prohibited in this zone.
7. Open Space: All development in this zone shall provide a minimum of 60% open space.

10-2-10: USE TABLE:

A Use Table has been established that sets forth Allowed (A) uses, uses permitted with a Low Impact Permit (L), Conditional Uses (C), Temporary Uses (T), and prohibited uses (*) for the following Zone Districts:

Rural Residential (RR)
Hillside Stewardship (HS)
Mountain Remote (MR)
Community Commercial (CC)
Service Commercial/Light Industrial (SC)
Neighborhood Commercial (NC)

In cases where a proposed use is not listed in the table, the Community Development Director shall compare the nature and characteristics of the proposed use with those of the uses specifically listed and make a determination if the proposed use is similar in nature and logically fits into any of the categories listed. Where it is determined that the proposed use is consistent with an existing category or use, the proposed use shall be permitted, conditional, or prohibited as the existing use with which it has been associated. In cases where a use is similar nature to more than one category, the more specific category shall apply. If it is determined that the proposed use is not similar in nature to any of the uses listed, the use shall be prohibited unless and until the Code is amended to specifically include the use. The Community Development Director may refer any use inquiry to the Planning Commission for consideration.

Uses within designated Town and Resort Centers shall be determined by the Specially Planned Area (SPA) process set forth in this Title.

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Accessory Buildings under 2,000 sq. ft.	A	A	A	A	A	A	
Accessory Buildings between 2,000 sq. ft. and 10,000 sq. ft.	L	L	L	*	*	*	
Accessory Buildings over 10,000 sq. ft.	C	C	C	C	C	C	
Adult/sex oriented facilities and businesses	*	*	*	C	*	*	Section 10-3-5 F
Agricultural Sales and Service	*	*	*	L	L	*	
Agriculture	A	A	A	A	A	A	
Auto Impoundment Yard and towing services	*	*	*	*	L	*	
Automotive Sales	*	*	*	C	*	*	
Auto Rental	*	*	*	L	*	*	
Auto Repair, Service and Detailing	*	*	*	L	L	*	
Auto Wrecking Yard	*	*	*	*	*	*	
Banks and Financial Services	*	*	*	L	*	C	
Bars, Taverns, Private Clubs	*	*	*	L	C	C	
Bed and Breakfast Inn	C	C	C	*	*	*	
Building and Maintenance Services	*	*	*	L	L	*	
Campground	*	C	C	C	*	*	
Camp	*	C	C	*	*	*	
Car Wash, Commercial	*	*	*	L	*	*	
Cemetery	C	C	C	C	*	C	
Child Care, In-home	A	A	A	*	*	A	Section 10-8-4
Child Care, Family, fewer than 9 children	L	L	L	*	*	C	Section 10-8-7
Child Care, Center with 9-16 children	C	C	C	*	*	C	Section 10-8-7
Child Care Centers with more than 16 children	C	*	*	L	*	C	Section 10-8-7
Churches, Schools, Institutional Uses	C	*	*	C	*	C	

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Commercial Kennels	C	C	C	L	L	C	
Construction Equipment Storage	*	*	*	C	L	*	
Construction Equipment Rental	*	*	*	L	C	*	
Construction Management Office	*	*	*	L	L	*	
Construction Services, Contract	*	*	*	L	L	*	
Construction Sales, Wholesale	*	*	*	L	L	*	
Cultural Activity	C	*	*	L	*	C	
Dwelling Unit, Accessory	A	A	A	A	A	A	Section 10-8-5
Dwelling Unit in the Ridgeline Overlay Zone	L	L	L	L	L	L	Section 10-2-13
Dwelling Unit, Agricultural Employee	L	L	L	*	*	L	Section 10-8-5
Dwelling Unit, Multi-Family	C	*	*	C	*	C	
Dwelling Unit, Single-Family Attached	A	L	L	C	*	C	
Dwelling Unit, Single Family Detached on a lot of record within a platted or recorded subdivision	A	A	L	*	*	A	
Dwelling Unit, Single-Family Detached on a lot of record outside of a platted or recorded subdivision	L	L	L	*	*	L	
Dwelling Unit, Two-family or Duplex	C	C	*	C	*	C	
Funeral Services	*	*	*	L	*	*	
Gas and fuel, storage and sales	*	*	*	C	L	*	
Gasoline Service Station with Convenience Store	*	*	*	L	*	C	Section 10-8-8
Golf Courses	C	C	*	C	*	*	
Group Home	C	*	*	L	*	C	
Health Care Facilities	*	*	*	L	*	C	
Historic Structures, preservation of, including related accessory and supporting uses	L	L	L	L	L	L	Section 10-8-11

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Home-based Businesses Class 1	A	A	A	A	*	*	Section 10-8-4
Home-based Businesses Class 2	L	L	*	*	*	*	Section 10-8-4
Horse Boarding, Private	L	L	L	L	*	L	
Horse Boarding, Commercial	C	C	C	C	*	C	
Horse Stables and Riding Academy, Commercial	C	C	C	C	*	C	
Hospitals	*	*	*	C	*	*	
Hotel, Motel or Inn with fewer than 16 rooms	*	*	C	C	*	C	
Hotel, Motel or Inn with 16 or more rooms	*	*	*	C	*	*	
Indoor Entertainment such as bowling alleys, skating rinks, movie theater, performing arts center	*	*	*	L	*	*	
Indoor Shooting Ranges				L	L		
Laundromat	*	*	*	L	*	C	
Logging Camp	*	C	C	*	*	*	
Manufacturing, custom	*	*	*	L	L	*	
Manufacturing, heavy	*	*	*	*	C	*	
Manufacturing, light	*	*	*	L	L	*	
Medical equipment supply	*	*	*	L	L	*	
Mining, Resource Extraction	*	C	C	*	*	*	
Nursery, Retail	*	*	*	C	*	*	
Nursery, Wholesale	C	C	C	C	C	C	
Nursing Home	C	*	*	C	*	C	
Offices, General	*	*	*	L	L	C	
Offices, Intensive	*	*	*	C	*	*	

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Offices, Moderate	*	*	*	L	*	*	
Offices, Medical and Dental	*	*	*	L	*	C	
Open Recreation Uses, commercial	C	C	C	C	*	C	
Open Space	A	A	A	A	A	A	Section 10-4-4
Outdoor Display of Merchandise, on-premise	*	*	*	C	*	*	
Outdoor Display of Merchandise, off-premise	*	*	*	*	*	*	
Parking Lot	C	*	*	L	L	C	Section 10-4-9
Parking Lot, Commercial	*	*	*	L	L	C	
Parks constructed by SBSRD in accordance with the General Plan	L	L	L	L	L	L	Section 10-4-17
Personal Improvement Services	C	*	*	L	*	C	
Pet Services and Grooming	*	*	*	L	L	C	
Personal Services	*	*	*	L	*	C	
Property Management Offices/Check-in facilities	*	*	*	L	*	*	
Public Facilities	C	C	C	C	C	C	
Recreation, Public	C	C	C	C	*	L	
Recreation and Athletic Facilities, Commercial	*	*	*	L	*	C	
Recreation and Athletic Facilities, Private	L	L	L	C	*	L	
Recycling Facilities, Class I	A	A	A	A	A	A	Section 10-4-14
Recycling Facilities, Class II	C	*	*	L	L	L	Section 10-4-14
Repair Services, Consumer	*	*	*	L	*	C	
Residential Treatment Facility	C	*	*	L	*	C	
Resort Lifts, New	C	C	C	*	*	C	
Resort Lifts, Replacement	L	L	L	*	*	L	
Resort Operations	L	L	L	*	*	L	

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Resort Runs, New	C	C	C	*	*	C	
Resort Structures under 5,000 sq. ft.	L	L	L	*	*	L	
Resort Structures 5,000 sq. ft. and over	C	C	C	*	*	C	
Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances	*	*	*	L	*	L	
Restaurant, Deli or take out intended to serve a neighborhood	*	*	*	L	L	C	
Restaurant, Drive-In or Drive-up Window	*	*	*	C	*	*	Section 10-8-9
Restaurant, Full Service	*	*	*	L	*	*	
Retail Sales, Convenience Store	*	*	*	L	*	C	
Retail Sales, Associated with Service Commercial	*	*	*	*	L	*	
Retail Sales, Food	*	*	*	L	*	C	
Retail Sales, General	*	*	*	L	*	C	
Retail Sales, Wholesale	*	*	*	L	L		
Retail Sales, larger than 40,000, less than 60,000 sq ft in size	*	*	*	C	*	*	
Retail Sales, larger than 60,000 sq ft in size	*	*	*	*	*	*	
Satellite Dish Antenna 36" in diameter or less	A	A	A	A	A	A	
Satellite Dish Antenna more than 36" in diameter	L	L	L	L	A	L	
Seasonal Plant & Agricultural Sales	T	T	T	T	T	T	
Signs	L	L	L	L	L	L	Section 10-8-2
Ski Lifts, Private	C	C	C	*	*	C	
Ski Runs, Private	C	C	C	*	*	C	
Stockyards	*	*	*	*	*	*	
Storage, RV or Boat	*	*	*	C	L	*	

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Storage, self service	*	*	*	L	L	*	
Storage, vehicle	*	*	*	C	L	*	
Structure in the Ridgeline Overlay Zone	L	L	L	L	L	L	Section 10-2-13
Telecommunication Facilities, Co-Location	A	A	A	A	A	A	
Telecommunication Facilities, Stealth	L	L	L	L	L	L	
Telecommunications Facilities other than Co-location or Stealth	C	C	C	L	L	C	
Temporary Facilities in association with a Re-Development Application	T	T	T	T	T	T	
Temporary Structures	T	T	T	T	T	T	
Trails, Community-Wide	A	A	A	A	A	A	
Trails, Neighborhood	L	L	L	L	L	L	Section 10-4-17
Transportation Services	*	*	*	L	L	*	
Truck Stop	*	*	*	C	*	*	
Typesetting and Printing Facility	*	*	*	L	L	*	
Utility Facilities, Underground	L	L	L	L	L	L	
Utility Facilities, Above-Ground	C	C	C	L	L	L	
Utility Facilities, Major	C	C	C	L	L	C	
Vehicle Control Gate	C	C	C	*	*	*	Section 10-8-12
Vehicle and equipment sales or rental	*	*	*	L	L	*	
Veterinarian	*	*	*	L	L	C	
Warehousing and Distribution, General	*	*	*	C	L	*	
Warehousing and Distribution, Limited	*	*	*	L	L	*	
Wholesale Construction Supply	*	*	*	L	L	*	

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the

community.

(Amended by Ord. No. 10-14)

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any Residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.
- (4) All projects utilizing Transfer of Development Rights Development Credits.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.

(C) The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

(1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties; or

(2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22; 10-14; 11-12)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density Transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the

Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with

LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission

action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developers agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.
- (8) 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.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development

Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning

Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10; 11-05)

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning

Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing consistent with the City’s adopted employee/Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS.

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on

the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 zones shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for

Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) **OFF-STREET PARKING.**

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT**. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1 and HR-2 Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height

and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional height due to a Site

specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING**. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

- (1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.
- (2) Projects shall be designed to minimize Grading and the need for large retaining Structures.
- (3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.
- (4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be

required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from

within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are

compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers.

The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE**. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than

seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE**. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING**. MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS**. All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12)

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD incorporates best planning practices for sustainable development, including energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 10-14)

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-

moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of

the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS**. The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING**. Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE**. A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS**. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the

adopted Affordable Housing resolution in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 09-10)

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within

a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms and shafts
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs, and exercise areas not open to the public
- Telephone Areas
- Guest business centers
- Public restrooms

Administrative offices
Hallways and circulation
Elevators and stairways

(G) **RESORT ACCESSORY USES.**

The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms and Areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

(Amended by Ord. Nos. 06-22; 09-10; 10-14; 11-05)

MOUNTAINLANDS COMMUNITY HOUSING TRUST

CORE CODE REVISIONS

TO: BOB JASPER –SUMMIT COUNTY MANAGER
DON SARGENT- SUMMIT COUNTY DEVELOPMENT DIRECTOR
KIMBER GRABRYSZAK –SUMMIT COUNTY PLANNER
JAMI BRACKIN –SUMMIT COUNTY ATTORNEY’S OFFICE

FROM: SCOTT LOOMIS
EXECUTIVE DRIECTOR

DATE: JULY 29, 2011

RE: RECOMMENDATIONS CORE REVISIONS

The Summit County Council has imposed a six months moratorium on applications under the “CORE” provisions of the development code. The Community Oriented Residential Enhancement Zone (CORE) portion of the code adopted in 2009 provides incentives to developers to provide for workforce housing in residential and commercial developments. Since approval, three applications have been received. It has become apparent there are some inconsistencies in the CORE language and amendments to clarify some portions and to further enhance the CORE are recommended.

As a general comment, because no applications have been approved, it is difficult to determine if CORE will accomplish its objective in providing additional workforce housing to fulfill the needs identified in Snyderville Basin through needs assessments required by state law. It may be the anticipated incentives to allow one market rate unit for each affordable housing unit are insufficient or simply attributed to the current economy and real estate market. Some changes, such as defining permitted density in various zones, are necessary and it is my opinion this review allows for other changes that may improve CORE as well as the affordable housing requirements of the code that also affect CORE and the long term viability of workforce housing created under the mandatory provisions of the code and CORE.

The following recommendations should be considered and discussed. I will not address the density portion of CORE since SCC is presently working on a method to interpret the current CORE provisions and potential amendments.

1. 10-5-13 A. 5. Allowable Prices The code presently provides that 35% of a household's income is considered for rent and utilities for rental properties and mortgage payments, taxes, insurance and home owner association fees for for-sale units. Typically, under HUD guidelines 30% of gross income is considered for rent and homeownership rather than 35%. The needs assessments that have been provided base the "need" upon the HUD definition, making it difficult to compare "apples to apples" which has been a concern raised in public input when needs assessments were discussed. By using the HUD formula, prices and rents will be lower therefore making rents and sales prices consistent with many housing subsidized programs and a greater benefit for the workforce. Additionally, under HUD formulas, mortgage insurance premiums (which can amount to ½ of one percent of the loan amount depending upon down payment) are also calculated in determining 30% of income.

2. 10-5-13 A. Allowable Prices Under the code, the allowable sales prices are based upon unit size and target a range of Area Median Income (AMI) based upon family size. Three bedroom or larger units are priced for households earning 60-80% AMI for a household of four people. In 2011, the AMI for Summit County was increased to \$99,000 for a family of four. Under the code, at 60-80% AMI this would mean a home could be priced for a family earning between \$59,400 - \$79,200 at a maximum of \$353,056. With smaller workforce units this price approaches or exceeds current market prices. Higher prices make it difficult for a developer to sell these units at the permitted price and make it difficult for potential buyers to find financing since, as an example, the USDA Rural Development maximum loan amount for Summit County is presently \$261,000. A three bedroom home under the code only needs to be 1150 square feet to obtain the allowable price. By pricing restricted units too high they will compete with market rate homes in the same subdivision and defeat the desire to have restricted units substantially under market prices long term to assure resale. Reducing the 35% of income formula to 30% would lower the sales price at 80% AMI to \$286,190, a reduction of over \$66,000.

Not to confuse an already complicated formula, HUD has another method of determining affordability by defining three categories; 1). Extremely Low Income (ELI) (30% AMI), 2). Very Low Income (VLI) (50% AMI) and 3). Low Income (LI) (80% AMI) (see attachments). Rather than computing incomes for these categories based upon a straight percentage of 100% AMI, these amounts are based upon annual caps to increases, national median income and other factors that lower the income for each category. Under some affordable housing programs 60-80% AMI is considered "moderate income". VLI for a family of four is \$48,950 which is \$550 lower than a straight percentage. LI is \$64,200 rather than \$79,200 for a straight

80% of \$99,000. Using the HUD calculations under LI the current formula (35% of income) would lower the price of a home at 80% AMI from \$353,056 to \$286,190. Utilizing the HUD formulas of 30% of gross income and for AMI the price would be lowered to \$245,306 a reduction of over \$100,000 from the current allowable price. The ELI and VLI prices would only be affected slightly by adopting this new formula.

3. **10-5-16 E. 4. b. Appropriateness:** This provision requires that if an existing neighborhood is located within 1000 feet of a proposed CORE development it should “utilize home types similar to existing home types within those portions of the neighborhood or neighborhood within 1000 feet.” Additionally, under 10-5-5 E. 5 of the code states that “the specific unit type and design shall be consistent with the character of the surrounding neighborhood...”. This provision has been raised at CORE public hearings in opposition to proposed townhouse or duplex type units when no similar type units are in an adjoining neighborhood. In practice in many cases, duplex or larger units would be more typical in size to single family residences in adjoining subdivisions. As an example, is it better to have two 1300 square foot single family homes adjoining a subdivision where the homes are 3000 square feet or more or a single roof duplex or triplex of similar size?
4. **10-5-16 E. 3 Integration:** This provision states that “The workforce lots shall be integrated into the development.” (Also 10-5-5 E. 3 of the code). Although desirable, in most cases there are many situations where there is a logical location where a higher concentration of workforce housing makes more sense than spreading the units among larger units or lots within the subdivision. An example is the four restricted lots in The Woods of Parleys Lane Subdivision. Another situation could be where a multi-family rental project may require a separate building(s) or an isolated location. I would recommend giving staff or the development director (rather than the planning commission) discretion in the application of this provision so there is some flexibility as the situation and market dictate something less than total integration.
5. **10-5-4-D-2** This provision allows for a 10% reduction of required Workforce Unit Equivalent (WUEs) if the average targeted household income does not exceed 50% AMI. This helps create units for lower income households, however the CORE provisions allows a generous 50% increase in the number of allowed market rate units if this goal is meant. Because of the cost of subsidizing units targeting households earning below 50% AMI, a higher than 10% reduction should be considered under the mandatory provisions of the code as well.
6. **10-5-3 B. 13.** This provision gives a priority to local workers in obtaining workforce housing. Although this is a desirable result, under federal Fair

Housing laws and some subsidy programs this type of discrimination could be in violation of these laws and provisions. I would recommend adding language to the beginning of this provision “Subject to Fair Housing and financing and subsidy program requirements...”

7. **10-5-16 E. Requirements:** This provision sets forth a total of 17 requirements that need to be met for a CORE rezone. It states that “failure to comply with any of these requirements is grounds for project denial”. After hearing public input on this provision, the intent of this provision is not clear to me. Is it an absolute requirement that all of the 17 items be satisfied or does it only provide “grounds” for denying an application?

By having CORE in its present form or amended, unless it can be shown as unreasonable, it does appear to meet the state requirement to make provisions for moderate income housing based upon a needs assessment that shows a current need. This, coupled with the current code requirements for workforce housing, should avoid lawsuits by developers as in the past. Although the moratorium allows the opportunity to make amendments, the basics of the code and CORE, although untested, appear to be sound.



MEMORANDUM:

Date: September 7, 2011
To: Council Members
From: Annette Singleton
Re: Peoa Recreation Special Service District

Appointment of Steven Keyes to the Peoa Recreation Special Service District.

Steven Keyes - term to expire August 31, 2014.

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, AUGUST 10, 2011
COUNCIL CHAMBERS
COALVILLE, UTAH

PRESENT:

Chris Robinson, Council Chair
David Ure, Council Vice Chair
John Hanrahan, Council Member
Claudia McMullin, Council Member

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney
Kent Jones, Clerk
Annette Singleton, Office Manager
Karen McLaws, Secretary

CLOSED SESSION

Council Member Ure made a motion to convene in closed session for the purpose of discussing litigation. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 3:25 p.m. to 4:25 p.m. to discuss litigation. Those in attendance were:

Chris Robinson, Council Chair
David Ure, Council Vice Chair
John Hanrahan, Council Member
Claudia McMullin, Council Member

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney

Council Member Hanrahan made a motion to dismiss from closed session to discuss litigation and to convene in closed session to discuss personnel. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 4:25 p.m. to 4:40 p.m. to discuss personnel. Those in attendance were:

Chris Robinson, Council Chair
David Ure, Council Vice Chair
John Hanrahan, Council Member
Claudia McMullin, Council Member

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney

Council Member McMullin made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.

Chair Robinson called the work session to order at 4:20 p.m.

WORK SESSION

- **Introduction of the Miss Summit County, Little Buckaroo, and Rodeo royalties**

Kellie Robinson introduced the 2011 Summit County Rodeo Queens, Miss Summit County and her attendants, and the Little Buckaroo royalty.

- **Update and discussion with representatives from Evanston/Mountain View Ranger District and Heber/Kamas Ranger District**

Rick Schuler from the Evanston/Mountain View Ranger District discussed the timber in the Black's Fork area and explained that they have analyzed 39,000 acres and anticipate that they will harvest about 2,500 acres. He commented that they are fortunate to have so many timber operators in this area who can do the harvesting.

County Manager Bob Jasper requested that the Ranger District mail notices to him in the future. He stated that the County would like to be more proactive, especially as they move forward with plans for economic development.

Mr. Schuler reported that last evening was the first of five meetings with the parties involved in the Smith's Fork Restoration Project. After the group reaches an agreement, they will go through the NEPA process, which will shorten the process. The Uinta County Systems Coalition, which is made up of all the permittees, ranchers without permits, the timber industry, and the County Commission has been heavily involved in the process. The area involved is about 60,000 acres in Uinta County, Wyoming, and Summit County, Utah, and they hope to be able to treat about 6,500 acres. Mr. Schuler reported that they have additional money this year to treat some of the hazard trees along the highway and trails. Their main issue is visitor safety, and they have identified high public use areas where they want to make the first effort to take out hazard trees. He explained that they also have some money to be able to go into campgrounds at both ends of the scenic highway and remove hazard trees with a contractor.

Mr. Schuler explained that seismic calibration testing is being done to calibrate their equipment for next summer, when they plan to do about 120 miles of seismic work. Part of that work will formulate the final master development plan for the Double Eagle/BP Main Fork proposal. The proposal started with 29 wells, and the last he heard, 32 well sites are proposed with multiple wells within each site. He indicated on a map the site for the seismic work and the proposed well sites. He also provided a map of the Anadarko purchases and explained that there is no money in the fund the government has used to purchase the Anadarko lands, so they have sent a letter to Anadarko telling them that there is authority for Anadarko to donate land to the government.

Mr. Schuler reported that the process for the Clyde Creek sale of about 43.5 million board feet finished last Friday and will go out for bid. He mentioned that the recreation enhancement areas have been well received, but changes are needed to bring them into compliance. People will now be charged for individual campsites and pay fees to use the trail system and other amenities. He anticipated that revenues would be cut in half, because it will be more difficult to collect the fees.

Mr. Jasper asked if anything can be done with the trees affected by pine beetles, such as making firewood out of them or some other use that could provide an economic benefit to the County. Mr. Schuler explained that depends on the market. They are fortunate that all the timber is selling here, but in many places it does not sell because there is no market for it. Much of the wood is used for mine timbers and pallets. As far as using chips for biomass, the problem comes down to the economics of moving the chips to a processing site. He stated that a lot of people are working on options, but it has to be economically feasible, and no one has come up with anything yet.

REGULAR SESSION

Chair Robinson called the regular meeting to order at 5:30 p.m.

- **Pledge of Allegiance**

The Council Members took a break from 5:30 p.m. to 5:55 p.m.

APPROVAL OF SUMMIT COUNTY'S MISSION STATEMENT AND STRATEGIC ISSUES

Council Member Hanrahan made a motion to approve the Summit County Mission Statement and Strategic Issues as presented. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

DISMISS AS THE SUMMIT COUNTY COUNCIL AND CONVENE AS THE GOVERNING BOARD OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

Council Member Hanrahan made a motion to dismiss as the Summit County Council and to convene as the Governing Board of the Mountain Regional Water Special Service District. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

The meeting of the Governing Board of the Mountain Regional Water Special Service District convened at 5:56 p.m.

CONSIDERATION OF CERTIFICATION OF PROPERTY TAX LIENS ON PAST DUE ACCOUNTS

Marty Gee with Mountain Regional Water Special Service District presented the list of delinquent fees and requested that they be certified to the County Treasurer for collection.

Chair Robinson asked how long the fees must be delinquent before they are subject to a lien. Ms. Gee replied that Mountain Regional gives 90 day's notice before placing a tax lien and verified that the information she has provided is current as of this afternoon, for a total lien amount of \$61,729.78.

Board Member McMullin made a motion to certify the property tax liens on past-due accounts for Mountain Regional Water Special Service District to the County Treasurer for collection. The motion was seconded by Board Member Ure and passed unanimously, 4 to 0.

DISMISS AS THE GOVERNING BOARD OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member Hanrahan made a motion to dismiss as the Governing Board of the Mountain Regional Water Special Service District and to reconvene as the Summit County Council. The motion was seconded by Board Member McMullin and passed unanimously, 4 to 0.

The meeting of the Governing Board of the Mountain Regional Water Special Service District adjourned at 6:00 p.m.

MANAGER'S COMMENTS

Mr. Jasper reported that the Chamber Bureau had hoped to move its log visitor's building on a temporary basis, but the cost is too prohibitive, so they hope to use some vacant office space at the Richins Building for a period of time. He stated that he would plan to let the Chamber Bureau use that space unless there are strong concerns from the County Council. He anticipated that they would use the glassed-in area in the front foyer and stated that he would work out a lease agreement with the Chamber Bureau.

Mr. Jasper reported that the State Legislature has instructed the State Parks to meet with local government officials, try to work out some solutions with them due to budget cuts to the State Parks, and report back by October 31. He reported that he met with Rockport State Park, and there may be opportunities for a partnership, but he did not believe they could resolve anything by October 31.

COUNCIL COMMENTS

Chair Robinson reported that he received a letter from the Utah Conservation Commission notifying him that their nomination process is under way. He requested that Council Member Ure help find a nominee from the Kamas Valley area. He also reported that the State Transportation Commission would be meeting in the Council chambers on Thursday, August 11, at 8:30 a.m. and asked if there is anything the Council Members would like to bring up at that meeting. Council Member Ure stated that he believed it would be important for at least two or three of the Council Members to attend that meeting.

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

PUBLIC HEARING FOR PROPOSED WILDLAND FIRE DISTRICT TAX INCREASE AND CONSIDERATION OF ADOPTION OF RESOLUTION NO. 2011-8

Chair Robinson explained that this is the second of two hearings to comply with truth in taxation for the Wildland Fire District to increase its current tax rate from .00007 to .000147, which would increase the tax on a typical residence valued at \$237,767 from \$.91 a year to \$19.83 a year. The total tax to be collected at this rate would be approximately \$68,000.

Summit County District Fire Warden Bryce Boyer explained that the Wildland Fire District includes the Tollgate Canyon area, Manorlands, Mon Viso, the North Slope of the Uintas, and parts of Brown's Canyon. He clarified that it is any area not within the other fire districts in the County. On the west side of the County it would include Red Hawk II and Stage Coach Estates.

Chair Robinson opened the public hearing.

Sue Pollard stated that she has a problem with the tax increase being over 2,000 percent. She stated that most cabins in these areas are second homes, which means the tax increase will be about 2,500 percent. She noted that they already get hit with sprinkler systems, holding tanks, clear cutting, and so many things that are required for fire abatement, yet they are the only ones who will be taxed. She asked what she would get for the increased taxes and whether she would get a firehouse, a helicopter, or a truck for her 2,000 percent increase. She stated that the reason no one else is here to give comment is that most people with property in those areas do not live in the Park City area and do not receive notification. She stated that this seems to be an unprecedented amount being raised all at once, and she objects.

Chair Robinson noted that the tax rate has been so low that it only brings in only \$.91 per property. With this tax increase, the County would still only receive \$63,000.

Mr. Jasper explained that, when there have been major fires in these areas in the past, general County taxpayers were totally responsible for the cost of fighting them. In the past, general taxpayers have paid a massive subsidy for people who live outside the fire districts. The County will build up money so that when a big fire breaks out and the government bills the County for the bombers and helicopters to fight the fire, the County will be able to pay for it. Discussions regarding the tax increase have addressed the fact that the people who benefit from fire suppression in these areas should pay at least some of their costs. Even at \$19.83 per year, that is far less than people pay in other fire districts.

Mr. Boyer explained that the money generated from this tax increase will pay for additional resources to fight fires in these remote areas. The County must pay 50 percent of the cost to suppress a wildland fire, and the funds now available would not cover the cost of a wildland fire.

That means the rest of the population would have to cover the cost to fight a fire for people who build in the wildland fire areas who increase the risk and cost of fire suppression in those areas. He explained that the Wildland Fire Special District was created 30 years ago, and there have been no rate increases since then. All three of the fire districts in the County have raised rates in order to protect the taxpayers within those districts, because fire suppression costs have gone up. Those other districts are primarily responding to wildland fires with no funding from the areas that are actually at risk. With this funding, the County could pay for those resources without having to take it out of the General Fund, which impacts everyone in the County. He noted that these taxes also generate funds for the chipper program.

Council Member Hanrahan explained that what the residents get from the tax increase, which is about \$20 on a \$237,000 home, is suppression of wildland fires in their area. If they do not adopt the tax increase, the entire County must pay for that suppression in addition to having to pay for fire suppression in their own fire district.

Susie Phillips stated that she is part of the general population of the County and asked if she will pay the \$19. She stated that her position is that 2,000 percent or not, this is a pittance to pay for fire protection, especially when there is so much more fuel this year that could catch fire. She commented that, if a person has a second home, it is a luxury problem.

Chair Robinson closed the public hearing.

Council Member McMullin made a motion to adopt a revised tax rate for the Summit County Wildland Fire District through the adoption of Resolution 2011-8. The motion was seconded by Council Member Hanrahan and passed by a vote of 3 to 1, with Council Members Hanrahan, McMullin, and Robinson voting in favor of the motion and Council Member Ure voting against the motion.

PUBLIC HEARING REGARDING DISCOVERY CORE REZONE

Chair Robinson reviewed the process for the public hearing and explained that the County Council has placed a moratorium on the CORE Rezone process, which means only two pending applications could be considered under the existing CORE Rezone process. Therefore, any decision regarding this CORE Rezone will set a precedent only for the two pending applications.

County Planner Kimber Gabryszak provided a brief background and history of the Discovery CORE application as outlined in the staff report. She reviewed issues discussed during the process as shown in the staff report. She explained that there has been a lot of public comment and outlined the public process for the benefit of those present. She explained that the County Council is responsible for approving rezones. They can recommend conditions to the County Manager on the project, and the County Manager is the final authority on the project. Other issues include appropriateness in relationship to surrounding developments, visibility, light pollution, visual impact on the entry corridor into Summit County, keeping development off of sensitive lands, potential impacts on wildlife, snow storage, traffic impacts on Kilby Road, and density. She reviewed the most recent version of the applicant's concept plan. She also reviewed the density calculations and explained that the goal of the maximum density calculation is to insure that residents in the area where a CORE Rezone is proposed have some degree of comfort with what might be developed. In addition, open space requirements and clustering are

intended to help preserve the character of the community and mitigate and limit impacts. However, trying to quantify the density becomes extremely difficult, and she noted that the density calculations have ranged from between 68 and 120 units to 176 units, and Staff issued a letter indicating that 176 units was acceptable in July 2010. In a public hearing in January 2011, the Planning Commission supported a new calculation for a maximum of 88 units. Since then, Staff has done additional calculations as requested by the County Council, resulting in maximum densities of between 110 units and 126 units. The applicant also proposed a method for calculating the average density, which resulted in potential maximum of 218 units. She reviewed the most recent methods used by Staff for calculating the maximum density for neighborhoods within 1,000 feet of the proposed development parcel. Staff recommended that the County Council conduct a public hearing and give the applicant direction and feedback, including a density determination and direction regarding the appropriate location of the proposed units. Planner Gabryszak noted that findings and conditions are included in the staff report if the Council should decide to approve or deny the development at this meeting.

Glen Lent, the applicant, stated that he would address some of the issues Staff discussed in their presentation. He noted that there are no snow storage requirements in the Code, and he proposed a square footage of the snow storage area divided by the square footage of the plowed area. A typical requirement in most mountain communities is between 10% and 20%. He noted that most of the roads would have a 60-foot right-of-way, and there should not be a snow storage problem on the roads, but the alleys are fairly narrow. He stated that as much snow storage as possible would be provided next to the road, and they would create snow storage areas at the ends of stub roads and certain alleys, with additional storage areas where overflow snow may be placed. He provided a photograph of Bear Hollow showing that snow can be stored in very small footprints. He also consulted with Red Barn, which has 30 years of experience with snow removal in the Snyderville Basin, and it was their opinion that the snow storage plan for the Discovery CORE is sufficient, although mid-season snow haul off could be done if necessary.

Mr. Lent stated that there were concerns about safety with the road being so close to the school. After meeting with the Sheriff's Office and Fire District, it was suggested that knock-down gates be provided and that they plow the secondary road as if it were a normal road. He provided a visual image of the open space and the development's impact on the viewshed. He noted that, in relationship to other developments in the area, the Discovery project would be quite small. He indicated that the project will provide 74% open space, which will be protected in perpetuity and is significantly more than what is required. With regard to wildlife, the County requires that the Division of Wildlife Resources (DWR) review the site and make suggestions. They reviewed the site and had not comment, and upon further inquiry, the DWR stated that the area was too urban with negligible impacts. They later issued a letter suggesting continuity of open space, leash laws, clustered development, and landscaping suggestions. The development meets the setback requirements from the creek and wetlands and avoids critical slopes, trees, and habitat, and will provide wildlife corridors. He provided a site plan showing the walkability of the project and connections to the trail system. With regard to traffic, it was determined that the traffic requirements have been met and verified with the traffic engineer. Mr. Lent provided a copy of the spreadsheet showing the project requirements, indicating that they have met the intent of the requirements and have moved forward in good faith throughout the process.

Planner Gabryszak noted that she neglected in her presentation to state that Staff recommends the unweighted density calculation due to its simplicity and clarity, and it seems to be closest to the literal language in the compatibility requirement. She noted that at one point Staff believed the applicant had met the compatibility requirement with a proposal of 162 units based on a previous Planning Commission density interpretation of 176 units, which she accidentally left in the staff report after the Planning Commission considered lowering the density. She clarified that the DWR reviewed the site and did not find that there were issues, stating that, due to the location and surrounding development, this was not an area of high concern for them. After the public represented that there were potential issues with cutthroat trout, DWR planned to look at it again, but that did not happen because of other issues that came up. She verified that the traffic engineer did review the traffic study and found that it was within County standards.

Chair Robinson opened the public hearing.

Becky Rambo, representing an organization called Preserve PC noted that 354 people participate in this organization and stated that she has lived in the Summit area for almost 30 years. She stated that they all oppose the Discover CORE Rezone. They do not believe this project on this parcel of land is what crafters of the CORE Rezone envisioned. Regardless of the density calculation used, they believe the density is too high for this location. She noted that, even though the applicant stated he would reduce the number of units, he also stated he would put more units in the more visible part of the parcel. Therefore, reducing the density would actually increase the problems with the viewshed. She stated that they cannot do anything about the subdivisions that already exist in the area, but they can prevent further damage. She noted that they do not really know how many workforce units they will get from this project. Given the location, they believe buyers of the workforce housing will commute to Salt Lake, as most of the people who live in the area do. She claimed that there is an option for weighting the workforce housing applications to favor Summit County workers, and the applicant declined to use that method. She stated that the purpose of the CORE is to provide workforce housing for Summit County workers, but without knowing the numbers, it is impossible to determine how much benefit the community will receive. Using Workforce Unit Equivalents (WUEs) makes it difficult to know how many workforce units will actually be provided. Ms. Rambo stated that Preserve PC has concerns about the viability of this project. A Realtor recently did an MLS search for the Snyderville Basin and found 33 units currently listed for under \$240,000, and Preserve PC questions why someone would purchase a deed-restricted unit if they could get one they can sell later at market value. She stated that the number of units the applicant says he needs to make an adequate profit margin has varied, and she did not believe the County should negotiate with the developer based on profitability and marketability. She stated that protection of open space, viewshed, and wildlife habitat is specifically addressed in the General Plan and neighborhood plan. The Discovery parcel is currently designated Hillside Stewardship, which would allow for about four houses, and that zoning is intended to foster the community's priorities of preserving meaningful open space, wildlife habitat, and viewsheds. She believed the Council should support the commitment to preserve those qualities that are so important to protect the mountain environment that is the reason most residents live here. She stated that wildlife preservation is important, because it allows them to experience nature in many ways.

Craig Eroh, a Summit Park resident representing Preserve PC, discussed walkability and acknowledged that bus service to this area is on the County's five-year plan. However, with budget restrictions, that may not happen, and the closest existing bus stop is 1.2 miles away. He

noted that Kilby Road has been severely compromised with charter school traffic and that this is a driving community, with everything related around cars. He acknowledged that this development is not responsible for mitigating traffic generated by the school, but he addressed traffic and safety issues related to the school and stated that additional traffic would further contribute to an unsafe situation. He stated that substantial maintenance will be required on the roads, whether the County provides it or not. He noted that Bear Hollow is not an apples-to-apples comparison for snow storage, because there will be significantly more snow in the proposed project location. He stated that the proposed development would not significantly increase the trail network, and neighboring private landowners may not provide easements to the County trails. He referred to the General Plan environmental policies and noted that the applicant's parcel meets the criteria for riparian wetlands and environmentally sensitive lands. He summarized comments from the March 22, 2011, Snyderville Basin Planning Commission meeting and stated that the community values open space, as evidenced by the \$20 million bond that was recently passed. He reviewed the grounds given by the Snyderville Basin Planning Commission for forwarding a negative recommendation, which includes failure to comply with the compatibility requirements. He stated that failure to meet any requirement is grounds for denial, one of those requirements being that no development shall occur on sensitive lands, and he believed this parcel fits the definition of sensitive lands. He believed it would be a stretch to say that this development would have walkable connectivity, noting that the Millennial Trail is not plowed during the winter. He commented that approval of the project is at the discretion of the Summit County Council and recommended that they deny the application. The CORE Rezone may work in some areas, but Preserve PC does not feel this is a good development for this parcel. He stated that they would support the Council's decision and acknowledge that the County needs workforce housing, but they do not believe this location will work for that.

Ms. Rambo commented that crafters of the CORE left in the clause about this being a discretionary decision, and she believed that was because they knew some things could look really good on paper but in reality are not a good idea at all.

Keith Clapier, a biologist and resident of Timberline, stated that he is opposed to where the developer wants to cluster the development, particularly the affordable housing. He claimed that all the affordable housing would be clustered along Toll Creek, which is the worst place he could put it. He provided a map of the site and stated that he found 47 active beaver dams in less than a one-mile section of the stream, and his calculations show that this is optimal habitat for Bonneville cutthroat trout and is probably the last population of cutthroat trout in Summit County. He stated that this is classified as an A-type stream, or high gradient stream, which is a sensitive lands issue. He explained that streams move, and the current setback ordinance is not sufficient, because the 100-year floodplain could be 50 feet from the current stream location. He noted that the intermittent streams that feed the perennial stream have no protection whatsoever. Mr. Clapier claimed that there is no limit of disturbance, and the developer could dig a trench 50 feet from the water's edge. He asked where the sediment would go when the developer starts to disturb the creek. Council Member Hanrahan asked if this information is correct. Planner Gabryszak replied that it is not correct. The County has a 40-foot setback requirement from a delineated wetland and a 100-foot setback requirement from a year-round stream. There is also a prohibition on development within a floodplain. Mr. Clapier stated that he believes 100 feet is woefully inadequate, and Salt Lake County recently changed its setback distances to 300 feet. He addressed impacts on other flora and fauna in the area that he felt would be compromised by

this development and questioned how many trees the developer would have to remove to build the development. He did not believe this location is a good choice.

Robert Lubecker stated that he is a parent of two children who attend the Weilenmann School. He expressed concern that Mr. Lent indicated that the two fire gates would force most of the traffic up the main entrance. He stated that, when this was first developed, the school's internal driveway was the main entrance to the CORE development. He believed turning the school's internal road system into a public street would endanger the safety and security of the 600 children who attend the school. Council Member Hanrahan confirmed with Mr. Lubecker that there is an easement on the lot behind the school that allows the road to go through the school's parking lot.

Mike Weilenmann stated that he and his family have owned part of the property where this project is proposed since the 1950's, and in the 55 years they have been there, he has never seen an elk on the property. He stated that they always wanted to make this property a family retreat and applied to the County several times for seven units, but those applications were always turned down. About six years ago, BOSAC approached them and asked if they would be interested in selling the property as open space, and they said they would be. They paid for the appraisal at their own expense and agreed to sell the property to BOSAC at the appraised value. Instead, BOSAC decided to purchase the Roberts property, which is adjacent to theirs. At none of those meetings did anyone say that their property was critical property or wildlife habitat or that it needed to be preserved. He stated that they decided to proceed with an affordable housing project because they received notice from the County in 2007 that their property was being considered for a CORE development and asking if they would consider putting affordable housing on it. He thought that request seemed reasonable and felt it would be advantageous to the community, so he was surprised at the negative response they have received. There are schools close by, and they thought this would be a wonderful opportunity for teachers to live close to their school. He stated that they have never complained in 55 years or asked that other projects not be approved, except for a small speedway proposed at Gorgoza. He believed this was a good spot for affordable housing and that it would be an asset to the community. He commented that it appears people are in favor of affordable housing as long as it is somewhere else. He asked, if they do not put affordable housing here, where they will put it, and if they do not do it now, when they will do it.

Lorin Redden stated that he lives on a lot adjacent to the applicant's property and wanted to talk about fairness of the density calculation. He stated that the density calculation has been a boondoggle and has been very complicated, and he believed when they talk about numbers, they lose sight of the situation. He distributed a chart showing the proposed lot sizes in the applicant's 162-unit proposal and noted that the lot sizes vary from 1,120 square feet to 8,000 square feet. He stated that most people live in houses that are bigger than the smallest lot, which gives some perspective regarding what the proposed density will be. He noted that the density calculations remove the open space and surface roads, but they include all that when calculating the density in the development. He did not believe that is fair. He stated that they need a uniform way to calculate density where the same standard applied to the development would be applied to the buffer, which would be a fair and equitable process. He maintained that they are applying a different standard to the buffer than to the development, which could leave the County open to liability issues. He encouraged the County Council to find a way to apply the same methodology to the buffer as they apply to the development.

Ray Timothy, Superintendent of the Park City School District, stated that he hoped the County Council would recognize their need. He stated that they take pride in trying to attract the best educators they can, and it is disheartening when teachers they employ cannot live in the area. He believes it gives strength to the community when educators, police, firemen, etc., can live within the neighborhoods they serve. He hoped that would be a priority for the Council and that they would take that into consideration.

Kathy Minlitz, a Southridge resident, stated that this parcel is zoned Hillside Stewardship, and she would like to know the criteria for changing the zoning from Hillside Stewardship or whether the land has changed so it no longer meets the Hillside Stewardship criteria. If it has not changed, the land needs to remain Hillside Stewardship. She did not understand the legality of the CORE Rezone that allows them to manipulate the criteria and say that now there can be 105 units instead of 4 units. She stated that the Council Members are elected officials who represent the citizens of Summit County, and she believed the citizens have adamantly stated how they feel about open space, view corridors, the environment, and wildlife. This land is environmentally sensitive, and she did not believe the Council could deny that based on what they have heard tonight. She believed this parcel should remain what it is and that the Council Members should represent their constituents and say no.

Amy Abbott stated that the density calculation for this parcel is difficult because it is not a good place. She understood that the Snyderville Basin Planning Commission did not approve the traffic situation, because if there is no density calculation, there is no way to know what the actual traffic impact is. She believed the same thing applied to wildlife mitigations. She gets the impression from the developer that the County will automatically take over the roads, but she understood from the County that is not the case. She recalled that the County actually gave the Weilenmanns permission to build seven cabins in the 1970's on the condition that they have the property surveyed and make seven lots of record, but they did not follow through with that.

Dan Syroid, a Timberline resident, stated that he supports the presentation made by Preserve PC and shares their concerns. His main concern was the focus on calculating density in an arbitrary fashion when this is not a good place for affordable workforce housing. It appeared to him that the site where the homes would be built is about 20 acres. Putting 140 or 160 homes on 20 acres would be about 7 or 8 units per acre, which is not consistent with the rest of the neighborhood. He presented a petition with 243 signatures opposing the project and asked how the Council would consider the petition in their deliberations. Council Member McMullin confirmed with Mr. Syroid that the 243 people who signed the petition are included in the 354 people represented by Preserve PC.

Ursula Pimentel, a resident of Summit Park, commented that walkability does not just mean walkability within the development but also to suppliers, such as grocery stores, entertainment, restaurants, etc. In that case, walkability does not exist with this development, because no one would walk to the grocery store from here. Council Member McMullin clarified that walkability was also meant to include whether the development is on a bus route in the short-range transit plan. Ms. Pimentel stated that they could not guarantee that workforce housing in the CORE development would be used by Summit County residents, because they cannot ask anyone to prove that they are a Summit County resident in order to purchase property, so anyone could buy the low income housing. She stated that it is only 11 minutes from the Summit Park exit to the

mouth of Parley's Canyon, and she believed this area would be very attractive to Salt Lake County residents. She commented that the County has a General Plan, and the developer must have known when he purchased the property that it is zoned Hillside Stewardship. She recommended that the Council not grant variances to anyone. If they stay with the General Plan, they will have no problem and neither will the residents.

Lauren O'Malley, a resident of Summit Park, stated that she also represents her husband, who is on the Summit Land Conservancy Board. She stated that Summit Park is not walkable and is not on any kind of transportation route, and they have to drive everywhere. That is a fact of life in that neighborhood. She stated that she served on the Snyderville Basin Special Recreation District Board for more than nine years and was the open space liaison during most of that time. She walked this viewshed with the former Snyderville Basin Planning Commission, and this property was absolutely identified as viewshed corridor. The saddle where the development is proposed is what people see when they enter the Snyderville Basin, and a suburb with lollypop trees like those shown on his plan is not mountain housing and is not appropriate to the area, even if the County Council decides the density is appropriate. There is a long stretch with nothing on the hillside, and if they put a lot of density on 20 acres in the highly visible saddle, the viewshed will be gone. She stated that this type of development belongs somewhere that is flatter, closer to Park City, and does not have the incredible snow load they have in this canyon.

Jeff Smith, a former member of the Snyderville Basin Planning Commission, stated that he and Planning Commissioner Mike Washington were on the subcommittee that wrote both the mandatory and CORE parts of this plan. He explained that the affordable housing plan in this community is mandated by both Federal and State law, so they had to write a plan that works. He believed they wrote a good plan, and they knew when they wrote it that it would not be perfect. The Planning Commission has learned a lot in the past few years with the three applications that have come before them. They also believed there was a moral imperative to provide affordable housing in their community. They cannot export their problem, and he stated that his grandchildren need to grow up in a community that is represented by diversity. If they allow anything to be raised as a barrier to keep other people out, they significantly diminish what they call community, which is the association of people together. That also probably diminishes their children and grandchildren's public maturity. He noted that most of the people who have spoken would not today be able to or choose to buy the home they live in, because they are too expensive, and they are the people who might be excluded if the County does not provide this kind of housing. Although the current economic situation may provide a number of affordable properties, they will not be affordable in 20 years, and that is the purpose of the affordable housing plan. Without development like this, the County will raise an invisible barrier to the type of people who are sitting in this room. If the majority of the people in this room get their way, they will shoot themselves in the foot, because their children and grandchildren will not be able to live here, and the County will lose that quality of the people who have commented and are actively involved and passionate about their schools and neighborhoods. What makes this a community is not the wealthy who come to visit and play here, but those who live here full time. He suggested that the Council continue to work with the applicant and provide him a meaningful range of density he can work with and send him away with a sharp pencil. He noted that Mr. Lent has been involved in this process since the first subcommittee meeting and made good suggestions, was involved, and understands the system. Both he and the County have made mistakes along the way, but that does not matter. The Council needs to give him a chance to develop this project well. Mr. Smith did not believe the County should compromise on the

developer providing significant affordable housing, which is significantly more than 20% of the project. He noted that Mr. Lent also lives in the community and is trying to raise his children here and be a part of this community, and he wants to be able to support his neighbors.

Cathy Rasmussen stated that her family's property is at the bottom of the summit and was first transferred from the U. S. Government to her family in the form of a patent in 1868. She commented that most of the people here today would not be here if her forefathers and family had decided they wanted to keep the mountain living they grew up with and were used to. They knew growth was inevitable once the ski resort opened. She asked what gives those in this meeting today the right to tell others that they can or cannot develop their land. She believed one thing lost in the comments is that, when the applicant started this process, there was a call from the County for the Weilenmanns to consider their property for affordable housing. When the applicant started this process, he started with the Code that was in place when that request went out, and they should not stop mid-stream now and change it. If people do not like the current Code, there is now a moratorium, and the County will be creating a new Code. That is the time for people give their input and make their voices heard. She stated that her family has lived here for well over 100 years and has paid property taxes as long as they have existed, yet they cannot do anything with their property. They cannot pass it on to their children and grandchildren, because they cannot divide it up with everyone to be fair. When the applicant started the process, there was a Code in place, and he has gone through the process and was willing to address the County's need. He did all of this in good faith, and now everyone is telling him this is the worst place to do this. She commented that, if this is the worst place ever to develop, no one else would be in this room. If the applicant can complete this project, it would provide places for people to live who otherwise cannot afford to live here, and they need to look at that and go back to the rules that were in place when this project started.

Sancy Leachman stated that some people think they are against workforce housing, but that is not true. They are not trying to tell people how they can develop their land; they are perfectly willing to give people the right to develop their land as Hillside Stewardship. What they are trying to say is that they do not believe it is zoned properly. She stated that the wildlife corridor is much more than the little plot of land where the development will be built. It extends all the way to the Sorenson property and along Toll Creek, and putting development rights near that portion of the creek will threaten the entire wildlife corridor all the way back to the Sorenson property. She stated that the affordable housing issue is a distraction from the conversation they should be having. It does not belong here, because it is already available in this area and is not being purchased. She emphasized that there are over 33 houses at \$240,000 or less that are not deed restricted, and there is a limited demand in this area by Summit County residents. They do not want to drive that far to get to Deer Valley and Park City. If people wanted it, they could buy it today and would not have to wait for condos and townhouses. She stated that the Planning Commission, the County's expert body, forwarded a negative recommendation after evaluating the data in much more detail than the County Council could possibly do here. The community has come in support of the arguments the Planning Commission gave when they said no. She stated that workforce housing needs will not be met by putting workforce housing on this piece of property, and she asked why they should take a risk and lose such valuable property just to create something that may not be a success. She claimed that the cost-benefit analysis does not add up.

Bob Sporrong, a resident of Timberline, stated that one of the most effective presentations was the video showing the traffic. He requested that some sort of simulation be developed to show the traffic situation in a real life context. He noted that Timberline has only one entrance and exit, and there is almost a constant stream of cars there.

Monica Ferguson, a resident of Pinebrook, concurred with the Preserve PC presentation and stated that she was disturbed by the potential impact of the CORE Rezone proposal. She stated that she lived in Alaska for 21 years and moved to Park City because she wanted to be in another stunningly gorgeous place like Alaska. She did not want to live in a city or urban area but in an area that preserves the environmental integrity and beauty of the entire area. The issue is not about affordable housing, and she stated that they all support affordable housing, but this is about the environmental and viewshed impact, density concerns, and walkability concerns. She stated that the wildlife is there, and it needs to continue to exist, and people are in this environment to enjoy this beautiful area and allow the creatures in this area to have their habitat as well.

Julie Nirula, a Pinebrook resident, stated that, when the applicant submitted his application, the zoning on this property was Hillside Stewardship, and he knew what he was getting into. She did not understand why that should change.

Norm Schwartz, a Realtor and developer from Florida who lives in Jeremy Ranch, stated that he did not want to see Summit County end up like Florida. As a developer, he always believed in leaving the land a better place for the residents and community and creating something that has some good. He did not see any good with this project. He believed affordable housing is important, but it belongs in areas that are accessible by walking and easy bus transportation. He did not know how buses could provide service on Kilby Road with all the other traffic. He commented that Summit County, Park City, and the land conservancy spend millions of dollars to purchase and protect the environment and environmentally sensitive lands, and it would be ludicrous to consider high-density development on land that is already preserved. He questioned why they would build it here and stated that they should allow what it is zoned for. He was shocked by the small size of the majority of the proposed lots and stated that this is an inappropriate project for this land. He believed the CORE Rezone is basically a good idea, but it needs to be refined and have more limitations so it cannot be developed in environmentally sensitive areas and meet other criteria. He stated that this project has all the earmarks of somebody coming in, getting the land entitled, and selling it off to make a profit. He did not believe the project is economically viable. He stated that the Council has the right to turn this down for no reason; they have many reasons to turn it down and very few reasons to approve it.

Ruth Zimmer, a parent of two children at the Weilenmann School, stated that she loves the school and the teachers, but it is a nightmare to go to school there. There have been traffic problems, snow problems, and leaky roofs, and they cannot do anything about it. They are stuck with what they have, but she did not believe they need to be stuck with this development. She believed they should look at the mistakes they have made and not make any more.

Zianibeth Shattuck-Owen stated that she supports the argument against this development as stated by Preserve PC. As the mother of two children, she wants to keep the things that brought her to Park City. She wants her children to see the wildlife and embrace environmental sensibility. She stated that this property is pristine and is one of the few pieces of property in that state in the Park City area. Once it is developed, there is no going back. She stated that she

is not against workforce housing and that she would probably qualify for those units, but she believed there are enough opportunities available for housing as it is.

Brude McKee, a resident of the Cove at Sun Peak, noted that the two areas are very different and that there is much more snow on the applicant's property. He believed this was Park City's workforce problem going out to the people of Summit Park and Timberline. He did not believe that moving workforce housing that far out makes sense, and they would be giving up a lot in zoning for very little gain. He commutes to Salt Lake to work, and he would be tempted to buy one of the units just for the shorter commute. He stated that this development would impact Summit Park and Timberline adversely for Park City's workforce housing problem.

Mark Simmons, a resident of Summit Park, stated that he came here in 1969 when he became a principal in Park City. If he had come as a bus driver, his first question would be who would pay for the snow removal. He stated that the bus would have to stop on a hill, which is dangerous in the winter, and no city bus comes to this location. He noted that early in the process the applicant showed images with sidewalks and other amenities, and he has never seen a sidewalk here. This development is supposed to help the poor person, but there are no amenities here.

Linda Simmons stated that she opposes this proposal and is in favor of the Planning Commission's recommendation, because she knows how much they deliberated. She is opposed because it is inappropriate. She stated that they have lived here 41 years and have watched a lot of development, some of which has been appropriate and some of which has not. She was sorry about the time and money invested by the developers, because she is in favor of low-cost housing, but this does not meet the criteria, and the hills on this property are steep. She stated that she hoped when the Planning Commission said no that the developer would not go further, because this is not a good use of the land, and there are many places that would be much more appropriate for low-cost housing.

Carol Syroid stated that she comes from an educational background, and the bottom line is children. She stated that someone is going to get killed with the traffic on Kilby Road. She sees children running between cars, and it is frightening. She asked the Council to consider the health and wellness of all the children.

Duncan Silver stated that the County is currently fixing the school problem. He gave a PowerPoint presentation addressing the CORE policy and his neighbors' concerns. He stated that moose like residential areas, and this would be a nice habitat for them. He argued that this is not a pristine environment. He explained that this development would place a buffer between the deer and I-80 and contribute to the safety of the citizens. He questioned whether people want McMansions with non-contiguous, scattered houses and long driveways rather than a neighborhood in this area, because that is what they will get if they go back to five or six homes on this parcel, and that would not be a great view coming into Park City. He stated that the CORE promotes family-friendly neighborhoods with small homes on small lots and minimum snow removal, compact infrastructure, and true open space areas. He noted that Kilby Road from Timberline to Pinebrook is the least traveled section of the road, and the traffic study shows no traffic problems for the next 20 years. He stated that everyone is defending hard zoning and commented that it is hard, hard on infrastructure, hard on open space, hard on landowners, hard on property rights, and hard on creativity. The old zoning was hard zoning, and that is why it was hard. He stated that it is difficult to lead the County back to family favorable

neighborhoods, and the CORE Rezone is a giant step toward that and providing housing for people. He thanked the Planning Department for coming up with it, the Council for considering it, the developer for risking it, and the 98% of the neighbors who do not oppose it.

Bill Hickey, a resident of Silver Summit, recalled that someone said this should be considered under the CORE language as it exists today, and he reminded the Council that they have complete discretion as to whether to approve this development. He was pleased that they are re-evaluating the CORE statute and questioned whether they should be approving this questionable and controversial development under a law they have already decided to re-evaluate. The fact that there is such a wide variety of opinions about the permitted density demonstrates that the statute is poorly drafted. He stated that he has been told over and over again that the CORE was passed because the State required Snyderville Basin to have a moderate-income housing plan, and he claimed that is not true. He stated that the State requires cities and counties to have affordable housing plans, but it does not require a planning district within a large county to have its own affordable housing plan. He claimed that the demand for affordable housing is questionable, because a lot of units are available. Professor Wood, who did the most recent report, initially did not include any estimate of pent-up demand, and Mr. Hickey claimed that the Planning Commission browbeat him into coming back with an estimate of pent-up demand for affordable housing against his will. He asserted that there is a demonstrable lack of demand for deed-restricted affordable housing, presenting as his evidence that there were recently two cases where the units could not be sold, and the restrictions had to be waived so someone would buy the units. He claimed that Mountainlands has plenty of units in its inventory. He stated that he is not opposed to affordable housing, but he is opposed to deed-restricted affordable housing, because it does not make sense for the people they are trying to get to buy the units, and there are a lot of other options they should explore in evaluating the CORE.

Monica Myrick stated that she is not a member of Preserve PC, but she agrees with much of what they said. She stated that she is strongly in favor of workforce housing, and it is important for teachers and firemen to be able to live in the neighborhoods and communities they serve. However, this is not the right place. She believed that, if this project is approved, the units would be taken by people who drive to Salt Lake County. She asked the Council to decline the project.

Erika Martin stated that, according to Lorin Redden's chart, the largest lot in the development would be .186 acre, which is not even close to the smallest lot within the 1,000-foot buffer. She stated that only 25 of the lots are greater than .1 acre, and the average size is .066 acre. She asked the Council to take a look at density, because the next project that goes in will look at this one and want to build a high rise because of the density in this development. She agreed with Preserve PC.

Marsha Hayes stated that this is about the worst time to start building a project because of the economy. Many projects have been started in Summit County that have gone bankrupt or are going bankrupt and are not selling. She believed it would be sad to start a project like this and rip up a hillside for something that might not sell. She stated that a lot of homes in the area under \$240,000 have not sold, which says to her that they are not selling. She stated that they need to think about the current economy and not start another project that may go bankrupt.

Chair Robinson closed the public hearing.

Council Member McMullin commented that the CORE Rezone portion of the Code was not perfectly drafted, and the County Council has struggled with it as much as the Planning Commission. Her first concern is transportation and walkability. She stated that, when they drafted the CORE Rezone, walkability was very important so people could walk to services and stores. They agreed that it could be considered walkable if the development was on the five-year transit plan. She recalled that last week the County Council chose to not extend service to Summit Park; therefore, this project would not be considered walkable by virtue of being on a short-term transit plan. When they developed the CORE, she did not think that a proposal could create infill by dividing the property into different zones, and she did not think an applicant could arbitrarily create infill. Her concern about the infill portion of the CORE application is the amount of density associated with it. She clarified that the County had nothing to do with the Weilenmann School, and they have no control over it, so the traffic problem was not created by the County, even though they will do what they can to fix it.

Council Member Hanrahan agreed that there may be some question about whether the State mandate applies to the Snyderville Basin, and that will be discussed when they review the CORE Rezone, but the County Council has to deal with this project as the existing ordinance applies. He stated that the issue is more complex than statements made by the public that there is no demand for the units. He believed people would purchase the existing condos if they could qualify for the financing, and they cannot. He questioned the County Engineer's assessment of the traffic report, stating that they know traffic is an enormous issue in this area. Planner Gabryszak explained that the traffic was originally based on the County's master plan, and it was expected that the increased impact would fall within what was predicted as normal growth and would not create a negative impact. However, after that, the school created huge increases in peak hour traffic. The Engineering Department took into account the improvements that would be made to address that issue and indicated that, as proposed and with the planned mitigation efforts, the road would meet County standards. Council Member McMullin verified with Planner Gabryszak that the developer cannot be held responsible for mitigating an impact he did not create. Planner Gabryszak explained that the County Engineer could only look at the impact created by the proposal, not the impacts of the school. Mr. Lent verified that the school traffic was incorporated into the traffic study.

Council Member Hanrahan noted that the County purchased open space on the land adjacent to the applicant's property, which he believes points to this property as not being the best location for high-density development. He supports workforce housing but sees difficulties with this parcel and the density needed to make the project viable. He hoped the Council would come to an agreement tonight on the method for calculating the maximum amount of density. He emphasized that would be the maximum potential, and based on a lot of other issues, he did not believe he would be willing to even go that high. In response to comments about small lot sizes and clustering, Council Member Hanrahan explained that they want clustering, not sprawl.

Council Member Ure stated that he has difficulty with this proposal. If the Weilenmanns had been granted the seven lots they requested, he did not believe this discussion would be happening, and he believed they had a right to do that. He stated that he has lived in the Kamas Valley all his life, and it is difficult to mess with Mother Nature. He believed there would be problems with school busses trying to go to the site. He was having a difficult time determining whether this is in the best interests of people who move into this area in the future versus the

property rights of the owners to develop this property. He believed planning and zoning should be oriented around Mother Nature and what they have to work with. He noted that from November to April, the sun will never shine on this property. If this were a flat area, he would be happy to give the applicant the amount of lots he is requesting, but there will be snow drifts in this area for six months of the year. He questioned whether this is a place for children in the development to play when the snow is deep for half the year. He expressed concern about school busses trying to get to the site to pick up children. He stated that workforce housing is important to everyone, but he was not certain they would be doing justice to provide workforce housing in this area when the residents would need 4-wheel drive to get to their homes. He was not worried about density or the other issues raised, but he is worried about common sense and whether they ought to do this.

Council Member Hanrahan stated that he is not thrilled with the idea of creating workforce housing for people who work in Salt Lake and asked how the County could impose criteria in the selection process. Planner Gabryszak explained that housing cannot be dedicated to a specific group of people, but there are ways to weight the chances more heavily in favor of the target group. She explained a lottery system that would increase the odds of getting the target group, but everyone would still have an opportunity, which complies with the Fair Housing standards. Chair Robinson verified with Mr. Thomas that the County could require the applicant to use a weighted method. Planner Gabryszak explained that the developer also must enter into a housing agreement with the County, which includes the location and style of units, income ranges, and deed restrictions on occupancy. The County Council would finalize that agreement, and the weighted lottery could be included in that agreement and in a condition of approval.

Chair Robinson recalled that Mr. Weilenmann stated that the County approached him to determine whether they would be willing to consider their property for workforce housing and asked for clarification. Planner Gabryszak explained that was not a request to construct affordable housing on the property or to submit an application. She explained that several locations in the County were identified as potential sites for workforce housing at the time they discussed an overlay. The entire property was not identified, only that portion close to the frontage road, mostly in the area where the school is now located, and some property behind it. No densities were discussed and no types of development were discussed. When the housing overlay zones were contemplated, Staff and the Planning Commission identified locations where some sort of affordable housing might make sense, and that property was included, because it was considered for transit and because of the Jeremy and Quarry Village commercial area. It seemed to make sense that some type of development would occur. However, 162 units were never considered. Some sketch plans and pre-application meetings were held with developers during that time. At the time, Mr. Weilenmann would have received a notice saying that his property was being considered for a potential rezone to a housing overlay zone, with dates and times of meetings to discuss it.

Chair Robinson recalled a comment that, when the developer indicated he would compromise at 140 units, he eliminated some of the CORE principles and asked if that was true. Mr. Lent replied that was not true, but he did request that he have two years to begin development rather than one year. Chair Robinson asked about the statement that the Snyderville Basin does not need a workforce-housing plan. Mr. Thomas recalled that he was in the legislature when that was modified, and the truth is that townships are required to have a moderate-income housing plan. Chair Robinson asked if the roads would be dedicated County roads or built to County

standards and initially maintained by the HOA. Mr. Lent explained that they designed 60-foot rights-of-way, which means they would want to dedicate them to the County to keep costs down for the affordable units.

Chair Robinson asked if Staff believes with the environmental circumstances associated with this project that this is a good place to put these small workforce-housing lots. Planner Gabryszak explained that part of the review is to be sure that development would not occur on sensitive lands. Staff made sure the applicant would cluster the development in the least environmentally sensitive portion of the site. However, this is a difficult site, and Staff did not contemplate 162 units on the site originally. She explained that this project is doable, but not ideal, and Staff is not taking a stand on the issue one way or another. Community Development Director Don Sargent explained that smaller lots are typically placed on flatter ground, because they are easier to construct and maintain. It is Staff's position on all projects to review the Code and verify compliance, and the developer is given the responsibility to determine whether the project will be economically viable. This is not the ideal site for a development of this nature, although it does meet the Code criteria for critical and sensitive lands. Chair Robinson stated that he was trying to determine whether the Planning Commission indicated that this is totally the wrong site, or whether they meant the applicant could not have 162 units. Planner Gabryszak replied that it was a combination, because it was determined Commissioner by Commissioner, with different opinions as to what might or might not be appropriate. She stated that density was a bigger part of the discussion than the other issues, but the other issues were still significant. One of the findings in the motion for a negative recommendation was that it did not comply with the criterion concerning sensitive lands, and that had to do with it not being clustered in the least visually sensitive location of the property. The overall flavor Staff got was that, if the number of units was brought down significantly, the issues might be addressed.

Council Member McMullin asked if it would make sense, if the County Council makes a density determination this evening, to remand this back to the Planning Commission to address the other issues. Planner Gabryszak replied that is usually possible, but when the applicant requests a decision, Staff has been told they cannot remand. Mr. Lent stated that he believed it would be fruitless to remand it to the Planning Commission.

Council Member Hanrahan questioned whether the applicant believed there would be any point in pursuing the application if the County Council determines that the maximum density would be between 105 and 110 units. David Nilsson, representing the applicant, stated that he still does not believe the math and definition of terms is appropriate. He stated that they have read the CORE language over and over, tried to understand what the words mean, and discussed the applicant's understanding of what average density means. He explained that the big picture is to look at the idea of the CORE Rezone, which is a partnership with a private developer that incentivizes the developer to provide more workforce house than they otherwise would. There has to be a critical mass of housing to pay for that much workforce housing, and the number has to be high enough to cover the costs of the workforce housing the CORE zoning is trying to incentivize. He agreed that the site is not perfect, but the intent of the zoning is to spread workforce housing throughout the community and not put it all in one place. He noted that they are not allowed to cluster all the workforce housing together within the development, which reduces the impacts of workforce housing, and a lot of thought has gone into that. It is not a perfect idea, but it is going in the right direction. He believed the CORE could work with additional modifications, and the developer is open to modifying it to make sure it works on this

site, but they cannot afford to do it if the number of units is too low. Council Member Hanrahan explained that the County Council must ultimately interpret the Code and asked if the applicant knows whether 110 units would be too low or not. He noted that everything else becomes moot if the applicant cannot make this work at that density.

Council Member Ure asked if the County has different road standards for different speed limits and for peak usage and whether the applicant would be required to meet those standards. Planner Gabryszak explained that there are different standards for different types of roads and different road widths for different speeds. The County Engineer would take that into account when he reviews the roads. Mr. Lent affirmed that the roads would meet the standards required by the County Engineer.

Chair Robinson stated that he did not believe they could solve the other impacts by adjusting the density. Lower density may make the project less viable, but there would still be view and wildlife impacts. He referred to the example the applicant gave previously for a property on Bitner road and stated that, based on that example, he would be more in favor of using the weighted average than a straight average, because it would not be a true average unless it were weighted. To him, the bigger question is whether this is the right place for this. If it is, he would be inclined to use the weighted average that would allow up to 140 units to make the project work and achieve 56 workforce units. The answer for whether this is the right place for this type of development does not get better for him at 110 units.

Mr. Lent stated that originally the County looked at nine locations they felt would be appropriate for workforce housing. He could review those locations and show why eight of them will not work. The question is, if this is not the right place, where is the right place. Another question is whether they will end up putting all affordable housing behind Home Depot in 2-bedroom, 2-bath condominiums, or whether they will provide a neighborhood where they can have single-family homes and spread workforce housing throughout the County. He stated that there are very few parcels that might have any possibility of working.

Chair Robinson commented that the thing against this site is the environment compared to sites lower in the Basin. Most people would not notice a difference between 105 and 140 units, but the distinction will be whether the units are built or not built. He was not certain that this is worth doing for 56 units and believed they would get less bang for the buck compared to other locations unless the developer can explain why the other concerns would be eliminated.

Council Member Hanrahan stated that he would be happy to make a motion on the methodology for calculating density, but it does not address the bigger picture of whether this location works or not. He stated that his general sense is that this does not work.

Council Member Hanrahan made a motion to accept the Staff's recommended approach to calculating density for CORE Rezone applications which is referred to as the straight average in the staff report, which would result in a maximum density for the Discovery CORE Rezone of 105 units. The motion was seconded by Council Member McMullin and passed by a vote of 3 to 1, with Council Members Hanrahan, McMullin, and Ure voting in favor of the motion and Council Member Robinson voting against the motion.

The Council discussed whether to continue this item or make a decision evening on the rezone. Council Member McMullin stated that she did not believe the walkability concern is solvable. She believed it is very important for a CORE Rezone be on a bus route or walkable to key services, and this is neither. She also stated that she would like this to be less visible in the bowl.

Council Member Ure commented that the ideal thing would have been for the Weilenmanns to have built their seven units, which should have happened years ago. He could not support workforce housing in this area, because there are too many problems with the site during nine months of the year.

Council Member Hanrahan made a motion to deny the Discovery CORE Rezone application with the following findings:

Findings:

- 1. The CORE Rezone does not comply with the goals and policies of the Snyderville Basin General Plan as articulated by the Summit County Council in their discussions.**
- 2. The CORE rezone does not comply with the requirements of Section 10-5-16 of the Snyderville Basin Development Code as it is too dense and has traffic problems, safety problems, walkability problems, transportation problems, environmental issues, and visual issues, and due to the distance to transit because of changes in the County's transit plan.**

The motion was seconded by Council Member Ure.

Chair Robinson vacated the chair to speak to the motion, and Vice Chair Ure assumed the chair.

Council Member Robinson stated that he believes this is a weighty decision regarding a matter on which the applicant has spent a long time. He is opposed to the motion, not because he might not ultimately be in favor of the motion, but because he would like to allow the applicant and the Council to spend another session on this. Affordable housing has been very important to the Council, the landowners, and the applicants, and he wanted to be sure they do not act rashly tonight.

The motion failed by a vote of 2 to 2, with Council Members Hanrahan and Ure voting in favor of the motion and Council Members McMullin and Robinson voting against the motion.

Council Member Robinson made a motion to continue this item for two weeks or to the next available meeting based on the Council's schedule. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

Council Member Robinson resumed the chair.

PUBLIC HEARING AND POSSIBLE APPROVAL OF ORDINANCE 764 TO REMOVE THE SPECIALLY PLANNED AREA PROVISION FROM THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE

Principal Planner Adryan Slaght reported that the Eastern Summit County Planning Commission forwarded a positive recommendation to have the Specially Planned Area (SPA) removed from the Eastern Summit County Development Code. He explained that the Planning Commission has struggled with the last few SPA applications and determining exactly what substantial and tangible benefits would be for the community. Staff researched what other counties have done and found that some have removed SPA provisions from their Code due to problems with abuse, difficulty maintaining, and unintended consequences. In May the Eastern Summit County Planning Commission recommended that the item be tabled and they start to talk about overall zoning rather than focusing on the SPA provisions. He summarized the Planning Commissioners' comments regarding the SPA provisions and reported that the Planning Commission voted 4 to 3 to forward this recommendation to the County Council. Planner Slaght reported that he received comment from Promontory, and they indicated that this change would not affect their development. He also received comment from Pete Gillwald requesting that they keep the SPA provision in the Code and continue revisions to the SPA process.

Chair Robinson opened the public hearing.

Peter Gillwald, planner for the Deer Meadow project, explained that they have been in the process for about 20 months and have been trying to come up with community benefits and determine what they might be. During that time, the moratorium was put in place, which stopped progress on their application. He commented that the Planning Commission's primary concern seemed to be that they never talked about the site, and the first thing that was talked about was community benefits. They felt like they were playing "let's make a deal, what's in it for us," and the site, density, and other issues were somewhat irrelevant. They were concerned about the undefined process, but Mr. Gillwald noted that any rezone application will be an undefined process, because each project is unique to the site, what is proposed for the site, and what impacts it has on the particular area. He commented that the SPA is not any different from any other rezone process, because at any time the County can say no, and the process is finished. He agreed that the process needs redefining, simplification, and clarification. He explained that he had to complete three applications to even start the process, one of which is a development agreement application in which he has to define how he is going to propose and build his project, even though he has no sense that there is an entitlement associated with the project. That is a waste of time, money, and energy at a stage where he does not even know if he has a project. He described the other steps of the process and the requirements he would have to meet to process the SPA as an applicant. He stated that somewhere along the line, the Planning Commission decided to throw out the SPA and create a rezoning process because they felt they could control that. He did not understand the difference between SPA and rezoning, and the Planning Commission will be struggling for the next six months trying to define a process and what categories they could rezone to now. It does not make sense to try to create a rezoning process and go off on another tangent. He noted that the vote was 4 to 3, and the Planning Commission chair stated that it needs some work and revising, but it does not need to be thrown out. If they do throw it out, he questioned what they would do for the next six or seven months while the Planning Commission tries to go through this process. There will be no opportunity for a landowner to do anything while this vagueness is going on within the Eastern Summit County

planning area. He suggested that this be remanded back to the Planning Commission with the request that they hammer out some of their recommendations and let the SPA process continue. He believes the SPA is a tool, and it just needs a little bit of help.

Meagan Ferrin stated that she is here to get a pulse on what is happening with the SPA Zone. On behalf of Promontory, she wanted to express their support of the SPA process.

Chair Robinson closed the public hearing.

Council Member McMullin stated that the SPA is more than a tool and is a process like a rezone. She found it odd to eradicate it simply because it is hard to apply. She questioned whether they should eradicate it if there is an application in the process that may have not yet ripened.

Chair Robinson stated that he did not like the idea of saying they will fix this later by looking at the zoning and thinking that will be accomplished in a short period of time. He commented that these processes take a long time. He thought they might be struggling with the idea of significant community benefits because they have not yet seen any. He was opposed to deleting this section of the Code and was in favor of having the Planning Commission continue to work on it, bring the amendments when the time is right, but not just throw out the process.

Council Member Ure made a motion to remand this item back to the Eastern Summit County Planning Commission to have them continue to work on amendments to the SPA provision and not remove the provision from the Development Code. The motion was seconded by Council Member McMullin.

Council Member Hanrahan asked about the practical impact on existing applications or applications that might come in during the next few weeks and whether that could cause problems before the amendments can be made. Mr. Thomas explained that, in order to vest under a SPA, a lot of things have to be submitted, and anyone who submits now would only be submitting a sketch plan. Chair Robinson clarified that the SPA process is a discretionary process.

The motion passed unanimously, 4 to 0.

The County Council meeting adjourned at 9:55 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones



STAFF REPORT

To: Summit County Council (SCC)
Report Date: Thursday, August 26, 2011
Meeting Date: Wednesday, September 7, 2011
Author: A.C. Caus, County Planner
Title: Snyderville Basin Development Code Amendments – Trail Parking
Type of Item: Continued Public Hearing
Future Routing: N/A

EXECUTIVE SUMMARY: The applicant, Bonnie Park, representative for the Snyderville Basin Special Recreation District (SBSRD), is requesting to amend sections 10-2-10, 10-11-1.217, 10-11-1.218, and 10-11-1.219 of the Snyderville Basin Development Code (Code) to address trailhead parking, to differentiate between Neighborhood and Community parks, and to add a definition for “Trailhead, Designated”.

On August 24, 2011 the SCC held a public hearing, and continued the hearing and decision to this date. For the convenience of the SCC, items in the Staff report that have changed since the last meeting are highlighted in yellow.

Staff recommends that the SCC hold a continued public hearing to gather public comment, and vote to approve the proposed code amendments.

A. Project Description

- Project: Snyderville Basin Development Code Amendments – Trail Parking
- Applicant(s): Bonnie Park, SBSRD
- Location: Snyderville Basin, Summit County, UT

B. Community Review

A public hearing notice was published in the Park Record for the public hearing on August 24, 2011. The SCC has continued the public hearing to September 7, 2011. As this is a Code change and does not affect a specific property owner, no mailed notices were sent. As of the date of this report, eight public comments have been received, as outlined below:

Dave Brown, Elliot Cutler, Polly McLean, Chad Brackelsberg, Christian Bacasa, Andrew McLean, and Don Jacobs all expressed full support for the proposed amendments. An additional email was received requesting that a letter to the editor be enclosed (attached).

C. Background

On October 9, 2009, Planning Staff received a complaint about people parking on Lot 108-X of the Summit Park Plat M-2 Subdivision, located at 1 Innsbruck Strasse, Summit

Park, Summit County, UT, in order to access the Short Stack Trail. That lot is owned by the SBSRD, and is situated in the Hillside Stewardship Zone where “parking lots” are prohibited.

On October 23, 2009, SBSRD closed the gates to Lot 108-X for trailhead parking and access in order to comply with the Code.

The SBSRD submitted an application for a Code change on May 12, 2010, requesting an amendment to allow parking lots for trail access. Staff and the SBSRD recommend processing parking lots for trail access differently than general parking lots. Trails are an essential part of the Summit County General Plan, so Staff and SBSRD feel that it is very important for trail access and parking, where appropriate and under certain circumstances, to be available to the community.

On Tuesday, June 8, 2010, the Snyderville Basin Planning Commission (SBPC) conducted a public hearing for the original proposed Code amendments. After the public hearing the SBPC discussed the proposal and several members were concerned with the proposal allowing future trailhead parking lots to bypass a SBPC process. The SBPC did not feel comfortable moving forward with the proposal as written, and continued the item with the direction to the Staff to come back with modified language requires trailhead parking to go through a public process. Direction from the SBPC indicated that they may prefer to process all trailhead parking through the Conditional Use Permit process, whereby proposals would be reviewed by the SBPC and impacts addressed on a case-by-case basis.

The Public Hearing had previously been closed on Tuesday, June 8, 2010, but the new changes were substantially different and another public hearing was required.

On July 13, 2010, the SBPC held a second public hearing for the subject item. Yvonne Gray and Donald Gray, owners of Lot 107 of the Summit Park Plat M-2 Subdivision and their attorney Joseph Tesch expressed their concerns about the trailhead parking that may be installed on Lot 108-X, located directly next to Lot 107. A written document was also submitted. While it was a particular trailhead parking area that triggered the Code change, it is important to note that the Code change requested is Basin-wide. This particular approval is for the Code change only, and if the Code change is approved, the SBSRD will have to go through the appropriate process for any specific trailhead parking area.

After closing the public hearing, the SBPC forwarded a positive recommendation to the SCC based on Staff’s analysis and findings.

On August 24, 2011, the SCC held a public hearing, continued the public hearing, and instructed Staff to bring back a new use and definition for a “Park and Ride.” The SCC also found that the “Trailhead Parking, Designated Minor” and “Trailhead Parking, Designated Major” uses and definitions were more appropriate, rather than grouping them together into one use. The SCC further instructed Staff to include both uses. The suggested changes can be found in Section D of the Staff Report.

D. Identification and Analysis of Issues

At present, the Code prohibits parking lots in the Hillside Stewardship and Mountain Remote Zones; a Conditional Use Permit is required in the Rural Residential and Neighborhood

Commercial Zones; and a Low Impact Permit is required in the Community Commercial and Service Commercial Zones.

Below are the current definitions and the listings of the regulation requirements as noted in the Use Table:

Parking Lot: *An unenclosed area, other than a road or right-of-way, devoted to parking spaces for four or more motor vehicles.*

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Parking Lot	C	*	*	L	L	C	Section 10-4-9

As this definition does not address trailheads and is limited in location, it may need to be amended, and trailhead parking/access restrictions modified to ensure that Summit County residents are able to access Summit County trails. A proposed amendment that allows trailhead parking will address this need for future and existing trails. Along with the trailhead parking changes requested by the SBSRD, SCC requested that Staff remove the previously proposed amendment of “Parking Lot” and add a new use and definition for “Park and Ride” to allow for such community benefits.

Proposed Changes:

Existing definition for Parks, Neighborhood:

Park and recreation area under the management and control of a public agency and open to the public.

Proposed definition for Parks, Neighborhood:

Park and recreation area under the management and control of a neighborhood or commercial owners association that may or may not be open to the public.

Existing definition for Parking Area:

A hard-surfaced area, including the driving area, other than a road or public right-of-way, to be used for storage, temporarily, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Staff proposal: This definition is essentially a duplicate of “parking lot” and Staff recommends removing this from the definitions; it is already not included in the Use Chart.

Proposed new definition for Park and Ride:

A hard-surfaced area, including the driving area, other than a road or public right-of-way, to be used primarily for commuters and other public to park and transfer to a public transport system, carpool, or other mode of transportation.

Existing definition for Trails, Community-wide:

A trail, developed or proposed as part of the Basin-wide Trails Corridor Exhibit of the Recreation and Trails Master Plan, as revised over time, and generally designed for intrinsic recreation and non-motorized transportation connections between neighborhoods. Community trails must be open to the public.

Proposed definition for Trails, Community-wide:

A trail, developed or proposed as part of the Basin-wide Trails Corridor Exhibit of the Recreation and Trails Master Plan, as revised over time, and generally designed for intrinsic recreation and non-motorized transportation connections between neighborhoods, public facilities, commercial centers and to the back-country. Community trails must be open to the public. Parking lots and parking areas shall be designated as trailheads along the Community-wide trail system to disperse users and fulfill the need for staging areas and support facilities system wide in accordance with the Snyderville Basin Recreation and Trails Master as amended.

Proposed definition for Trailhead Designated, Minor: *Designated point of access to the Community-wide trail system intended to provide up to ten (10) public parking stalls, trailhead signage, and dog waste stations.*

Proposed definition for Trailhead Designated, Major: *Designated point of access to the Community-wide trail system intended to provide more than ten (10) public parking stalls, or which includes structures beyond those included in Trailhead Designated, Minor.*

The proposed amendment also identifies the changes in the Use Chart below.

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Parks, Neighborhood	A	A	A	A	A	A	
Trails, Community-wide	A	A	A	A	A	A	
Trailhead Parking, Designated Minor	L	L	L	A	A	A	
Trailhead Parking, Designated Major	C	C	C	L	L	L	
Park and Ride	C	C	C	L	L	L	

E. General Plan Consistency

Chapter 1, Section 1, “Quality and Character” of the Snyderville Basin General Plan states; *There must be a strong public realm, which should act as the connective tissue of our everyday world. This realm includes those pieces of terrain that occur between the private domains in our community. It exists in the form of streets, highways, public open spaces and gathering areas, trails, and public facilities and institutions. These features*

comprise an important part of our everyday life. The historic natural landscape of the Snyderville Basin must be integrated into the public realm and preserved for the common good.

There are other numerous mentions of support for trails in the Snyderville Basin General Plan. The proposed amendments promote the concepts, ideals and policies of the Snyderville Basin General Plan.

F. Findings/ Code Criteria and Discussion

Before an amendment to the Development Code can be approved, it must be reviewed in compliance with Section 10-7-3-C and meet the following criteria:

1. The amendment shall be consistent with the goals, objectives, and policies of the General Plan.
The proposed amendment is consistent with the goals, objectives, and policies of the General Plan. The proposed amendment promotes utilization of trails in the community.
2. The amendment shall not permit the use of land that is not consistent with the uses of properties nearby.
The proposed amendments will not permit uses that are inconsistent with existing trail uses, as the amendments aim to address the trail parking needs for the community.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
The trail parking amendments will be reviewed for compliance with applicable standards and suitability through the review process proposed for each use in each zone.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
The trail parking amendments will correct the existing restrictions of the zoning districts. Allowing parking for trail access specifically reduces chances of potential negative impacts by reducing on-street parking in neighborhoods.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
The amendments are being proposed by the Snyderville Basin Special Recreation District for Basin trail users as a whole and the purpose is not to grant a special favor for one landowner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.
The amendments will better serve the public in allowing access to all the trails and reducing on-street parking impacts.

G. Recommendation(s)/Alternatives

Staff recommends that the SCC evaluate the proposed Code Amendments in accordance with the Snyderville Basin Development Code and the Snyderville Basin General Plan. Staff further recommends that the SCC hold a public hearing to gather public comment, consider Staff's analysis and choose Option 1 below:

OPTION 1:

Vote to approve the proposed Code Amendments listed below, and based upon the following findings:

Approved amendments:

- **Approve the proposed amendment for the definition of Parks, Neighborhood in the Code.**
- **Approve the proposed amendment to delete the definition for Parking Area from the Code.**
- **Approve the proposed amendment for the definition of Trails, Community-wide in the Code.**
- **Approve the proposed amendment to add the definitions for Trailhead Parking, Designated to the Code.**
- **Approve the proposed amendment to add the definition for Park and Ride to the Code.**
- **Approve the proposed amendment to add new uses into the Development Code Use Chart.**

Findings:

1. The amendments comply with the requirements of Section 10-7-3-C of the Snyderville Basin Development Code as outlined in Section F of this report.
2. The amendments comply with the goals and policies of the Snyderville Basin General Plan as outlined in Section E of this report.

OPTION 2

If the SCC does not feel prepared to make a decision, they may instead vote to continue the item to another meeting, with specific direction to Staff and the applicants on information needed to aid them in making a decision.

OPTION 3

If the SCC feels that the request does not merit approval, they may instead vote to deny the proposed Code Amendments, with appropriate findings as articulated by the SCC.

Attachment(s)

Exhibit A - Examples of a Trailhead and Trailhead Parking (pages 7-11)

Exhibit B - Trailhead Inventory (page 12)

Exhibit C - SCC Draft Minutes from the August 24, 2011 Public Hearing (pages 13-18)

Exhibit D - Public comment - Letter to the Editor (emailed to Staff) (page 19)

Spring Creek Trailhead



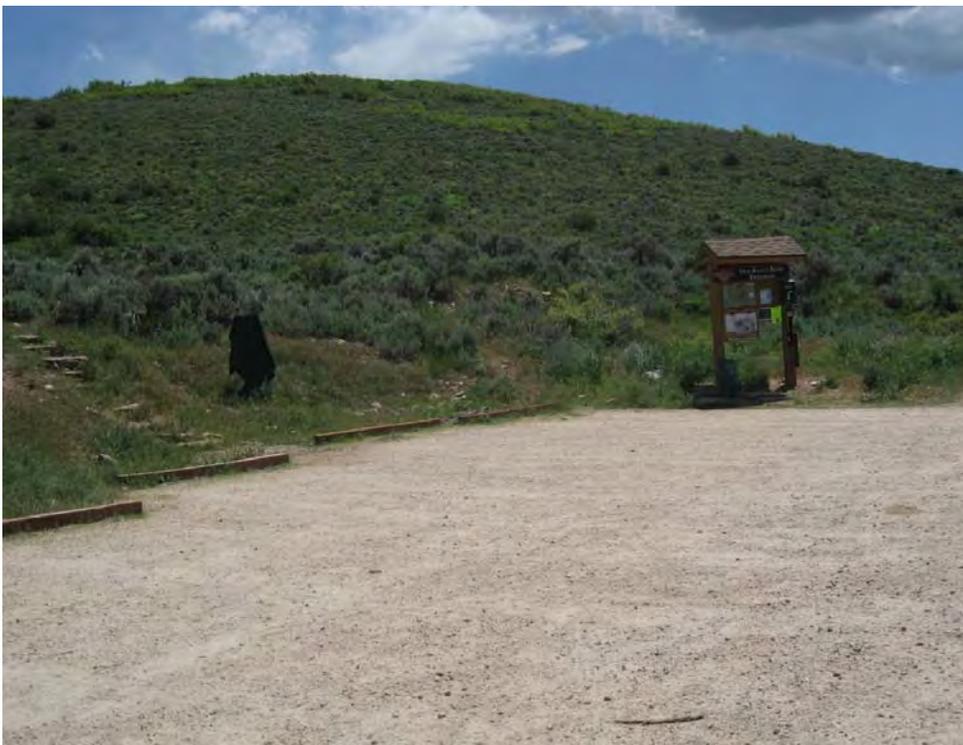
Willow Creek Park Trailhead



Gorgoza (Kilby Road)



Round Valley Trailhead Old Ranch Road



Rob's Trail (Sun Peak 3pm)



East Canyon Trailhead



Silver Summit Parkway (Round Valley Access)



Snyderville Basin Recreation Trailhead Status

TRAILHEAD	EXISTING SPACES	No. of SPACES NEEDED
The Woods at Parley's Lane	17	
Gorgoza	11	14
East Canyon Creek	25	
Bad Apple	20	
Spring Creek	16	25
Promontory	46	
Old Ranch Road	8	7
The Farm	23	
Bear Hollow Dr.	11	9
Summit Park	5	12
PROPOSED TRAILHEADS		
Highland Dr	30	
UOP XC Trails	20	

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, AUGUST 24, 2011
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Chris Robinson, *Council Chair*
David Ure, *Council Vice-Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Claudia McMullin, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Annette Singleton, *Office Manager*
Karen McLaws, *Secretary*

PUBLIC HEARING TO DISCUSS AND POSSIBLY APPROVE AN AMENDMENT TO THE SNYDERVILLE BASIN DEVELOPMENT CODE TO ALLOW FOR PARKING AREAS AT PUBLIC TRAILHEADS

County Planner Amir Caus presented the staff report and explained that these amendments were triggered in 2009 when a property owner came to the Planning Department to complain about a trailhead located in Summit Park. In reviewing the Code, Staff found that trailheads are not an allowed use in the zone where it was located. Although trails are supported in the General Plan, there is no provision for them in the Development Code. Bonnie Park, the applicant, has requested four amendments to the Code, and Staff has recommended a fifth amendment for parking areas. The Snyderville Basin Planning Commission heard this item on June 8, 2010, with a public hearing, and on July 13, 2010, the Planning Commission forwarded a positive recommendation to the Summit County Council with a change to the trailhead parking as presented by Staff and the applicant. The applicant and Staff put the application on hold until the following season when the necessity for trailheads arose again, and with scheduling conflicts, Staff was unable to get this item on the agenda until now. Staff recommended that the County Council approve all five amendments, including the major and minor trailhead designations. Staff recommended that major trailheads be processed through the Low Impact Permit process and that minor trailheads being allowed in all zones.

Council Member Hanrahan clarified that a sixth amendment would be required to change the use chart.

Council Member Ure stated that he is having a difficult time determining what the Snyderville Basin Planning Commission recommended compared with what Staff is proposing. Planner Caus clarified that the amendments shown on page 4 of the staff report are those recommended by the Planning Commission. Staff supports that recommendation, but they are also in favor of the major and minor designations, and the Legal Department has confirmed that it would be

appropriate for Staff to make that recommendation. Council Member McMullin confirmed with Planner Caus that the minor and major designations were considered by the Planning Commission and rejected by them. Planner Caus clarified that Staff would accept either approval of the amendments forwarded by the Planning Commission or inclusion of the minor and major designations as suggested by Staff. The Council Members discussed the possibility of making trailhead parking a conditional use, and Council Member McMullin noted that would be the most restrictive use, but it is still an approved use with conditions to mitigate the impacts.

Bonnie Park, the applicant, explained that, after the Planning Commission's recommendation, she requested that the major designation be approved, because there are already trailheads in the Snyderville Basin with more than 10 parking stalls. If trailhead parking is limited to 10 or less, the Recreation District will not serve the purpose of the trailhead in many locations. There are already trailheads that are nonconforming, and the trailhead proposed for the Highland Drive project in cooperation with the County would have more than 10 parking spaces.

Council Member McMullin clarified that the County is trying to change the Code to reflect existing conditions and bring them into conformity. The reality is that the community wants trailheads and trailhead parking, but the Code does not allow it.

Council Member Hanrahan asked if the existing trailhead parking areas are in all three residential zones. Senta Beyer, Trails Project Manager for the Snyderville Basin Special Recreation District, replied that they are. She explained that the success of the system has come by working with residential neighborhoods, schools, parks, churches, and commercial centers to build out the master plan, and they have lobbied for additional trail parking areas in that process. The Recreation District acquired a Low Impact Permit for the Gorgoza parking area, but other than that, there is no defined process.

Council Member Hanrahan asked if the existing trailhead areas would become legal and conforming if the amendments are approved or whether the Recreation District would have to go through a process. Chair Robinson suggested that the existing trailheads be grandfathered in the ordinance.

Ms. Park clarified that this is specifically a request for a Code amendment and is not related to any particular property.

Chair Robinson opened the public hearing.

County Planner Kimber Gabryszak noted that a member of the public had to leave for an appointment and left his comments with her. She read Craig Eroh's written statement for the record, which supports the proposed Code amendments. He stated that he lives near a trail that is used year round and that trails are a major public amenity to which the taxpayers should have reasonable access. He requested that the parking not be arbitrarily capped at 10 cars, noting that the Gorgoza Park trailhead that is frequently over capacity.

Charlie Sturgis, Executive Director of the Mountain Trails Foundation, explained that parking and other facilities associated with trails have generally lagged behind the development of trails in the Park City area. That has resulted in problems that have forced the development or retrofitting of parking lots afterward. With the proposed amendments, it would be good to see

nically done trailheads with the proper facilities being built for the future use. He commented that most of the trailheads have been understated and undersized, and he believed the public would enjoy having better parking areas and other facilities that go with them.

Yvonne Gray, a Summit Park resident, agreed that the County trail system is a wonderful thing. However, having a 10-stall parking lot constructed next to homes in a residential neighborhood is a big burden on the neighboring properties. She stated that she could not support Ms. Park's request that would, in practice, allow the Recreation District to buy any lot in Snyderville Basin, call it a trailhead, and put 10 parking spaces on it without public input, no matter what size lot or how close it is to neighboring homes. She claimed that the Recreation District wants to do this even if it is in the highly protected Hillside Stewardship or Mountain Remote Zones. Ms. Gray commented that the County Council is being asked to decide for every Snyderville Basin property owner that trails can do this right next door without having to honor property rights or the changes in neighborhood charter their development will bring. For parking involving more than 10 vehicles, Staff would have the sole decision-making power to decide whether to allow public input. Even at the Round Valley or Trailside trailheads, County residents have the right to raise questions about public safety, increased traffic, and other impacts. She stated that the non-profit trails organization and their County support staff are asking for far too much unquestioned power to dictate the nature and extent of their trailheads. Ms. Gray noted that the packet includes three years of her letters and comments, which present details about the consequences of these unchecked decisions. She stated that those consequences are not abstract complaints or projections. She knows, because she has lived it and is still living with the threat of it. She requested that the County Council not disturb established Code and covenants, because the prohibitions exist for a reason, to protect property owners from unwarranted development and unwanted intrusion from their neighbors. She believed homeowner property rights should take precedence over the recreation rights of visitors next door.

Don Gray asked that the County Council give them a reasonable period of time to review the staff report and needs inventory and make specific comment for the Council's review before deliberating on the application. He stated that the staff report was not appended to the 6:00 p.m. meeting notice on the website, and it was only last evening he found it appended to another notice, and it was amended as late as two days ago. He stated that last Friday, their attorney, Joe Tesch, requested that they continue this deliberation due to the timing issues and because the application should have lapsed for inaction because more than a year has passed since a recommendation was forwarded by the Planning Commission. Mr. Tesch's letter stated that he has still not seen the inventory the Planning Commission Chair requested from the applicant last year to determine whether there is a need for Code amendments. Mr. Gray stated that Mr. Tesch was at another meeting this evening and was unable to attend, and he would like an opportunity to speak to the Council on this matter. He stated that they have not had any response to their questions, and they would like an opportunity to discuss these issues rather than having just a moment in a public hearing. He requested that the County Council reject the application or postpone the discussion until the Grays and Mr. Tesch have an opportunity to review all the materials and prepare comments, no earlier than September 7.

Heinrich Deters, Park City Trails Manager, stated that, as the Park City trail system and its popularity has expanded, he has been astounded at the counts on use of their trails, especially in the winter. He urged the Council to carefully consider the limit of 10 parking spaces, because Park City has put in parking areas that do not meet the usage they are seeing. That only leads to

those items coming back to the Council again, and if it is done correctly the first time, it can mitigate a lot of parking problems.

Chair Robinson closed the public hearing.

Chair Robinson asked whether the application should have lapsed and whether this item was properly noticed. Mr. Thomas explained that applications do not lapse. There is a policy with the Planning Staff that, after a long period of time, they may send a notice saying that the applicant must move forward or they will close the file. However, the County has applications that have been outstanding for many years. He stated that he has seen nothing that would indicate that this item was poorly noticed. Council Member Elliott confirmed that the staff report was included in her packet on Friday. Planner Caus explained that the public can always contact Staff for a staff report or any additional information that might not be on the website. Mr. Thomas explained that a staff report is not required to be included with the notice.

Chair Robinson asked if the Recreation District would have a problem if trailheads designated as major were changed to a conditional use so they would require a public hearing that would not be discretionary on Staff's part. Ms. Park noted that CUPs are significantly more costly than LIPs and asked if the fees could be waived. Chair Robinson noted that some trailhead parking might be proposed by HOAs or an entity other than a public entity, and he believed the fees should be paid. He suggested that the CUP be required only in the residential zones and not in the commercial zones.

Ms. Beyer discussed concerns about trying to get a CUP for the Highland Drive project and the timing of trying to get a permit for that trail.

Council Member Elliott stated that, when someone buys a platted lot in a platted subdivision, they have certain expectations about the sanctity of the plat. She stated that the County wants trails and sidewalks everywhere, but if the City were to buy the house next to her and tear it down to build trailhead parking, she would be annoyed. She wondered if they could include an exception for older subdivisions that are already platted where people have certain expectations about the use. She asked how many locations there are in the Snyderville Basin where that could cause problems. Ms. Beyer replied that she could cite two current trailheads where the Recreation District purchased residential lots. She noted that they actually entered into a land use agreement with the Summit Park HOA to prevent problems in the Summit Park area and mitigate any future trail development. She explained that their protocol has been to work with neighborhoods to come up with constructive solutions.

Council Member Hanrahan commented that Code changes have consequences. This one would solve the problem of existing trailhead parking areas, but he asked if there is another way to solve that dilemma. He noted that trailheads could go anywhere and not only have a significant impact on neighbors, but could impact one or two homes while the entire neighborhood might want them. He believed the County should also look out for those who are adversely impacted. Ms. Beyer explained that they are just looking for a consistent process so the Recreation District knows what it needs to do to facilitate a trailhead or trailhead parking, and historically, they have not had that mechanism. Mr. Thomas explained that there needs to be a process that makes the use acceptable, and right now there is no process.

Chair Robinson commented that the issue for him is the presumption that a trailhead and parking lot in every instance could go anywhere. The question is whether the impacts to the adjacent neighbors could be mitigated in a way that would be acceptable. He believed a trailhead or park as a neighbor would be less impactful than having a home on a lot. The question for him is whether, upon meeting conditions, a trailhead and parking lot would have less impact than a residence, and would not violate the sanctity of the plat by doing something that is in the broader public interest. Council Member Ure did not agree that a parking lot would have less impact than a home, primarily because people who use parking lots do not believe they have any responsibility for trash. Chair Robinson stated that he has a trailhead across the street from his house, and he knows what it is like. That is why he recommends a CUP process in the residential zones. He believed they could impose conditions that would make the use acceptable in a residential neighborhood. He believed that properly mitigated, a trailhead and parking lot would be an acceptable use in all zones.

Council Member Hanrahan noted that parking lots are defined in the Code separately from major or minor trailhead parking, and the current use chart says that parking lots require a CUP in the three residential zones. He believed someone could currently develop a park and ride lot in a platted residential neighborhood. He would like to delete parking lots as a conditional use in the Hillside Stewardship and Mountain Remote Zones. He suggested that Park and Ride be defined separately from Parking Lot, just as they are doing with designated trailheads, so parking lots would not be built three miles into a neighborhood next to someone's house. Park and Rides could be defined as being on a collector road, at the base of the neighborhood, etc.

Council Member McMullin commented that the parking lot issue appears to be less pressing than the trailhead issue. She suggested that they deal with parking for trails and trailheads now. Chair Robinson suggested that, rather than bifurcate the two issues, he would prefer to continue the hearing and direct Staff to come up with standards for park and rides and deal with the whole thing all at once.

Ms. Jordan noted that the Recreation District is about to complete two major trails, and there will be no parking provided for those trails. People will have to park along the County roads, and that generates complaints.

Council Member McMullin commented that, from her perspective, the community has made it clear that open space, trails, and connectivity are huge issues, and she believes trailheads go hand in hand with that.

Council Member Hanrahan suggested requiring a LIP for minor trailhead parking. Council Member McMullin replied that she would have no problem with requiring a LIP for minor trailhead parking in the residential zones. She believes trailheads are an appropriate use in all zones and can be mitigated with conditions. Council Member Hanrahan asked if it would be better to provide parking in the County right-of-way. Ms. Beyer explained that cars parking in the County right-of-way generate a large number of complaints. Trailheads are an integral part of the trail system, and if they do not plan for them, it creates problems, and they need to be able to plan for trail parking areas.

With regard to unintended consequences, Chair Robinson noted that this Code change would primarily apply to public agencies proposing public facilities. They need to have a little

confidence in the public agencies that they will not propose something egregious, and they need to be sure that this could not be abused by a non-public agency. Council Member Hanrahan believed that was covered in the definitions.

Planner Caus suggested leaving Parking Lot as it is currently in the Code, and he would bring the Park and Ride designation back for Council review. Chair Robinson confirmed with Planner Caus that he would change trailhead designated minor to a low impact use in the RR, HS, and MR Zones and trailhead designated major to a conditional use in the RR, HS, and MR Zones.

Council Member Ure made a motion to continue this item to the September 7 County Council meeting. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

Council Member Ure made a motion to re-open the public hearing on this item and continue it to the September 7 meeting. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

The County Council meeting adjourned at 8:05 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones

The Park Record
Aug 31 - Sept. 2, 2011

A.19

Trailhead parking needs careful review

Editor:

In "Basin Trails Creates Controversy" (*Park Record*, 8.27.2011) we read that trail users have "no place to park." At county public hearings, a few trail users and Basin Trails repeat this and other exaggerations to gain the authority to decide where, and how big, trailhead parking lots will be. Yes, trailhead parking is a good thing, and trails needs a fair mechanism to increase parking where they can demonstrate need. But the devil is in the details.

The council is considering changing code to allow Low Impact permits in Hillside

Stewardship and Mountain Remote zones that prohibit parking lots of any kind. This would give a single "staff person" authority to view a "sketch" of, say, a ten-vehicle parking lot on the residential lot next to you, determine it meets Low Impact criteria and approve construction – all without addressing need or asking for public input. A single county employee could decide, without asking you, that a parking lot next door to you is good for you. Would that be OK with you?

In 2009, we experienced the consequences of unchecked action first hand: Trails illegally opened the initial portion of the Summit Peak Trail to motorized traffic and 17 parking spaces in the residential lot next to our home, on what had been a pleasant hike and bike trail. Chaos ensued: Visitors who had no intention of using the trail drove into the forest, out of public view, to stay to play and yes, party even at midnight. The open gate invited ATVs to recreate inside the trailhead while some riders used it to access the National Forest legacy conservation trail above. After no small effort from us, the county instructed Trails to close the gate. Peace was restored without inconveniencing trail users.

We all deserve to be protected by established county code and neighborhood rules. Changing code to give staff and/or Trails the authority to squeeze parking lots onto any size lot is a bad idea. We urge everyone to review the facts before speaking and attend to the real consequences of unilateral decisions regarding trailhead parking.

Yvonne and Don Gray
Park City

**RESOLUTION DECLARING SURPLUS PROPERTY
AND AUTHORIZING SALE TO THE SNYDERVILLE BASIN
RECREATION SPECIAL SERVICE DISTRICT**

**MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT,
SUMMIT COUNTY, UTAH**

WHEREAS, Mountain Regional Water Special Service District (“MRW”) owns parcel SS-48-2-X in the Snyderville Basin of Summit County; and,

WHEREAS, MRW no longer needs the use of parcel SS-48-2-X for its governmental purposes; and,

WHEREAS, the Snyderville Basin Recreation Special Service District (“SBRSSD”) has offered to purchase parcel SS-48-2-X for the sum of \$28,000.00 and will use the parcel for its own governmental purposes; and,

WHEREAS, the Governing Board of MRW has determined that parcel SS-48-2-X is surplus property not in governmental use and that the sum of \$28,000.00 is fair and adequate consideration; and,

WHEREAS, it is in the best interests of the rate payers of MRW to sell surplus property for fair and adequate consideration;

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, sitting as the Governing Board of MRW, that parcel SS-48-2-X is surplus property having a fair market value of \$28,000.00.

BE IT FURTHER RESOLVED, that the sale of parcel SS-48-2-X to the SBRSSD is hereby approved. The General Manager of MRW is delegated the authority to execute those legal instruments necessary to effectuate the sale.

APPROVED AND ADOPTED this _____ day of _____, 2011.

SUMMIT COUNTY COUNCIL
Sitting as the GOVERNING BOARD OF MRW
SUMMIT COUNTY, UTAH

ATTEST:

By: _____
Christopher F. Robinson, Chair

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy

**RESOLUTION AUTHORIZING PURCHASE OF PROPERTY BY
SNYDERVILLE BASIN
RECREATION SPECIAL SERVICE DISTRICT
FROM
MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT,
SUMMIT COUNTY, UTAH**

WHEREAS, the County Council has approved by resolution the sale of Mountain Regional Water Special Service District (“MRW”) parcel SS-48-2-X in the Snyderville Basin of Summit County; and,

WHEREAS, the Snyderville Basin Recreation Special Service District (“SBRSSD”) is desirous of purchasing parcel SS-48-2-X for the sum of \$28,000.00 and will use the parcel for its own governmental purposes in serving taxpayers in the District’s service area; and,

WHEREAS, parcel SS-48-2-X is property suitable for public trailhead improvements as part of the District’s Snyderville Basin Community-wide Trail System Master Plan, an Element of the Snyderville Basin General Plan; and,

WHEREAS, the County and SBSSRD have entered into a Cooperative Agreement for the Highland Drive Transportation Trail, which contemplates a public trailhead at the termination of Highland Drive as a support facility for users of the Round Valley trail system;

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, sitting as the Governing Board of SBRSSD, that parcel SS-48-2-X is property having a fair market value of \$28,000.00.

BE IT FURTHER RESOLVED, that the purchase of parcel SS-48-2-X by the SBRSSD

is hereby approved. The District Director of SBSSRD is delegated the authority to execute those legal instruments necessary to effectuate the sale.

APPROVED AND ADOPTED this _____ day of _____, 2011.

SUMMIT COUNTY COUNCIL
Sitting as the GOVERNING BOARD OF SBRSSD
SUMMIT COUNTY, UTAH

ATTEST:

By: _____
Christopher F. Robinson, Chair

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy