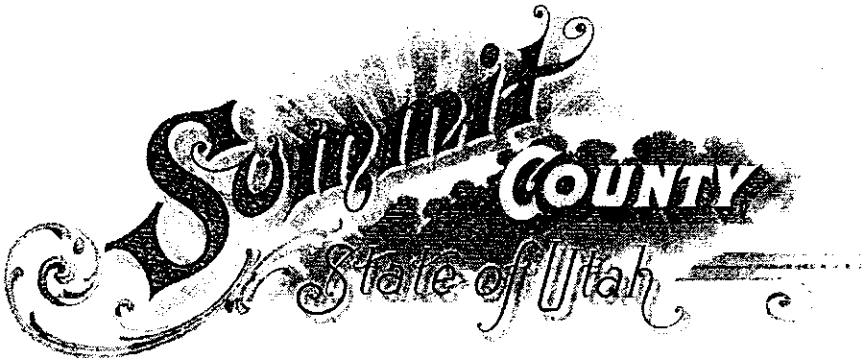
Auditor

Blake Frazier



March 14, 2012

County Council;

Please consider approving the 2011 BOE Stipulations. They will be prepared for your review by Travis Lewis. They are on the March 28th Agenda.

Thank You,

Kathryn Rockhill

Kathryn Rockhill
BOE Clerk

P.O. Box 128 • Coalville, UT 84017
Coalville: (435) 336-3016 • Park City: (435) 615-3016 • Kamas: (435) 783-4351 ext. 3016
Fax: (435) 336-3036 • Park City Fax: (435) 615-3036

2011 BOE Adjustments

Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value
CLAYTON-1	$ 1,560,000.00	$ 2,240,000.00	$ (680,000.00)	$ 1,560,000.00	$ 2,240,000.00
GDP-101	$ 350,000.00	$ 550,000.00	$ (200,000.00)	$ 350,000.00	$ 550,000.00
GDP-102	$ 220,000.00	$ 340,000.00	$ (120,000.00)	$ 220,000.00	$ 340,000.00
GDP-203	$ 230,000.00	$ 360,000.00	$ (130,000.00)	$ 230,000.00	$ 360,000.00
GDP-301	$ 170,000.00	$ 270,000.00	$ (100,000.00)	$ 170,000.00	$ 270,000.00
GDP-303	$ 230,000.00	$ 360,000.00	$ (130,000.00)	$ 230,000.00	$ 360,000.00
PVC-1A-C3	$ 670,000.00	$ 810,000.00	$ (140,000.00)	$ 670,000.00	$ 810,000.00
VKJ-3-4	$ 2,240,000.00	$ 2,710,000.00	$ (470,000.00)	$ 2,240,000.00	$ 2,710,000.00
VLC-A	$ 350,000.00	$ 440,000.00	$ (90,000.00)	$ 350,000.00	$ 440,000.00
Totals for 12/28/2012	$ 6,020,000.00	$ 8,080,000.00	$ (2,060,000.00)	$ 6,020,000.00	$ 8,080,000.00
Totals for 3/14/2012	$ 1,311,752.00	$ 6,930,104.00	-5598352	$ 3,680,104.00	$ 3,960,104.00
Totals for 03/7/2012	$ 241,385,261.00	$ 272,247,838.00	$ (30,862,577.00)	$ 266,805,492.00	$ 272,247,838.00
Totals for 2/8/2012	$ 33,211,366.00	$ 41,044,466.00	$ (7,833,100.00)	$ 33,211,366.00	$ 17,332,593.23
Totals for 1/18/2012	$ 230,747,813.00	$ 244,764,244.00	$ (14,016,431.00)	$ 329,944,614.23	$ 244,084,815.30
Totals for 1/11/2012	$ 77,590,904.00	$ 92,549,668.00	$ (14,958,764.00)	$ 71,239,944.00	$ 92,549,668.00
Totals for 12/14/2011	$ 27,384,253.00	$ 31,143,110.00	$ (3,758,857.00)	$ 27,032,050.00	$ 268,183.00
Totals for 12/7/2011	$ 46,165,733.00	$ 56,032,964.00	$ (9,867,231.00)	$ 40,357,231.00	$ 56,032,964.00
Totals for 11/30/2011	$ 74,045,506.00	$ 113,265,689.00	$ (39,220,183.00)	$ 65,334,025.00	$ 57,713,979.98
Totals for 11/16/2011	$ 28,200,432.00	$ 57,293,470.00	$ (29,093,038.00)	$ 25,479,889.00	$ 57,293,470.00
Totals for 11/9/2011	$ 64,789,101.00	$ 68,855,543.00	$ (4,066,442.00)	$ 59,073,582.00	$ 63,846,159.00
Totals for 11/2/2011	$ 22,659,413.00	$ 27,176,420.00	$ (4,517,007.00)	$ 20,000,329.00	$ 27,176,420.00
Totals for 10/26/2011	$ 163,884,443.00	$ 229,949,534.00	$ (66,065,091.00)	$ 155,706,959.00	$ 163,884,443.00
Totals for 10/12/2011	$ 102,565,931.00	$ 124,219,936.00	$ (21,653,465.00)	$ 91,729,629.00	$ 1,072,192.35
Totals for 10/5/2011	$ 52,000,489.00	$ 59,929,053.00	$ (7,928,564.00)	$ 50,875,257.00	$ 504,120.82
Totals for 9/21/2011	$ 164,340,877.00	$ 219,139,928.00	$ (54,799,051.00)	$ 139,345,499.00	$ 219,139,928.00
Totals for 9/14/2011	$ 85,729,024.00	$ 119,777,161.00	$ (34,048,137.00)	$ 71,377,372.00	$ 119,777,161.00
Totals for 8/31/2011	$ 84,373,698.00	$ 101,976,442.00	$ (8,743,072.00)	$ 65,653,679.00	$ 101,976,442.00
Running Total	$ 1,506,405,996.00	$ 1,874,375,570.00	$ (359,089,362.00)	$ 1,522,867,021.23	$ 1,506,940,481.68

Annette,

So far this year(2011)the Market value decrease is ($ 359,089,362) As of 03/28/2012

Memorandum:

Date: March 28, 2012
To: Council Members
From: Robert Jasper
Re: Recommendation to appoint members to the Summit County Library Board of Directors

Advice and consent of County Manager's recommendation to reappoint Mike Thuman, and appoint Katharine "Katy" Wang, to the Summit County Library Board of Directors. Mike's and Katy's terms of service to expire February 28, 2016.

MEMORANDUM:

Date: March 28, 2012
To: Council Members
From: Robert Jasper
Re: Recommendation to appoint member to the Summit County Board of Adjustment

Advice and consent of County Manager's recommendation to reappoint Theron Miller to the Summit County Board of Adjustment. Theron Miller's term of service to expire November 30, 2014.

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, FEBRUARY 29, 2012
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

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

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Helen Strachan, *Deputy Attorney*
Kent Jones, *Clerk*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member Robinson made a motion to convene in closed session for the purpose of discussing personnel. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0. Council Member McMullin was not present.

The Summit County Council met in closed session from 10:45 a.m. to 11:25 a.m. to discuss personnel. Those in attendance were:

David Ure, *Council Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Chris Robinson, *Council Member*

Council Member Robinson made a motion to dismiss from closed session to discuss personnel and to convene in closed session to discuss litigation. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0. Council Member McMullin was not present.

The Summit County Council met in closed session from 11:25 a.m. to 11:30 a.m. to discuss litigation. Those in attendance were:

David Ure, *Council Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Chris Robinson, *Council Member*

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

Council Member Hanrahan made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0. Council Member McMullin was not present.

WORK SESSION

- **Council Mail Review**

- **Field trip to visit potential areas for inclusion in road maintenance services (Quail Meadows Loop, Ptarmigan, Bitner Ranch Road, Service Area #3, Promontory Road, and Tollgate Canyon entrance); Kevin Callahan, Public Works Director**

The Council Members attended a field trip to visit potential areas for inclusion in road maintenance services from 11:30 a.m. to 1:20 p.m.

- **Interviews for vacancies on the Summit County Restaurant Tax Advisory Committee**

The Council Members interviewed the following candidates for two positions on the Summit County Restaurant Tax Advisory Committee:

Brooke Hontz
Judith Schweikert
Kathy McGuiness – by telephone
Lorrie Hogan
Jeff Ward

Interview questions included time commitment, conflicts of interest, how to score grant recipients and how to determine what amount organizations should receive, what niche they could fill on the committee, what skills they could bring to the committee, and why they wish to serve on the committee.

CLOSED SESSION

Council Member Elliott made a motion to convene in closed session to discuss personnel. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0. Council Member McMullin was not present.

The Summit County Council met in closed session from 2:15 p.m. to 2:25 p.m. to discuss personnel. Those in attendance were:

David Ure, *Council Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Chris Robinson, *Council Member*
Anita Lewis, *Assistant Manager*

Council Member Hanrahan made a motion to dismiss from closed session and to reconvene in work session. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0. Council Member McMullin was not present.

- **Discussion regarding creation of a Cemetery District in the Snyderville Basin; Helen Strachan, Civil Attorney**

Deputy County Attorney Helen Strachan presented the staff report and explained that the County is proposing a resolution of intent to create a cemetery district, which is a nine-month process. Council Member Elliott clarified that the County Council would not decide whether to create a cemetery district, but it would be put on the ballot for the voters to decide. Ms. Strachan explained that the County's research indicates that most people are likely to want a cemetery district, because Park City does not have room, and the only other cemeteries are on the eastern side of the County or in the Salt Lake valley. She asked for input from the Council Members on what to call the district, anticipated methods of paying the costs associated with the district, and the number of trustees on the cemetery district board, explaining that those items need to be included in the resolution. The Council Members agreed that there should be five trustees on the board and that the name of the district should be the Snyderville Basin Cemetery District.

Council Member Robinson asked if there is a reason to not include the Park City boundaries and make the cemetery available to citizens of the City. Ms. Strachan explained that additional steps would be involved in the process if they include Park City. Council Member Hanrahan explained that the Park City cemetery is not out of room, but it is not accepting people from outside the Park City limits. He explained that a cemetery district could always accept someone from outside if they pay additional fees. He noted that, if they include Park City in the cemetery district and have to bond for the cemetery, Park City residents would have to pay taxes into this cemetery district when they have already paid for their own cemetery district.

Council Member Elliott requested that this cemetery include a memorial wall exactly like the one being constructed in the Park City cemetery.

Chair Ure asked for clarification of whether the cemetery would be funded by a bond or property taxes or both. Ms. Strachan replied that it would probably be one or the other. She stated that the maximum rate is .0004 for either property tax or bonding purposes, which would equate to $240 in property taxes per year on a $600,000 home. The South Summit cemetery district needs about $20 per year per household for the cemetery. Chair Ure asked if they would limit the cemetery to residents of the Snyderville Basin. Ms. Strachan replied that is a decision the board of trustees would make. She noted that each parcel within the cemetery district must benefit from the creation of the district, and allowing outsiders to use the cemetery might hinder that provision of the Code. She explained that many factors need to be considered, such as where the cemetery will be located, how much land will be required, burial methods, etc.

Kent Wilkerson with the County Engineer's office stated that he hoped the district would be self sustaining. He explained that normally they build up a perpetual maintenance fund, and anything that needs to be done to the cemetery would be paid for by plot purchase and interment fees.

Council Member Robinson stated that he did not understand how they would get the cemetery started and asked if they would need to bond for upfront costs or do it through the tax rate, and whether the fees would be sufficient to sustain the district, since they are likely to be erratic, especially at first. He suggested that they institute a small property tax levy and then use money from plot sales for the reserve.

Mr. Jasper asked who would make decisions regarding the cemetery district. Ms. Strachan confirmed that funding decisions would be made by the cemetery board, and the County Council would have to approve them. She explained that the question on the ballot would be whether people want to create the district and would have nothing to do with a tax rate. The tax rate will be determined when they pass the resolution that actually creates the district.

Council Member Elliott clarified that she believes they promised the voters in the 2008 agreement with Boyer, PRI, and Summit County to look at a potential cemetery within the PRI land that the County purchased. She stated that she knows of a hydrologist and a geologist from the University of Utah and another geologist in Summit County whom she believed would be willing to donate time to help them understand the soil hydrology and geology of the area.

The Council Members discussed using taxes to support the cemetery district. County Clerk Kent Jones explained that, if they create the district without taxing authority, they would have to go back to the voters to get taxing authority for the district at a later time. They could place the question of whether to create a taxing district on the ballot along with the question of whether to create the district. Ms. Strachan explained that they will make it clear that the district will have taxing authority in the resolution of intent, but they cannot levy a tax until the district has been created.

Council Member Hanrahan noted that, if they do not use land the County already owns, the price would go up significantly. He referred to the timeline shown in the staff report and asked that the resolution be placed on the agenda early in April.

Ms. Strachan summarized that the Council Members have agreed that the board of trustees shall consist of five members, there should be a property tax of potentially $20 to $30 per household, and that the district name shall be the Snyderville Basin Cemetery District and confirmed that is the information she needs to be able to prepare the resolution. If she has additional questions, she will include them in the next staff report with the draft resolution. She noted that the boundaries will be the Park City School District boundaries, with the exception of Park City and two parcels within the Park City annexation area, and will not include Promontory.

Council Member Robinson suggested that they do more work on the tax amount, because even $20 to $30 per household might raise a significant amount of money, and $20 would go a long way in this taxing district on a median-priced home.

Council Member Elliott stated that she had spoken with Max Greenhalgh, and they would like the cemetery to be left open and xeriscaped, with minimal roads. Ms. Strachan explained that having an idea of location now would be helpful in terms of understanding what the cost per household will be and what methods they will use. She offered to do more research on the tax rates for other districts and provide additional information in her next staff report.

- **Discussion regarding possible amendments to Summit County's Optional Form of Government; Dave Thomas, Chief Civil Attorney**

Mr. Thomas noted that the Council Members have received a draft resolution and explained that the Council Members had asked to withdraw some of the County Manager's powers and return them to the Council. The first proposition would be to amend the Optional Form of Government to require the Manager to seek approval from the Council for the disposal of real property in

excess of $1 million fair market value. He noted that the Council can decide what limitation they want that would still allow the Manager to do the day-to-day business with small parcels of land, easements, etc., with larger parcels of land having to come to the Council for approval.

Chair Ure asked if the Manager would have to go through an open public process to obtain bids on disposal of the property. Mr. Thomas replied that, under the current ordinances, he could take bids, have a real estate broker arrange a transaction, or a variety of other options, but he must get fair market value for the property. Chair Ure asked if the Manager is required to get at least two appraisals to determine fair market value. Mr. Thomas replied that is not in the ordinance. Chair Ure expressed concern that the Manager might not know what fair market balance is and asked if there is a check and balance in place to determine actual fair market value. Mr. Thomas explained that the reason for having a threshold value is that anything above that value would come to the Council. In terms of getting the property appraised, the Council would have to change the ordinance regarding disposal of property if they wish to change the process, because it does not currently require two appraisals. He clarified that the rules currently specify that the Manager must determine fair market value through appraisals, bids, or putting the property on the market through a real estate broker, and those rules are already in the County ordinances.

Council Member Hanrahan commented that they are still hearing charges and repercussions at the State Legislature about property sales from 8 or 10 years ago claiming that the process was not adequate or transparent or fair market value. He asked if something has changed since then or if the rules were in place at that time. Mr. Thomas replied that the rules were in place then and were applied then. The properties under discussion in the audit were ones where a real estate broker arranged a private sale, and the broker did get more than one bid.

Mr. Jasper commented that the Council may want to review the ordinances and policies, because the Manager should have some rules he or she is to follow.

Council Member Robinson asked about the time for enacting the resolution, noting that the Council only received the modifications today regarding how the County Manager would be selected. He would prefer to be more scientific and review the entire Optional Plan to see if there might be other things he would like to propose. Mr. Thomas explained that these are the changes the Council indicated they would like to see. County Clerk Kent Jones explained that the resolution must be adopted 75 days before the election. Council Member Robinson requested a work session to review the full Optional Plan of Government in a format where the public can give input on what they may see wrong with it.

Mr. Thomas explained that another proposed change to the Optional Plan has to do with litigation and proposing a settlement cut-off so minor settlements can be handled by the Manager. He stated that minor land use disputes could be settled by the Manager, but those involving constitutional claims would come to the County Council.

Council Member Robinson verified with Mr. Thomas that constitutional claims would include takings or denial of due process situations. He requested that someone instruct the Council on what would be a constitutional claim. He requested a work session on that concern and commented that they might want to do more than just constitutional settlements.

- **Continuation of discussion regarding the Stone Ridge CORE rezone; Amir Caus, Planner**

Chair Ure explained that Staff would make their presentation and address questions or comments from the Council. Some limited public comment will be taken, but only if it is constructive, and there are to be no negative comments regarding Staff, which is not appropriate.

County Planner Kimber Gabryszak reviewed the background and history of the CORE program to answer questions raised at the last meeting concerning the historical process. She addressed the question of whether CORE B should apply to parcels larger than 100 acres and noted that the provision for CORE B states that parcels larger than 100 acres in size will be considered for this category if a major contiguous portion of the property remains in meaningful, natural open space. In this case, the overall open space for the development must exceed 80%. She recalled that the Council questioned whether "will" was consistent with "shall" and means it must be applied, or if it is more discretionary and means "may." It is Staff's recommendation that use of the word "will" is more consistent with "shall" than with "may." That means parcels larger than 100 acres should be considered in this case. She recalled that the Planning Commission also discussed this issue and came to a majority opinion that the criterion was being met. She noted that this application has been going through the process for several years, and this interpretation of CORE B was not questioned early on in the process, so the applicant moved forward relying on this interpretation.

Council Member Hanrahan commented that is ultimately an interpretation for the Council to make. Mr. Thomas explained that they would have a hard time under case law saying that "will" is equivalent to "may." There are things the Council can define regarding how this project will proceed, but this language says that the additional land over 100 acres has to be considered. It does not mean the Council has to give one unit per acre up to 307 units, which is the maximum, and it can be scaled back from that depending on the other factors the Council may consider. This language states that they must have at least considered the maximum, which 307 units.

Commissioner Robinson explained that his issue was not what "will" means, but rather trying to give meaning to the whole of the CORE Zone categories. He has trouble giving meaning to CORE B in the context of the other CORE Zones. CORE A says it shall have a maximum overall density of .5 units per acre and shall only be considered for parcels or portions of parcels that are 150 acres or less in size. Parcels larger than 150 acres will be considered if a major contiguous portion of property remains in meaningful, natural open space. That same language is in CORE B. If they do not put an upper limit of 150 acres on CORE B, there is no reason for anyone to apply for CORE A, because at .5 units per acre, they could only get 75 units, and in CORE B they would get 1 unit per acre, or 100 units on 100 acres. If an applicant could take CORE B to infinity once the test has been met, there would be no meaning to CORE A and no reason to apply it. He did not believe CORE B was intended to go to infinity, and looking at the CORE section in its entirety, it can be seen that it has a cascading effect. He believed CORE B should stop at 150 acres. His main concern was whether CORE B could be extended infinitely above 100 acres, and he believed it should be capped at 150 acres, which would force the applicant into CORE A if they want to go above that. Mr. Thomas replied that would be true if they had less clear language in CORE B. CORE B is unambiguous, and as a result they cannot go outside the four corners of the CORE B ordinance. Council Member Robinson maintained that there is inconsistency in the language, because he could not think of a scenario where CORE

A would be selected, and it appeared that the ordinance was intended to create a cascading effect, with larger parcels having fewer units per acre and smaller parcels having more units per acre.

Planner Gabryszak explained that the next major concern was the 2006 needs assessment and how it relates to current market and the Stone Ridge application. She explained that the 2006 needs assessment was adopted by the Board of County Commissioners and incorporated as an appendix to the General Plan. Some concerns have been expressed about that needs assessment and whether it is flawed, but regardless of that, it is incorporated into the Snyderville Basin General Plan. It has been adopted and is currently in force. Since this application was submitted under that needs assessment, that is the needs assessment that applies to the project, regardless of whether the market has changed or the needs assessment was flawed. Planner Gabryszak reported that affordable housing is being addressed as part of the County's strategic plan, and a needs assessment model is being drafted and will replace the existing needs assessment, but it is not applicable to this development. The 2006 needs assessment showed a pent-up need of approximately 299 units, not counting units going forward to meet the additional need created by new development. About 522 to 532 affordable units have been approved since 2006, but of those, the majority represent the mandatory 20% affordable housing requirement for new development, and only about 134 to 144 units target the pent-up need. According to the 2006 needs assessment, an estimated 110 units of pent-up need could be partially addressed by this project.

Council Member Robinson noted that the needs assessment mentions another test of multiplying the area median income (AMI) by 3 and comparing that against the median price of a home. He asked what the AMI would be today and what 3 times that income would be compared to the market value of a home. Scott Loomis with Mountainlands Affordable Housing Trust replied that the AMI in 2012 was $100,300. Three times that would be $330,900, and the median price was also around $300,000 for a condo. Council Member Robinson noted that there appears to be no lack of affordability based on that metric. Mr. Loomis explained that they have also just seen the calculation for the in-lieu fee based on median price per unit equivalent and the AMI, and there was a gap of about $78,000 based on current numbers, which is similar to the gap in 2006.

Council Member Elliott commented that the 2006 needs assessment may have been criticized as being flawed, but it was adopted. She believed from the work she does as liaison to various boards related to affordable housing that there is a continuing need for affordable housing. Regardless of whether the 2006 needs assessment is perfect or imperfect, it is valid and was adopted, and she believed they need to not approve more affordable housing until they have better information.

Council Member Robinson asked for an explanation of the units approved for the Silver Creek Village Center. Planner Gabryszak explained that she was not the Planner on that project and was not certain that her explanation would be entirely accurate. She explained that the matrix did not specify a percentage of affordable housing, but based on what other developments have provided, it was generally around 10%. The Silver Creek development proposal included approximately 10% for affordable housing. However, after the mandatory provisions of the Code were put in place, the Planning Commission and Staff did not believe 10% was a community benefit, considering that it is less than the mandatory requirement. The number of affordable units was increased to slightly more than the 20% requirement in order to count it as a community benefit. The County Council then requested that the applicant provide additional affordable housing, and about 110 additional units were included in the project. When she

calculated the number of units approved, she considered the 110 units over the 20% requirement as meeting pent-up demand. Council Member Robinson commented that he was not sure it is Staff's place to allocate the excess units over the average of 10% that would have been required under the matrix. He believed it was Council's place to do that, and it may be that the contribution toward pent-up demand is more than the amount Staff allocated.

Council Member McMullin arrived.

Mr. Jasper explained that the County Council adopts the law, and Staff, backed by the County Attorney's Office, does the best they can to apply that law. Ultimately, the Council must make the final decision, but they must also follow the law. He clarified that the staff report represents Staff's interpretation of the law the Council has adopted to the best of their ability.

Council Member Robinson stated that he believed what is important under State law is that the County come up with a reasonable plan for providing affordable housing. State law does not make a distinction between pent-up demand and demand generated by a new project being approved. He believed the distinction between pent-up demand and providing for future impact was made up by the County and is not required under State Code, and how they do the accounting is discretionary. Mr. Thomas acknowledged that the distinction between pent-up demand and future demand is something the County came up with. The statute says that the County needs a plan as to how they will realistically meet the need for affordable housing, and the County defined need as both future and pent-up. As they created that, the County's plan has to address the need they said was in the needs assessment.

Council Member Hanrahan recalled that when they approved the Discovery CORE Rezone, it was 50% workforce unit equivalents (WUEs) and 50% market rate, which was about 53 WUEs. Planner Gabryszak explained that the Discovery CORE originally proposed 1 affordable unit per 1.5 market rate units. Even if that ratio changed to 1:1, it would not result in 52 or 53 physical units. When they go through the unit equivalent process and build larger units, that number goes down. That is why she calculated the number as approximately 40 to 50 units in the Discovery CORE project. Some of that would go toward their 20% requirement, so not all of the units would go toward pent-up demand. Council Member Hanrahan noted that it is Staff's position that the General Plan is an advisory document, and he would maintain that the needs assessment as part of the General Plan is simply an advisory document that leaves them a lot of discretion.

Chair Ure asked how many of the 287 affordable housing units associated with The Canyons meet pent-up demand. Planner Gabryszak explained that the units required at The Canyons were required as part of their development agreement and their impacts going forward. They were taken into account in the 2006 needs assessment and do not count toward any requirements in the needs assessment.

Planner Gabryszak recalled that the third major concern is whether the General Plan is regulatory or advisory. Legal counsel has stated that it is advisory, and Staff has also provided background in the staff report, including State language about a general plan being advisory unless an ordinance is adopted that makes it regulatory. The Ombudsman's opinion on the project was included in the staff report, and the major confusion comes from the CORE language itself, which states that the legislative body may permit the rezone after it has been determined that the project is consistent with the goals, objectives, and policies of the General Plan. The question is whether that language makes the General Plan regulatory. There is some disagreement on that,

but even if it does make the General Plan regulatory in terms of this project, Staff has outlined in the staff report how they have found that the project is consistent with the General Plan. Particular areas of concern include the road connection through the project. The General Plan language in the Old Ranch Road Neighborhood Planning Area prohibits any additional major road connections, and Planning Staff and the Engineering Department have found that this would not be a major road connection but would comply with the neighborhood area goals for country lanes. The Council was also concerned about including open space within privately owned parcels, and she explained that a section in the Old Ranch Road Neighborhood Planning Area specifically encourages and states that it is appropriate to include open space in individually owned parcels, with care being taken to be sure it is not utilized in any way or damaged and not fenced off. Another item includes reasonable methods for provision of housing, and Planner Gabryszak noted that the Code program was adopted and found by the Planning Commission and County Commission to be consistent with the General Plan in terms of clustering, open space, environmental protection, trail connections, etc. Staff has found that the General Plan is advisory and not regulatory. Staff, the Planning Commission, and the Board of County Commissioners found that the CORE program was compliant with the General Plan and that the proposed project is generally consistent with the General Plan as well.

Council Member Robinson stated that they keep hearing that the General Plan is advisory and that the 2006 needs assessment was adopted by the Board of County Commissioners into the General Plan. Therefore, he believed that makes the needs assessment advisory and not regulatory. Mr. Thomas agreed that the General Plan is advisory, but it was his opinion that the provision in the CORE portion of the Code requiring consistency with the General Plan may be regulatory, and that is where the 2006 needs assessment comes in. He explained that the purpose of the General Plan is to set up goals and priorities that the County implements in its Code. The 2006 needs assessment is implemented through CORE, and ultimately the Development Code CORE provisions control. This development came in and vested under that provision, and that is what applies to this project. Council Member Robinson referred to the language in the CORE provision of the Code and maintained that it states that the County Council's judgment is necessary to determine whether this action promotes the health, safety, and welfare of the residents, even if they were to find that it is consistent with the General Plan. He commented that they "may" do it, and it is within their discretion, and Staff likes to be very specific about language at certain times and not others. Mr. Thomas explained that the four corners of this part of the documents would be the same. The Council has discretion, but there must be some reasonable arguments behind their use of that discretion. He explained that the reason CORE was adopted was to alleviate pent-up demand. They have a 2006 needs assessment and nothing that contradicts that needs assessment. Council Member Robinson stated that they may not have a formal document, but they have a lot of evidence that contradicts it. He referred to the State Code regarding an estimate of the need for the development of additional moderate income housing if long-term projections for land use and development occur. He noted that the long-term projections outlined in the needs assessment said the County would continue the high rate of growth that existed in the years leading up to 2006, and that did not happen.

Council Member Hanrahan stated that he agrees with Council Member Robinson's position and that they need to find reasonable findings to say yes or no to the proposal.

County Planner Amir Caus addressed previous issues raised by the County Council. With regard to fragmentation of the wildlife corridor, he explained that the applicant is proposing a 630-foot corridor which crosses the road, and the Division of Wildlife Resources did not express concerns about that corridor. Another issue was the number of units. Staff found that all 17 CORE criteria are being met, and the proposed density is appropriate because they are being met. With regard to unit style and compatibility, and particularly townhomes versus single-family dwellings, the County Attorney's Office has determined that townhomes fall under the Snyderville Basin Development Code definition of a single-family dwelling. The CORE provisions encourage a mix of housing types, and a mix of single-family homes was discussed throughout the process. With regard to integration of workforce housing units, Staff acknowledges that most of the units are in the eastern portion of the development, but units are spread throughout the project, and because they are close to amenities, Staff finds that requirement has been met.

Council Member Hanrahan asked if it would be more accurate to state that integration of workforce housing has not been met and that Staff is recommending a waiver of that criterion because the housing is closer to amenities. Planner Caus explained that a majority of the workforce housing is in the eastern portion of the project, but it is still dispersed throughout the project and not clustered in one location within the project.

Planner Caus presented a radius map showing that all the workforce housing in the project is within one-half mile of mass transit. He verified that trails are proposed that lead to the bus stop. He recalled that the Council expressed concern about the calculation of meaningful open space and clarified that CORE requires 30% of the project be preserved as meaningful open space, which the applicant has done, and the applicant has also identified that 65% of the open space would be dedicated to the County.

Council Member Robinson referred to the language in the CORE section of the Code regarding meaningful open space and stated that he thought it said unless otherwise defined in the Code, but elsewhere in the Code it shows a 60% standard for meaningful open space. It also states that no more than 25% of the critical land portion of the parcel shall count toward the 60% requirement. Planner Gabryszak noted that language is in the General Plan, not the Development Code. Council Member Robinson maintained that the General Plan has been adopted by the Code, and it says they have to provide 60% meaningful open space and cannot count more than 25% of critical lands. Mr. Thomas explained that language is in the General Plan, which is advisory. Council Member Hanrahan stated that, regardless of whether the language is in the General Plan or the Code, the point is valid, and meaningful open space is defined in various ways. He believed they should apply the 25% of critical lands criterion to the meaningful open space. He also noted that the language states that meaningful open space will not be fragmented on the project site and that small pieces of open space scattered throughout the site and narrow strips of open space are less valuable and shall not be counted as meaningful open space. Even though the General Plan may say that open space may include portions of a lot that are not fenced in, it seemed to him that those portions in this proposal do not meet the other criteria. Planner Gabryszak clarified that there is a difference between meaningful open space and active open space. The only thing that counts toward meaningful open space is the larger pieces, not the small pieces along sidewalks and roads. She read from the definition of meaningful open space in the General Plan and explained how it is determined. She explained that the CORE provision of the Code is one area where the percentages have been changed, and instead of requiring 60% open space, it requires 30% meaningful open space and 20% internal. Council

Member Hanrahan asked if all the critical lands are included in the 30% meaningful open space. Planner Gabryszak explained that the 25% language regarding critical lands was placed in the General Plan as a goal, but was never codified in the Code, and that item has been discussed with the Planning Commission as it relates to the current General Plan and Development Code updates. She noted that they do not exclude critical or sensitive lands in other types of development applications. Council Member Robinson stated that he was less concerned about the fragmented open space, but he was concerned about the meaning of the language which states that at least 30% shall be meaningful open space except as otherwise stated in the Code. He maintained that they have adopted the General Plan as part of the Code, and it says on major subdivisions, 60% shall be meaningful open space and 25% not be critical. He asked how Staff can explain away the language, "except as otherwise stated in this Code." Planner Gabryszak stated that she did not understand what Council Member Robinson was referring to, because the language he is referencing is in the General Plan, not in the Code. Council Member Robinson continued to maintain that the General Plan has been adopted into the Code.

Planner Caus presented a new illustration of the proposed open space on the parcel. He noted that the minutes for the density calculation methodology have been included in the staff report, and the maximum of 1 unit per 1 acre is well below that calculation. The density requested by the applicant is also well below the potential of 307 units. With regard to traffic, he noted that the Code states that any reduction in the level of service should be mitigated by the project. The County Engineer's Office has identified some drop in the level of service, which can be reasonably mitigated through road connections and traffic calming measures. The County Engineer's Office and the Park City Fire Department require a through road connection for safety reasons, which will be addressed through the final site plan by the County Manager's Office. Staff finds that the connecting road does not constitute a major connection.

Mr. Jasper asked if the through road could be not open to the public and just have crash gates. Planner Caus explained that the service providers have specified that it is to be an open road with no crash gates. Planner Gabryszak explained that Planning Staff is also opposed to a crash gate, because it is not good planning. Neighborhoods become isolated, and people have to drive a long distance to get to another home that is maybe two blocks away. There are too many examples of that in the County, and a goal of the General Plan is to increase connectivity, not increase exclusivity and divisiveness. Council Member Elliott asked if the through road would be required if they were to only permit one house on the Old Ranch Road side of the project and if that would drop the level of service on Old Ranch Road. Kent Wilkerson with the County Engineer's Office replied that a substantially smaller project would not require the through road, but he does not have an absolute number as to how small the project would have to be. He explained that the Code states any reduction in level of service, and even one house would affect the level of service, but it may not decrease from LOS A to LOS B. Even one house has an effect, but the drop in level of service could be mitigated through the transportation impact fee. He had not studied at what point that could not be mitigated, and on a project of this size, it is not an absolute mitigation for mitigation but an overall mitigation. In this case, the applicant is providing additional trails to help mitigate, not necessarily bringing traffic mitigation back to the exact level of service.

Pete Gillwald, the applicant, presented the proposed plan and indicated the changes that have been made to the proposal over time. He indicated the types of units proposed and explained that they are trying to create diversity in the workforce component of the project. They have also increased the size of the wildlife corridor and the separation between Round Valley and the

home sites in Parcel D and decreased the size of building envelopes in Parcel E to increase the amount of open space. They have also reduced the number of homesites visible from Summit Parkway in Parcel D. He stated that he does not like the through road and would prefer that it be an emergency access. In speaking with the Park City Fire District, they only require 20 feet of surface and do not require a public road. Council Member Elliott asked what the numbers are on either side of the project that trigger the Fire Marshall asking for the public road. Mr. Gillwald explained that it is not so much an issue of numbers as it is an issue of cul-de-sac length. Parcel D and the eastern portions of Parcel E exceed the allowable cul-de-sac length in the Code. He presented a revised open space plan showing the 30% meaningful open space, noting that the meaningful open space will also include the area east of Trailside Park and south of the church property, and actually about 50% of the project meets the criteria for meaningful open space. He indicated that they have spread workforce housing throughout the project except for Parcel E because of the distance from school sites, major transportation, and amenities. The goal is to meet 50% of AMI or less overall, which reduces the number of units they need to provide by about 25 to 30 units. The 20% workforce housing requirement for the 230 units they propose would be 46 units, and the balance would apply toward the pent-up need in the 2006 needs assessment.

Council Member Robinson commented that they will be impacting a lot of people and creating a lot of other impacts for a net gain of 26 units toward the pent-up demand. Bruce Baird, representing the property owner, responded that Council Member Robinson has done the math correctly, and they are complying with the Code, although he understands Council Member Robinson's point.

Mr. Gillwald reviewed the proposed trails and noted that they are proposing additional right-of-way along Old Ranch Road for continuation of bike lanes and construction of a soft trail for equestrian users. They have also offered additional trailhead parking at their southern access onto Old Ranch Road and have talked about creating an equestrian parking area on Silver Summit Parkway to create an equestrian connection between Old Ranch Road and the Silver Summit area. Mr. Baird explained that they recently did that on their own to react to some things they thought would be helpful to provide more public benefits. He stated that they keep trying to meet the concerns they hear expressed by coming up with good ideas.

Council Member Hanrahan asked if having the trail go through the wildlife corridor would impact the wildlife. Mr. Gillwald replied it would be no different from the single track trail going through the wildlife corridor from north to south, and that alignment was provided by the Snyderville Basin Recreation District as the most logical connection between existing trails and Round Valley and Trailside. Council Member Hanrahan asked if DWR took the trail through the wildlife corridor into account. Planner Caus replied that DWR saw the proposed trail plan, which may not have been exactly the same tracks, but it did go through the wildlife corridor. Mr. Gillwald noted that these trails have been proposed and discussed for a number of years in conjunction with this application. He indicated the hard-surface trail along Summit Parkway and explained that the project will have its own private circulation trails to get to the public trails and the Summit Parkway area.

Mr. Gillwald reviewed the visual impacts of the Parcel D lots from Kingsford Avenue and how the project had been redesigned to reduce the number of units in Parcel D, of which only seven will be seen from Kingsford Avenue. He explained that they have tried to reduce the visual impact, even though that ridgeline is not identified in the General Plan as a critical ridgeline, and

they are trying to address the concerns of the residents. Mr. Baird explained that they have not shown any of the proposed landscaping, which will also hide the view of those homes. He pointed out that from the start they have taken a careful look at the Codes the County has written and worked carefully with Staff, and they believe they have addressed every issue and made a number of changes that have made the project better. He believes they are compliant with the Code in all ways, and they are always willing to address any questions.

Council Member Robinson asked whether the impacts of a project like this on the school-age population has been factored in. Mr. Thomas replied that by State statute they are not allowed to consider that. Council Member Robinson stated that he would like to see the documents that were given to the Utah Property Rights Ombudsman in late 2009 and early 2010 and questioned why they did not see that letter in 2010 when they were discussing the CORE. Planner Caus explained that the Ombudsman's opinion related specifically to Stone Ridge, not the Discovery CORE. Council Member Robinson stated that he believed the Council should have had the benefit of that legal reasoning, because the principles involved are the same.

Greg Lawson, representing citizens in the Old Ranch Road neighborhood, stated that it has been interesting to see the County Council debate with the Planning Staff and County Attorney as the residents have done for the last three years on this project. He stated that the County Council will see that they have strong disagreements with Planning Staff and their recommendations for approval of this project. He noted that the residents who have contributed to their assessment include planners and engineers and a few attorneys. He explained that they want to talk about the mandatory requirements of the CORE Rezone, what they believe are violations to the Snyderville Basin General Plan and Development Code, and what they think constitutes an appropriate decision from the County Council.

Mr. Lawson stated that the framers of the CORE Rezone were concerned about compatibility with the surrounding neighborhoods and developed two criteria for dealing with compatibility. One was whether a proposed project would be compatible from a density standpoint with existing neighborhoods within 1,000 feet of the proposed project. According to that provision, the project could not exceed more than double the density of the surrounding homes in the neighborhood within 1,000 feet of the property boundary. Because this project spans two neighborhood planning areas and two distinctly different neighborhoods, Staff's weighted average and calculation method for determining average lot size is not applicable to this situation. He claimed that Staff has ignored the two different neighborhoods and combined the lots for both neighborhoods into a weighted average, which substantially covers up the differences between the Old Ranch Road neighborhood and East Basin area. He noted that the Old Ranch Road area is mostly horse property, with large lots, most of them with horse keeping facilities, and a number of residents ride horses along Old Ranch Road to get to the trailheads. He noted that there are 21 lots within 1,000 feet of the east boundary of the proposed project, which average 5.69 acres. To comply with the Code for CORE compatibility, lots would be limited to no less than 2.85 acres to meet the Old Ranch Road neighborhood area, and the Stone Ridge lots average .75 acre, roughly four times more than what the calculation demonstrates is necessary for compatibility.

Council Member Robinson noted that the metric should be units per acre rather than lot size. Mr. Lawson explained that by their calculations focused on homes in the Old Ranch Road neighborhood within 1,000 feet of the property boundary, compatibility with their neighborhood is not achieved by the project.

Mr. Lawson stated that the second criterion related to compatibility deals with housing types. Because the Stone Ridge proposal includes 59 townhouses, it does not comply in their opinion, or with any sensible, logical evaluation, with single-family home types. The definition section of the Code has different definitions for single-family attached, which would be townhouses, and single-family detached, which is an individual home on an individual lot. He noted that a single-family home on a ¼-acre lot would be 2 to 3 people in the household and 2 cars per lot compared to fourplexes or fiveplexes on the proposed plan, which would be 4 or 5 units on a ¼-acre lot with 12 to 15 people and 8 to 10 or more cars on that same area. He stated that it is not believable that four or five units connected together equates to the same housing type as a single-family home on a single-family lot. He acknowledged that the County Attorney's office has used a technical explanation for this, but from a planning standpoint in other jurisdictions, there is always a distinction between a single-family home and multi-family units. He stated that there is a distinction in the Code, and to put a townhouse in the Hillside Stewardship Zone requires a special permit, whereas single-family homes are allowed. He claimed that the intent of appropriateness was to maintain the same housing types with the adjacent neighborhoods, and the proposed development fails to meet the mandatory requirement for appropriateness.

With regard to the 30% requirement for meaningful open space, Chapter 5 of the General Plan states that critical lands can only be counted at 25% of their area, and Mr. Lawson stated that they have calculated the slopes within the proposed 30% meaningful open space and find that 33 of the 92 acres of meaningful open space exceed 30% slopes. 25% of 33 acres is 8.25 acres that could be credited toward meaningful open space.

Council Member Elliott asked if Mr. Lawson has the critical lands as zoned and mapped by the County on a map the Council could see. Mr. Lawson replied that it is in the packet, and on the exhibit the applicant showed, the red areas are 30% slopes or greater. He noted that there is a slope map in the applicant's submittal.

Council Member Robinson recalled that the Code section says the applicant must provide 30% meaningful open space, and the General Plan says it has to be 60%. He verified with Mr. Lawson that he was not taking issue with the 60% but was saying that of the 30%, only 25% of the critical lands could be counted. Mr. Lawson stated that he would address the 60% requirement later in his presentation. He stated that Staff's assertion of the 80% open space requirement has not been documented to his satisfaction, and he has not seen the actual calculation showing that 80% of this project is in any kind of open space. He believed that warrants an engineer's calculation. He stated that internal e-mail communications show that Staff has done the acreage calculations for the developer, and he did not know why the developer was not doing it and handing in an engineering drawing to certify the acreage.

Council Member Robinson requested that Mr. Lawson provide the Council Members with a copy of their presentation. Bill Hickey, representing the East Basin Neighborhood Planning Area, commented that the General Plan also states that all required open space shall be meaningful, and they did not address that in their presentation, but that language is in the General Plan. He offered to send that to the Council Members as well.

Mr. Lawson referred to the transportation study and noted that the CORE Rezone Code states that there shall be no reduction in the level of service. There is clearly a reduction in level of service, and it would be impossible to mitigate that on Old Ranch Road and Trailside. There would be too much automobile traffic generated by this project. Although Staff has claimed that the reductions are acceptable, that is not what the CORE requirement states. It does not allow any reduction without compensating mitigation, something that would offset it entirely. He stated that there is no practical, reasonable way to mitigate 500 to 600 additional cars being added to either neighborhood. Council Member Hanrahan asked if Mr. Lawson was interpreting mitigation to be 100% mitigation of any traffic impacts. Mr. Lawson replied that he does not know of any other way since the terminology states "any reduction," which means there shall not be a reduction in the level of service caused by the proposed project. Council Member Hanrahan stated that, from a common sense perspective, there would be hardly any development anywhere that could completely mitigate its traffic impacts, and he did not agree with Mr. Lawson's point. Mr. Lawson replied that there is a level of development that would be acceptable on the property that would not cause the issues that they have discussed for the last three years. Council Member McMullin verified with Mr. Lawson that, with the amount of mitigation that would have to be done, even if it mitigated the impact, the project would still be too impactful in other ways.

Mr. Lawson addressed connectivity and walkability and acknowledged that there are schools, parks, and churches within walking distance, but the missing requirement is commercial. There are no commercial areas within walking distance of this proposed project; therefore, it does not meet that requirement.

Mr. Lawson discussed integration within the development and commented that the plan shown by the developer showed that the affordable housing is clustered on the east side of the project and is not compatible with anything within the Old Ranch Road Neighborhood Planning Area, so they have been forced to leave it out of that area. He claimed that it is not an integrated plan based on the CORE requirements.

Mr. Lawson stated that they believe there are a number of inconsistencies and violations to both the General Plan and the Development Code. He stated that the CORE Rezone requires two separate permit applications, one for the rezone and one for development. As soon as the application for the major development is submitted, it moves into the requirements as a major development, which requires that a minimum of 60% of the parcel be preserved as open space. That is why they believe there has been failure to comply with the actual development requirements in the Development Code and the General Plan requiring 60% meaningful open space. He stated that, to date, they have received no explanation from Staff regarding how the applicant gets around the 60% requirement as a major development.

Mr. Lawson referred to the CORE provisions that he believes require compliance with the General Plan and make it regulatory as far as the CORE Rezone goes. He stated that they have debated this with Staff for three years, and in 2010 they obtained a letter and opinion from the Utah Office of Property Rights. The letter clearly indicates that the General Plan is regulatory as far as the CORE provisions in the Code, and Mr. Lawson believed there is a strong argument that the General Plan is a regulatory document. They also discovered a letter written in November 2004 by David Allen who was the Community Development Director at the time to an applicant stating that the General Plan was a regulatory plan, and his letter was cited in a court order of June 8, 2006, which was issued by Judge Kimball.

Mr. Lawson addressed the road connection from Highway 40 to Old Ranch Road and stated that he was one of the collaborators who wrote this provision in the General Plan. He claimed that the reference to "other" was to Trailside Drive, which had just been approved as part of a settlement with developers of Trailside and Mountain Ranch Estates. The term "major" was used because they went along with the fact that there needed to be a road connection and that it was to be the last road connection allowing traffic to come through from Highway 40. It was based on what existed then and exists today, which was the use of Old Ranch Road by recreationists, primarily residents on horses which are an important component of the safety concern. Over the years, runners and people who walk their dogs show up at the trailheads at Round Valley to enjoy a historical old road preserved as it was when it was first constructed. He stated that the sheer size of this project is driving the road connection, and both sides of the project could meet the Code requirements to have two points of ingress and egress without the road connection. He believed jeopardizing the safety of the equestrian neighborhood and other users along Old Ranch Road is clearly not an acceptable component of this project.

Mr. Lawson explained that the preliminary plan submission requirements state that the location and impact on any critical wildlife habitat is to be addressed and mitigated by the project. It may not be in the CORE requirements directly, but the reference to the preliminary plan section of the Code does require that wildlife considerations be addressed and mitigated. Even BioWest, the applicant's consultant, has put in writing that there are critical habitat areas, including fawning areas for mule deer and wintering areas for many different animals. He stated that there is no doubt that habitat will be lost, but it needs to be mitigated and minimized as much as possible. The problem is that the size of the project does not allow it to accommodate wildlife requirements.

Mr. Lawson stated that there has been concern since the Code went into effect about road construction on steeper hillsides. That is what drove zoning for the Hillside Stewardship Zone, where most of the property exceeds 20% slopes, and road construction on slopes greater than 30% has significant impacts on the landscape. He stated that they have done an analysis based on the information supplied by the applicant but have not seen the Staff pay any attention to the fact that typical cuts and fills for the road will create disturbances of between 60 and 90 feet of width on the hillsides. Vertical cuts would exceed 10 feet in many places, and in some places, more than 15 feet. Of the more than three miles of road in the project, roughly 26 acres would be impacted by the road construction. He stated that the Snyderville Basin is located in a very sensitive environmental area, and even with the best revegetation efforts, road construction on steep hillsides would remain a permanent scar.

Mr. Lawson stated that they have been baffled by the County Attorney and Planning Staff's interpretation of the General Plan and Development Code. He stated that they have been trying to prove their points for three years, and as residents of the neighborhood, they are the ones who will suffer the impacts of this project. He commented that it has come down to the County Council being their last backstop, and they have the responsibility and discretion to deny this project, because it does not meet the requirements of even the Code rezone requirements, much less the General Plan and Development Code. He hoped they had convinced them of the traffic concerns on Old Ranch Road and stated that they have received testimony from the principal of Trailside Elementary School who has indicated that additional traffic will create additional safety problems for the children going to school. He explained that the Mountain Ranch Estates HOA has paid money to put in traffic calming devices because of the traffic along that roadway. He stated that there is no demonstrable need for additional affordable housing units in the

Snyderville Basin at this time. That issue comes up over and over again, and they have taken care of it for the time being. He believed justifying this project on the basis of something that does not exist does not make sense to anyone. He noted that he has heard reference to what previous Planning Commissioners have said, and he hoped the Council would take more time to study the positions stated in those Planning Commission meeting minutes. He stated that they all refer to, raise concerns, and demand changes in the plan based on what they have talked about—too much density, it is not compatible, it is not appropriate, the open space does not meet the requirements, the road connection is unacceptable, and connectivity and walkability is not available to this project because it is on the outskirts of the developed area. Mr. Lawson stated that moving development at this density into that area is another example of suburban sprawl that that the General Plan and Development Code say they have had enough of and that they would start to take care of their hillsides and their environment and concentrate development around Town Centers. He stated that they are not opposed to development of this project, and they know under the Code that the property is entitled to be developed, but only to the extent allowed by the General Plan and Development Code. He commented that there is a reasonable amount of development possible on this property, but jamming 230 units onto even 300 acres with most of it in slopes over 20% is not the kind of planning allowed in the Development Code.

Mr. Gillwald responded that, even if they take out the acres for steep slopes, he would still have 30% meaningful open space. With respect to the grading plans, they are preliminary and have not been finalized. Many of the cuts and slopes can be mitigated, and the grading plan will have to be redesigned because they have redesigned about a quarter of the project, and many of the roads will change. He explained that wildlife habitat has been discussed. They do have to provide 240 acres of open space in order to qualify for over 100 acres of parcel size. He provided preliminary plan drawings to the County Engineering and GIS staff, and they provided their own independent study. He also did a study of his own as well, and they both came up with the same 81%, so the percentage of open space has been verified.

REGULAR MEETING

Chair Ure called the regular meeting to order at 5:40 p.m.

- **Pledge of Allegiance**

ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT TWO MEMBERS TO FILL VACANCIES ON THE SUMMIT COUNTY BOARD OF ADJUSTMENT

County Manager Bob Jasper recommended that the County Council consent to the reappointment of Alison Weyher and the appointment of Brendon Longley to the Summit County Board of Adjustment.

Council Member Hanrahan made a motion to consent to the County Manager's recommendation to reappoint Alison Weyher and to appoint Brendon Longley to the Summit Count Board of Adjustment, with their terms to expire November 30, 2014. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

APPOINTMENT OF MEMBERS TO FILL THREE VACANCIES ON THE SNYDERVILLE BASIN PLANNING COMMISSION

Council Member Hanrahan made a motion to appoint Colin DeFord and Chuck Klingenstein to the Snyderville Basin Planning Commission, with their terms to expire February 28, 2015, and to appoint Martyn Kingston to the Snyderville Basin Planning Commission to fill the unexpired term of Julie Hooker, with his term to expire February 28, 2013. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

CONSIDERATION AND REQUEST BY KURT ROLFE, PLATINUM FUNDING CORP., FOR ABATEMENT TO GREENBELT RATES ON EIGHT SEPARATE PARCELS

Council Member Robinson disclosed that one of his companies has been a lessee of some property owned by an entity that the Rolfes control in Box Elder County which has nothing to do with this request.

Kim Rolfe, representing Platinum Funding, explained that they own eight parcels of property which they received on a repossession because they had loaned some money on the property. When they loaned the money, the property was leased to Michael Smith to run cattle on, and the previous owners and Mr. Smith indicated that they had taken care of the greenbelt application. However, that did not happen. He explained that the repossession process took a considerable amount of time, and they did not realize that the taxes were not under greenbelt. By the time they discovered that, he had made the application to put the property, which is currently used for grazing cattle, back into greenbelt. He explained that they have always been timely in paying taxes on their property in Summit County and are asking for the taxes to be applied at the greenbelt rate on these eight parcels.

County Assessor Steve Martin explained that according to statute and practice since the greenbelt law has been in effect, the current owners must file an application. If there is any ownership change or change in the legal description of a property, a new application must be filed before the property can continue on in greenbelt. At no time since the rollback was assessed to the owner prior to this applicant has there been an application under any name for the subject properties. Whenever there is a change in name or acreage, the owners are notified, and his office sends an application to the owners of record. However, no application was received from the applicant until January of 2012.

Council Member Robinson asked if Platinum Funding was the title holder of the properties on June 3, 2008. Mr. Rolfe replied that he did not believe they were at that time, but he believed they had started the repossession process. Council Member Robinson asked when Platinum Funding became the owner of the property. Mr. Rolfe replied that the repossession took place a little over a year ago. Mr. Martin explained that his records show that Platinum Funding became the owners of record on June 3, 2008. Council Member Robinson verified with Mr. Martin that he recommends that they not retroactively assess this property as greenbelt. Mr. Martin replied that, statutorily, Platinum Funding never made an application for greenbelt. Council Member Robinson asked what Mr. Martin meant by his statement that after Mr. Smith was asked to leave in 2009, the property has not been used for agricultural purposes. Mr. Martin clarified that his office had a conversation with Mike Smith, who indicated that he qualified the property by running his cattle on it, but he had no standing to file an application, because he was not an

owner. Mr. Martin stated that he was sure whether someone else took over grazing on the property at that time. He did not believe the applicant should be given the greenbelt status for prior years due to the lack of a formal application for the years in question. Council Member Robinson asked if there is any precedent for the County retroactively allowing a greenbelt assessment when the property owner has failed to apply for it if it can be demonstrated that the property has been used for agriculture. Mr. Martin replied that there has not been to his knowledge. If it could be shown that the County made an error, they could go back and apply the greenbelt status, but not for an oversight on the part of the owner. Council Member Robinson asked what the tax difference would be between the greenbelt and full value. Mr. Martin replied that his office did not calculate that.

Chair Ure asked if the applicant could see a way for the Council to legitimately grant his request since he did not apply for greenbelt until January and has owned the property since 2008. Mr. Rolfe replied that his only defense is that the first time they were notified that the taxes were due was in 2011. He reiterated that they have always paid their taxes to Summit County and have never been late, and had they known that the prior owners did not file for greenbelt, they probably would have looked for that information, but they did not understand that. Chair Ure commented that sometimes he also overlooks things for which he might have qualified, and he just has to accept it.

Council Member Elliott made a motion to deny the request by Kurt Rolfe with Platinum Funding Corp. for abatement to greenbelt rates on eight parcels. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

CONSIDERATION AND REQUEST OF PROPERTY TAX REFUND FOR A PORTION OF THE PROPERTY TAXES PAID ON PARCEL MSTE-2; ROBERT C. DILLON, ATTORNEY

Robert Dillon explained that he is the lawyer for John and Donna Cummings, who submitted a request for a refund of 17 years of real property taxes they paid on a piece of property that is .63 acre and actually owned by Park City Municipal Corporation. When the subdivision was platted in 1993, a Quit-Claim Deed to the City was missed, and it was discovered last year when the Cummings wanted to sell the property. They have applied to Park City for a replat of the lot, and the .63 acre is now shown to be owned by the City. Mr. Dillon stated that the Cummings would like to get back the taxes with interest on what they paid. He stated that he met with County Assessor Steve Martin to work out the amount that might be refunded.

Mr. Martin explained that the original plat was approved by the Park City Planning Department and recorded as a legal subdivision. He did not believe the County is at fault in this matter, and they have been assessing a legal lot. Although the amount involved is nominal, he expressed concern about setting a precedent. He recalled that they reviewed a similar situation in Rockport that was the result of a misfiling. He recommended that the request be denied.

Council Member Robinson recalled that the Council has had a five-year look back on similar applications. Mr. Thomas confirmed that the look-back period is five years based on State statute, which allows the legislative body to grant relief based on the best interests of the County and best interests of the individual. Council Member Robinson asked about granting interest. Mr. Thomas replied that is discretionary, and it would be up to the Council to decide. Council Member Robinson noted that there appears to be a discrepancy in the size of the parcel in the

documents issued by Park City. Mr. Dillon replied that the acreage was based on the surveyor's measurements and, if there is a math error, he would have no problem with adjusting the request accordingly. He explained that the open space portion of the lots is assessed at $100,000 per acre, and the rest of the assessed value is on the building envelope. Based on the $100,000 per acre, they came up with $63,000 based on the .63 acreage figure as shown in the staff report. Council Member Robinson commented that the fundamental issue for the Council is whether they feel it is in the public interest to refund money that was paid to the County due to a mistake by others. If so, he believed it should be limited to the five-year look back, and he would prefer that they not pay the interest.

Council Member Hanrahan stated that he has a problem with the title company making a mistake in 1993 and believed the applicants should seek recourse from them. Refunding this money would be taking money back from the school district, recreation district, and other entities, and the County has never done that based on a mistake by a title company. He was not prepared to do that in this case, because he believed the applicant's recourse is with the title company. Mr. Dillon explained that they negotiated a settlement with the title company based on the missing acreage. His clients have paid the money, and the County received the benefit of it and should not have. He believed the Council should consider that the County received money his clients did not have to pay, and they will not come out whole on this. His clients lost the sale when this discovery was made, and he asked that the County consider that they have received the money and been able to use it for 17 years.

Council Member Robinson explained that, in a given tax year, if the County loses assessed value, the certified tax rate changes so they collect the same amount of money. The County would have collected that amount anyway, and it is not accurate to say that the County had the benefit of the money, because if it had been discovered in a timely fashion, the County would have been made whole otherwise. Council Member Hanrahan further stated that this request asks that the County make whole a mistake made by the title company by taking that money from current taxpayers in the County, because that is where the money would come from.

Chair Ure stated that this taxpayer has been wronged, whether it was by Park City or the title company. He would not want to go back more than five years and would forget the interest, but he believes they are entitled to something. He commented that government always seems to come out on the powerful side of any equation, and he believed the taxpayer got beat up by paying the bill that came to them. He asked if the settlement with the title company made Mr. Dillon's client whole. Mr. Dillon replied that the property was assessed at $926,863, and they are lowering the assessment value for settlement purposes by $63,000. The clients received an offer at $700,000, and when the house did not sell, the applicant was left with a separate parcel with an access easement over it, and the settlement amount of $109,000, which did not include taxes, was based on the value agreed to with the title company.

Council Member Elliott stated that she is not willing to pay the applicants for the inconvenience of not being able to sell their land, and she was not willing to pay them for the inconvenience of not getting what they thought they would get.

Council Member McMullin explained that the key is precedent. The Council would be setting a precedent by settling for this small amount of money for a problem the County did not create and had nothing to do with. They would just be giving the applicant the money.

Council Member Hanrahan recalled that the Council's prior decisions have been not to reward refunds of this nature when a private entity has made a mistake.

Council Member Robinson made a motion to deny the request for a property tax refund by John J. and Donna S. Cummings for tax parcel MSTE-2. The motion was seconded by Council Member Elliott and passed by a vote of 4 to 1, with Council Members Elliott, Hanrahan, McMullin, and Robinson voting in favor of the motion and Council Member Ure voting against the motion.

ELECTED OFFICIAL AND DEPARTMENT HEAD DISCLOSURE STATEMENTS; BRIAN BELLAMY, DIRECTOR OF PERSONNEL MANAGEMENT

Council Member Elliott made a motion to accept the disclosure statements of elected officials and department heads. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION #2012-3 APPOINTING THE DESIGNATED COUNTY PLANNING OFFICIAL FOR THE SUMMIT RESEARCH PARK; DAVE THOMAS, CHIEF CIVIL ATTORNEY

Mr. Thomas explained that the Boyer Research Park development agreement includes a number of administrative permits that that are generally issued by a designated official of Summit County. The agreement states that official is to be the Community Development Director, or by resolution of the County Council, it can be someone else. He recalled that there was some controversy regarding the approval of a recent building and discussion about changing that designated official to the County Manager rather than the Community Development Director. Community Development Director Don Sargent is in favor of the change, but it is up to the County Council to make that decision.

Mr. Jasper commented that he hoped the County does not enter into development agreements in the future that give people at the staff level authorities that belong to the Council. He believed it was appropriate that he would be the designated County official rather than Mr. Sargent.

The Council Members agreed that they would never enter into a development agreement that would designate the Community Development Director to make a decision that should go to the legislative body. Council Member Robinson noted that the appeals process in the development agreement is one-sided. If the developer is unhappy with the Community Development Director's decision, it is appealable to the County Council. If the developer is not unhappy with the Community Development Director's decision, there is no appeal process. In some ways, he would prefer that the Community Development Director have that responsibility rather than the County Manager, and he wanted to more fully understand what went on before.

Mr. Sargent explained that the Design Review Committee (DRC) looked at the plans and made a recommendation which they forwarded to the Planning Commission. The Planning Commission made a recommendation of denial with a split vote, and Staff looked at the plans and could not find that they did not meet the design guidelines and development agreement standards. Therefore the plans were approved based on consistency with the application as proposed and recommended by the DRC.

Council Member Elliott stated that she would like to have the County negotiate with The Boyer Company to see if they can change the appeal process, because it is not good public process. Mr. Thomas clarified that there is an appeal, but it would be to the District Court.

Council Member McMullin explained that the process in this development agreement is backwards, and it makes no sense to have the Planning waste time making a recommendation when the Community Development Director can overturn their decision. And having an appeals process that only goes one way if the developer does not like the Community Development Director's decision makes no sense. That problem will not be solved by making the County Manager the decision maker.

Mr. Jasper noted that he works directly for the County Council, and it is worthwhile for him to keep the Council apprised of what is going on and seek their opinions. He believed that might be a reason for him to be the designated County official. If they can negotiate something different, that would be fine with him. He stated that no one likes having the Community Development Director be the appellate authority over the Planning Commission, and it would be better for the Manager to do it because of his proximity to the County Council. He did not believe this is a perfect solution, and it is not authority he wants, but it would be better.

Council Member Robinson stated that he was not certain that it is worth making the change, because the County Manager would not have the time or expertise to understand everything and would rely on the Community Development Directory anyway. Council Member McMullin explained that it would relieve the difficult position the Community Development Director is in to have to undo a recommendation of the Planning Commission.

Council Member Hanrahan made a motion to approve Resolution 2012-3 appointing the Designated County Planning Official for Summit Research Park. The motion was seconded by Council Member McMullin and passed by a vote of 4 to 1, with Council Members Elliott, Hanrahan, McMullin, and Robinson voting in favor of the motion and Council Member Ure voting against the motion.

PUBLIC INPUT

Chair Ure opened the public input.

There was no public input.

Chair Ure closed the public input.

POSSIBLE APPROVAL OF THE VILLAGE AT KIMBALL JUNCTION SPECIALLY PLANNED AREA (SPA) REZONE AND DEVELOPMENT AGREEMENT THROUGH ADOPTION OF ORDINANCE #767; TIFFANIE NORTHRUP-ROBINSON, PLANNER

County Planner Tiffanie Northrup-Robinson presented the staff report and clarified some items that were brought up previously. One concern was that Staff had eliminated two of the conditions recommended by the Snyderville Basin Planning Commission. She explained that the minutes from the Planning Commission meeting when the recommendation was made were included in the Council's packet as well as Staff's analysis of those two conditions. The service providers represented that those conditions had been fulfilled as recommended, and she would be

happy to address that issue if the Council has concerns about it. Other items brought up at the public hearing included the possibility of burying the power lines along Highway 224, enhancing of landscaping behind the Smith's store and along the Highway 224 corridor, pedestrian connectivity and linearity of the project, and additional information regarding the CNG fueling station.

Bret Wahlen, representing the applicant, explained that PacifiCorp's estimate for their portion of putting the power line under ground is $350,000, and additional costs not associated with Rocky Mountain's burying the lines would be $747,500, which makes it cost prohibitive to the project. He provided an exhibit showing the proposed enhanced landscaping at the back of the Smith's grocery store and along Highway 224. He explained that they propose planting quaking aspens in clumps along Highway 224 so they can protect each other from the elements and eventually grow a more forested area. Mr. Wahlen presented an exhibit responding to concerns about pedestrian connectivity and explained that as they looked at ADA and visually impaired requirements, they found that a visually impaired person cannot walk down a meandering sidewalk, and it is recommended that they be more linear so they will know where they need to go and can memorize their connection movements. With regard to traffic, it is best to bring in the ADA routes at 90-degree angles to provide good visibility when a pedestrian crosses any type of access. He explained that they have limited area for redesigning the parking and pedestrian activity. Another challenge is economics. If they were building new buildings, money would be available to re-do parking lots, but in a store expansion, the return on investment is not available to tear up the entire parking lot and start from scratch. Another challenge is the existing tenant contracts, and the CC&Rs contractually obligate them to meet the 4 per 1,000 square foot parking requirement. He reviewed some of the non-linear elements they have introduced into the plan to try to make the development more walkable. He explained that they have worked closely with Staff to make the connectivity work as well as possible in this redevelopment project. With regard to a CNG fueling station, in talking with Questar, he learned that they are looking for a station to service all types of vehicles, including large buses and trucks, but Smith's had only contemplated having a couple of pumps to service small vehicles. In talking with Staff, they had some ideas of better locations that would meet the intent of the community and Questar in servicing all kinds of vehicles. With regard to the tax base and economic enhancements of the project, there are elements of this redevelopment and infill that would provide real value to the County and the community. The $23 million in assessed value will provide additional property taxes, and approximately $20 million in annual retail sales will trigger sales tax revenues. It would also pay significant local government fees and generate an estimated 170 jobs. He explained that $2.8 million would go toward impact fees, right-of-way dedication, and workforce housing. The $514,000 in impact fees and $274,000 in right-of-way dedication will cover the bulk of the cost of the roundabouts. The traffic impact study showed they would have approximately 9% impact on the roundabouts, and this development built the infrastructure for Ute Boulevard and Newpark Boulevard when it was originally developed. Additional development has come in and created the majority of the traffic impact on those roads. Originally the applicants were concerned about having to pay for the roads twice, but they were able to pull together and decide that it is in the best interests of this project to work toward improving the roads. Working with the County and with the COG will allow the improvements to go in. He noted that this project would have impacted Ute Boulevard, but the roundabout on Newpark was not contemplated in the transportation master plan and was not required by the applicant's impact study. The applicant felt it could be a benefit to the area and wanted to be involved and see that it is done right. The money the applicant is providing, dedication of the right-of-way, and the COG money make up about 87% of the cost of the roundabouts. The long-

term benefit is that the County Public Works Department will realize a savings of about $1.3 million, and the commitment from the project and impact fees will pay upwards of 52% of the improvements. He stated that he is prepared to answer the Council Members' questions.

Council Member Robinson acknowledged that the applicant would probably not want to bury the power lines because of the additional cost, even though he would still like to see that done. He noted that the applicant is getting an upzone on the new density which ignores the density already on the site, and he believed they should be paying the difference between what the roundabouts cost and what the COG is putting in or at least pay with a pioneering agreement that allows reimbursement by future impact fee collection from other parties who want to come in and develop and are deemed to benefit from it. He requested an island on Newpark Boulevard similar to the one on Ute Boulevard providing for a right-in, right-out at the intersections. Other than that, he liked the changes the applicant has made and got as far as he believed is reasonable. Mr. Wahlen clarified that the 87% he calculated did not include money owed to Smith's for right-of-way they have already dedicated. Council Member Robinson clarified that regardless of the amount, the concept is that the County would not put in any additional money beyond the COG money, and the applicant would front the remainder of the cost and recoup that money through a pioneering agreement. He clarified that his understanding of a pioneering agreement is that the pioneer, the first developer, would pay for the improvement, and as additional impact fees are collected for the same uses they are paying an impact fee for, that money would be passed through to the applicant.

Steve Sorenson with Smith's reiterated that the traffic impacts from this project relate to Ute Boulevard, and they were not required to address traffic on Newpark Boulevard. Through the process, they felt it would be important to the developer and the County to make the improvements on Newpark Boulevard, and that is why they are looking to the County to help make up those funds, because they did not need to bring Newpark into this project. When Smith's built their store, they paid for the roads and all the connections. Since then, Newpark and Redstone have been added, and no street infrastructure was done or required of them. This project resolves the traffic problem on Ute Boulevard and funds a good chunk of the improvements on Newpark that are not required, and he felt that burdening this project with another $240,000 would be a burden they cannot bear.

Council Member Robinson stated that he believed the County has given the applicant a very favorable interpretation by not counting the existing density and giving them the SPA on top of that, thereby exceeding what the SPA allows. Everyone wants to ignore that and say that it is not a serious concession. To exceed 5 units per acre, they are not being asked to meet a lot of other criteria because for some reason Staff has ignored the fact that they have already used 4.8 units of density. The applicant can say they have gone the extra mile, but he believed the County has gone a long way by not counting the existing density.

Council Member Hanrahan asked what typically happens when someone expands a development and has an impact on the roads in an area that is already impacted by other uses in the surrounding area. Kent Wilkerson with the County Engineer's Office explained that this is a negotiated process to some extent. The applicant is adding more capacity and requesting additional density, which creates additional demand, but there is also a provision to refund costs back to the applicant through the pioneering agreement.

Council Member Ure asked if Newpark and Redstone have paid for any of the road infrastructure. Mr. Wilkerson explained that Newpark arbitrated the impact fees under their development agreement and was completely exempt from the impact fee Code, because they claim they donated Newpark Boulevard and Ute Boulevard through their project. Redstone is substantially built out, and as long as they do not intensify, they will also not pay more impact fees.

Council Member Hanrahan commented that he is willing to rely on the expertise of the Planning Commission that made a positive recommendation with the two conditions that have been addressed. In addition, they have a few more concessions by the developer, and he is generally supportive of approval.

Council Member McMullin agreed with Council Member Hanrahan.

Council Member Elliott stated that she remembered when the original development was proposed. It was a bad development to start with and did not address what has become the General Plan. She did not understand why Staff and the Planning Commissioners have ignored what she considers to be key elements of the Code. She appreciated the applicant's willingness to help with the roundabouts and did not agree with Council Member Robinson that they need to pay more. She believed the engineering department was pleased to get the roundabouts in this process. She stated that she plans to make a motion to remand this to the Planning Commission and ask them to address some elements of the General Plan that have been omitted. She did not want to delay the process, but she also did not want to approve a project that does not meet the Code and the intent of the General Plan. She quoted from Section 10.2.12 of the General Plan and recalled that she has indicated that the applicant is not accomplishing that. She stated that the Planning Staff and Planning Commission did not give the Council the letter from Alex Loft in August 2011 where he objected to the placement of a gasoline station in front of land of which he is a partial owner. She stated that they have just received a serious request for consideration from Coffee Roasters, because the gas station purports to sell coffee in direct competition with them, and she did not know why they were excluded from this development. She recalled that one of Chair Ure's initial objections to the project is that people would have to walk across a gasoline station lot. She stated that she understands the CNG issue. She referred to Chapter 12 of the General Plan regarding town and village center design which states that basic principles include a scale that minimizes the dependence on the automobile, yet the applicant has put a gasoline station in the middle of this development where people will be walking. She proposed that the remand to the Planning Commission include the possibility of putting the gasoline station on the highway and putting Del Taco interior to the parcel. She noted that the town and village center design principles include an integrated network of walkable streets, a legible center and edge of the neighborhood, buildings located in appropriate proximity to the streets to spatially define the street as a public space, opportunities for shopping and places of work that are close to home, and an appropriate range of amenities within walking distance, including village squares, parks, and civic centers. She stated that the little park the applicant has proposed is superfluous and makes no sense and is useless. She believed it was in a place no one would ever go and no one would ever use it. The design principles also state that civic blocks will be placed in central locations as visible and accessible destinations within the center, and there is nothing like that in this sea of asphalt. She believed they need to ask for it, because it is part of the General Plan. She recalled that this was a part of the PRI Village Center plan that was supposed to exist on the other side of the highway that the County bought out, and this was part of the general balance of how things were supposed to work. If there was ever a change in this

density, it was supposed to have a Village Center and a place where people could gather in a walkable fashion, and this proposal does not accomplish that. This development is just about the automobile. She stated that she would vote no if they do not remand this to the Planning Commission. She believed they have missed the boat, and this is their last chance to either send it back to the Planning Commission or vote no.

Council Member Hanrahan asked why Council Member Elliott believes the Planning Commission would do something different at this point, having already vetted this project. Council Member Elliott replied that the applicant has changed their proposal. She believed if they asked the Planning Commission to do certain things and address the central focal point and do a better job of addressing pedestrian connectivity, the Planning Commission would have to send the Council a better plan that more generally comports with the General Plan. If they do not, the Council can vote no. She believed it would be better to say no to this plan and not get the roundabouts at this time than it would be to approve a plan that does not comport with the General Plan. She stated that if they want it bad, they will get it bad, and there is no reason to hurry with this, because it will be much more valuable several years from now when they look at it again. If they do not approve it tonight, it will get better. It will be bad until they do, but it will be valuable enough property that people will see the use and understand the vision, and there is no reason to rush this. If they cannot get it right, they need to say no.

Council Member Robinson referred to the SPA requirements for an applicant to exceed five units of density and asked why Staff allowed the applicant to exceed the five units.

Planner Northrup-Robinson explained that the General Plan and Development Code were amended in 2004, and there is no longer a Village Center designation. The General Plan was never fully updated to exclude the Village Center language. When the 1998 Development Code and General Plan were in effect, the County had land use maps but not zoning maps, and those maps designated Town Center and Village Center potential areas. The area covered by this proposal was designated on the land use map as a Town Center, and the surrounding areas, including Redstone and the area where the Park City Tech Center will be located, were potential Village Centers. That map no longer exists, and the Village Center no longer exists in the Code. The Kimball Junction long-term development plan is very specific regarding the infill development design as it relates to this project. Council Member Elliott argued that it does not matter whether it still exists or not, people still envision a better project than what they are looking at, and nobody cares that they no longer exist.

Chair Ure stated that he did not know how much more the applicant could put into this proposal economically. Although, as Council Member Elliott indicated, several years from now they might get a better proposal, he was not sure they could stand the traffic problems for several more years. Hopefully, there will be much better traffic flow on both ends of this project, and he was not willing to wait several years for that. He stated that he is willing to support this project.

Council Member Robinson stated that he is supportive of it, but he wants a pioneering agreement. Council Member Hanrahan asked if the pioneering agreement would be onerous to the applicant if they would recoup the money they put in up front. Mr. Sorenson stated that he would be curious to know where they would recoup the money from, because the roads go to already developed areas. He could not foresee that there would be more development to come. Mr. Wilkerson explained that the funds would come from the regional transportation impact fees, and as the County receives transportation impact fees from anywhere within the impact fee area,

those funds could come to this area, just as impact fees paid in this area often go toward road improvements elsewhere. They would not have to wait for Newpark or Redstone to generate those fees. Council Member Robinson commented that he did not think it would make sense to burden the process with a pioneering agreement if the funds would come from anywhere in the Basin. It was his understanding that additional impact fees would be collected within the area that uses these roads. He asked about the 60/40 split referred to at one time. Mr. Wilkerson explained that he had at one time proposed a 60/40 split with the developer as a first guess on how they might deal with the shortfall of $240,000. He noted that the applicant will have some additional impact fees in Phase II of the project

Council Member Hanrahan made a motion to approve the Village at Kimball Junction Specially Planned Area Rezone, including the changes shown by the developer this evening, with the following conditions as shown in the staff report and acknowledging that the other two conditions recommended by the Planning Commission have already been addressed.
<u>Conditions</u>:

1. **The applicant shall continue to work with Staff and the Summit County Attorney's office to finalize verbiage of the Development Agreement (DA) to ensure that all entitlements, phasing, and survival of community benefits are clearly articulated prior to final approval from the SCC of the agreement. The DA shall be adopted by ordinance by the SCC prior to recordation.**
2. **The applicant shall include language in the DA that will require a review of the natural gas fueling station requirements mandated by Questar or other alternative fuel site within two (2) years from the date of approval of the DA. If the regulations change and the natural gas fueling station area restrictions are reduced and can be accommodated on the Smith's Fuel Center site, the owner of the Smith's Fuel Center parcel shall consider installation of the CNG or other alternative fuels.**
3. **A copy of the new CC&Rs for the subdivision shall be reviewed by Summit County to address cross easements, parking lot maintenance, and the like prior to recordation of the Village at Kimball Junction subdivision plat.**
4. **Prior to final approval by the Summit County Council, funding shall be verified to ensure that the north roundabout can be installed in 2012 and the south roundabout shall be constructed in2013. This would include funding approved by the COG for right-of-way acquisition.**
5. **No building permits shall be issued until all transportation impact fees have been paid to the County as outlined and agreed upon by all parties. Summit County shall not be held responsible to construct the roundabouts if all fees are not paid by the individual parties.**
6. **The comprehensive sign plan must be reviewed by Staff and shall be included as an exhibit to the Development Agreement prior to recordation of the DA.**
7. **A Low Impact Permit shall be submitted and approved for each development site prior to issuance of any building permits. This shall be submitted in Final Site Plan format to verify the project is meeting all necessary approval standards as outlined in the Development Agreement and Chapter 4 of the Development Code. Each project site will be required to provide detailed site plans including, but not limited to, building elevations, parking layout, landscaping and pedestrian improvements, snow storage, recycling facilities, and signage and lighting plans.**
8. **All service provider conditions must be met, including but not limited to, all previous service provider comments and conditions and the inclusion of the**

intersection justification request for the street enhancement/traffic calming improvements along Uintah Way as suggested by Kent Wilkerson (Exhibit D). The motion was seconded by Council Member McMullin.

Council Member Robinson verified with Council Member Robinson that the County would pay the additional cost of the roundabouts.

The motion passed by a vote of 3 to 2, with Council Members Hanrahan, McMullin, and Ure voting in favor of the motion, and Council Members Elliott and Robinson voting against the motion.

PUBLIC HEARING AND POSSIBLE APPROVAL OF RESOLUTION #2012-4 IN OPPOSITION TO HB 0313

Council Member Hanrahan explained that the Health Board passed a similar resolution a few weeks ago opposing this bill because it would not allow the county health boards to do the job that is outlined by State statute and would take away their authority to enact local ordinances.

Chair Ure opened the public hearing.

There was no public comment.

Chair Ure closed the public hearing.

Council Member Elliott made a motion approve Resolution #2012-4 in opposition to HB 0313. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

CONTINUED PUBLIC HEARING AND POSSIBLE APPROVAL OF EASTERN SUMMIT COUNTY DEVELOPMENT CODE AMENDMENTS REGARDING LOTS OF RECORD/LEGALLY CREATED LOTS/AGRICULTURAL SUBDIVISIONS BY ADOPTION OF ORDINANCE #768, DON SARGENT, COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Don Sargent explained that there have been several drafts prepared since the last meeting, and late this afternoon a final draft was prepared.

Council Member Robinson suggested that they continue this item again because late yesterday the language was revised, and it was revised again this morning and this afternoon. He stated that there has not been enough time for the parties to see the changes.

Council Member Hanrahan stated that he would like to hear from the public and close the public hearing.

Chair Ure opened the public hearing.

There was no public comment.

Council Member Robinson made a motion to continue the public hearing on this item to March 14. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

PUBLIC HEARING/POSSIBLE APPROVAL OF REZONE TO RESORT CENTER, CREATION OF SPECIALLY PLANNED AREA (SPA), AND DEVELOPMENT AGREEMENT FOR THE UTAH OLYMPIC PARK, VICINITY OF 3419 OLYMPIC PARKWAY, UTAH ATHLETIC FOUNDATION, APPLICANT – ADRYAN SLAGHT, PRINCIPAL PLANNER

Principal Planner Adryan Slaght reported that the applicant had a death in the family and has requested that this item be continued to March 14, 2012.

Council Member Robinson made a motion to continue the public hearing and possible approval of a rezone to Resort Center and creation of a Specially Planned Area, to March 14, 2012. The motion was seconded by Council Member Elliott and passed unanimously.

MANAGER'S COMMENTS

Mr. Jasper reported on two bills he has been following with the County's lobbyist. Bill 464 would have required the County to consider the cities in the needs assessment for affordable housing. UAC is opposed to the bill, and the County is working with UAC on their opposition. The biggest concern is that, if cities are included in the needs assessment, the County has no power to tell the cities they must have affordable housing. HB 502 would have initially made it very easy to form a city. That bill has now been amended to bring back in the feasibility study and proof of revenues. The bill makes formation of a city easier in terms of who votes for it and who does not.

COUNCIL COMMENTS

Chair Ure reported that UVU is offering interns to work with the County on a limited basis if they are interested. Meals on Wheels is requesting that the Council Members go with them to deliver meals on March 22. He also announced that UDOT will be meeting in the Summit County Courthouse on April 5 to take input on State roads in the County.

APPROVAL OF COUNCIL MINUTES
JANUARY 15, 2012
FEBRUARY 1, 2012

Council Member Elliott made a motion to approve the minutes of the January 15, 2012, and February 1, 2012, County Council meeting with additions she had made. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

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

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Council Chair, David Ure ***County Clerk,*** Kent Jones

Community Development Department
60 North Main Coalville, UT 84017
(435) 336-3124 Fax (435) 336-3046

STAFF REPORT

To:	Summit County Council (SCC)
Report Date:	Thursday, March 22, 2012
Meeting Date:	Wednesday, March 28, 2012
Author:	Kimber Gabryszak and Amir Caus, County Planners
Title:	Stone Ridge CORE Rezone
Type of Item:	Public Hearing
Future Routing:	Summit County Manager (SCM) – Major Development Final Site Plan

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EXECUTIVE SUMMARY:
The applicant, Pete Gillwald on behalf of Nadine Gillmor, is requesting approval of the preliminary plan application for a CORE rezone and major development for a 230 unit residential development on parcel SS-59-A in the Trailside / Silver Summit area. After lengthy review and discussion, the SBPC made a positive recommendation to the SCC and the SCM on January 10, 2012 with conditions to address their concerns. The SCC reviewed the application in work sessions on February 15, 2012 and February 29, 2012.

The SBPC forwarded a positive recommendation with conditions to the SCC for the rezone, and with conditions to the Summit County Manager (SCM) for the major development. The SCC may uphold the SBPC recommendation and conditions as presented, or review and modify the recommendation and conditions as they see necessary. Staff recommends that the SCC conduct a public hearing, review and discuss information provided by the applicant and the public and consider possible revisions to the project as deemed appropriate as the legislative land use authority for this application.

A. **Project Description**

- **Project Name**: Stone Ridge CORE Rezone
- **Applicant(s):** Nadine Gillmor
- **Owner(s):** Nadine F Gillmor Trustee
- **Location**: Silver Summit Parkway, adjacent to and south of the existing LDS Church, and Old Ranch Road
- **Zone District**: Rural Residential (RR) and Hillside Stewardship (HS)
- **Adjacent Land Uses**: Residential, Open Space, Vacant
- **Existing Uses:** Church, Residential, Vacant
- **Parcel #(s) and Size**: SS-59-A, 300.78 acres Silver Summit Church Subdivision Plat "A", 6.804 acres

B. **Community Review**

A public hearing notice was published in the *Park Record*, and notice was sent to all property owners within 1000 feet of the property. Multiple comments have been received and can be found in *Exhibit 17*. The majority of comments are unfavorable towards the proposed project.

C. **Background**

In July of 2008, Summit County adopted the workforce housing incentives outlined in Section 10-5-16 of the Snyderville Basin Development Code (Code), "Community Oriented Residential Enhancement Zones" (CORE). These provisions allow for the County to consider additional density and uses, above existing base density, as an incentive for the voluntary provision of workforce housing that exceeds the mandatory requirement.

A moratorium was placed on the CORE program in July, 2011 by the SCC, and the SBPC held a public hearing on November 15, 2011 and voted to forward a positive recommendation to the SCC on the repeal of the CORE program. On December 14, 2011, the SCC voted to repeal the CORE program. As a result no new applications for CORE projects were accepted or reviewed by the County. **This application was submitted prior to the moratorium and repeal; the County Attorney's office has therefore determined that the application may proceed under the CORE provisions.**

Project Background
The application for this proposed development was received in the spring of 2009, and the SBPC reviewed the proposal many times between May 2009 and January 2012.

The application was reviewed by the SBPC on the following dates:

- May 26, 2009 work session
- June 23, 2009 site visit
- August 11, 2009 work session
- November 10, 2009 work session
- December 8, 2009 public input session
- January 12, 2010 public input session
- January 26, 2010 work session
- October 25, 2011 work session
- November 29, 2011 work session
- December 13, 2011 public hearing
- January 10, 2012, discussion and recommendation

At their December 13, 2011 public hearing, and January 10, 2012 discussion / recommendation meeting, the SBPC focused on the review and evaluation of Code requirements for CORE approval which are identified in *Exhibit 14 (December 13, 2012 and January 10, 2012 SBPC Minutes)* of the Staff Report. At the January 10, 2012 SBPC meeting, the SBPC forwarded a positive recommendation with conditions to address their concerns. The SBPC also added a preamble to their motion that expressed several legislative issues for consideration of the SCC in their review of the application (*Exhibit 14 – January 10, 2012 Minutes*).

The SCC reviewed the project in work session at their February 15 and 29, 2012 meetings.

D. **Identification and Analysis of Issues**

The SCC requested additional analysis on several items in the February work sessions. For the convenience of the SCC and the public, general issues and background are summarized below while the additional analysis is attached in *Exhibit 1*.

Property Characteristics
The property is located adjacent to the Round Valley open space owned by Park City Municipal and Summit County, to the south of the existing LDS Church, and across the street from the Silver Summit and Trailside subdivisions. It abuts both Silver Summit Parkway and Old Ranch Road. The property contains slopes and meadow areas, rolling hills and valleys, and several drainages. It is vegetated primarily with native grasses and shrubs.

CORE B
The applicant is proposing to rezone the entire property to CORE B. CORE B is usually limited to 100 acres or less, and requires a minimum of 30% meaningful open space and 20% additional open space within the developed area for a total of 50%. When the overall open space provided is increased from the base of 50% to more than 80%, CORE B may exceed the 100 acre limitation. There are over 300 acres in this application which would allow for 300+ units on the subject property; however the applicant is applying for 230 units of density. The current proposal includes 81% open space, meeting this requirement. The Summit County Information Technology Department has confirmed that the proposed total open space is at 81% overall. The method in which this was calculated was selecting the open space polygons, adding up their area, and dividing by the total area of the development. The result was then multiplied by 100 to get the percentage.

Two units of density must be deducted to address the Church parcel and the existing single family residence for a total of 305 maximum potential units.

Density
The applicant is proposing 230 units, including both market-rate and workforce units, which is below the potential maximum of one unit per acre (307 units) of the project eligibility exceeding 100 acres.

The "compatibility" requirement outlined in Section 10-5-16(E).4 of the Code sets an additional density limit, a maximum of twice the average density adjacent to the proposed rezone:

> ***Compatibility: if any existing neighborhood is located within 1000' of a proposed CORE development, the CORE development shall not exceed twice the average density of that portion of the neighborhood or neighborhoods within a distance of 1000'.***

- Using the methodology approved by the Summit County Council for density calculations with the previous CORE application of the Discovery Development, the proposed density is well within the "potential maximum" of 520 units.

0.20	**ORR area density**
0.35	**MRE area density**
1.98	**Silver Summit area density**
0.85	**average units per acre**
1.69	**double**
520.14	**Stone Ridge potential maximum from NBs (307*1.78)**
307.00	***(Stone Ridge potential maximum from zone 307*1)***

In this case, the potential maximum density of the zone (1 unit per acre) is more restrictive than the neighborhood average; the proposed density complies with both requirements.

300	**Acres**
230	**Units Proposed**
228	**Actual New Units (excludes church parcel and existing home)**
.75	**Overall units per acre**
65.5%	**Dedicated Open Space**
15.57%	**Private Open Space**
81.07%	***Open Space (30% meaningful)***

Open space and Trails
If the open space contribution exceeds 80%, as proposed, the open space total may include the internal open space, and also must include a "major, contiguous portion of the property" in a "meaningful natural" condition. The applicants propose to maintain the open space in such a manner that it remains undisturbed, with the exception of several trail connections and a single roadway connecting the development internally.

The applicants are working with the SBSRD and Staff on a final trail design, and intend to provide public trail access.

Staff will continue to verify the required open space during the Final Plan process, and further details and calculations will be confirmed through the Major Development application. Please note that during the Summit County Manager (SCM) review, a full survey will be required to once again confirm the open space acreage.

Process
The approval process outlined in Section 10-5-16 includes a Rezone application, which is recommended by the SBPC to the Summit County Council (SCC), and a major development application, which is recommended by the SBPC to the SCM.

Unlike typical rezones, with a CORE project only the specifically approved project can be constructed. The approved layout, housing style, and density must be constructed just as approved, and any changes must be approved by the SBPC and SCC/SCM or the property reverts to the original zoning. Neither the rezone nor project proposal may be approved without the other.

The SBPC has forwarded a positive recommendation for the rezone and major development, with conditions to address their concerns on both. The SBPC also added a preamble to their

motion that expressed several legislative issues for consideration of the SCC in their review of the application (*Exhibit 14 – January 10, 2012 Minutes*).

The SCC may review and uphold the SBPC recommendation as presented, or review and modify the recommendation as they see necessary to meet the requirements of the Development Code. Such modifications may include reducing the number of proposed units, requiring changes to the proposed design and location of development, adding or removing conditions, and any other changes as the SCC determines necessary.

Workforce Housing
The applicants propose the provision of workforce housing per the criteria in Section 10-5-16(E.6) of the Code, which states the required ratio of workforce units to market rate units. The standard ratio is one (1) Workforce Unit Equivalent (WUE) for every one (1) market rate unit. This required ratio is reduced for developments that price their workforce units so that the average income targeted is 50% of the Area Median Income (AMI) or less, resulting in one (1) Workforce Unit Equivalent (WUE) for every one and a half (1.5) market rate units. This modification is offered to encourage developers to provide housing for lower income households. Additional input from Mountainlands Housing Trust may be found in *Exhibit 19*.

A Housing Agreement will be required to be reviewed concurrently by the SCC prior to the finalization of the project. A workforce housing breakdown may be found in *Exhibits 3 and 6*. Staff supports the breakdown as proposed.

Integration of Workforce Units
An early concern of the SBPC was that previous designs placed all of the workforce housing units in the eastern portion of the development, leaving the estate lots without workforce units. The SBPC felt that this did not meet the requirement for integration of units. The previous applicants brought several revisions back to the SBPC showing units in the western, estate lot, portion of the project however the SBPC did not like any of these iterations.

In the review of the current proposal (1:1.5 ratio), Staff recognized that the majority of workforce units were again located in the eastern portion of the development; however Staff supports this type of design proposal for the following reasons:

- The majority of all market units in the project are also located in the eastern portion of the development, and Staff finds that by dispersing the workforce units throughout the majority of the market development, the integration requirement is met.
- The eastern portion of the development is closer to transit, and to amenities such as an elementary school, church, and potential employers at the Silver Summit exit.
- The workforce housing units will be located in proximity to the highest density neighborhood of the area surrounding the project site (Silver Summit) and thus will be compatible in scale and intensity with the existing development pattern.

Unit size and type – Appropriateness
The "appropriateness" requirement outlined in 10-5-16(E) contains guidelines for unit types:

> ***Appropriateness: if any existing neighborhood is located within 1000' of a proposed CORE development, the CORE development shall utilize home types similar to the existing home types within those portions of the neighborhood or neighborhoods within a distance of 1000'.***

The neighborhoods to the north have expressed concern with the townhouses contained in the project, regarding whether or not they are compatible with the surrounding existing single-family neighborhoods. The previous applicants then modified the townhome portion, removing a large portion of townhomes and replacing them with smaller single family lots and duplexes. The current proposal contains townhome units, however in the past Staff recommended that the SPBC determine that townhome style units are compatible with a small-lot single family area, and continues to make this recommendation.

The neighborhood to the west has expressed concern with the estate lot portion of the project, regarding whether the lots are too small to be compatible with the rural ranch style development typical for Old Ranch Road. Due to the steeper sloping terrain, horse properties are not appropriate in this location, and the design has been modified to ensure that some larger lots are included. Development on these larger lots may be limited by building pads, but the overall lot size would be more compatible.

Access / Road Design

One of the major discussions in the previous work sessions and public input sessions centered on the roadway design for the project. As the property abuts Old Ranch Road and Silver Summit Parkway, the SCM, the Engineering Department, Park City Fire Department, and Staff recommend that the project have a through-road through the development. The original applicant representatives proposed the options of either a through-road or an emergency access gate. The applicant is currently proposing a minor, non-thoroughfare type roadway connection through the project.

The neighborhoods to the north have expressed support for the connection, as they view it helping to reduce the increased traffic on Trailside and Silver Summit Parkway. The neighborhood to the west has expressed opposition to this connection, through an interpretation of the General Plan neighborhood planning principles applicable to this project and concern that it will increase traffic on Old Ranch Road.

Traffic Impacts

The previous applicant representatives submitted a traffic study, and the County Engineer has provided a review and comment on the results. The Development Code typically requires no reduction below a Level of Service (LOS) C. The CORE provision requires that there be no reduction in the LOS without mitigating the impact(s).

With the proposed project, an incidental reduction in LOS does occur, however, no unacceptable reductions occur on Old Ranch Road and Silver Summit Parkway. Mitigations recommended include turn lanes, intersection improvements, impact fee payment and road connection. “Traffic calming” measures must be implemented within the project along with the construction of the connection from Silver Summit Parkway to Old Ranch Road to further mitigate the impacts. The current and projected LOS for this areas is between A and B. The project meets the traffic requirements. Please refer to *Exhibit 7* for full Engineering Department analysis.

At the direction of the Summit County Manager, all roads are required to be dedicated public roads and are required to meet County standards. The County Engineer also requires the road connection through the project. Updated Engineering Department comments may be found in *Exhibit 7*. The Park City Fire District has stated that their comments echo the Engineering

Department.

Church Parcel and Existing Single Family Residence
The property was involved in the Silver Summit Church Subdivision Plat "A," a one-lot subdivision created for the construction of an LDS chapel, and recorded in September, 2004. As part of that subdivision and to satisfy the Religious Land Use and Imprisoned Persons Act (RLUIPA) provision protecting churches, a note was placed on the subdivision plat, stating that future development on the "Gillmor Remainder Property" (parcel SS-59-A) should be processed as though the Silver Summit Church Subdivision Plat had not been created. Any resulting development on the Gillmor Remainder Property shall be reduced by one (1) unit of density, to be applied to the Church (*Exhibit 16*).

Therefore, even though parcel SS-59-A only contains 300.78 acres, the total acreage in this application is required to include the 6.804 acres of the church site, for a total application of 307.584 acres. Any final approval must then be reduced by one (1) unit of density, to reflect the church development.

An existing residence on the subject property was built in 1993. As part of the current proposal, one (1) unit of density will be applied to the existing residence. Any final approval must then be reduced by one (1) unit of density, to reflect the existing residential unit.

Wildlife
Staff has received comments from the State of Utah Resource Development Coordinating Committee with the DWR review. The DWR has stated that the subject property is part of an overall area of a crucial wildlife habitat. However, a single development such as the subject project would not have major impact. The property is adjacent to the Round Valley open space area; therefore no new large-scale projects are anticipated in the area.

The DWR further recommended mitigations on minimizing impact on wildlife in the area such as wildlife friendly fencing. The wildlife impact mitigations will be considered by the SCM during the Final Site Plan review process.

In a phone conversation the DWR representative for Summit County stated that DWR would prefer the elk population be reduced due to the increase of traffic related accidents and increase of disease due to large herd populations. The DWR representative also stated that even if the project is approved and built to capacity, the population would not likely decrease.

Sensitive Lands
The CORE provisions do not contain clauses excluding sensitive lands from density calculations, but do state that development:

- be designed "in a manner so as to cluster development in the least visually and environmentally sensitive areas, and maximize open space" (10-5-16.A.2), and
- be designed to "preserve the natural setting to the greatest extent possible" (10-5-16.A.9), and
- "shall not occur on sensitive lands. Development shall be clustered in the least visually sensitive area of the property" (10-5-16.E.7).

The property contains some steep slopes and ridgelines, and the applicant has located the proposed development areas to avoid the sensitive lands. No buildings will be permitted on

slopes over 30%, and will not be permitted to be placed on prominent ridgelines.

New Renderings
An updated version of renderings was provided by the applicant in *Exhibit 2* to reflect the SBPC and SCC comments.

Draft minutes for the December 13, 2011 SBPC public hearing and January 10, 2012 SBPC discussion/recommendation are included in *Exhibit 14*.

E. **Snyderville Basin General Plan**

The property falls into two (2) different neighborhood planning areas in the General Plan: the East Basin Neighborhood Planning Area and the Old Ranch Road Neighborhood Planning Area. These two planning areas have distinct characteristics and goals. The project differs greatly between the eastern and western portions, reflecting the differences between the Neighborhood Planning Areas.

East Basin Neighborhood Planning Area
This planning area has the goals of preserving large tracts of perpetual open space, and keeping activities that generate traffic, visual, or other impacts in harmony with the rural, mountain, and resort environment of the Snyderville Basin. Higher density development is permitted, however it must be clustered to better preserve open space and viewsheds. Development must be compatible with existing residential development, shall be clustered to avoid spreading across mountainsides, meadows, and environmentally sensitive areas, shall meet architectural guidelines, and shall provide access to the mountains through trails. Open space should be adjacent to existing open space whenever possible, and neighborhood parks should be provided.

Staff feels that these criteria have been or will be met through the approval process, and through the conditions already required for a CORE rezone.

Old Ranch Road Neighborhood Planning Area
This Neighborhood Planning Area has the stated goal to: "*Protect the rural and agricultural way of life, the mountain-ranching feeling, and the unique natural and scenic resources of the neighborhood, and ensure that the neighborhood remains a good place to raise a family and a place where people and animals live in harmony.*"

In support of this goal, development is encouraged to include rural road design, trails, equestrian uses, incorporate open space into the parcels, visual corridor protection, ranch style fencing, environmental protection, and so on. The applicants have kept these principles in mind with the design of the project, and Staff has reviewed the design for compliance with these guidelines and will continue to do so throughout the process.

Concerning transportation, the Neighborhood Plan states that "*Future roadway improvements should include the extension of the Highland Drive frontage road along the south side of Interstate 80 to Kimball Junction. Road design standards shall be appropriate for the neighborhood. No other major roadways should connect to Old Ranch Road.*" The Old Ranch Road community has stated that the latter sentence should prevent the project from having a through access, and they would prefer to see an emergency access only between the two portions of the project.

Staff has met with the Park City Fire District and the County Engineer, and both entities along with Staff are in support of a through connection. A connector roadway could be designed to meet only the minimum width standards for emergency services, and would comply with the Neighborhood Planning Area guidelines: *"In order to keep traffic speeds consistent with the residential character of the neighborhood all pavement surfaces shall be narrow with curves providing minimal turning radii at appropriate locations."* The plan also discourages curb and gutter. The connection would therefore not be considered a "major roadway."

The Neighborhood plan also states that *"Except where access points currently exist Old Ranch Road should serve as the principal limited access roadway through the neighborhood. A series of small country lanes should be established to provide access to new residential subdivisions. All roads shall be treated as country lanes with landscaping to the pavement."* It is Staff's interpretation that a connecting roadway would serve as a "small country lane." The applicant does not intend to provide sidewalks and curb and gutter in this portion of the development, which meets the above design standard.

Visibility
Members of the public commented on the visibility of the development. The General Plan discusses designated viewsheds as being those from Interstate 80, SR 224, SR 248, and US 40 only. The project would have to be designed to mitigate visual impacts from those locations, but not from nearby residential streets.

F. **Findings/ Code Criteria and Discussion**

Before an application for a CORE Rezone is approved, it shall conform to the criteria outlined in Section 10-5-16 of the Development Code.

Below, Staff has provided a chart outlining the project compliance with the various requirements in this section.

	Data	**Meets requirement?**
Total Number of Units	230 (228 new units)	Yes, if allowed to exceed the 100 acre maximum through open space
Number of Workforce Units	72	Yes
Project Density	0.76 units per acre / 1.3 acres per unit	Yes – when compared to surrounding averages
General Plan Compliance	Appears to meet principles.	Yes - discussion
Code Criteria, 10-5-16(E):		
Distance to transit	Within ½ mile	Yes
Access to sewer	--	Yes
Access to water	--	Yes

Compatibility with neighborhoods within 1000’	Less than twice average	Yes
Appropriateness with neighborhoods within 1000’	Similar unit / lot styles	Yes
Distance to another CORE Zone	No COREs within 2000’	Yes
Housing ratio – 1.5 market units per WUE	Appears accurate, but to be checked as units finalized	Yes
No development on Sensitive Lands	Sensitive lands identified, and development kept elsewhere	Yes
Percentage of Open Space	More than 80.00%	Yes
Transportation study and impacts	Initial review done by Engineering department	Yes
Interior and exterior pedestrian / bike connectivity	Preliminary trail and sidewalk connections proposed but to be finalized with SBSRD at final plan approval stage.	Yes
Adequate parking	Yes	Yes
Building elevations	The applicant has provided proposals for each building product type.	Yes
Site planning requirements of SBDC (Code)	The applicant has provided proposals for landscaping and lighting which will be reviewed at each stage, and finalized with final plans.	Yes
Solid waste management and recycling plan	To be finalized by the Solid Waste Management Director with final plans.	Yes
Green building principles (recommended)	Applicant has provided possible measures for green building.	Yes

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

Staff recommends that the SCC conduct a public hearing, take public comment, and consider taking action on the project. Additionally, please refer to the SBPC preamble to the recommendation in the January 10, 2012 draft minutes (*Exhibit 14*).

Option 1:
Vote to **approve** the rezone with the following findings, conclusions and conditions:

Findings of Fact:

1. The development is located within one-half (1/2) mile of year-round public mass transit. The current mass transit schedule, however, may not meet the needs of the community once built. According to the Summit County Public Works Department, additional service will be added as demand and resources are available.
2. The project has access to a public sewer system, and the Snyderville Basin Reclamation District has agreed to service the project.
3. The project has access to a water system. Under Summit County’s concurrency program (Summit County Code 10-10-1 et. seq.), no building can occur without a willing-to-serve letter from a water service provider.

4. The proposed density may be appropriate and may be compatible with existing adjacent uses and neighborhoods.
    a. Based upon methodology approved by the Summit County Council, the Old Ranch Road neighborhood has 0.20 units per acre; Mountain Ranch Estates neighborhood has 0.35 units per acre; and the Silver Summit/Trailside neighborhoods have 1.98 units per acre. This results in an average unit per acre of 0.85 for the adjacent neighborhoods. The Stone Ridge project proposes .75 units per acre.
    b. The application is comprised of 307 acres which, under CORE B, would allow one unit per acre, or 307 units. The applicant is requesting 230 units (including the church unit and the existing single-family residence on the property).
    c. The application includes single-family home types which are similar to the surrounding neighborhoods and provides a mix of family home types required by the Code.
5. The project is not within 2000' of any other CORE rezone.
6. The average household income targeted in this project does not exceed 50% of the Area Median Income, and the workforce unit to market unit ratio is at the allowed 1:1.5.
7. There is no proposed development on sensitive lands, and the development is clustered to the extent possible in the least visually sensitive areas of the property.
8. Development area "D" has the most visual impact within the development.
9. At least 30% of the open space is meaningful open space as defined in the General Plan and is located adjacent to the Round Valley open space preserved by a conservation easement.
10. A transportation study was conducted, and the County Engineering staff has indicated that there would be no unacceptable reduction in the level of service on the roads serving the project that cannot be reasonably mitigated. According to the transportation study, there would be a specific reduction in the level of service based upon incremental delays on Silver Summit Parkway at the US 40 ramps. This reduction in the level of service can be reasonably mitigated by the project developer through the measures outlined in the report of the Summit County Engineer dated December 28, 2011.
11. Internal traffic calming measures should be used in order to discourage the use of the internal road system for through traffic.
12. The project has an internal and external pedestrian connectivity plan which is generally acceptable.
13. The project has the required number of covered parking spaces for each unit and complies with the requirements of the Code.
14. The applicant has submitted conceptual architectural elements and has partially complied with the site planning requirements of 10-5-16(E)13 of the Code.
15. A solid waste management and recycling statement has been submitted. Further review will be needed.

Conclusions:

1. Although the project complies with the mass transit requirement, the rate of build out should be tied to the ability of Park City Transit to increase the frequency of trips along Silver Summit Parkway.

2. The average density of 0.75 unit per acre is less than that of the adjacent neighborhoods (0.85 unit per acre) and, therefore, less than "double the density" allowed.
3. The applicant's request for 230 units (including the church unit and existing single-family residence) is less than the 307 units, or one unit per acre, allowed by CORE B. The density may be appropriate and may be compatible with the existing adjacent uses.
4. As a result of the traffic study results showing the reduction in the level of service on Silver Summit Parkway at US 40 and an incremental delay at that juncture, the developer must mitigate that reduction in the manner listed in the report of the Summit County Engineer dated December 28, 2011.
5. The conceptual architectural elements which have been submitted to the County are partially acceptable and partially comply with the Code. A determination regarding the compliance of preliminary plans must be made by the Snyderville Basin Planning Commission prior to the County Manager's approval of the development. Final construction drawings and building elevations should be submitted to Staff, who shall verify compliance of these plans prior to the issuance of any grading or building permit.
6. Final landscape, irrigation, and lighting plans are not required until prior to building or grading permit issuance. A solid waste management plan showing the location of garbage and recycling collection containers approved by the County waste manager is required prior to the issuance of any final development permit by the County Manager.

Conditions of Approval:

1. All open space and wildlife areas shall have a conservation easement or deed restriction placed upon them in a form acceptable to Summit County.
2. The meaningful open space areas shall be dedicated to Summit County or other public entity.
3. No fences shall be constructed or allowed on parcels within development areas D and E, except within approved building pads/areas. Additionally, other man-made improvements, including property monuments, shall not be allowed except within the approved building pads/areas.
4. All pre-existing conditions or improvements to the property, such as scarring and barbed wire fencing and related support posts/stakes, shall be removed and disturbed areas mitigated with revegetation.
5. No bicycle terrain parks or "free ride trails" shall be allowed within the open space areas due to their intensive nature and impacts on wildlife.
6. Traffic impacts must be mitigated by:
    a. Installation of traffic calming measures such as chicanes, islands, divided roadways, or speed humps within the project.
    b. Other measures as indicated by Engineering staff report dated December 28, 2011, which are generally as follows:
        i. Connection from Silver Summit Parkway to Old Ranch Road is required as a public roadway designed to County standards. The connection is necessary for public safety and to mitigate the impacts of the development.
        ii. Turn lanes at the connection of Silver Summit Parkway and Old Ranch Road which provides access to the project.

iii. The Old Ranch Road multi-use corridor side should provide intersection enhancements to allow for all users (e.g., cyclists and equestrian) to access and maintain the current Level of Service (LOS).

iv. Payment of Transportation Impact Fees which shall act as regional mitigation for the impact of the project.

v. Inclusion of a future transit station (bus stop) which connects to pedestrian sidewalks and trails internal to the project.

7. Prior to final development approval, a final Housing Agreement approved by Summit County shall be recorded which targets the average household income of 50% or less of the Area Median Income.
8. No homes in development area D shall break the ridgeline of the saddle when viewed from Old Ranch Road or Silver Summit Parkway.
9. The internal project road shall connect to Old Ranch Road at the southerly alignment and near the existing home's driveway (see December 7, 2011, staff report, p. 131).
10. To the extent possible, the applicant should work with the property owners directly across from the road connection to Old Ranch Road to buffer the impacts of the connection.
11. The applicant shall work with the Park City Transit District to increase the number and frequency of trips along the Brown Line (or other appropriate service line) prior to 50% build out.
12. All preliminary building elevations, green building principles, road layouts and traffic calming measures, trail/sidewalk and pedestrian plans, landscape and lighting plans, and solid waste management plans shall be submitted to and approved by the Snyderville Basin Planning Commission per the Development Code prior to any final approval by the County Manager. The applicant shall submit final construction drawings and building elevations, landscape and lighting plans, and a solid waste management plan approved by the Community Development Director prior to the issuance of any grading or building permit.
13. Green building design and principles shall be incorporated into the design of each home.
14. The applicant shall dedicate to the County additional road right-of-way on Old Ranch Road as offered at the January 10, 2012, meeting for the purpose of allowing multiple users (vehicles, horse, and bikes) along Old Ranch Road.
15. Any other conditions as outlined by the SCC.

Alternatives:

A. The SCC may instead choose to require modifications to the proposal, and approve this modified version instead, making changes to the findings and conclusions and conditions above as appropriate for the modified project. Such modifications may include but are not limited to reductions in density, changes to development design and location, and any other alterations that the SCC determines necessary to better meet the Development Code requirements and General Plan goals.

B. The SCC may instead choose to continue the rezone to another date with specific direction to the applicant concerning additional information or changes needed to render a decision.

C. The SCC may instead choose to deny the rezone, with appropriate findings.

Exhibit(s)

1. Further detail and clarification memo (Staff Response to the SCC concerns from the February 29, 2012 Meeting)
2. Location / zone map
3. Current Proposal
4. ½ Mile Bus Stop Radius – page 21
5. Section 10-5-16(E) Applicant's Analysis
6. Workforce Tabulation
7. Service Provider comments
8. 2011 Wildlife Study
9. General Plan language (Old Ranch Road & East Basin neighborhoods)
10. Open Space Policy
11. State Language
12. Ombudsman Report
13. Needs Assessment
14. SBPC Minutes (December 13, 2011 & January 10, 2012 SBPC DRAFT)
15. 100 Acre Discussion Minutes
16. Church Parcel Plat – Please see note
17. SCC Work Sessions Draft Minutes (February 15 & February 29, 2012 SCC)
18. Public Comments
19. Mountainlands Housing Trust Memo

Further detail and clarification memo (Staff Response to the SCC concerns from the February 22, 2012 Meeting)

- **Size of the project (100 acres versus 300 acres).**
  The SCC wished to discuss further the 100 acre limitation for CORE B applications, and to determine whether the projects over 100 acres "shall" or "may" be considered.

  Section 10-5-16-B-2 of the Development Code states:

  > *"CORE B shall have a maximum overall density of one (1) unit per one (1) acre. CORE B shall be considered only for parcels or portions of parcels that are 100 acres or less in size, and greater than 50 acres.* ***Parcels larger than 100 acres in size will be considered for this category if a major, contiguous portion of the property remains in meaningful natural open space. In this case, the overall open space for the development must exceed 80%.****"*

  The use of the word "will" is more consistent with "shall" than with "may," and it is Staff's recommendation that if the 80% open space criterion is met, then the applicant may utilize the additional acreage and the associated additional density. The Snyderville Basin Planning Commission (SBPC) discussed the matter at length, came to a majority, and found that the criterion is being met.

  The SCC expressed concern over the 80% open space requirement and asked Staff to look into it. Staff went back through the Staff reports and minutes from the SBPC meetings during the CORE program adoption, and found the occasion where it was discussed. On May 13, 2008, Staff presented the option to the SBPC in work session (*Exhibit 15 of the Staff Report*). The minutes show that the item was briefly presented, and did not come up as a concern. The SBPC requested additional time to review the changes, and in subsequent meetings the language remained without concern.

- **2006 Needs Assessment and Workforce/Affordable Housing explanation.**
  The SCC and the public expressed concerns about the current needs assessment and "pent up need" for workforce housing. More specifically, the SCC stated that the current needs assessment, conducted in 2006, may be flawed. This needs assessment, however, was adopted by the Board of County Commissioners and is contained within the Snyderville Basin General Plan. As such, it is still the guiding document for housing in the Basin.

  The Stone Ridge development was submitted under the 2006 assessment, and the County Attorney's office has determined that the application cannot be subject to any new or revised numbers or assessments.

  The 2006 assessment estimated a pent up need of approximately 299 units. The affordable housing component of the Snyderville Basin General Plan (General Plan) is one of the most important goals/components of the General Plan.

At the February 15, 2012 work session, the SCC also stated that the needs outlined in the 2006 assessment may have been met. To answer this question, below are the Workforce/Affordable units approved/proposed since the 2006 assessment:

- 150 rental units at the Liberty Peak Apartments (mandatory requirement for the Summit Research Park)
- Approximately 40-50 units at the Discovery CORE project
- 330 units at the Silver Creek Village Center
- 1 unit at the Park City Self Storage and 1 unit at the Marketplace Self Storage
- Total: 522-532

Of that number, approximately 393 represent the mandatory 20% to meet future needs created by each development, and while only 134-144 were intended to target "pent up need" as outlined in the 2006 assessment, leaving an estimated ~110 units of pent up need. The units approved for the Park City Tech Center and Silver Creek Village Center were approved to address the on-site requirements only and were not approved as part of the existing needs assessment.

Staff has attached the executive summary of the 2006 Needs Assessment as *Exhibit 13 of the Staff Report*.

- **General Plan being regulatory or advisory, including the Ombudsman opinion.** The SCC expressed the need for a clarification of the General Plan being regulatory or advisory. According to State Statute, under 17-27a-405, general plans are advisory in nature unless an ordinance is adopted declaring the plan to be regulatory:

> ***"17-27a-405. Effect of general plan.***
> *(1) Except for the mandatory provisions in Subsection **17-27a-401**(3)(b) and Section **17-27a-406**, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.*
> *(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection **17-27a-401**(3)(b)."*

For the convenience of the SCC, 17-27a-401(3)(b) requires an ordinance concerning the siting of nuclear facilities, and 17-27a-406 requires that public buildings and uses conform to the General Plan (sections attached in *Exhibit 11 of the Staff Report*).

The Snyderville Basin General Plan does not have an ordinance declaring it to be regulatory, and is therefore advisory only.

In addition, Staff has included the Ombudsman opinion on the subject project in relation to the Snyderville Basin Development Code and General Plan (*Exhibit 12 of the Staff Report*). The Staff agrees that the General Plan is advisory and not regulatory.

Section 10-5-16-D-7 of the Development Code, in the CORE program, states:

> *"The Legislative Body of Summit County may permit the rezone of the property only after it has determined that both the rezone and accompanying workforce housing proposal* ***are consistent*** *with the goals, objectives, and policies of the General Plan and all other criteria and considerations described in this Title, and said action is necessary to promote the health, safety, and welfare of the residents of the Snyderville Basin. "*

The concern has been expressed by the public and the SCC that this section makes the General Plan, into a regulatory document, and that therefore all CORE projects must fully comply with all requirements of the General Plan. The concern has also been expressed that the Development Code and the General Plan are contradictory, and that as a result no CORE project can be approved.

Staff has addressed this concern in the bullets below to clarify that the CORE program does comply with the General Plan, and the General Plan and Development Code are not contradictory, and that the Stone Ridge proposal is "generally consistent" with the General Plan:

- The General Plan Contains a Housing Element, which requires reasonable methods for the provision of Affordable Housing. Therefore, the CORE program complies with this portion of the General Plan.

- The goals and policies of the General Plan are reflected in the Development Code. Sensitive Land preservation, setbacks, design requirements, landscaping, parking compatibility, appropriateness, and more all comply with various sections of the General Plan. The Development Code cannot be amended without being consistent with the goals of the General Plan, therefore the Development Code requirements themselves must be consistent as currently adopted. Therefore, the Development Code is consistent with the General Plan.

- The requirement above states "consistent with" rather than "comply with." Interpretations about the intent of the General Plan goals were made during the adoption of the CORE program, and the CORE program restrictions and requirements were found to be consistent with the intent of those goals. If the project is found to be compliant with the CORE Development Code requirements, it can then be found to be consistent with the goals and policies of the General Plan.

- The Application is compatible with the Neighborhood Planning Area goals: clustering in the east, open space, connectivity, affordable housing, rural design in the west,. In general the proposal incorporates many of the planning goals of the General Plan; clustering preserving a large tract of meaningful open space, providing trail connections, an interior walkable design, and sensitive land protection, among others. The lots are clustered onto a small portion of the project rather than spreading across the entire acreage. The specific design of the

project incorporates many of the design goals of the Community Design Standards section of the General Plan.

- The Old Ranch Road Neighborhood Planning Area allows for two of the items outlined by the SCC as concerns:
  - the planning area states that no more major connections are anticipated. Staff and the Engineering Department state that the connection is not a "major connection," and is instead a small country lane, as permitted by the area plan,
  - the planning area states that open space is appropriate when included in large lots.

- **In summary:**
  - **Staff finds that the General Plan is advisory, not regulatory.**
  - **Staff, the SBPC, and the Board of County Commissioners found, at the time of adoption, that the CORE program was compliant with the General Plan.**
  - **Even if the General Plan were to be regulatory, Staff finds that the proposed project is generally consistent with the General Plan.**

- **Wildlife Corridor**
  The SCC was concerned with the fragmentation of the wildlife corridor, stating that a road passing through would divide it into two separate areas.

  The applicant has made efforts to increase the north-west wildlife corridor to approximately 600 feet. Additionally, the Division of Wildlife Resources did not express concern with a small road crossing, nor request any changes for the proposed corridor.

- **Number of Units**
  The SCC made comments that the proposed number of units is excessive.

  During the Staff Review, Staff determined that all 17 CORE criteria are being met, therefore the density proposed is appropriate. As the process includes a rezone, the SCC could choose to make a reduction in the number of a condition of rezone approval, if appropriate findings are made.

- **Unit style and Compatibility**
  The SCC was concerned with the Town Homes being identified as Single Family Dwellings.

  The Summit County Attorney's Office has determined that Town Homes fall under the Snyderville Basin Development Code (Development Code) definition of Single Family Dwelling.

Throughout the process, Staff has recommended that townhomes be recognized as "similar" to single family dwellings. Additionally, the CORE provisions encourage a mix of housing types in the same neighborhood.

- **Integration of Workforce Housing Units**
  The SCC wished to further discuss the Integration of Workforce Housing Units in the project.

  Staff recognizes that the majority of Workforce Housing Units are on the Eastern portion of the project; however the Workforce Units are integrated throughout this portion of the project. The majority of density is in the Eastern portion, and Staff and the SBPC found that the criterion was met.

  Additionally, Staff supports the proposed layout as it places more density closer to amenities such as an elementary school, church, and potential employers at the Silver Summit exit.

- **Identify bus stop locations and distance.**
  The SCC was concerned with the distance from the proposed units to the nearest bus stops that would serve the project.

  The Development Code requires that the property is located within ½ mile of year-round public or private mass transit. Staff has confirmed that the project is located within ½ mile of public mass transit, and has included the bus stop location map in *Exhibit 4 of the Staff Report.*

- **Open Space**
  The SCC expressed concern about the type and calculation of Meaningful Open Space, publicly owned versus privately owned Open Space, and Dedication of the Open Space.

  One of the CORE approval criteria is that at least 30% of the property be preserved as Meaningful Open Space. The applicant has identified the 30% of Meaningful Open Space. The applicant has also identified 65% of open space would be dedicated to the County.

  The Inclusions and Exclusions in the Open Space Calculation are defined in Section 10-4-4-B which states:

  > *Open space may include setback areas, easements within which no above ground structures are located, open space conservation easements, and other such areas. Open space shall not include any portion of a parcel on which any structure, parking lot or other such feature is located on or above the surface of*

the ground. Parking lot landscaping shall not be included in the required open space calculation.

The Old Ranch Road Neighborhood Planning Area of the General Plan states that:

"While development shall meet the open space requirements, it is appropriate to allow the open space to be incorporated into individual lots, provided that the open space is outside of fenced areas[…]"

Staff has attached the General Plan Open Space advisory language, more clearly defining "meaningful" open space, as *Exhibit 9 of the Staff Report*.

- **Minutes for SCC density methodology.**
  The SCC directed Staff to include the minutes when the density methodology discussions took place. Specifically, the SCC discussed density methodology for the Discovery CORE application:
  - In work session June 15, 2011
  - In work session June 29, 2011
  - In work session July 20, 2011
  - In work session August 3, 2011
  - At a public hearing August 10, 2011

  Staff has reviewed the minutes and determined that the proposed density methodology matches those discussed by the SCC.

  It is important to note that the density method eventually utilized for the Discovery project does not affect the Stone Ridge CORE, as the 1 unit per acre maximum of CORE B is well below the maximum potential density that would be permitted under the calculation.

- **Clarification of Criterion #10 of the CORE requirements.**
  Section 10-5-16-E-10 of the Development Code states:

  "A transportation study shall be done, and if the additional density results in any reduction in the level of service of roads serving the project, such reduction in service shall be mitigated by the project. If traffic impacts cannot be reasonably mitigated, that could be grounds for project denial."

  The Engineering Department has reviewed the traffic study for the proposed project and it was determined that some drop in Level of Service occurs and mitigations are required. The Engineering Department Staff has determined that through mitigations, the Level of Service can be "reasonably mitigated" by through road connections, traffic calming, turn lanes, transportation impact fees, etc. Mitigation does not only refer to traffic capacity

increases and Level of Service, but must consider all users of the system. The requirement does not state that there may be no increase, but only states that the impacts must be "reasonably mitigated." The Engineering Department has found that this criterion will be met.

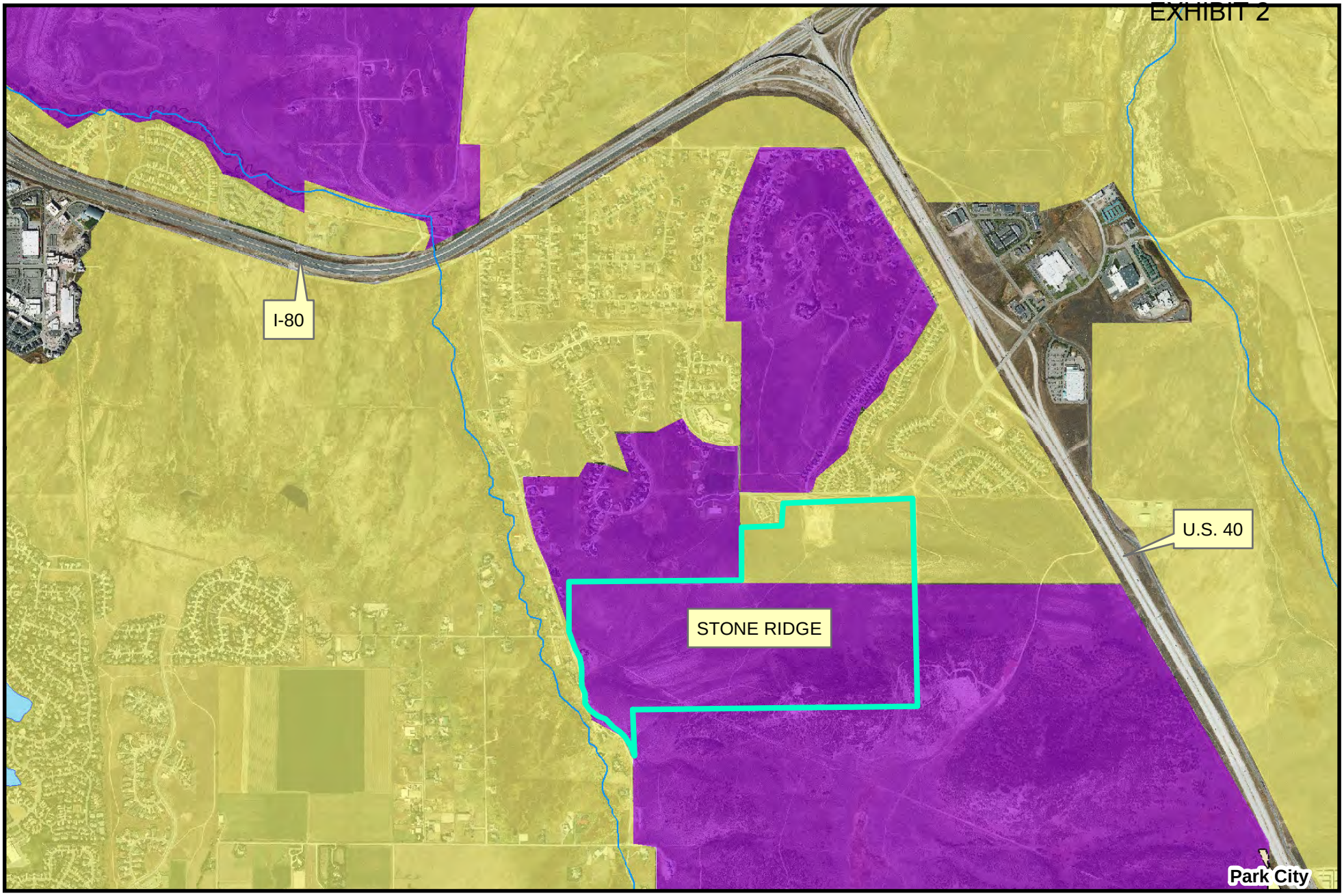
- **Connecting Through Road**
  The SCC was concerned with the through road connection between Old Ranch Road and Silver Summit Parkway.

  The County Engineer's Office and the Park City Fire Department require that there be a through road connection for safety reasons. The County Manager requires that the road be a public road. The final decision on the through connection would be made by the County Manager during the Final Site Plan/Major Development review.

  Members of the public have expressed concern with this connection, citing the Old Ranch Road Neighborhood Planning Area which states that:

  It is Staff's recommendation that the connection does not constitute a "major connection", and that the through road as designed would meet the General Plan advisements.

EXHIBIT 2



Stone Ridge
Vicinity/Zoning Map

Prepared by Summit County
Community Development Department

Legend

- Rural Residential (RR)
- Hillside Stewardship (HS)

N

0 0.5 1
Miles

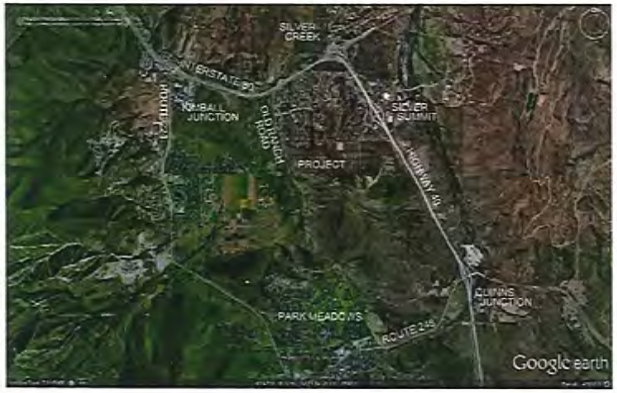
This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of information shown.

EXHIBIT 3.1

STONE RIDGE

SUMMIT COUNTY, UTAH

CORE REZONE PRELIMINARY PLAN



Project Location

Nadine Fausett
Gillmor Trust

2350 East Weber Canyon Road
Post Office Box 130
Oakley, Utah 84055
435.783.5250

October 6, 2011

Sheet Index

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MULHOLLAND DEVELOPMENT SOLUTIONS

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EXHIBIT 3.2

Site Tabulations

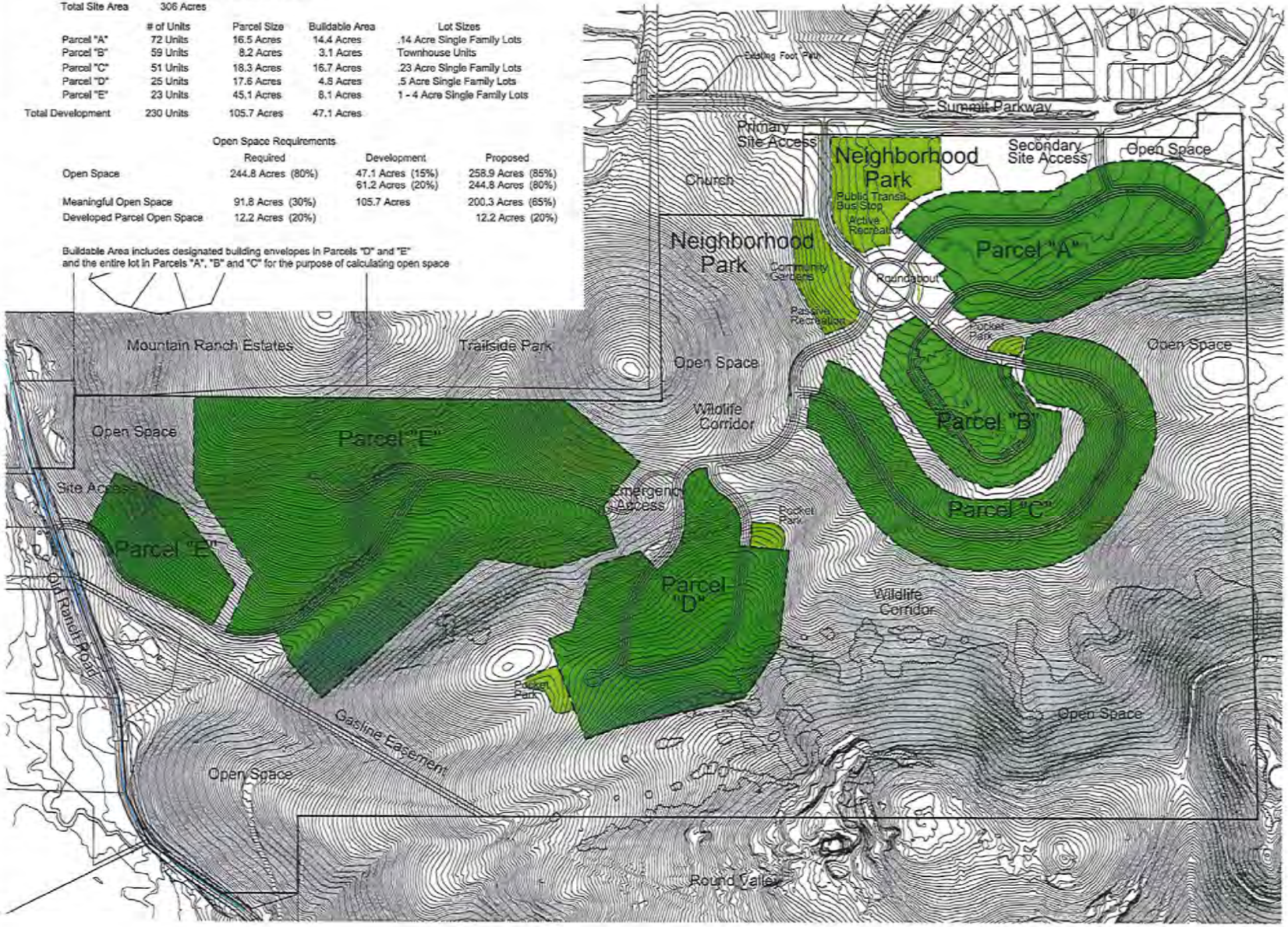
Total Site Area 306 Acres

	# of Units	Parcel Size	Buildable Area	Lot Sizes
Parcel "A"	72 Units	16.5 Acres	14.4 Acres	.14 Acre Single Family Lots
Parcel "B"	59 Units	8.2 Acres	3.1 Acres	Townhouse Units
Parcel "C"	51 Units	18.3 Acres	16.7 Acres	.23 Acre Single Family Lots
Parcel "D"	25 Units	17.6 Acres	4.8 Acres	.5 Acre Single Family Lots
Parcel "E"	23 Units	45.1 Acres	8.1 Acres	1 - 4 Acre Single Family Lots
Total Development	230 Units	105.7 Acres	47.1 Acres	

Open Space Requirements

	Required	Development	Proposed
Open Space	244.8 Acres (80%)	47.1 Acres (15%) 61.2 Acres (20%)	258.9 Acres (85%) 244.8 Acres (80%)
Meaningful Open Space	91.8 Acres (30%)	105.7 Acres	200.3 Acres (65%)
Developed Parcel Open Space	12.2 Acres (20%)		12.2 Acres (20%)

Buildable Area includes designated building envelopes in Parcels "D" and "E" and the entire lot in Parcels "A", "B" and "C" for the purpose of calculating open space



SCALE: 1" - 200'

STONE RIDGE
SUMMIT COUNTY, UTAH
CORE REZONE
PRELIMINARY PLAN

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Gillmor Trust
Park City, Utah

PROJECT CONSULTANTS

DATE:	ISSUE:
10/04/2011	PRELIMINARY PLAN SUBMISSION

PARCEL PLAN

PROJECT NO:	2011.23
DRAWING FILE:	
DRAWN BY: PGG	C-3
CHECKED BY: PGG	

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EXHIBIT 3.3

Site Tabulations

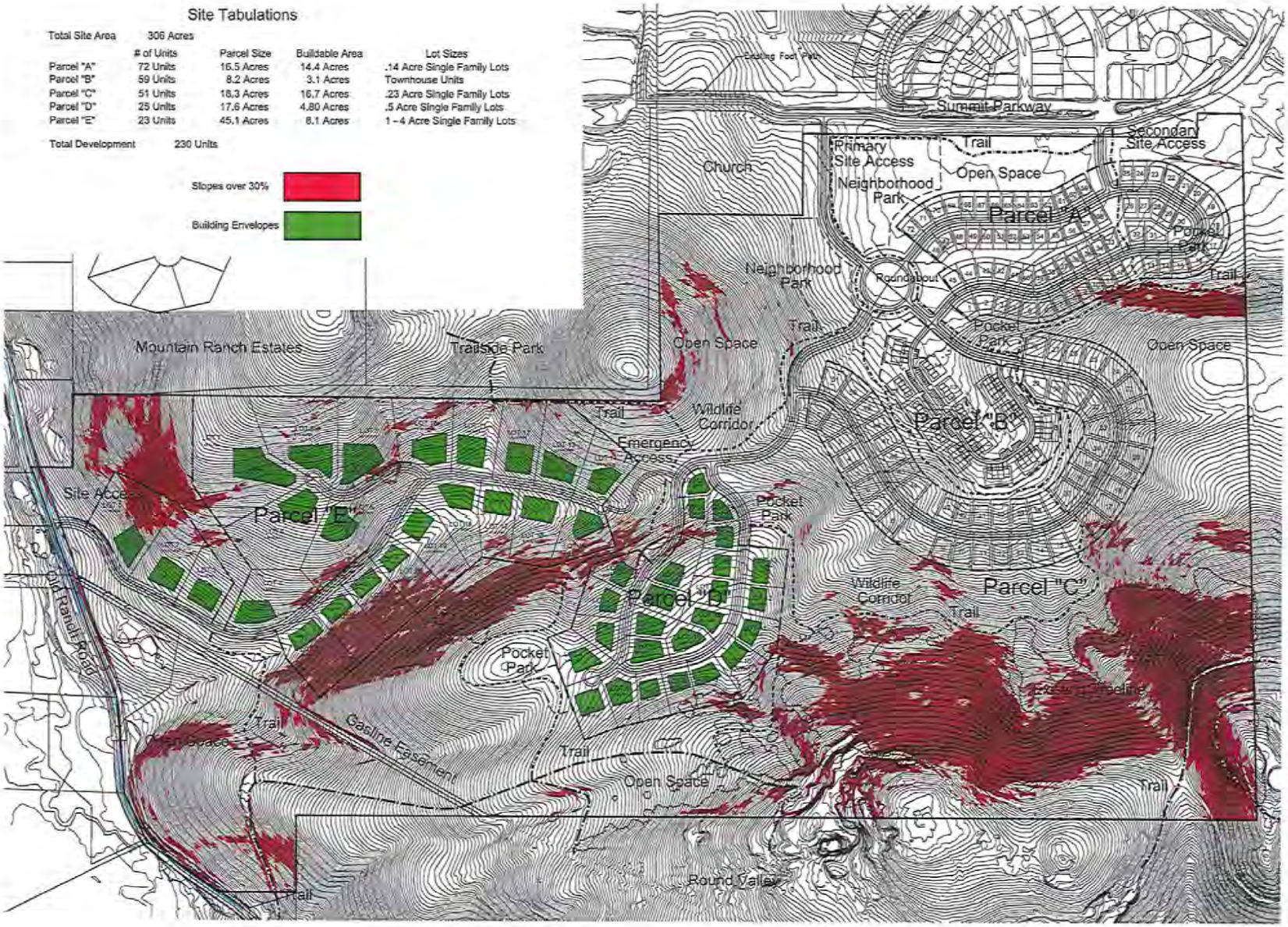
Total Site Area 306 Acres

	# of Units	Parcel Size	Buildable Area	Lot Sizes
Parcel "A"	72 Units	16.5 Acres	14.4 Acres	.14 Acre Single Family Lots
Parcel "B"	59 Units	8.2 Acres	3.1 Acres	Townhouse Units
Parcel "C"	51 Units	18.3 Acres	16.7 Acres	.23 Acre Single Family Lots
Parcel "D"	25 Units	17.6 Acres	4.80 Acres	.5 Acre Single Family Lots
Parcel "E"	23 Units	45.1 Acres	8.1 Acres	1 – 4 Acre Single Family Lots

Total Development 230 Units

Slopes over 30%

Building Envelopes



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STONE RIDGE
SUMMIT COUNTY, UTAH

CORE REZONE
PRELIMINARY PLAN

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PROJECT CONSULTANTS

DATE	ISSUE
10/24/2011	PRELIMINARY PLAN SUBMISSION

LOTTING PLAN

PROJECT NO: 2011.22

DRAWING NO.:

DRAWN BY: FGG

CHECKED BY: FGG

C-4

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EXHIBIT 3.4

Site Tabulations

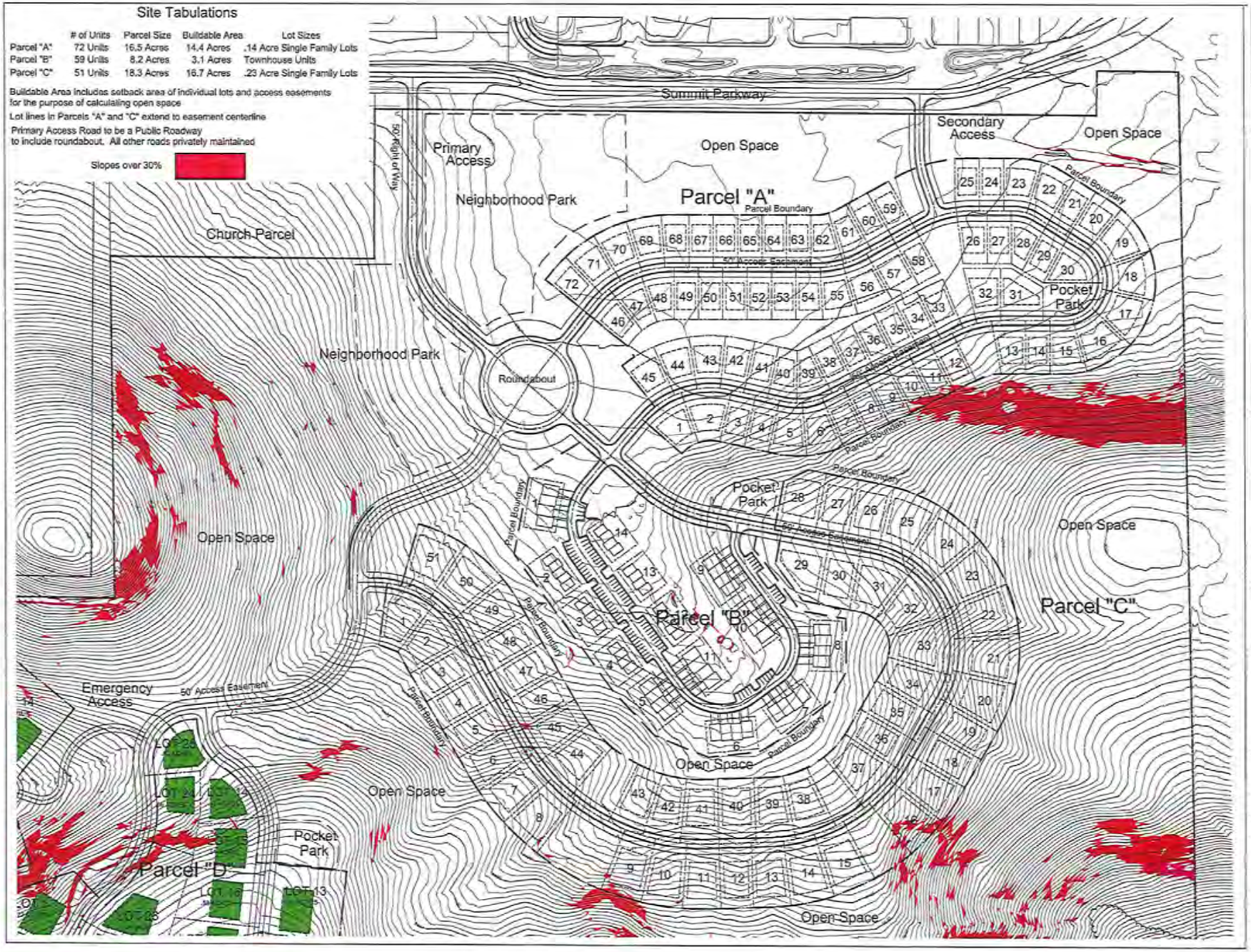
	# of Units	Parcel Size	Buildable Area	Lot Sizes
Parcel "A"	72 Units	16.5 Acres	14.4 Acres	.14 Acre Single Family Lots
Parcel "B"	59 Units	8.2 Acres	3.1 Acres	Townhouse Units
Parcel "C"	51 Units	18.3 Acres	16.7 Acres	.23 Acre Single Family Lots

Buildable Area includes setback area of individual lots and access easements for the purpose of calculating open space

Lot lines in Parcels "A" and "C" extend to easement centerline

Primary Access Road to be a Public Roadway to include roundabout. All other roads privately maintained

Slopes over 30%



SCALE: 1" - 100'

STONE RIDGE
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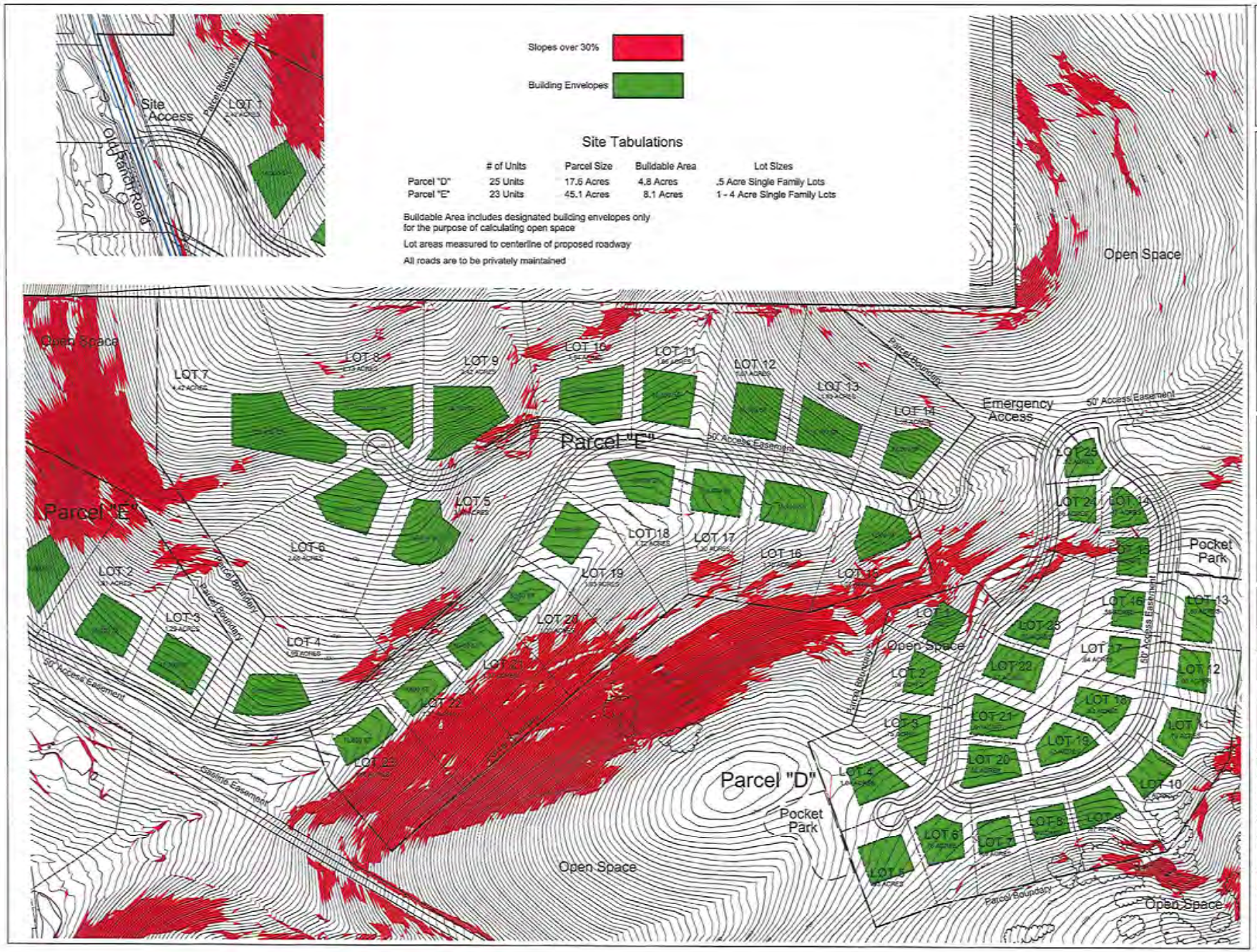
EXHIBIT 3.5



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0 50 100 200 300

SCALE: 1" - 100'

STONE RIDGE
SUMMIT COUNTY, UTAH

CORE REZONE
PRELIMINARY PLAN

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EXHIBIT 3.6

N

0 100 200 400 600

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SUMMIT COUNTY, UTAH

CORE REZONE
PRELIMINARY PLAN

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10/06/2011	PRELIMINARY PLAN SUBMISSION

EXISTING CONDITIONS

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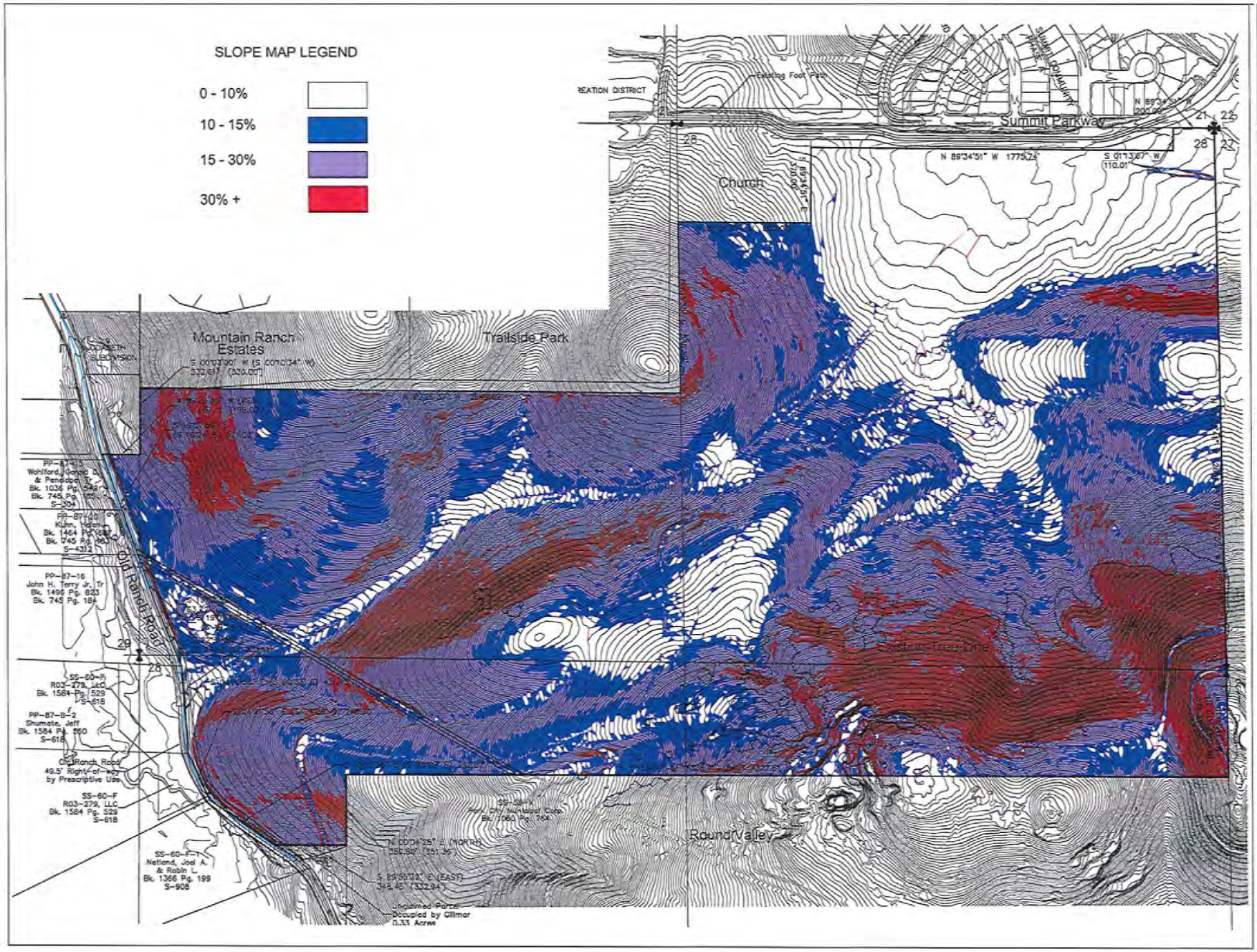
EXHIBIT 3.7



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STONE RIDGE
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CORE REZONE PRELIMINARY PLAN

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DATE:	ISSUE:
10/04/2011	PRELIMINARY PLAN SUBMISSION

SLOPE MAP

PROJECT NO: 2011.22

DRAWING FILE:

DRAWN BY: PGG

CHECKED BY: PGG

C-2

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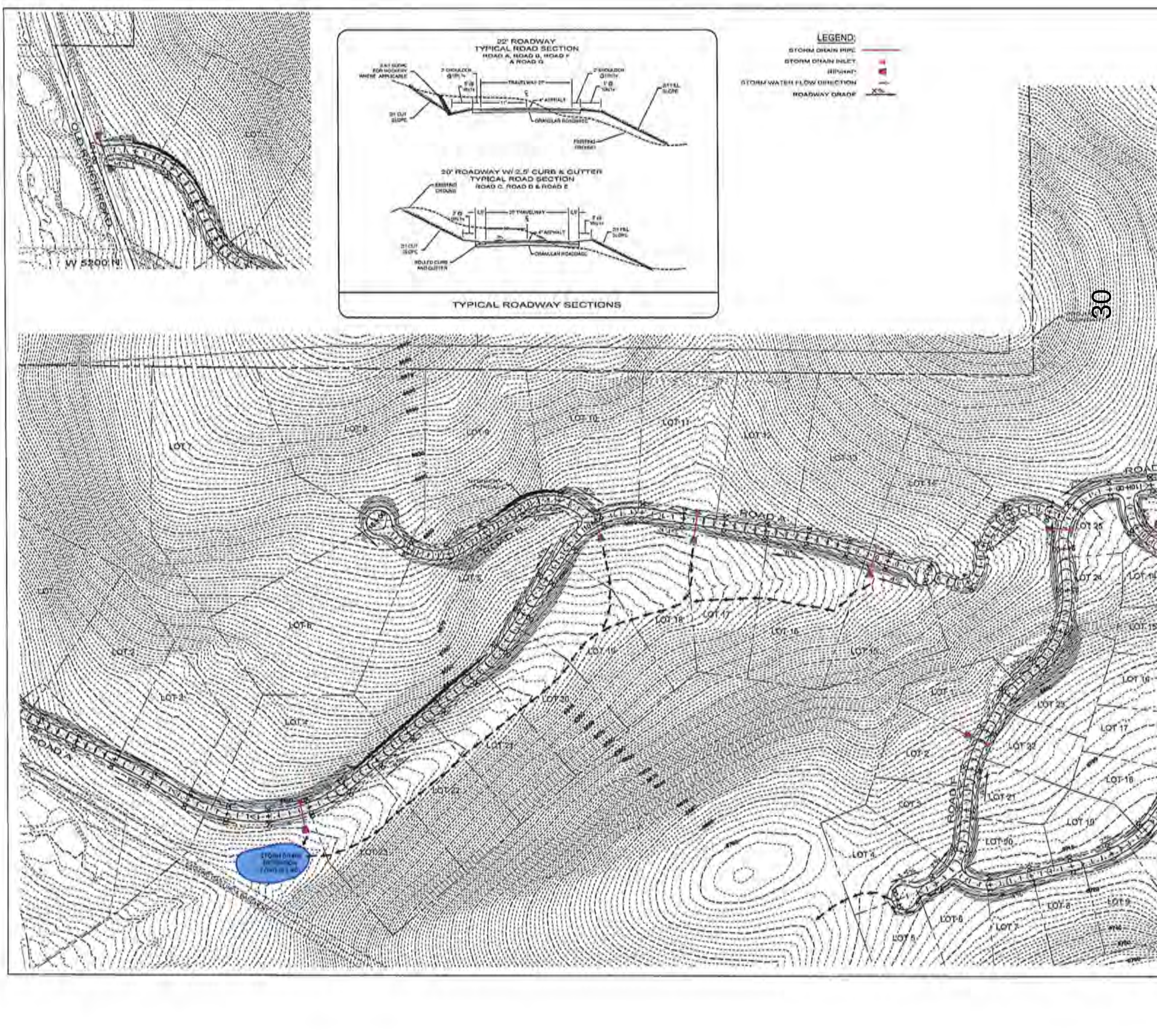
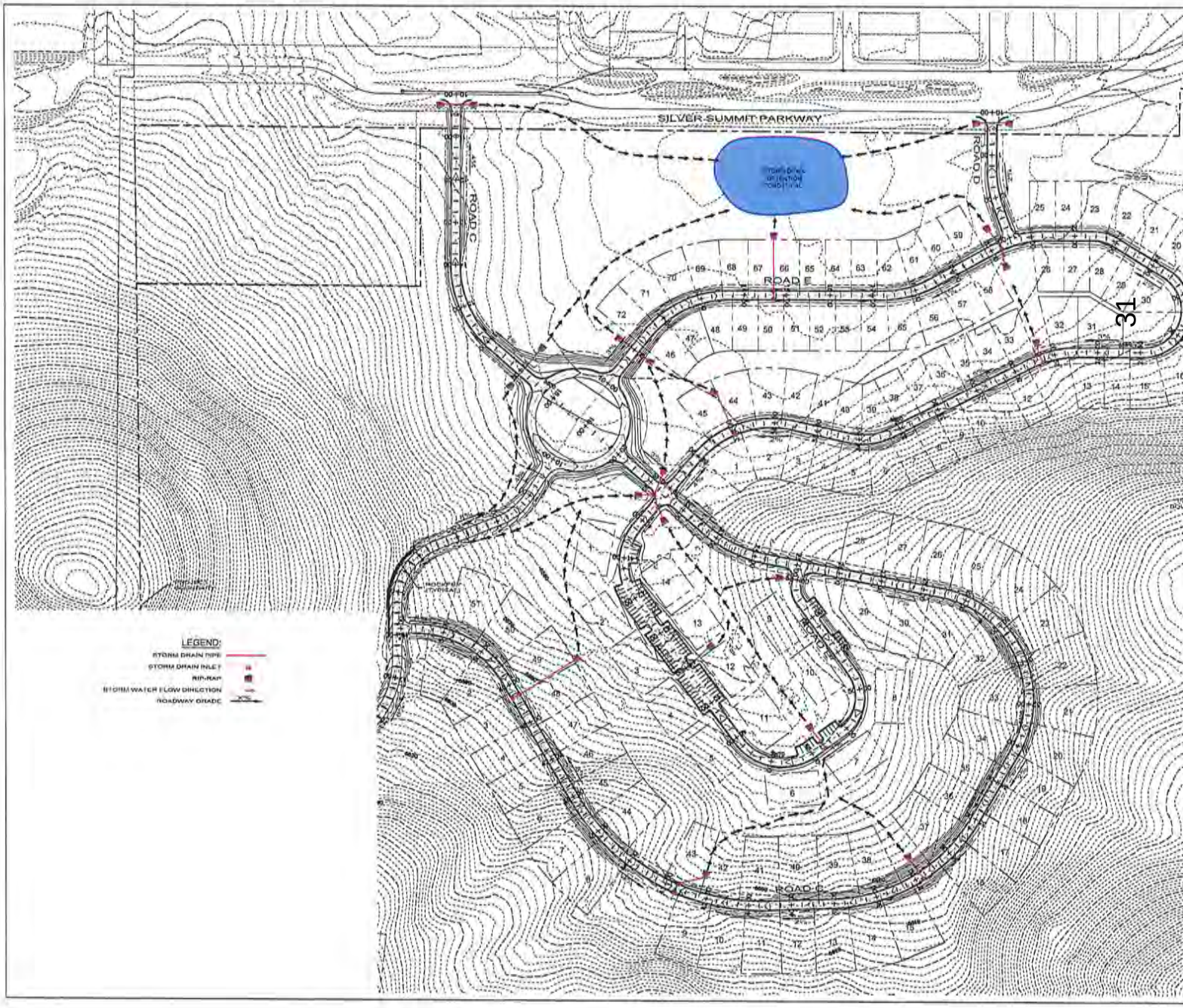
EXHIBIT 3.8



22' ROADWAY
TYPICAL ROAD SECTION
20' ROADWAY W/ 2.5' CURB & GUTTER
TYPICAL ROAD SECTION
TYPICAL ROADWAY SECTIONS
LEGEND:
STORM DRAIN PIPE
STORM DRAIN INLET
RIPRAP
STORM WATER FLOW DIRECTION
ROADWAY GRADE
OLD RANCH ROAD
W 5200 N
ROAD A
ROAD B
ROAD F

EXHIBIT 3.9


SILVER SUMMIT PARKWAY
ROAD C
ROAD D
ROAD E
ROAD B
LEGEND:
STORM DRAIN PIPE
STORM DRAIN INLET
RIP-RAP
STORM WATER FLOW DIRECTION
ROADWAY GRADE

SUGGESTED PLANT LIST

DECIDUOUS TREES
AMUR MAPLE
ROCKY MTN. MAPLE
NORDOTH MAPLE
NETLEAF HACKBERRY
QUAKING ASPEN
MAYDAY TREE
CHOKECHERRY

MIN. SIZE 1" CAL.
ACER GINNALA
ACER GLABRUM
ACER GRANDIDENTATUM
CELTIS RETICULATA
POPULUS TREMULOIDES
PRUNUS PADUS
PRUNUS VIRGINIANA

SHRUBS
GREENLEAF MANZANITA
MOUNTAIN LILAC
MOUNTAIN MAHOGANY
RUBBER RABBITBRUSH
MOUNTAIN SPRAY
MOUNTAIN LOVER
MOUNTAIN NINEBARK
WESTERN SNOWBERRY
ALPINE CURRANT
WOODS ROSE
DOWNY ROSE
SERVISBERRY

3-5 GAL. CONT.
ARCTOSTAPHYLOS PATULA
CEANOTHUS VELUTINUS
CERCOCARPUS MONTANUS
CHRYSOTHAMNUS NAUSEOUS
HOLODISCUS DUMOSA
PACHISTIMA MYRSINITES
PHYSOCARPUS MONOGYNUS
PRUNUS BESSEYI
RIBES ALPINUM
RIBES AUREUM
ROSA WOODSII
SALIX DORNII
SYMPHORICARPUS ALBA

EVERGREEN TREES
WHITE FIR
SUBALPINE FIR
ENGELMANN SPRUCE
COLORADO SPRUCE
LIMBER PINE

MIN. SIZE 6'
ABIES CONCOLOR
ABIES LASIOCARPA
PICEA ENGELMANNI
PICEA PUNGENS
PINUS FLEXILIS

PERENNIALS/GROUNDCOVERS 1 GAL. CONTAINERS
Artemisia Gebelinii
Pacific Aster
Blackeyed Susan
Rocky Mountain Iris
Mariposa Lily
Hot Smooth Pea
Mountain Lupine
Large Flowered Penstemon
Rocky Mountain Penstemon
Wasatch Penstemon
White Lyreleaf Pitcher
Showy Goldenrod
Red Hot Sedum
White Yarrow
Sulphur Flower
Rocky Mountain Columbine
Purple Coneflower
Pacific Coneflower
Lanceleaf Coreopsis
Dwarf Blanket
Fleabane
Wild Geranium
Desert Globemallow
Golden Banner

SEEDED AREAS

HARD FESCUE	25%
SHEEP FESCUE	25%
CHEWINGS FESCUE	25%
ROCKY MTN PENSTEMON	12%
BLUE FAX	4%
YARROW	9%

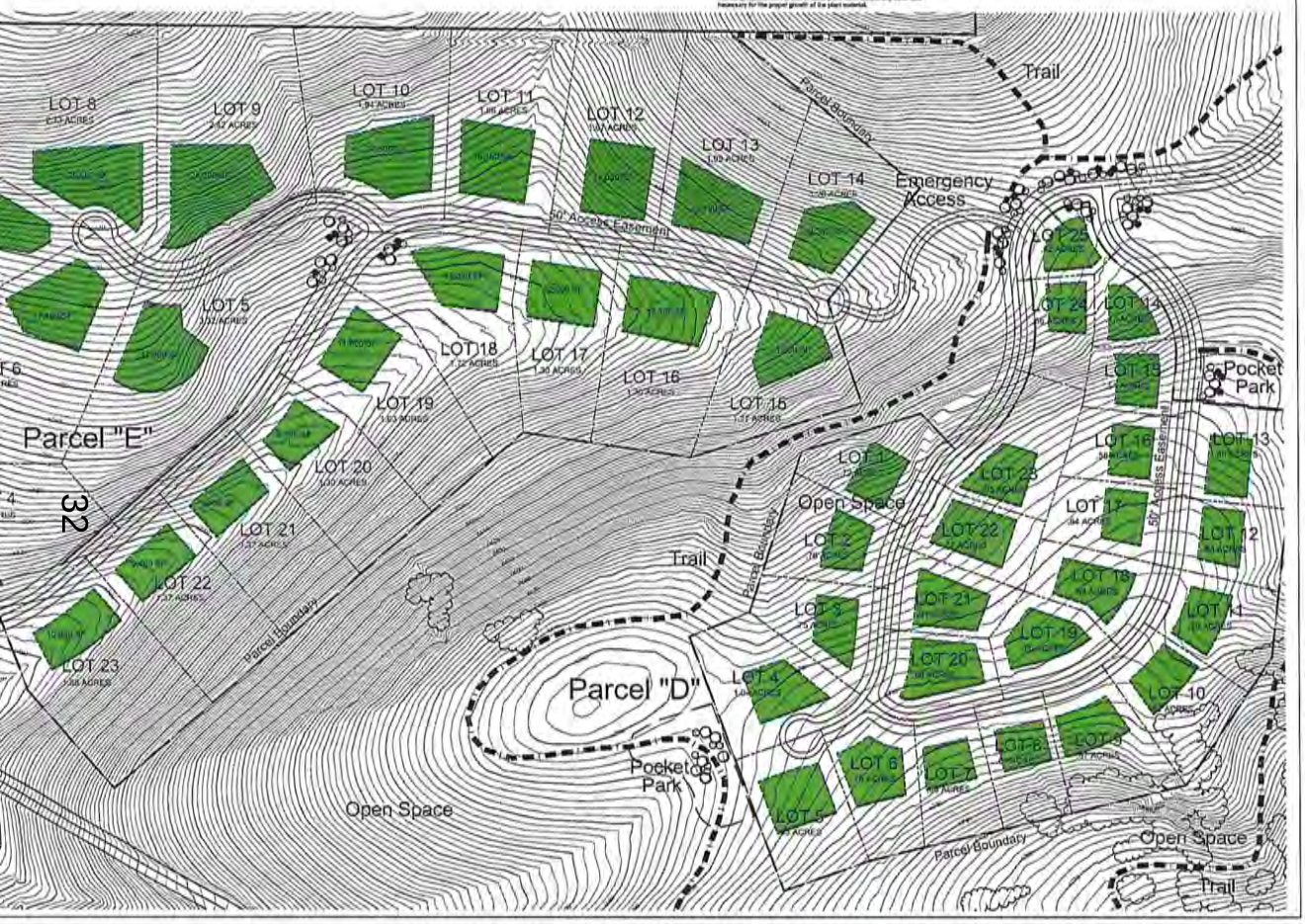
SEED AT RATE OF 25 LBS/ACRE

SEEDED AREAS INCLUDE ALL DISTURBED AREAS NOT COVERED BY HARDSCAPE OR OTHER PLANTINGS

ALL TREES AND SHRUBS TO BE IRRIGATED UTILIZING A DRIP AND HUMIDIFIER SYSTEM. PERENNIAL AREAS AND LAWN AREAS TO BE SPRAY IRRIGATED. NATIVE GRASS SEEDED AREAS TO HAVE TEMPORARY IRRIGATION UNTIL SUCH TIME THAT ADEQUATE GERMINATION HAS OCCURRED.

PLANTING NOTES

1. The contractor shall locate and verify the existence of all utilities prior to starting work.
2. The contractor shall supply all plant materials in quantities sufficient to complete the plantings shown on all drawings.
3. All plant materials shall conform to the guidelines established by the current American Standard for Nursery Stock published by the American Association of Nurserymen or equivalent.
4. No plant shall be put into the ground before rough grading has been completed and approved by the landscape architect or equal.
5. All plants shall bear the same relationship to finished grade as the plants original grade, for trees the container, B&B, or if applicable.
6. All plants shall be balled and wrapped or container grown as specified. No container grown stock will be accepted if it is root bound. All root wrapping material made of synthetic or plastic shall be removed at time of planting.
7. With container grown stock, the container shall be removed and the container ball shall be cut through the surface in two vertical locations.
8. The site prior to planting, the location of all trees and shrubs shall be staked for approval by the landscape architect or equal.
9. At planting time, all plants shall be trimmed by removing a balanced amount of the vegetative material. DO NOT CUT LEADERS.
10. All plants shall be sprayed with an antidesiccant within 24 hours after planting. All plants shall be sprayed with an antidesiccant at the beginning of hot dry weather.
11. All plants shall be installed as per planting details and specifications.
12. All plants and planes shall be set plumb unless otherwise specified.
13. The contractor shall provide loam fill as per the planting details and/or contract specifications.
14. All plants shall be watered thoroughly twice during the first 24 hour period after planting. All plants shall then be watered as needed and suggested by local conditions during the first growing season.
15. The contractor shall refer to the contract specifications for any additional requirements.
16. All sod, if proposed, shall be installed from areas having growing conditions similar to areas to be covered. Areas to be sodded shall be rough of stones and debris. Debris and stones over 1" in diameter shall be removed from the site. All damaged sod will be rejected. All sod must be placed with staggered joints, lightly tucked, with no inequalities in grade. Place all sod in rows at right angles to slopes (where applicable).
17. Maintenance shall begin after each plant has been installed and shall continue until final acceptance by the landscape architect or owner representative. Maintenance includes watering, pruning, weeding, mulching, replacement of dead or dead plant material, and any other care necessary for the proper growth of the plant material.
18. The contractor shall review Architectural/Engineering plans to become familiar with grading and surface utilities.
19. The contractor shall insure that his work does not interrupt established or projected drainage patterns.
20. The contractor shall coordinate with lighting and irrigation contractors regarding timing of installation of plant material.
21. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence on the part of the contractor in the execution of the work.
22. All protected plant materials shall be provided water entirely in a widely acid or planting beds. Planting bed lines are not to be obstructed.
23. The contractor shall be wholly responsible for weather and plant conditions of all trees and shrubs, and shall be legally liable for any damage caused by instability of any plant materials. Staking of trees or shrubs, if desired or requested by the landscape architect, shall be done utilizing a method agreed upon by the landscape architect, as indicated on the documents.
24. Upon completion of all landscaping, an inspection for acceptance of the work shall be held. The contractor shall notify the landscape architect or owner for scheduling the inspection at least seven (7) days prior to the anticipated inspection date.
25. All trees, shrubs, and groundcovers shall be guaranteed for 12 months from the date of acceptance. Replacement plants used shall be guaranteed for an additional 90 days.
26. Earth berms shall be constructed in the location and configuration indicated on the plans. Fill material shall be natural, fertile, friable soil, possessing characteristics of representative soils at the site and shall be obtained from naturally well-drained areas. Soil shall be free of excessive extraneous materials (sticks, stones, etc.). Earth berms shall be constructed to such a degree that they supply a stable planting site capable of supporting trees, shrubs and lawn. All rough and finish grading of earth berms shall be the responsibility of the contractor. In the vicinity of each earth berm, the contractor shall regrade as necessary to blend each berm into existing grade. Final grade of earth berms shall be approved by the landscape architect or owner representative prior to seeding or planting operations. Finish grade before planting shall be no 3" below finish surface or adjacent paving or top of adjacent curbs.
27. In the event of variation between quantities shown on the plant schedule and the plans, the plant schedule shall control. Improper plant count made by the contractor shall be no cause for additional cost to the owner. Sod quantity towards are the responsibility of the contractor. All discrepancies shall be reported to the landscape architect for clarification prior to bidding.



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SCALE: 1" - 100'

STONE RIDGE
SUMMIT COUNTY, UTAH

CORE REZONE PRELIMINARY PLAN

PROJECT MANAGEMENT

LandSOLUTIONS
PLANNING & DESIGN

Post Office Box 683175
1685 Bonanza Drive Suite 206
Park City, Utah 84068
435.645.0623 (F)435.645.0621
peteg@landsolutionspc.biz

PROJECT OWNER
Nadine Fausett
Gillmor Trust
Park City, Utah

PROJECT CONSULTANTS

DATE:	ISSUE:
10/04/2011	PRELIMINARY PLAN SUBMITTAL

LANDSCAPE PLAN

PROJECT NO:	2011.23
DRAWING FILE:	
DRAWN BY: PGG	C-13
CHECKED BY: PGG	

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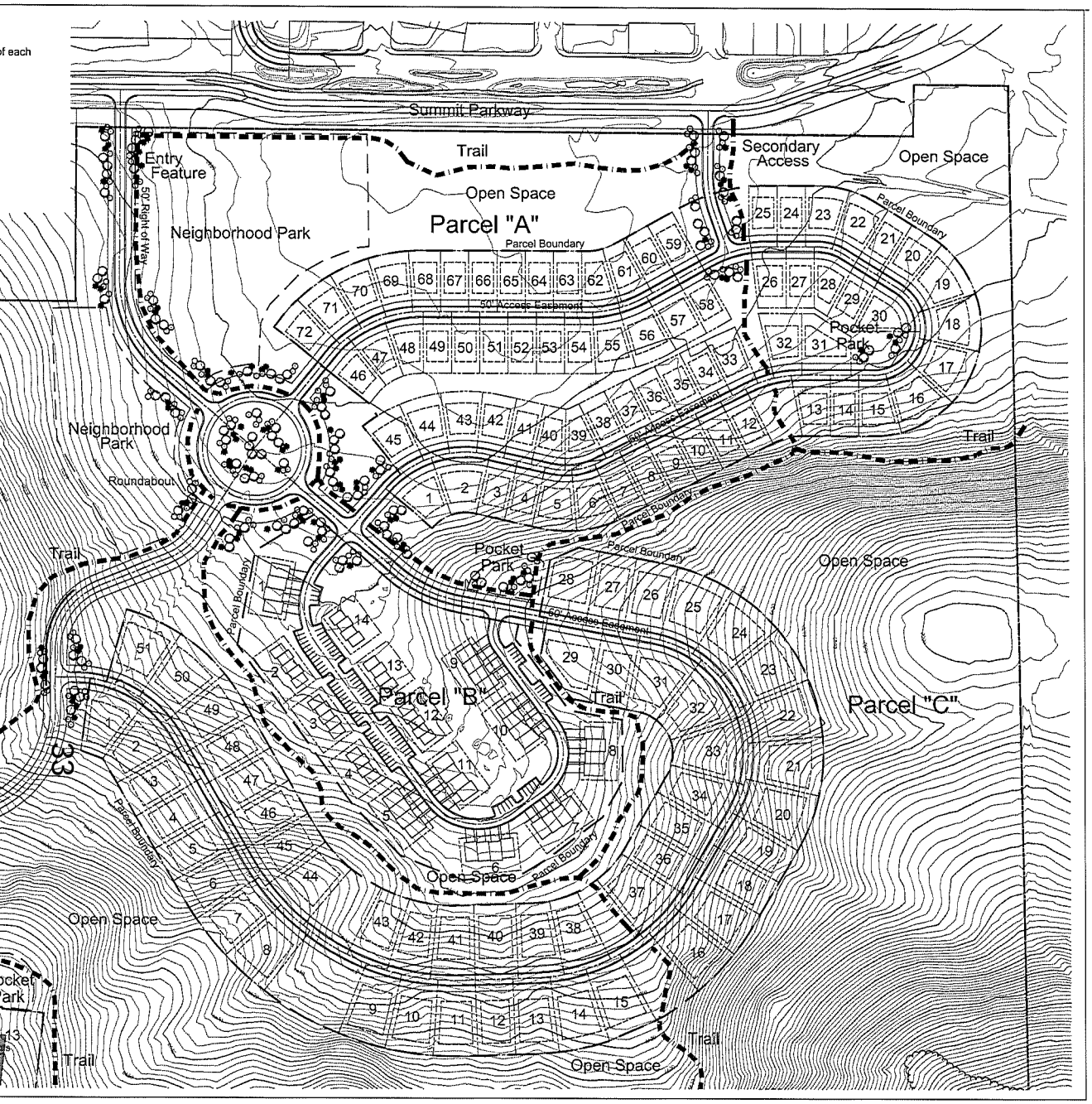
EXHIBIT 3.10



SCALE: 1" - 100'

STONE RIDGE
SUMMIT COUNTY, UTAH

CORE REZONE
PRELIMINARY PLAN

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10/04/2011	PRELIMINARY PLAN SUBMISSION

LANDSCAPE PLAN

PROJECT NO:		2011.23
DRAWING FILE:		
DRAWN BY:	PGG	C-14
CHECKED BY:	PGG	

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EXHIBIT 3.11

EXHIBIT 3.12

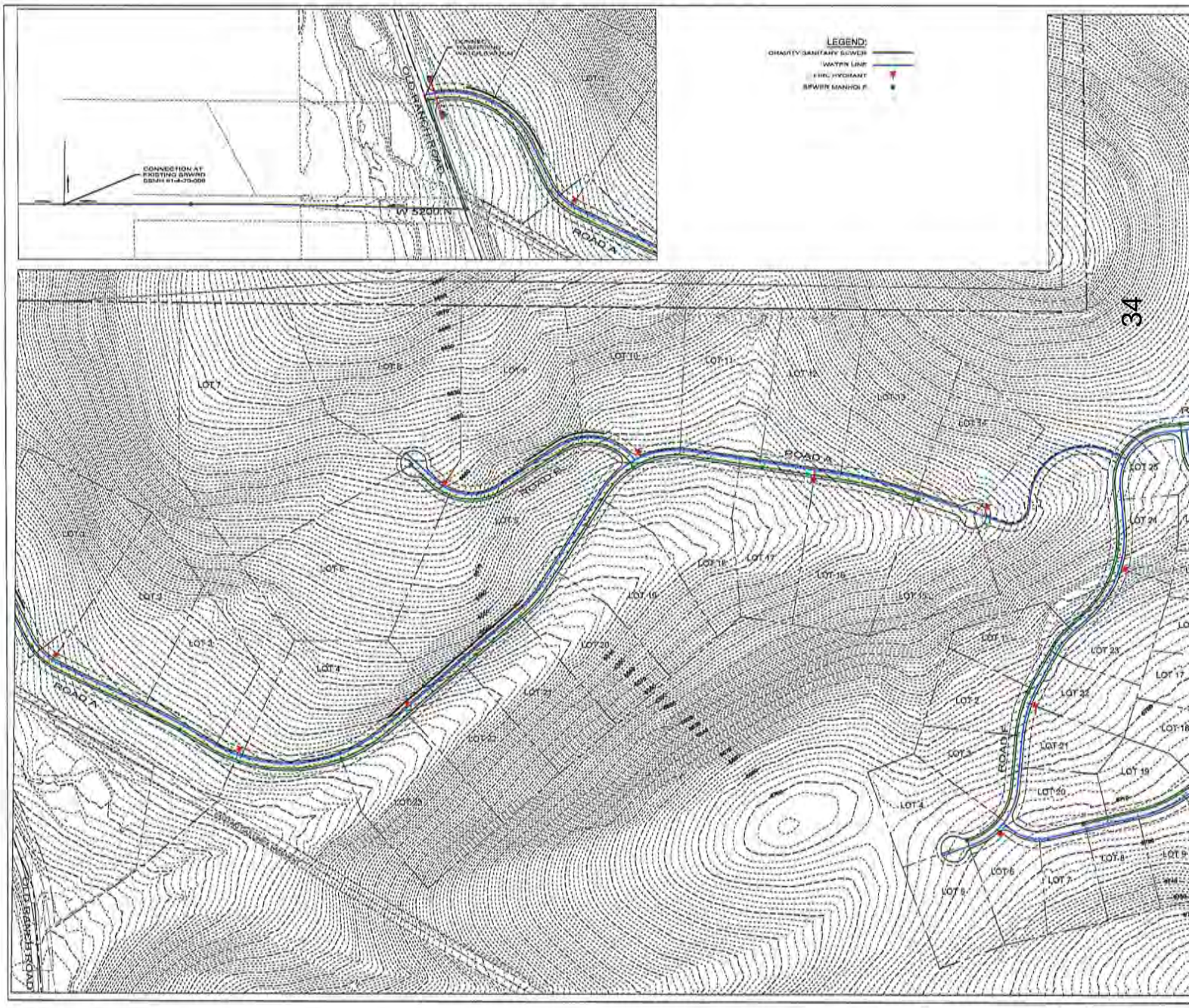
LEGEND:
GRAVITY SANITARY SEWER
WATER LINE
FIRE HYDRANT
SEWER MANHOLE
CONNECTION AT EXISTING SEWER
W 5200 N
OLD RANCH ROAD
ROAD A
ROAD B
ROAD E
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
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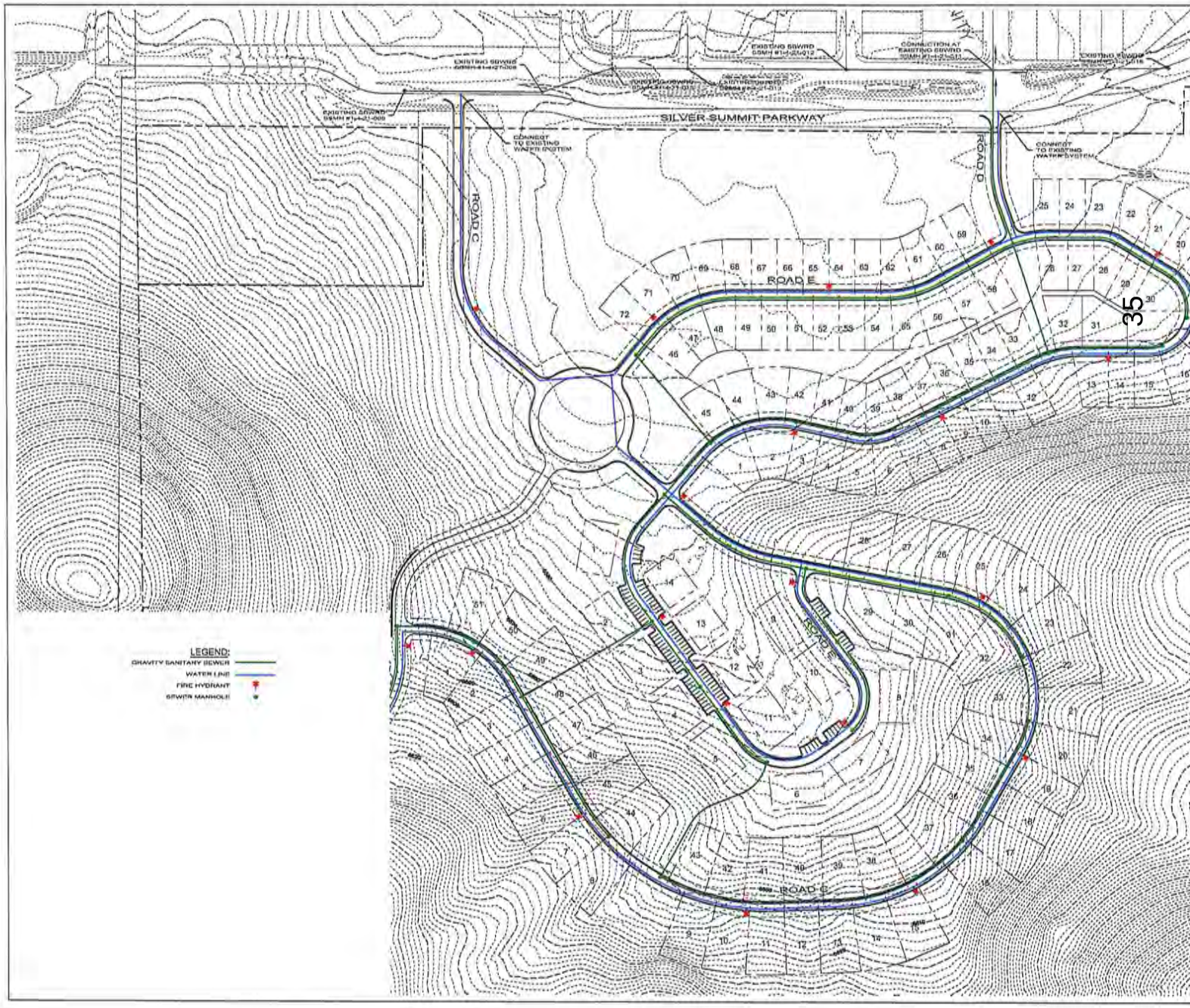
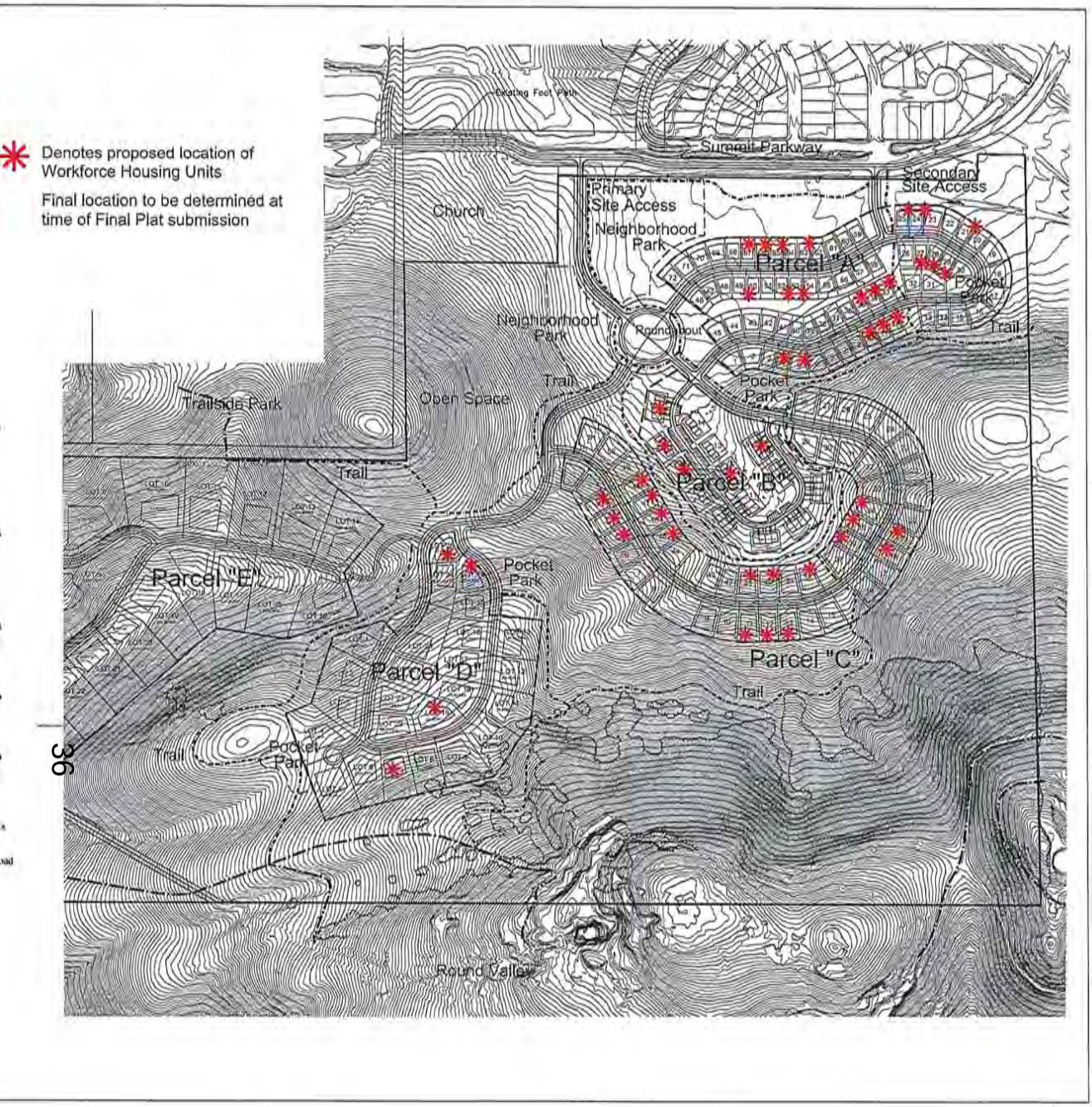
EXHIBIT 3.13


SILVER SUMMIT PARKWAY
ROAD C
ROAD D
ROAD E
ROAD F
ROAD G
CONNECT TO EXISTING WATER SYSTEM
LEGEND:
GRAVITY SANITARY SEWER
WATER LINE
FIRE HYDRANT
SEWER MANHOLE



SCALE: 1" - 200'

STONE RIDGE
SUMMIT COUNTY, UTAH

CORE REZONE
PRELIMINARY PLAN

PROJECT MANAGEMENT

LandSOLUTIONS
PLANNING & DESIGN

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PROJECT OWNER
Nadine Fausett
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Park City, Utah

PROJECT CONSULTANTS

DATE	ISSUE
10/04/2011	PRELIMINARY PLAN SUBMISSION

WORKFORCE HOUSING

PROJECT NO: 2011.23
DRAWING FILE:
DRAWN BY: PGG
CHECKED BY: PGG
C-11

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EXHIBIT 3.14

N

0 100 200 400 600

SCALE: 1" - 200'

STONE RIDGE
SUMMIT COUNTY, UTAH

CORE REZONE
PRELIMINARY PLAN

PROJECT MANAGEMENT

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PROJECT CONSULTANTS

DATE:	ISSUE:
10/06/2011	PRELIMINARY PLAN SUBMISSION

TRAILS PLAN

PROJECT NO:	2011.23
DRAWING FILE:	
DRAWN BY: PGG	C-12
CHECKED BY: PGG	

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EXHIBIT 3.15

STONE RIDGE

Revised Visual Impact—King

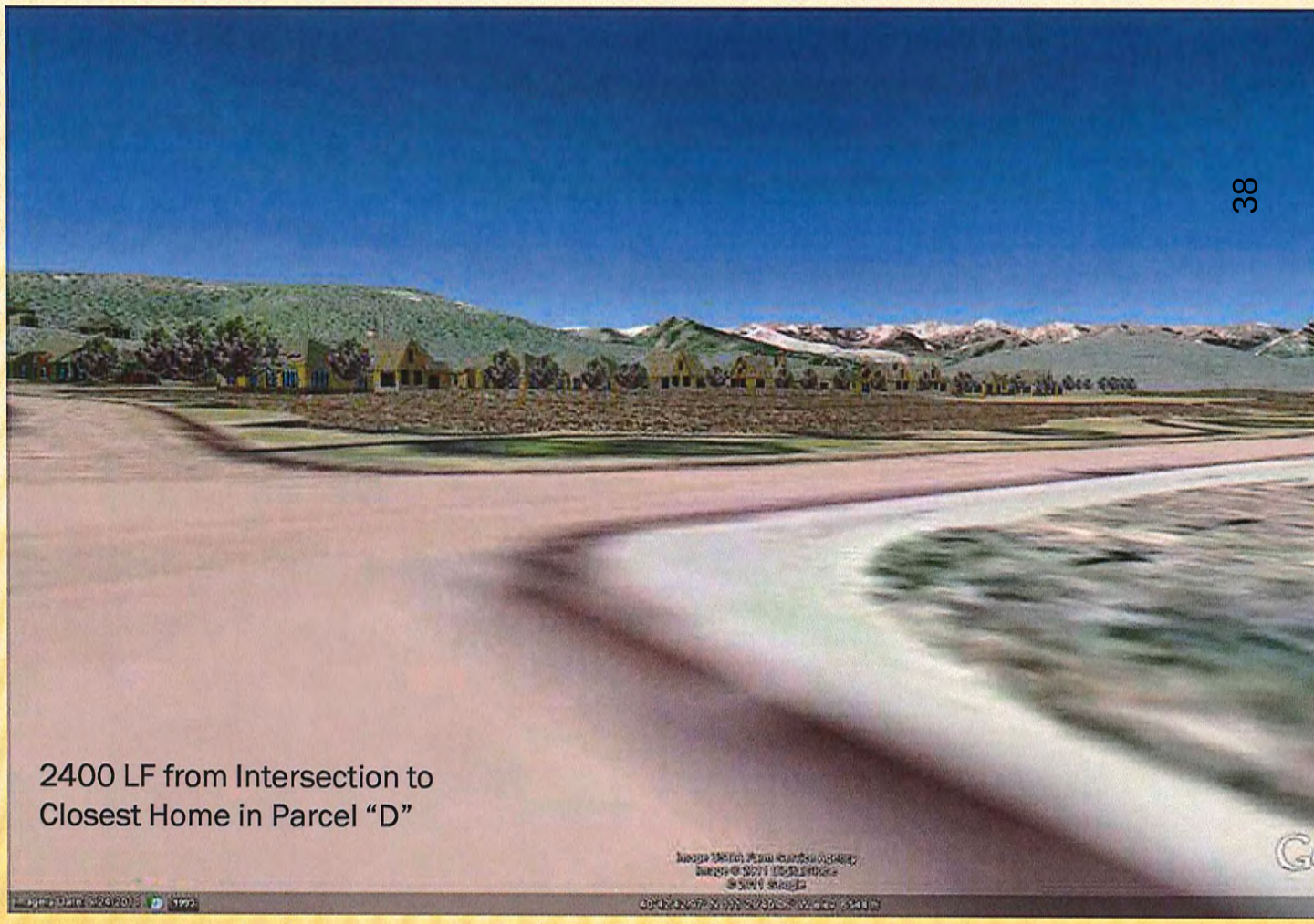
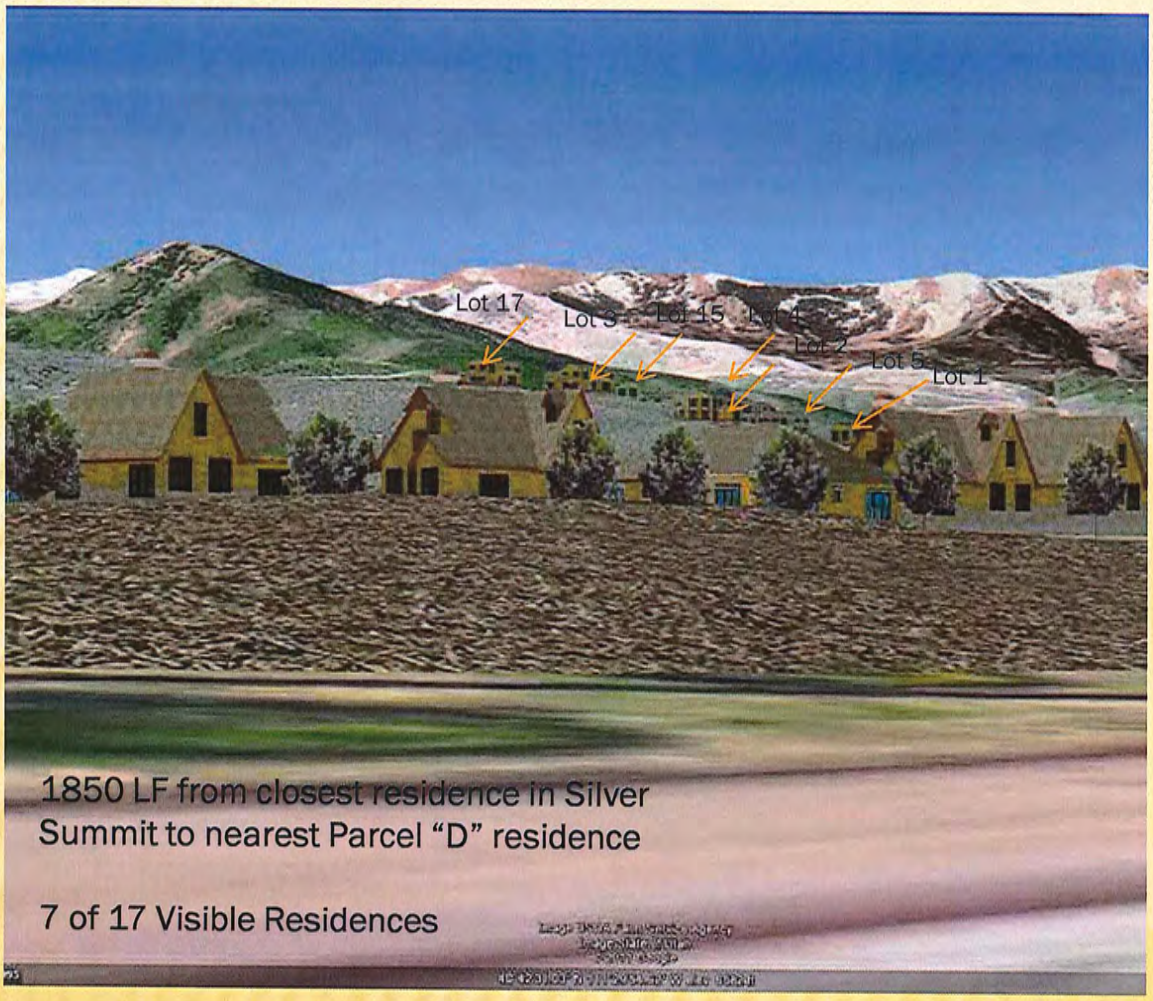


EXHIBIT 3.17

STONE RIDGE

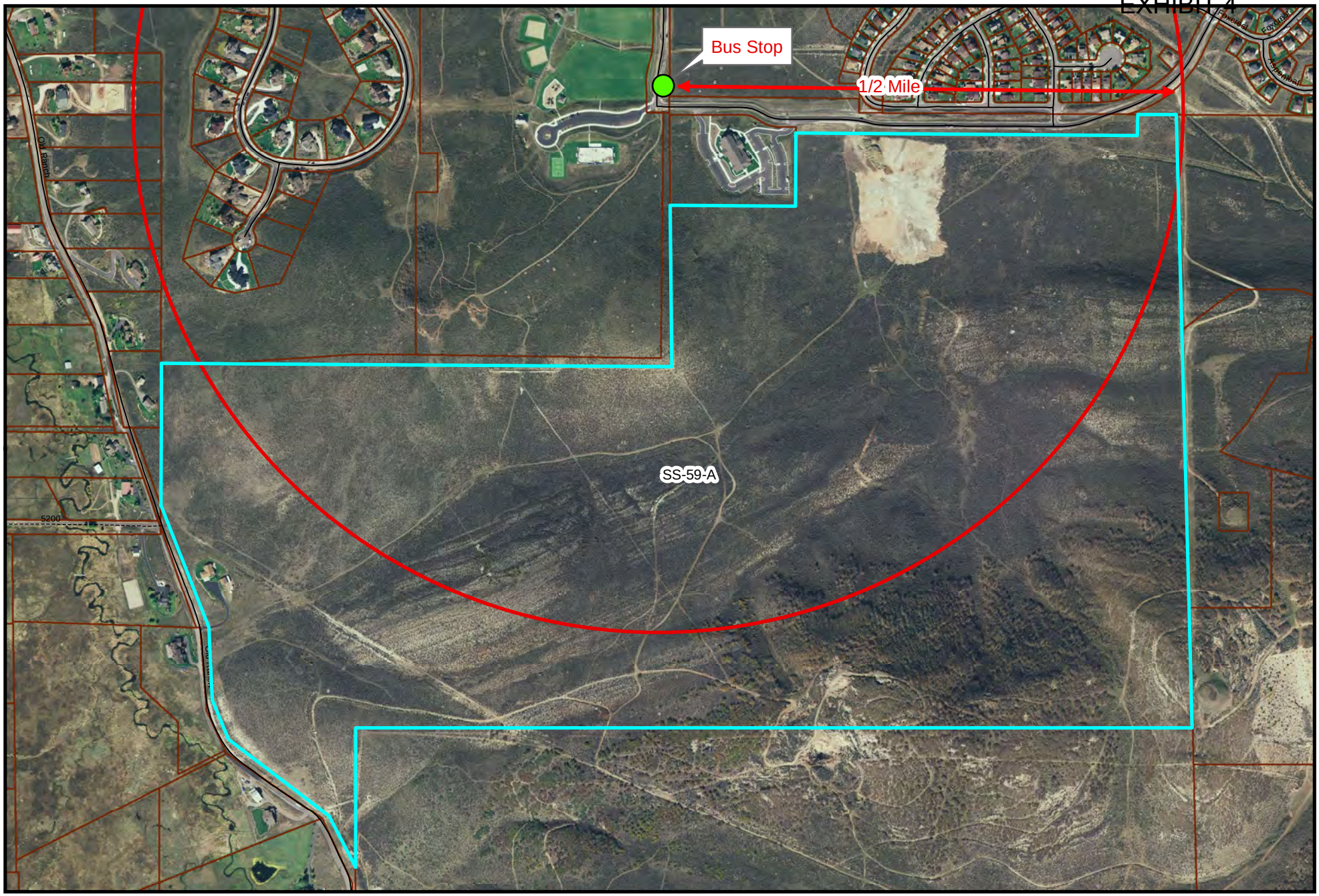
Revised Visual Impact—King



1850 LF from closest residence in Silver Summit to nearest Parcel "D" residence

7 of 17 Visible Residences

EXHIBIT 4



SUMMIT COUNTY

1/2 Mile Bus Stop Radius

Trailside Bus Stop
Near Proposed Stone Ridge Development

Prepared February 2012 by Summit County Community Development Department

1/2 Mile Radius

Parcels

N

0 625 1,250
Feet

This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of information shown.

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CORE Planning Requirements

December 27, 2011

1. *The property is located within ½ mile of year-round public or private mass transit, or can demonstrate that the property is slated for year-round public transit in the five-year transit plan.*

   Compliance with Standard #1. The Park City Transit system, in conjunction with Summit County, currently operates bus service to the Silver Summit area via the "Brown" line. At this time, neighbors did not feel that the level of service was adequate to meet the needs of the residents. However, it is undisputed that the "property is within 1/2 mile of year-round public mass transit." It is reasonable to anticipate that the level of service would be enhanced based on expanded ridership along the "Brown" line both with this project and with other developments located near the Silver Summit area. The County Council determined at the time of the Discovery CORE approval that current levels of mass transit service is not a factor in approving an application. In an effort to increase use of the transit system, the applicant has proposed creating a bus stop within the project to encourage use of the public system and to encourage use of school busses to the middle schools and to the high school.

2. *The project shall have access to a public sewer system, and shall have written proof that the system is capable of serving the proposed density.*

   Compliance with Standard #2. The Applicant has received "Will Serve" letters from the Snyderville Basin Water Reclamation District and the applicant has had discussions with SBWRD concerning existing connections, system capacity and issues as it relates to a potential connection along 5200 North.

3. *The area has access to a water system, and shall have proof of adequate wet water and that the system is capable of serving the proposed density, and has access to electricity.*

   Compliance with Standard #3.The Applicant has received "Will Serve" letters from both Mountain Regional and Summit Water Company expressing an ability to serve this project. The applicant has met with representatives of Summit Water to discuss infrastructure needs and has had conversations with Mountain Regional concerning their infrastructure.

4.*The proposed density is appropriate to and compatible with existing adjacent uses and neighborhoods within 1000', as measured from the edge of the proposed CORE rezone. If there are no existing uses and / or neighborhoods within 1000', the burden of*

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proof is on the applicants to demonstrate that the proposed density is appropriate where proposed.
a. Compatibility: if any existing neighborhood is located within 1000' of a proposed CORE development, the CORE development shall not exceed twice the average density of that portion of the neighborhood or neighborhoods within a distance of 1000'.

Compliance with Standard # 4a. Based on the approved County methodology for calculating "potential maximum", it was determined that the "potential maximum" for Stone Ridge is 1.78 units per acre or 532 units. As currently proposed, the density for Stone Ridge is 230 units on 307 acres equaling .75 units per acre which is 42% of the "potential maximum". The project thus complies with the requirements for being designated as a CORE development.

b. Appropriateness: if any existing neighborhood is located within 1000' of a proposed CORE development, the CORE development shall utilize home types similar to the existing home types within those portions of the neighborhood or neighborhoods within a distance of 1000'.

Compliance with Standard #4b. The proposed development envisions five different housing types. Lot sizes ranging from 6000 sq ft to 4 acres will allow for a varied mix of housing types. The 6000 sq ft lots, which are directly adjacent to similar lot sizes along the Silver Summit Parkway neighborhood, will be similar in scale to existing residences. Larger lot sizes are located within the project and emulate the range of lot sizes in other neighbors as you move away from the Stone Ridge project. Lots within Parcels D and E reflect lot sizes associated with Mountain Ranch Estates and Old Ranch Road while restricting the area within each lot which may be disturbed, unlike the lots along Old Ranch Road. The townhomes portion of the project, as provided by the County definition, are treated the same as a traditional single family residence. No townhomes are currently located within 1000 feet of the project, but the townhomes in the project have been located so as to minimize (actually render invisible) their visual impact to surrounding neighborhoods.

5 The project is located a minimum of 2000' from any previously approved CORE project.

Compliance with Standard #5. The only other approved CORE project is located along the frontage road west of the Gorgoza Tubing Park approximately 5.6 miles as the crow flies, from the closest point of Stone Ridge at 5200 North.

6 In CORE developments in which the workforce housing is priced for households earning up to a maximum of 80% of the AMI, a minimum of one (1) Workforce Unit Equivalent (WUE) shall be provided for every market rate unit. In CORE developments

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where the required workforce housing is provided in such a manner that the average household income targeted does not exceed 50% of the Area Median Income, a minimum of one (1) WUE shall be provided for every 1.5 market rate units. The 20% mandatory requirement shall not be applied to CORE developments in addition to these required minimum ratios.

Compliance with Standard #6. The Applicant is proposing to provide workforce housing in a manner that allows for the workforce unit equivalent to be calculated at 1 WUE for every 1.5 market rate units. For 230 units, that equals 158 market rate units and 72 physical workforce units. The physical units are included within all development areas except for Parcel "E". The methodology proposed by the applicant has been reviewed and approved by County Planning Staff and is consistent with the CORE Code and prior interpretations.

7. No development shall occur on sensitive lands. Development shall be clustered in the least visually sensitive area of the property.

Compliance with Standard #7. A slope map was generated to visually show areas of steep slopes within the Stone Ridge project and the county code identifies areas where ridgeline protection is required. Other sensitive lands would include, for example, floodplains and wetlands. Proposed development has been located in such a manner so as not to impact 30% slopes or identified sensitive ridgelines. The property does not contain wetlands or floodplain conditions.

8. At least thirty percent (30%) of the parcel shall be preserved as meaningful open space as defined in Chapter 5 of the General Plan, except as otherwise stated in this Code. Additionally, a minimum of 20% of the developed portion of the parcel shall be utilized as active open space such as pocket parks and trails, which shall be maintained by the Development. Open space shall be clustered with adjacent open space to the greatest extent possible, and may be used as a buffer from adjacent uses if deemed appropriate.

Compliance with Standard #8. The proposed development is required to provide, at a minimum, 92.1 acres of "meaningful" open space under the CORE guidelines for a 100 acre parcel. At the last presentation, Stone Ridge proposed nearly 140 acres of "meaningful" open space representing 45% of the project area. A larger parcel is allowed under the CORE B zoning designation provided that more than 80% of the site is considered as open space as defined in the General Plan and Development Code. The project is required to provide 30% "meaningful" open space, 20% "active" open space along with other open space for a total of 245.6 acres. Stone Ridge has proposed 81% open space and that calculation has been verified by Summit County.

9. If a parcel is partially rezoned to a CORE zone, the balance of the parcel outside the CORE zone may be counted toward the 30% open space requirement, provided one of the following requirements are met:
a. The preservation of the open space will protect view corridors, and an open space preservation nonprofit such as Utah Open Lands or Summit Land Conservancy is willing to hold a conservation easement on the land, the finalization of said easement to be a condition of approval, or
b. The preservation of the open space will preserve critical wildlife habitat, as verified by the Utah Division of Wildlife Resources. The open space shall also be placed under a conservation easement to ensure protection.

Compliance with Standard # 9. This standard of CORE is not applicable to the Stone Ridge project although the applicant has agreed to put the portion of the open space which would qualify for a conservation easement into such an easement. If there is no organization which would hold the easement, then that portion would be deeded to Summit County.

10. A transportation study shall be done, and if the additional density results in any reduction in the level of service of roads serving the project, such reduction in service shall be mitigated by the project. If traffic impacts cannot be reasonably mitigated, that could be grounds for project denial.

Compliance with Standard #10. A traffic study was prepared and submitted to Summit County for review. The study summarized that the level of service on adjacent roadways would not drop below a Level of Service "C" which is acceptable to Summit County. The addition of turn lanes to Silver Summit Parkway and possible re-alignment of portions of Old Ranch Road, if required by Summit County, would help any mitigate impacts.

The applicant has proposed that the connection between the Trailside and Old Ranch Road portions of Stone Ridge be limited to discourage or prevent passage except for emergency needs.

11. Interior and exterior connectivity shall be provided, including but not limited to sidewalks and trails, both within the development and connecting the development to adjacent developments, parks, schools, churches and neighborhood commercial areas.

Compliance with Standard #11. An extensive system of trails and sidewalks is proposed within Stone Ridge - public trails that far exceed those in the existing Trailside, Mountain Ranch and Old Ranch Road neighborhoods. Extension of the paved trail on the south side of Silver Summit Parkway would connect with existing Trailside neighborhoods, churches and schools. Additionally, the applicant proposes

dedication of right of way along Old Ranch Road for pavement widening to extend bike lanes and for the inclusion of a soft trail which would connect 5200 North with access to the Round Valley area. The Snyderville Recreation District has proposed the extension of two community trails thru the project. The first would extend the Mountain Ranch Estates trail to an existing Round Valley trail with the second trail connecting the existing Trailside Park with Round Valley.

The County Council, when considering Discovery, determined that pedestrian connectivity to external commercial facilities was not a legitimate basis for finding non-compliance with this requirement.

With respect to vehicular circulation, Stone Ridge is situated between two different planning areas with divergent goals as they relate to vehicular transportation. The ideal goal would be to include a cross connection, but do so in a manner than does not encourage cross traffic from outside the Stone Ridge neighborhood. Stone Ridge proposes that all the roads within Stone Ridge remain private, to be maintained by an appropriate HOA or similar governing body with the cross connection restricted to an emergency access only cross section, subject to approval by the Park City Fire District. If not all of the internal roads are private then, at least, the short (~1,200') connection between the two portions of the project should be private with very limited or, preferably, emergency-only access.

12. Residential parking shall be covered, and shall be provided at a rate of two (2) spaces per unit. If spaces are assigned to particular units, visitor parking will also be provided throughout the project at a rate of 0.25 spaces per unit. Designated visitor parking is not required to be covered.

Compliance with Standard #12. All required parking for the traditional single family residences will be provided at the rate of two spaces per unit located within an attached or detached garage. Parking within the townhome area will be provided either within the unit or within a covered surface parking scenario at the same ratio. As currently proposed, the townhome area has 22 designated guest parking spaces, 67 surface parking spaces and 64 garage spaces. The total required parking is 123 parking spaces with the project proposing 153 parking spaces.

13. All building elevations shall comply with the Architectural standards outlined in Section 10-4-20, and shall be presented to the Snyderville Basin Planning Commission to be reviewed as part of the approval process.

Compliance with Standard #13. The design of the residences and townhomes will reflect the general palette of materials and colors as generally seen in the adjacent neighborhoods of Old Ranch Road and the Silver Summit/Trailside area. Scale of the

residences will be in harmony with the lot sizes and Design Guidelines and CC&R's will be developed to govern the development. In lieu of architectural elevations, architectural element exhibits will be prepared for the large scale homes of parcel D and E, smaller single family homes of parcels A and C and for the townhome area of parcel B.

14. For projects exceeding nine (9) units per acre in a multi-family design, a minimum of 25% of the parking shall be provided underground or in structured parking.

Compliance with Standard #14. Not applicable to this project.

15. All other site planning requirements outlined in the SBDC will apply to the proposed project.

Compliance with Standard #15. Applicant has met with Staff and has worked to accommodate site planning concerns expressed by the members of the Planning Commission at two recent worksessions and at a public hearing. Applicant has proposed reducing density within Parcel "D" to minimize visual impact and has produced visual analysis exhibits to illustrate the differences. A Planning Commissioner requested, for example, additional conditions of approval such as compliance with the "night" sky ordinance. The applicant will comply with all legal requirements.

16. All projects shall propose a solid waste management and recycling plan which shall be reviewed and approved by the County. Central areas for collection of garbage and recycling shall be integrated into the projects.

Compliance with Standard #16. The County is responsible for the collection of solid waste within this area of Summit County. It is impractical to require single family residents of this project to haul their solid waste to a central facility located within the project while other communities of equal or lesser density are not required to do so. The townhome area of the proposed development would provide for central collection of solid waste by means of dumpsters located within enclosures. Recycling in Summit County is based on permanent residential densities that make the collection of these materials financially feasible. The proposed density of the eastside of Stone Ridge, which would be primarily full time residents, make curbside recycling financially feasible and could lead to curbside service in the other neighborhoods of Trailside and Silver Summit. The westside of the project lacks the appropriate density to financially support County curbside pickup of recyclables. It would be expected that these residences would employ the use of private recycling companies. Pinebrook provides dumpsters once a year for the disposal of yard waste etc and a similar program could

be established within Stone Ridge as well. Residents could also be notified of private efforts to collect hazardous materials and e waste by groups like Recycle Utah.

17. It is recommended that projects use green building principles in an effort to reduce future energy demands and associated costs.

Compliance with Standard #17. This is not required as a condition of approval for a CORE rezoning as outlined in the Development Code. However, given the orientation of the site, lack of a significant tree canopy and clustered nature of the development, it may be possible to incorporate aspects of "green" design within the project. The applicant will thoroughly investigate the use of green building principles which are actually becoming attractive to buyers.

Conclusion. The Stone Ridge development has provided through project design and redesign, project calculations and exhibits that illustrate compliance with the requirements in the Snyderville Basin Development Code for a CORE B zoning category.

The applicant is willing to address these concepts in detail at the appropriate time provided the applicant is given sufficient time to present.

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November 03, 2011

Stone Ridge Workforce Unit Equivalent Calculations

Total Proposed Units	230 DU's
Required Workforce Unit Equivalents (1 to 1 ratio)	115 WUE's to 115 Market Rate Units
Required Workforce Unit Equivalents (1 to 1.5 ratio and 50% average AMI)	158 Market Rate Units equals 105.3 WUE's
Workforce Unit Equivalent Conversions	2 bedroom 1:1 3 bedroom .78:1 4 bedroom .64:1

Stone Ridge Breakdown

Townhouses 59 total units

Unit type	Unit size	# of units	Conversion rate	WUE's
"A"	1080 sq ft	6	1 : 1	6
"B"	1200 sq ft	9	.78 : 1	11.5
"C"	2080 sq ft	12	.64 : 1	18.75
Totals		**27**		**36.29**

Single Family 6000 sq ft lots 72 total Units

Unit type	Unit size	# of units	Conversion rate	WUE's
4 bedroom	1400 sq ft	23	.64 : 1	35.94
Totals		**23**		**35.94**

Single Family 10000 sq ft lots 51 total Units

Unit type	Unit size	# of units	Conversion rate	WUE's
4 bedroom	1400 sq ft	18	.64 : 1	28.12
Totals		**18**		**28.12**

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Single Family .5 acre lots 25 total Units

Unit type	Unit size	# of units	Conversion rate	WUE's
4 bedroom	1400 sq ft	4	.64 : 1	6.3
Totals		**4**		**6.3**

Summary:

	Dwelling Units	Workforce Equivalents
Totals--Proposed	**72**	**106.65**

AMI Categories: 20-40%, 40-60% and 60 – 80%

Townhouses:	15 DU's @ 30% AMI
	12 DU's @ 80% AMI
Single Family:	15 DU's @ 30% AMI
(6K sq ft)	8 DU's @ 50% AMI
Single Family:	15 DU's @ 50% AMI
(10K sq ft)	3 DU's @ 80% AMI
Single Family:	4 DU's @ 80% AMI

30 DU's @ 30% AMI	900 AMI units
23 DU's @ 50% AMI	1150 AMI units
19 DU's @ 80% AMI	1520 AMI units

Total AMI units 3570 AMI units divided by 72 DU's equals

Average AMI 49.58% AMI

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Kimber Gabryszak

From: Grant Piercy <Grant.Piercy@questar.com>
Sent: Friday, October 07, 2011 9:33 AM
To: Kimber Gabryszak
Subject: RE: Stone Ridge Preliminary Plan application

We have natural gas on both sides of this development. The developer will need to contact us as we move forward to ensure that we have adequate supply for the need.

Thanks, Grant

Grant Piercy
Center Manager

Questar Gas Company
167 W Center St.
Heber, Utah 84032

Office: (435)654-6180
Fax: (435)654-6185
Cell: (435)671-0543

From: Kimber Gabryszak [mailto:kgabryszak@summitcounty.org]
Sent: Thursday, October 06, 2011 5:37 PM
To: Andy Armstrong; bob kollar; Bob Swensen; bonnie park; Bryan Atwood; Bryce Boyer; Chad Ambrose; dave edmunds; derrick radke; Doug Evans; Grant Piercy; Jeff Lindley; leslie freeman; scott adams; Scott Loomis; senta beyer; Service Area 3; Steve Oliver; Tom Eddington; van@swdc.us; Julie Woolstenhulme; Steve Martin
Cc: Don Sargent
Subject: Stone Ridge Preliminary Plan application

Dear Service Provider,

Attached is the preliminary plan for the Stone Ridge development, a CORE proposal located between Old Ranch Road and Silver Summit Parkway. The application includes 230 units consisting of a mix of large estate lots, smaller single family lots, and townhomes.

A sketch plan application for this project was submitted in 2009, and was reviewed by the Snyderville Basin Planning Commission in several work sessions and public input sessions. Since the final SBPC review in 2012, the applicants have worked on revisions, and have now progressed to the preliminary plan stage.

Please review the proposal and return your initial comments to Don Sargent (copied on this email) and myself via email no later than Monday, October 17, 2011. If you would like to meet with the applicant and our office to review the project in more detail, please let us know.

Thank you,

Kimber Gabryszak, AICP

EXHIBIT 7.2

Kimber Gabryszak

From:	Doug Evans <doug@mtregional.org>
Sent:	Friday, October 07, 2011 2:05 PM
To:	Kimber Gabryszak
Cc:	Andy Armstrong; Brian Davenport; Scott Green; Kristian Mulholland
Subject:	Re: Stone Ridge CORE - smaller attachments

Kimber,

Mountain Regional Water has reviewed the preliminary plans and would like to notify the County that we are willing and able to serve the project with water services. We have ample water supply pipelines serving the project on all access sides and the project is within our District.

Thanks You,

Doug Evans
Mountain Regional Water Special Service District

On Fri, Oct 7, 2011 at 1:21 PM, Kimber Gabryszak <kgabryszak@summitcounty.org> wrote:

Dear Service Provider;

For those of you receiving this twice, I apologize, however the email from yesterday bounced back from the majority of you due to the size of the attachments. I have instead attached jpeg copies of the plans; if you would prefer the plans in the original PDF format, you can download the entire submittal set for the next few days by visiting the following link: https://www.onlinefilefolder.com/2sER1Cy7wcrQ3E

Again, please review the proposal and return your initial comments, concerns, and requirements no later than Monday, October 17, 2011.

Thank you as always,

Kimber Gabryszak, AICP

Summit County Planner III

435.336.3132 or 435.615.3132

--

Doug Evans
Energy and Technology Manager

Mountain Regional Water Special Service District
6421 N. Business Park Loop Rd., Suite A
PO Box 982320
Park City, Utah 84098

Office 435.940.1916 ext. 301
Cell 435.640.5726
Fax 435.940.1945
www.mtregional.org

DISCLAIMER:
The above information is confidential to the addressee and may be privileged. Unauthorized access and use is prohibited. Internet communications are not secure and therefore Mountain Regional Water does not accept responsibility for the contents of this message. If you are not the intended recipient, and disclosure, copying, distribution or any action taken or omitted in reliance on it, is prohibited and may be unlawful.

Amir Caus

From: Kimber Gabryszak
Sent: Friday, October 14, 2011 8:04 AM
To: Amir Caus; Don Sargent
Subject: FW: Stone Ridge Preliminary Plan application

Don and Amir,

FYI.

Thanks,

Kimber Gabryszak
Summit County Planner III
435.336.3132 or 435.615.3132

From: Terrell, Mitch [Mitch.Terrell@PacifiCorp.com]
Sent: Wednesday, October 12, 2011 10:04 AM
To: Kimber Gabryszak
Cc: Lindley, Jeffrey
Subject: RE: Stone Ridge Preliminary Plan application

Kimber, Rocky Mountain Power is the Electrical service provider for this area and will provide electric service under the prevailing rates and regulations, as filed with the Public Utilities Commission of Utah. The developer will need to provide the required easements before service can be installed. Upgrade of existing facilities may also be required to accommodate the additional load.

Thanks for the opportunity to review this

Mitch Terrell
Estimator
Park City Operations
435-655-7806

From: Lindley, Jeffrey
Sent: Monday, October 10, 2011 8:18 AM
To: Terrell, Mitch
Cc: Christoffersen, Cindy; Ambrose, Chad
Subject: FW: Stone Ridge Preliminary Plan application

Mitch,
Please review and respond back to Kimber on this, thank you.

From: Kimber Gabryszak [mailto:kgabryszak@summitcounty.org]
Sent: Thursday, October 06, 2011 5:37 PM
To: Andy Armstrong; bob kollar; Bob Swensen; bonnie park; Bryan Atwood; Bryce Boyer; Ambrose, Chad; dave edmunds; derrick radke; Doug Evans; Grant Piercy; Lindley, Jeffrey; leslie freeman; scott adams; Scott Loomis; senta beyer; Service Area 3; Steve Oliver; Tom Eddington; van@swdc.us; Julie Woolstenhulme; Steve Martin
Cc: Don Sargent
Subject: Stone Ridge Preliminary Plan application

Dear Service Provider,

Attached is the preliminary plan for the Stone Ridge development, a CORE proposal located between Old Ranch Road and Silver Summit Parkway. The application includes 230 units consisting of a mix of large estate lots, smaller single family lots, and townhomes.

A sketch plan application for this project was submitted in 2009, and was reviewed by the Snyderville Basin Planning Commission in several work sessions and public input sessions. Since the final SBPC review in 2012, the applicants have worked on revisions, and have now progressed to the preliminary plan stage.

Please review the proposal and return your initial comments to Don Sargent (copied on this email) and myself via email no later than Monday, October 17, 2011. If you would like to meet with the applicant and our office to review the project in more detail, please let us know.

Thank you,

Kimber Gabryszak, AICP
Summit County Planner III
435.336.3132 or 435.615.3132

Amir Caus

From: Kimber Gabryszak
Sent: Monday, October 17, 2011 10:33 AM
To: peteg@landsolutionspc.biz
Cc: Amir Caus; Don Sargent
Subject: FW: Stone Ridge Preliminary Plan application
Attachments: image001.png

Pete,

Please review Scott Adams' comments below.

Thanks,

Kimber Gabryszak
Summit County Planner III
435.336.3132 or 435.615.3132

From: Scott Adams [SAdams@pcfd.org]
Sent: Monday, October 17, 2011 10:01 AM
To: Kimber Gabryszak; derrick radke
Cc: Don Sargent; Paul Hewitt
Subject: RE: Stone Ridge Preliminary Plan application

Don and Kimber:

The Park City Fire Service District has many concerns with this project as proposed

The major item is that having the required two means of ingress and egress for this project.

The County Engineer, Planning Department and PCFSD have met many times with the developers to review and discuss this project. Each time the obstacle in our discussions is the requirement to provide and maintain two means of ingress and egress for this project. We have conveyed to the design team that placing gates along these roads is not an option, and will adversely affect our emergency responses into this area from our Bitner Road Station 33, and our Promontory Station 37. Gates along these required roads hamper and delay our response, and have not worked well in the past.

We also need for the developer to address the following comments:

1. Fire Flow Requirement: The fire flow requirement for this project has not yet been calculated.

1.01 The design team must provide an engineer's water supply analysis that exhibits and determines the available fire flow for this project.

1.02 The fire flow analysis must be provided now, during the preliminary design phase of the project.

1.03 The fire flow water supply analysis must depict the available supply of water at the time of a fire.

1.04 The fire flow water supply analysis report must incorporate the following:

1.04.01 A drawing showing the piping network, pipe sizes and the location of the test and flow hydrants.

1.04.02 The following results of water flow test must be shown on the drawing and included in the fire flow analysis report:

1.04.02.01 Static pressure reading (psi)
1.04.02.02 Residual pressure reading (psi)
1.04.02.03 Pitot reading taken

1.04.02.04 Hydrant coefficient (C-Factor)
1.04.02.05 Hydrant outlet(s) diameter (inches)
1.04.02.06 Hydrant flow (G.P.M.) calculated
1.04.02.07 Date and time the fire flow test was conducted

1.04.03 Documentation on who conducted or supplied the information for the fire flow water supply test (name, company, address, telephone and tele-fax numbers).

1.04.04 Validation of the fire flow test results. This will include the peak demand rate for the water supply and any allowances that need to be made for seasonal or daily fluctuations as a result of increased demands or changes in the operation of the water system.

1.04.05 Any future changes that may be anticipated for the water supply system should also be included.

1.04.06 A letter from the Water Company indicating their ability to deliver the required fire flow, culinary and irrigation water.

2. Fire Department Access (FDA):

2.01 Plans for the FDA must be designed in accordance with section 503 of the IFC.

2.02 Plans must be submitted to the Park City Fire Service District (PCFSD) for review and approval.

2.03 FDA roads must be constructed and installed according to the following requirements:

2.03.01 FDA roads must be constructed of an all-weather surface (asphalt or concrete) to meet all-weather driving capabilities.

2.03.02 FDA roads must be provided with a clear and unobstructed width of not less than 20-feet and a clear and unobstructed vertical clearance of not less than 13-feet 6-inches.

2.03.03 Gradient for the FDA road must not exceed the maximum of 8%.

2.03.04 FDA road must be designed and maintained to support the imposed loads of 55,000 lbs. for fire apparatus.

2.03.05 FDA roads that have dead-ends in excess of 150-feet in length must be provided with approved provisions for the turning the fire apparatus around. Approved turn arounds must be designed to accommodate PCFSD emergency vehicles.

2.03.06 FDA road provided with cul-de-sacs must have an inside turning diameter of 96-feet.

2.03.07 FDA roads that have a bridge as part of the design must have the bridge constructed and maintained in accordance with the applicable sections of the IBC and must be designed with live loading sufficient to carry the imposed load of 55,000 lbs. from the fire apparatus.

2.03.08 FDA roads must be provided with approved signs and/or other approved notices to identify such roads and prohibit the obstruction thereof.

2.03.09 Street and roads must be identified with approved signs. Duplication or conflicting street and road names must be avoided.

2.03.10 FDA road design must incorporate provisions for snow removal and storage, such that the FDA roads are not obstructed during snow conditions.

2.03.11 FDA are required to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated.

2.03.12 FDA road are to be maintained at all-times during construction.

2.03.13 In the event that the all-weather access is not maintained, the PCFSD reserves the right to issue a "Stop Work Order" until required FDA roads are placed back in service.

3. Secondary Emergency Access Roads:

3.01 Before approval can be granted for this project, two (2) separate and approved emergency access roads must be provided.

3.02 Applicant must submit to the PCFSD for review and approval, the revised drawings that show two (2) separate and remote emergency access roads into this project.

3.03 Applicant will need to schedule a meeting with Summit County Engineering and PCFSD to review design approach and location of the two (2) emergency access roads.

3.04 PCFSD will require that the emergency access roads into the project be completed before any building permits are issued, or that the Owner provides a bond, acceptable to Summit County and the PCFSD, guaranteeing that the road will be installed before any certificate of occupancies are issued.

5. Fire Hydrant and Water Supplies for Fire Protection:

5.01 Fire hydrant locations and underground fire water mains are not indicated on the submitted drawings.

5.02 Provide to the PCFSD for review and approval a drawing that identifies the location of all fire hydrants and underground fire water main sizes. Fire hydrants and mains must be capable of supplying the required fire flow.

5.03 Fire hydrants must be spaced at 300-feet intervals along the FDA roads.

5.04 Underground fire mains must be a minimum of 8-inch, with mains looped and dead-ends avoided.

5.06 Water supplies for fire protection and the fire hydrant system are to be installed and made serviceable prior to any issuance of a building permit and/or combustible construction being initiated.

5.07 In the event that the fire protection water supply is not maintained, the PCFSD reserves the right to issue a "Stop Work Order" until the required water supply for fire protection is placed back in service.

5.08 All fire hydrants must be clearly identified in a manner to prevent obstruction by parking and/or other obstructions.

5.09 All fire hydrants must be marked with an approved flag to clearly identify its location.

6. Fire Sprinkler Requirements - Single Family / Duplex / Town-Houses: All dwellings, guest houses and out buildings over 750 square feet must be constructed with a Modified 13-D fire sprinkler system installed as required and approved by the PCFSD.

6.01 In some instances, building exteriors will be fire sprinkled depending on the fire hazard rating, types of existing vegetation, fuel break clearing limits, slope degree and orientation or types of building materials being used.

6.02 Exterior fire sprinklers will be discussed and determined at the preliminary plat stage.

7. Wildfire Hazard Classification: All proposed new subdivisions within the Countryside and Critical/Sensitive Lands of the Snyderville Basin, Summit County will be analyzed and rated on its wildfire risk using the Fire Hazard Severity Scale developed by the State of Utah, Division of State Lands and Forestry. The Rating Scale is based on five separate factors:

7.01 Slope: To be displayed in percent; calculated by measuring the vertical distance and horizontal distance for a given area; and dividing the vertical by the horizontal.

7.02 Aspect: The cardinal direction in which the surface of the ground faces.

7.03 Response Time of Fire Agency: The time it takes (measured in minutes), the nearest Park City Fire District station to respond to a fire in your given area.

7.04 Type of Vegetation: Categorized by fuel types. Rates of spread, resistance to control, and potential to cause structural damage are the criteria for rating severity.

7.05 Vegetation Density: The total combustible vegetation which may be available as a fuel for wildfire.

7.06 Access: A minimum of two (2) access roads for separate ingress and egress must be provided in Countryside and Critical/Sensitive Land Use Zones. At least one access road will be considered the main access to be dedicated with a right-of-way easement as part of the final plat.

7.07 Scoring: All of these factors can vary from development to development. The composite score will categorize the hazard level of the proposed development as moderate, high or extreme. Once your subdivision has been classified as to its hazard level, development standards for each level can be used by Summit County and the PCFSD for fire protection and wildfire prevention measures. Provide this rating, along with the Sketch Plan Package for the proposed subdivision to the PCFSD for review.

8. Plat-notes to Be on Drawings at Final Drawing Signing: The following notes will need to appear on the final plat before the PCFSD will sign it:

8.01 Combustible Roofing Material: Roofing materials must be non-combustible and approved by the PCFSD. No wood shake roofing material will be permitted.

8.02 Fire Department Access Roads: An all-weather fire department access road is required to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. The all-weather fire department access road is to be maintained at all-times during construction. In the event that the all-weather access is not maintained, the Fire District reserves the right to stop work until required roads are placed back in service.

8.03 Water Supplies for Fire Protection: Water supplies required for fire protection are to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. In the event that the fire protection water supply is not maintained, the Fire District reserves the right to stop work until the required water supply for fire protection is placed back in service. Water supplies for fire protection must be clearly identified in a manner to prevent obstruction by parking and/or other obstructions. Each water supply for fire protection must be marked with an approved flag to identify its location during winter conditions.

8.04 Fire Hydrants: A fire hydrant must be located a maximum of 150-feet, but not less than 50-feet from any dwelling, guest house or out building, unless otherwise approved by the PCFSD.

8.05 Automatic Fire Sprinkler Systems: All dwellings, guest houses and out buildings over 750 square feet must be constructed with a Fire Sprinkler system installed as required and approved by the PCFSD. In some instances, building exteriors will be Fire Sprinkled depending on the fire hazard rating, types of existing vegetation, fuel break clearing limits, slope degree and orientation or types of building materials being used.

9. Impact Fees Due at Final Drawing Signing: Impact fees will be assessed and collected as a condition for plat approval. Design Team to meet with PCFSD to determine amount.

Scott W. Adams
Assistant Fire Chief
District Fire Marshal
Park City Fire Service District
Office: (435) 940-2532
Direct: (435) 940-2503

[cid:image001.png@01CC8CB0.C863FAF0]

EXHIBIT 7.10

From: Kimber Gabryszak [mailto:kgabryszak@summitcounty.org]
Sent: Thursday, October 06, 2011 5:37 PM
To: Andy Armstrong; bob kollar; Bob Swensen; bonnie park; Bryan Atwood; Bryce Boyer; Chad Ambrose; dave edmunds; derrick radke; Doug Evans; Grant Piercy; Jeff Lindley; leslie freeman; Scott Adams; Scott Loomis; senta beyer; Service Area 3; Steve Oliver; Tom Eddington; van@swdc.ns; Julie Woolstenhulme; Steve Martin
Cc: Don Sargent
Subject: Stone Ridge Preliminary Plan application

Dear Service Provider,

Attached is the preliminary plan for the Stone Ridge development, a CORE proposal located between Old Ranch Road and Silver Summit Parkway. The application includes 230 units consisting of a mix of large estate lots, smaller single family lots, and townhomes.

A sketch plan application for this project was submitted in 2009, and was reviewed by the Snyderville Basin Planning Commission in several work sessions and public input sessions. Since the final SBPC review in 2012, the applicants have worked on revisions, and have now progressed to the preliminary plan stage.

Please review the proposal and return your initial comments to Don Sargent (copied on this email) and myself via email no later than Monday, October 17, 2011. If you would like to meet with the applicant and our office to review the project in more detail, please let us know.

Thank you,

Kimber Gabryszak, AICP
Summit County Planner III
435.336.3132 or 435.615.3132

MOUNTAINLANDS COMMUNITY HOUSING TRUST

October 19, 2011

Snyderville Basin Planning Commission

RE: Stoneridge CORE Application

Dear Commissioners,

I have had a long scheduled out of town trip planned so I am not available to attend the work session on the Stoneridge CORE application scheduled for October 25, 2011.

I have had opportunities to meet with representatives of the owner to discuss workforce housing obligations and concerns and have reviewed the current proposed site plan. I support the proposed plan and specifically the proposal to not include workforce housing in Parcel "E". Because of the size of the lots in this area it would be difficult to build workforce housing that is compatible with surrounding homes.

I particularly like the targeted Area Median Incomes (AMI) which will provide a broad range of housing for extremely low income households (below 30% AMI). The need to provide housing for this group is well established and this proposal is the only one I am aware of that provides larger homes for these households. The larger units targeting 50% AMI also fulfill a critical need and are highly desirable.

I will be available by e-mail or at the next hearing if any issues come up that you would like me to address.

Sincerely,

Scott Loomis
Executive Director

1960 Sidewinder Drive, Suite 107, Park City, UT 84060
Ph: 435.647.9719 Fax: 435.658.3890
www.housinghelp.org

EXHIBIT 7.12

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
2800 HOMESTEAD RD, PARK CITY, UT 84098 WWW.SBWRD.ORG T 435-649-7993 F 435-649-8040

October 19, 2011

Mr. Don Sargent
Summit County Community Development
60 N. Main
P.O. Box 128
Coalville, UT 84017

Subject: Stone Ridge
Preliminary Plan Review

Dear Mr. Sargent:

Snyderville Basin Water Reclamation District (SBWRD) has reviewed the Stone Ridge preliminary plan. SBWRD can provide wastewater service to the development, provided the established procedures for obtaining said wastewater service are followed as outlined in the SBWRD development standards. However, there are several items that may impact the general lay-out of the project, as outlined below:

1. Public wastewater main lines are not located directly adjacent to the development. In order to provide wastewater service to the area, new lines will need to be extended in or near 5200 North and Silver Summit Parkway. In addition to needing to extend these wastewater main lines, the developer will also need to secure any off-site easements that may be necessary from neighboring property owners.
2. The preliminary utility layout shows several wastewater main lines being located out of a right-of-way. The road layout may need to be modified in order to keep the wastewater lines within the proposed rights-of-way.
3. There are capacity constraints on the existing wastewater main lines that are downstream of the east portion of the project. There may be a need to increase the capacity of these lines prior to the development being approved by SBWRD.

As the development progresses through the approval process, the developer should meet with us to discuss the above items as well as our general development procedures and specifications.

Please contact our Kevin Berkley at Extension 236 with any questions.

Sincerely,

(for BDA)

Bryan D. Atwood, P.E.
District Engineer

cc: Kimber Gabryszak, Summit County Community Development
Pete Gillwald, Land Solutions Planning and Design
Project File

County Engineer

Derrick A. Radke, P.E.

MEMORANDUM

To: Amir Caus, County Planner
From: Kent S. Wilkerson, P.E., Engineer II
Date: December 28, 2011
RE: Stone Ridge Sketch Plan Review - Traffic Analysis - UPDATE 3:

Executive Summary:

1 Does the transportation study provided by the applicant indicate that there will be any reduction in the level of service on the roads that service the project?

Yes - minimally through-out and specifically at Silver Creek Drive and US-40 Ramps.

2. Are there mitigation measures that can be taken to offset the reduction in the level of service.

Yes - I divided the mitigation measures in two categories - Local and Regional

Local mitigation opportunities are those elements that can and should be constructed with the project. The traffic report identifies turn lanes on Silver Summit Parkway. Old Ranch Road intersection and area improvements need to be added. Intersections are the most hazardous points of a transportation system. Turn lanes are needed at the intersection of Old Ranch Road and Silver Summit Parkway and need to include shoulders sufficient for all users. Traffic calming (as identified in the report and by the Commission) will be needed internally as a benefit to both regional and local traffic.

Regional traffic mitigation is also identified in the Snyderville Basin Transportation Master Plan (SB-TMP). This includes Silver Creek Drive. The Snyderville Basin Transportation Impact Fee program is designed to capture new growth regional impacts - the subject project would be required to pay impact fees.

3. Describe with particularity why are there are no possible mitigation measures which can be taken to offset the reduction in level of service?

Please note that an identified impact and the exact offsetting mitigation is not required. The Measures identified above provide reasonable mitigation and in my opinion proportional mitigation requirements.

Also - The Planning Commission requests an informed recommendation on the alignment of the project road to Old Ranch Road.

- South most access (at 5150 North Old Ranch) along the existing homes drive should be implemented.

I was asked to answer concrete questions above: The executive summary above also provides the summary reply. The details are very critical to more fully answer the points. For example: the Development Code typically requires a project to illustrate no reduction in level of service (LOS) below C for County roads as per the Highway Capacity Manual (HCM). The Snyderville Basin Transportation Master Plan further defines LOS goals and other critical factors and goals of the transportation system. However the subject Core Code exceeds both the Development Code standards by a statement of '*any reduction in the level of service* .' (See below) LOS is most obviously defined in the HCM, but the code as stated and as public statements as provided in the public meetings require additional consideration to verify '*any*' in a reasonable context.

Under the CORE process (§10-5-16(E)(10)): *"A transportation study shall be done, and if the additional density results in any reduction in the level of service of roads serving the project, such reduction in service shall be mitigated by the project. If traffic impacts cannot be reasonably mitigated, that could be grounds for project denial."*

'Transportation' as defined in our documents does not consider just cars. Transit, pedestrian, cycling, and even equestrian have been questioned. However, automobile LOS as defined in the HCM is preeminent and most defensible as provided in the project's Traffic Impact Study. Said traffic study clearly shows that a reduction in the LOS occurs at the off site intersections of US-40 SB Ramps and Silver Summit Parkway (attached line 7 existing and line 8 existing plus project and 2030 condition). Reduction is also in the incremental delay as illustrated in the 'seconds/per vehicle'.

Table ES-1
AM / PM Peak Hour Conditions
Stone Ridge Master Planned Development

Intersection		Existing	Existing Plus Project	Future 2020 Background[2]	Future 2020 Plus Project[2]	Future 2030 Background[2]	Future 2030 Plus Project[2]
ID	Description	LOS & Delay[1]	LOS & Delay[1]	LOS & Delay[1]	LOS & Delay[1]	LOS & Delay[1]	LOS & Delay[1]
		AM / PM	AM / PM	AM / PM	AM / PM	AM / PM	AM / PM
1	Highland Dr / Old Ranch Rd	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A 5.3 / <5.0
2	Trailside Dr / Old Ranch Rd	A / A 7.1 / 5.5	A / A 7.0 / 5.7	A / A 7.4 / 5.9	A / A 7.3 / 5.9	A / A 7.6 / 6.0	A / A 7.5 / 6.1
3	Trailside Dr / Silver Summit Pkwy	A / A 9.6 / 7.2	A / A 9.8 / 8.0	B / A 10.7 / 8.2	B / A 10.9 / 8.3	B / A 11.9 / 8.6	B / A 12.3 / 8.7
4	Kingsford Ave / Silver Summit Pkwy	A / A <5.0 / <5.0	A / A 5.9 / 5.4	A / A <5.0 / <5.0	A / A 7.4 / 5.7	A / A <5.0 / <5.0	A / A 8.4 / 5.9
5	Sagebrook Dr / Silver Summit Pkwy	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A <5.0 / <5.0	A / A <5.0 / <5.0
6	Highland Dr / Silver Summit Pkwy	A / A 5.2 / <5.0	A / A 5.4 / <5.0	A / A 6.4 / 5.3	A / A 7.8 / 7.0	A / A 8.1 / 6.6	A / A 8.7 / 6.8
7	US-40 SB Ramps / Silver Summit Pkwy	A / A 7.8 / 8.6	A / B 8.1 / 12.8	A / A 8.0 / 8.0	A / A 8.0 / 8.0	A / A 9.0 / 9.0	B / B 9.0 / 10.0
8	US-40 NB Ramps / Silver Creek Dr	A / A <5.0 / <5.0	A / A 5.2 / 7.4	A / A 8.0 / 8.0	A / A 8.0 / 8.0	A / B 9.0 / 10.0	A / B 9.0 / 10.0
9	Pace Frontage Rd / Silver Creek Dr	A / B 5.5 / 10.8	A / B 5.5 / 13.5	A / A 9.0 / 8.0	A / A 8.0 / 8.0	B / B 12.0 / 10.0	B / B 12.0 / 10.0
10	Project Access / Old Ranch Rd	*N/A*[3]	A / A <5.0 / <5.0	*N/A*[3]	A / A <5.0 / <5.0	*N/A*[3]	A / A <5.0 / <5.0

1. Intersection LOS and delay (seconds/vehicle) values represent the overall intersection average. LOS and Delay details for the worst movement of unsignalized intersections are reported in the main body of the report.
2. Assumed the implementation of a two lane roundabouts at Pace Frontange, US-40 Northbound, and US-40 Southbound.
3. Project access does not exist in background scenarios.

Source: Fehr & Peers, 2009

More detailed review is possible based on the SB-TMP's criteria considering worse movements. Significant additional discussion may occur on this point but full Traffic Impact Study report has been provided previously.

Without the specific requirement of HCM standards as provided in the Development Code, other reliable LOS standards have been reviewed in development of recommended mitigations as provided in the executive summary. While there are many publications providing guidance, few have been adopted and are recognizable LOS standards applicable to the subject site. Design guidelines provide better information and directions in useful mitigations reasonably associated with the subject. Therefore each mode of transportation will be considered independently and collectively as follows:

Automobile:

Previously stated, there are specific letter grade reductions in LOS as well as general incremental reductions in delay (seconds/vehicle). As with all development, no LOS reduction or impact is very difficult to establish. A finding of no significant impacts can be established. The traffic impact study specifically recommends:

On site:

1. Turn lanes from Silver Summit Parkway.
2. It also provides extensive discussion of Traffic Calming measures.

Off site:

1. Implementation of the SB-TMP measures are required. Mitigation is provided by payment of the associated Transportation Impact Fees which is justified and based on Utah State Code. For your information, that fee is:

Residence	Impact (pm peak trips)	Fee ($1,924.38/ trip)
Single Family	0.92	$ 1,766.58
Multi Family	0.60	$ 1,160.40
Total Project estimate	192	$369,480.96

Note: the Transportation Impact Fee is proportionate to new growth impact only. Currently, only **'42.95% of the future projects and existing roadways can be attributed to the demands from new development'.** Affordable housing is eligible for fee waiver that is often granted or adjusted. Final fee assessment needs to be defined if the project proceeds to development agreement.

Other auto related inquires have been raised:

- Cut through traffic

As previously reviewed, the accessibility of Old Ranch over to Silver Summit Parkway, is both a boon and bust to the project. It provides far less out of direction travel and over all vehicle miles

traveled. However it does provide some increased traffic on Old Ranch Road. Without specific calculations, these are reasonable offsetting impacts and mitigating conditions. See prior traffic reviews for more detailed discussion.

- School AM / PM Congested conditions.

A primary concern is the potential impact of the currently school congestion at the beginning and ending hours. The specific daily occurrence is beyond the scope of the Traffic Impact Study. Further, the County has limited jurisdiction in working with the school. Summit County does work cooperatively with the District. However, the ability to access from Old Ranch to the Silver Summit Parkway also provides alternate access and potential relief. Generally congestion occurs during two 20-minutes periods per day. The occurrence is beyond project scope and typical not a HCM consideration. It is a school design concern as there is insufficient area within the boundaries of the school property to get the parents dropping off and picking up students off the road. As discussed below, this project can mitigate its additional impact to this existing problem by providing internal sidewalks so that the students can walk to school outside the vehicular travel way.

Automobile conclusion:

- Regional mitigation is provided by and accounted for in the SB-TMP and associated impact fee. It provides direct mitigation for the LOS reduction identified in the project traffic report.
- Onsite mitigation needs to be provided as required in the Traffic Impact Study. Specific design should provide traffic calming and intersections improvements including the Old Ranch Road intersection.
- Though not directly related to LOS:
    - Roads will need to be designed to public standards
    - The design of the Roundabout needs to be modified to current practices.

Pedestrian:

LOS does not apply in rural areas. There are extensive pedestrian LOS standards in urban settings. However sidewalk in the project will be required as the project is:

- within a 1-½ mile of the school and recreation areas,
- based on typical safe routes to school design, and
- there is a need for access to transit

The project area needs to have sidewalks and project maintenance of the walks. Trails as illustrated provide reasonable additional local and regional access subject to Snyderville Basin Recreation District further recommendations and reviews.

Bike:

LOS in the HCM section 19 provides primarily urban standards. No real additional guidance is provided. There are often repeated rural design standards that provide valuable design information, Table 4-2 from a Minnesota, ' *On-Road Bikeways'* provides a good standard summary consistent with text intent of AASHTO 1999 'D*esign guide for bike facilities.'*

This confirms the design standards used on current Old Ranch improvements and the lack of need of the separated path. It illustrates the need for a bike lane. Any area adjacent to Old Ranch should continue the standard as in progress.

Table 4-2: Bikeway Design Selection for Rural (Shoulder and Ditch) Cross Section – English Units

Motor Vehicle ADT (2 Lane)		<500	500-1,000	1,000-2,000	2,000-5,000	5,000-10,000	>10,000
Motor Vehicle ADT (4 Lane)		N/A	N/A	2,000-4,000	4,000-10,000	10,000-20,000	>20,000
Motor Vehicle Speed	25 mph	PS = 4 ft* or SL	PS = 4 ft* or SL	PS = 4 ft* or WOL	PS = 4 ft*	PS = 4 ft*	Not Applicable
	30 mph	PS = 4 ft* or SL	PS = 4 ft* or WOL	PS = 4 ft*	PS = 4 ft*	PS = 6 ft	PS = 6 ft
	35 - 40 mph	PS = 4 ft* or SL	PS = 4 ft* or WOL	PS = 6 ft	PS = 6 ft	PS = 6 ft	PS = 8 ft
	45 mph and greater	PS = 4 ft*	PS = 4 ft*	PS = 6 ft	PS = 8 ft	PS = 8 ft	SUP or PS= 10 ft

* See discussion in Section 4-3.1 regarding rumble strips on 4-foot shoulders.
PS = Paved Shoulder, SL = Shared Lane, SUP = Shared-Use Path, WOL = Wide Outside Lane

The currently traffic count on Old Ranch is around 1,000 - 2,000 range. Based on the above design standard, Old Ranch should have a bike lane. Long range (year 2040) projections would be in the 3,000 - 5,000 ADT which still leave the recommendation for design standards in the same a paved shoulder category. Should the Commission perceive the need for a separated bike path, this should be articulated; however the scope needs to be limited to the project impact area and standards further referenced to support recommendation. Paved shoulders are likely consistent with road cyclist interests. Generally a separated path would not likely be heavily used by cyclists.

Within and directly adjacent to the project area, reasonable mitigation is needed. County standards as started near Highland Drive should be continued.

Equestrian:

No LOS standards are readily available. Whereas there is a presence of equestrian activity, a start of some equestrian facilities adjacent to the project would be proportionate to the impacts. This would be a dirt separated path along Old Ranch Road. Maintenance should be minimal but should be addressed.

Transit:

Service on 1 hour one-way headways is a concern. However service will not be extended until demand is present. The project and the Silver Creek Village across US-40 will clearly increase the area demand. Transit should be further reviewed with the Public Works Director. I would estimate two strategically placed pull-outs and bus shelters near the project center.

Summary Mitigations:

a. The connection from Silver Summit Parkway to Old Ranch Road is required as a public roadway, designed to County standards. The connection is necessary access for public safety, neighborhood connectivity and to mitigate the impacts of the development. A traffic calming design shall be used. Installation of traffic calming measures such as chicanes, islands, divided roadways, etc are required along roads connecting Silver Summit Parkway to Old Ranch.

b. The Old Ranch Road (a multi-use corridor) side shall provide intersection enhancements to allow for all users (e.g. cyclists and equestrian) to access and maintain the current Level of Service ("LOS").

c. Payment of Transportation Impact Fees which shall act as regional mitigation for the impact of the project.

d. Internal sidewalks will provide a safe route to the school and transit access. Bus stops will be required as recommended by the Public Works Director. Internal connections to pedestrian sidewalks and trails will be complete with 1- ½ mile of the school. The Silver Summit Parkway crossing will include a pedestrian cross walk with a flashing beacon as approved by the County Engineer.

Intersection Preference:

Whereas the Commission requests a specific determination of the preferred intersection alignment, I reviewed the options as provided by the developer. The two most preferred are, 1) aligned with 5200 North; and 2) more southerly along the existing home's driveway at 5150 North Old Ranch Road. Both can meet County and engineering standards. The second option is preferred unless the 5200 North intersections is concurrently improved.

The primary benefit of option one above is alignment with an existing intersection. Upon field investigation, to correct the 5200 North intersection, ideally the intersection elevation would be lowered and Old Ranch shifted to the east. If not concurrently improved, the project access would make it more difficult to correct in the future. The more other northerly intersections options provided by the developer may also impair the ability to correct the 5200 North intersection.

The more southerly access at 5150 North has more than the minimum separation from 5200 North. Finally, sight distance at the southerly point is roughly 100' better than at the 5200 North intersection. Therefore the southerly access point should be used.

Conclusion:

The mitigations to reasonably maintain the existing LOS are listed above. These need to be detailed on the final site plan and approved by this office.

CC: Derrick Radke, PE, County Engineer
Jami Brackin, Deputy County Attorney
Kevin Callahan, Public Works Director

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BIOLOGICAL INVENTORY
STONE RIDGE PROPERTY
Summit County, Utah

Submitted to:

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December 2011

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INTRODUCTION

Land Solutions Planning & Design has proposed the 307-acre Stone Ridge Development, located south of Interstate 80 (I-80) and west of State Highway 40 (US-40), between Highland Drive and Old Ranch Road in Summit County, Utah (Figure 1). The Stone Ridge Development will consist of 59 townhome units, 72 0.14-acre lots, 51 0.23-acre lots, 25 0.5-acre lots, and 23 lots ranging from 1 to 4 acres. To satisfy the permitting requirements of the Summit County Planning Commission, BIO-WEST, Inc. (BIO-WEST), conducted two site visits to assess the potential impacts of the development on wildlife. This report serves to update the findings from the initial 2009 site visit through a review of current available information and a second site visit conducted on December 7, 2011.

SITE DESCRIPTION

Under the original plan, the development would have occupied approximately 82.9 acres (including areas designated as parks) of a 307-acre plot (project area). The current plan includes approximately 105 acres of parcel (private property) area, of which 47.1 acres are buildable. The subject property is mostly shrub-steppe with approximately 20 percent Gambel's oak (*Quercus gambelii*) woodland on north-facing slopes in the southeast corner. The shrub-steppe consists of mostly big sagebrush (*Artemisia tridentata*) of varying ages and sizes interspersed with antelope bitterbrush (*Purshia tridentata*), snowberry (*Symphorocarpus albus*), Douglas rabbitbrush (*Chrysothamnus viscidiflorus*), various forbs, and a wide variety of mostly native grasses. The project area is bounded to the north by existing housing developments and I-80, to the west by open rangeland and US-40, to the south by open land owned by Summit Land Conservancy, and to the east by homes and the Swaner Preserve.

METHODS

BIO-WEST's objective was to evaluate the potential impacts of the proposed development on federally and state-listed threatened, endangered or sensitive (TES) species in Summit County as well as potential impacts to regionally important populations of non-TES species such as elk (*Cervus elaphus*), mule deer (*Odocoileus hemionus*), and moose (*Alces alces*). To evaluate potential impacts, BIO-WEST (1) conducted a literature review to compile a list of Summit County-specific TES species and their habitat requirements, and (2) conducted site visits in 2009 and 2011, and (3) reviewed the proposed development plan for its potential impacts on wildlife.

The initial site visit was conducted September 15, 2009, and the second one was done on December 7, 2011. During both site visits, the wildlife biologist walked the project area boundary as well as the areas proposed for development, checking vegetation, characterizing habitat, and surveying for wildlife, scat, and tracks. The biologist did not conduct species-specific surveys. For the purposes of this report, the potential presence of sensitive species and all associated inferences and conclusions were assumed based on habitat requirements derived

from the literature and whether habitat for each species was present within the project area as determined during the site visit. Finally, BIO-WEST consulted with the Utah Department of Wildlife Resources (UDWR) on ungulate movements (B. Johnson 2009 pers. comm., and B. Johnson 2011 pers. comm.) and general wildlife value of the property.

RESULTS

A review of the current information in UDWR's Utah Conservation Data Center (2011a and 2011b) indicated that at least 21 TES species are known to occur in Summit County (Table 1). The UDWR considers the undeveloped land in the immediate vicinity of, and including, the project area to be crucial fawning habitat for mule deer, substantial yearlong habitat for ruffed grouse (*Bonasa umbellus*), and crucial brooding and wintering habitat for greater sage-grouse (UDWR 2011c).

Site Visits

Neither site visit resulted in evidence of either ruffed grouse or greater sage-grouse in the project area. The presence of scat and tracks indicated extensive use of the project area by mule deer, elk, moose, coyote, and red fox. Mule deer (4 does and 3 bucks) were actively browsing within the project area during the visit in 2009. Much of the project area is used by northern pocket gophers and chipmunks.

An owl pellet was found near the boundary fence in the southeast corner of the project area just east of the quarry during the 2009 visit. Although the species that produced the pellet could not be identified, short-eared owls are known to be present in the immediate vicinity of the project area (B. Johnson 2009, pers. comm.), and are frequently found dead on US-40, which is adjacent to the eastern boundary of the project area. The only active birds observed in the project area were a pair of sage thrashers (*Oreoscoptes montanus*) and black-capped chickadees (*Poecile atricapillus*).

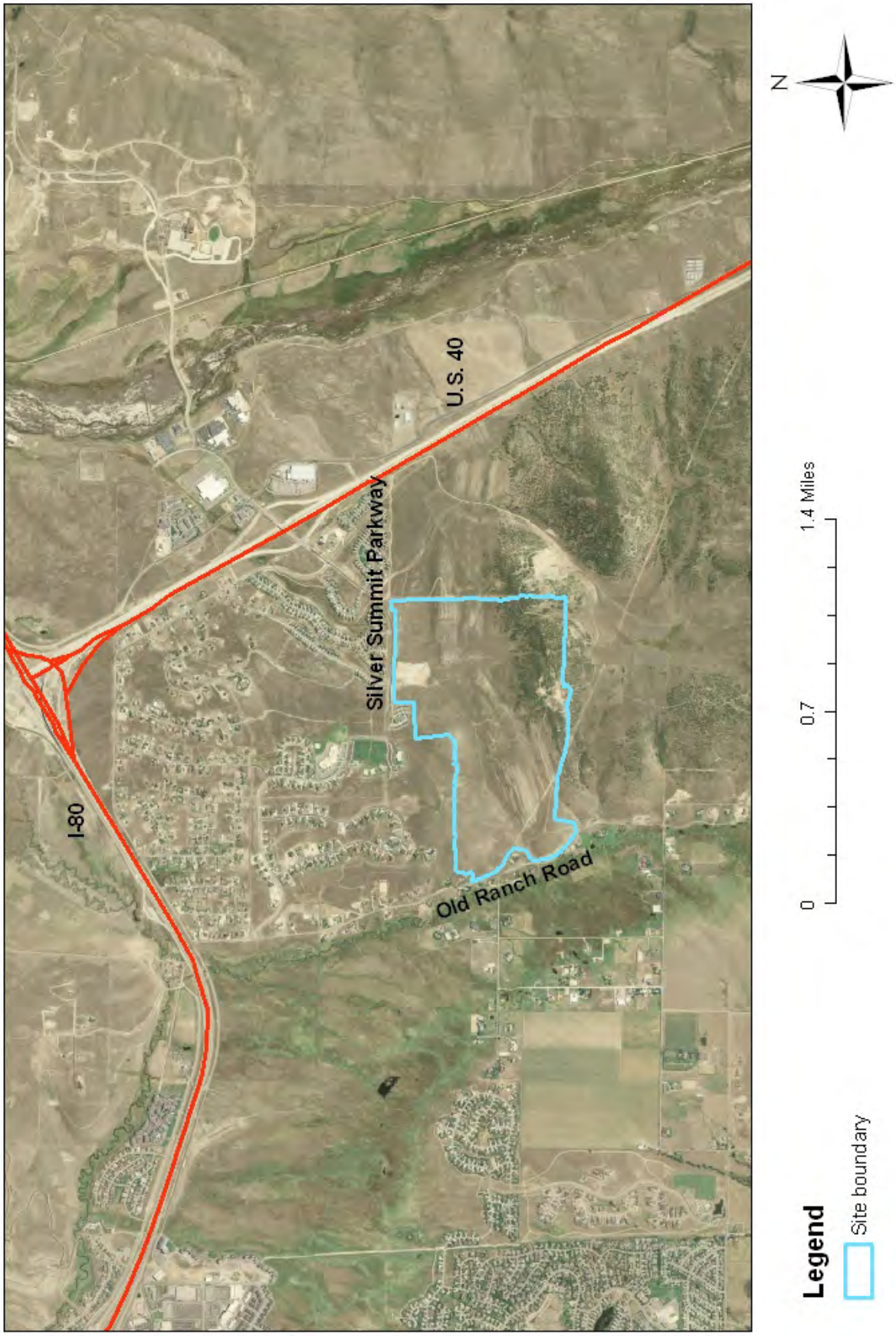


Figure 1. Proposed Stone Ridge Development project area relative to U.S. Interstate 80 and U.S. Highway 40.

Table 1. Threatened (T), endangered (E), species of concern (SPC), sensitive species (S-ESA) or conservation species (CS) known to occur in Summit County; their habitat requirements, and the presence or absence of habitat within the project area.

COMMON NAME	SCIENTIFIC NAME	FEDERAL	STATE	HABITAT REQUIREMENTS	POTENTIAL HABITAT PRESENT?
bald eagle	*Haliaeetus leucocephalus*	Delisted	SPC	Typically breeds in forested areas adjacent to large bodies of water. Nests in trees, rarely on cliff faces and ground nests in treeless areas. At the macro scale, nests occur in mature and old-growth forest with some habitat edge, relatively close (usually <2 km) to water with suitable foraging opportunities. Quality of foraging areas defined by diversity, abundance, and vulnerability of the prey base, structure of aquatic habitat, such as the presence of shallow water, and absence of human development and disturbance (Buehler 2000).	No
bluehead Sucker	*Catostomus discobolus*	---	CS	Fast flowing water in high gradient reaches of mountain rivers has been identified as important habitat for bluehead sucker (UDWR 2011c).	No
bobolink	*Dolichonyx oryzivorus*	---	SPC	Bobolinks in the West nest and forage in wet meadow (grasses and sedges), wet grassland, and irrigated agricultural (primarily pasture and hay fields) areas (UDWR 2011c).	No
Bonneville cutthroat trout	*Oncorhynchus clarkii utah*	---	CS	The Bonneville cutthroat trout can be found in a number of habitat types, ranging from high-elevation mountain streams and lakes to low-elevation grassland streams. In all of these habitat types, however, the Bonneville cutthroat trout requires a functional stream riparian zone, which provides structure, cover, shade, and bank stability (UDWR 2011c).	No
brown (grizzly) bear	*Ursus arctos*	T	S-ESA	Since 1800, the species has been extirpated from more than 99% of their historic range south of the Canadian border including Utah, which prompted their listing under the Endangered Species act in 1975 (Miller and Waits 2003, UDWR 2011c).	No

Table 1. (Cont.)

COMMON NAME	SCIENTIFIC NAME	FEDERAL	STATE	HABITAT REQUIREMENTS	POTENTIAL HABITAT PRESENT?
Canada lynx	*Lynx canadensis*	T	S-ESA	Although sightings of the Canada lynx in Utah over the past twenty years are exceedingly rare, the U.S. Forest Service announced that Canada lynx hair was found in the Manti-La Sal National Forest during 2002. The preferred habitat of the species is montane coniferous (UDWR 2011c).	No
Colorado River cutthroat trout	*Oncorhynchus clarkii pleuriticus*	---	CS	The cool, clear water of high-elevation streams and lakes is the preferred habitat for Colorado River cutthroat trout (UDWR 2011c).	No
Columbia spotted frog	*Rana luteiventris*	---	CS	The species seems to prefer isolated springs and seeps that have a permanent water source, although individuals are known to move overland in spring and summer after breeding (UDWR 2011c).	No
Deseret mountainsnail	*Oreohelix peripherica*	---	SPC	This species is found under vegetation and associated leaf litter, specifically mountain maple (*Acer* sp.), scrub oak (*Quercus gambelii*), and balsam root (*Balsamorhiza* sp.) closely associated with limestone outcrops (UDWR 2011c).	Yes
ferruginous hawk	*Buteo regalis*	---	SPC	Flat and rolling terrain in grassland or shrub-steppe regions. Avoids high elevation, forest interior and narrow canyons. Occurs in grasslands, sagebrush (*Artemisia* spp.) country, saltbush (*Atriplex*)-greasewood (*Sacobatus vermiculatus*) shrublands, and the periphery of western piñon (*Pinus*) juniper (*Juniperus*) and other forests. Sparse riparian forests, canyon areas with features such as cliffs and rock outcrops, and isolated trees and small groves of trees in grassland and shrubsteppe areas are sought for nesting. Becomes locally abundant at interface between piñon-juniper and shrubsteppe habitats (Bechard and Schmutz 1995).	No

Table 1. (Cont.)

COMMON NAME	SCIENTIFIC NAME	FEDERAL	STATE	HABITAT REQUIREMENTS	POTENTIAL HABITAT PRESENT?
grasshopper sparrow	*Ammodramus savannarum*	---	SPC	Uses open grasslands and areas without extensive shrub cover (UDWR 2011c).	No
greater sage-grouse	*Centrocercus urophasianus*	---	SPC	Sage Grouse are adapted to a mosaic of sagebrush habitats throughout their range, including (1) relatively tall sagebrush (big sagebrush, three-tip sagebrush [*Artemisia tripartita*], silver sagebrush [*A. cana*]); (2) relatively low sagebrush (low sagebrush [*A. arbuscula*], black sagebrush [*A. nova*]); (3) forb-rich mosaics of low and tall sagebrush; (4) riparian meadows; (5) steppe dominated by native grasses and forbs; (6) scrub-willow (Salix spp.); and (7) sagebrush savannas with juniper (*Juniperus* spp.), ponderosa pine (*Pinus ponderosa*), or quaking aspen (*Populus tremuloides*). Although sage grouse have adjusted to altered habitats, including alfalfa (*Medicago sativa*), wheat (*Triticum* spp.), and crested wheatgrass (*Agropyron cristatum*), the usefulness of altered habitats often depends on their configuration with native habitats (Schroeder et al. 1999).	Yes
Lewis's woodpecker	*Melanerpes lewis*	---	SPC	Important aspects of breeding habitat include an open canopy, a brushy understory offering ground cover, dead or downed woody material, available perches, and abundant insects. Three principal habitats are open ponderosa pine forest, open riparian woodland dominated by cottonwood, and logged or burned pine (*Pinus* spp.) forest; however, breeding birds are also found in oak (*Quercus* spp.) woodland, nut and fruit orchards, and piñon pine-juniper (*Pinus cembroides*) (UDWR 2011c).	No
northern goshawk	*Accipiter gentilis*	---	CS	The northern goshawk prefers mature mountain forest and riparian zone habitats (UDWR 2011c).	No
northern leatherside chub	*Lepidomeda copei*	---	SPC	Native to streams and rivers of the southeastern portion of the Bonneville Basin. (UDWR 2011c).	No
short-eared owl	*Asio flammeus*	---	SPC	Almost always associated with open country supporting cyclic small mammals, also agricultural areas. Nests usually located on dry sites with enough vegetation to conceal incubating female. Will nest on slight ridges, mounds if present. Usually nest on dry sites, often small knolls, ridges, or hummocks; wet areas used less frequently. Of 63 nests in North America, 55.0% in grasslands; 24.0% grain stubble; 14.0% hayland; 6.0% low perennials (UDWR 2011c).	Yes

Table 1. (Cont.)

COMMON NAME	SCIENTIFIC NAME	FEDERAL	STATE	HABITAT REQUIREMENTS	POTENTIAL HABITAT PRESENT?
smooth greensnake	*Opheodrys vernalis*	---	SPC	In Utah, the smooth greensnake is uncommonly found and is known to occur in the Wasatch, Uinta, Abajo, and La Sal Mountains. The species prefers moist grassy areas and meadows (UDWR 2011c).	No
American three-toed woodpecker	*Picoides dorsalus*	---	SPC	The American three-toed woodpecker is found in Engelmann spruce, sub-alpine fir, Douglas fir, grand fir, ponderosa pine, tamarack, aspen, and lodgepole pine forests. In Utah, this woodpecker nests and winters in coniferous forests, generally above 8,000 ft (UDWR 2011c).	No
western pearlshell	*Margaritifera falcate*	---	SPC	Nearly all Utah localities are small streams, but detailed Utah habitat data are unavailable (UDWR 2011c).	No
western toad	*Bufo boreas*	---	SPC	The western toad inhabits western Canada and much of the western (especially northwestern) United States. It occurs throughout most of Utah, and can be found in a variety of habitats, including slow moving streams, wetlands, desert springs, ponds, lakes, meadows, and woodlands. The western toad, which is inactive during cold winter months, may either dig its own burrow in loose soil or use the burrows of other small animals (Stebbins 1985, UDWR 2011c).	Yes
white-tailed prairie-dog	*Cynomys leucurus*	---	SPC	The white-tailed prairie dog is one of three prairie dog species found in Utah and is known to occur in the northeastern part of the state. The species is most frequently found in underground burrows and usually hibernates during the winter (UDWR 2011c).	No

Source: UCDC 2009a.

DISCUSSION

Threatened, Endangered, and Sensitive Species

Based on their habitat requirements, 4 out of 21 Summit County sensitive species listed could be expected to occur within the project area, which was did not change between 2009 and 2011. Habitat within the project area is suitable for greater sage-grouse, short-eared owl, Deseret mountainsnail (*Oreohelix peripherica*), and western toad.

For the greater sage-grouse, both the presence of suitable habitat in the project area and UDWR's classification of the project area and undeveloped land in the immediate vicinity as

crucial brooding and wintering habitat suggest that habitat loss and fragmentation for this species may occur. Although the site visit did not reveal any evidence of sage-grouse use in the project area, there is still potential for the species to occur on the site.

Habitat loss may also impact local short-eared owl populations. Although no short-eared owls were observed during the site visit, the project area contains suitable habitat for this species, and significant numbers are killed by traffic on adjacent US-40.

There is suitable habitat for Deseret mountainsnail just south of the dense development on the eastern half of the project area. According to the site plan, this area is not likely to be significantly impacted by the planned development. Because habitat loss and fragmentation within this area is expected to be minimal, potential impacts to Deseret mountainsnail habitat may be minimal.

The impacts of habitat loss on western toad are not clear. Although none were seen during the site visits, western toads could potentially use areas of the site because of its proximity to water toward the west and the project area's location within their range (UDWR 2011c).

Non-TES Species

For the ruffed grouse, UDWR's classification of the project area and undeveloped land in the immediate vicinity as substantial yearlong habitat suggests that habitat loss and fragmentation for this species could occur. Although neither site visit found evidence of ruffed grouse use in the project area, two brief site visits not specifically targeting the species are not sufficient to say it does not inhabit the area. However, because suitable habitat in the project area is restricted mainly to forested ridges and slopes, where no construction is planned, impacts to ruffed grouse may not be extensive.

Elk, moose, and mule deer are all known to occur within the immediate vicinity of the project area, and the UDWR considers the undeveloped land in the immediate vicinity of, and including, the project area to be crucial fawning habitat for mule deer. The project area is likely a relative refuge for mule deer and elk because it is undeveloped relative to the immediate surroundings. Based on tracks found during the 2011 site visit, there is also heavy ungulate movement through the site. Removal of tall sagebrush in the low areas may reduce the suitability of the habitat for mule deer in general.

The project area lies within known elk migration corridors linking seasonally important habitat used in spring, summer, fall, and winter (Figure 2.) The most likely route of elk migration through the project area is from west to east (B. Johnson 2009, pers. comm., B. Johnson 2011 pers. comm.). Habitat loss and increased human disturbance resulting from the housing development is likely to discourage elk migration through the subject property. Loss of habitat within the project area may also displace mule deer and elk that might not otherwise migrate across adjacent US-40, possibly resulting in increased road kill. The 694-acre Round Valley property, owned by Summit Land Conservancy and located directly to the south of the project

area, will likely be a refuge for animals that will be displaced by Stone Ridge development. However, the overall loss of habitat and connectivity to other habitat islands will likely be detrimental to mule deer and elk populations in the area.

The areas of heaviest mule deer and elk use apparently cover large portions of the project area including the western half of the site, which is slated for building. The lowest ungulate use area may be along Silver Summit Parkway, in the proposed open space area across from the existing housing development, due to both human disturbance from the road and houses, and the area's relatively low habitat quality. The habitat in this area is characterized by less species diversity, and is dominated by smaller sagebrush. Most of the taller sagebrush, which is used heavily by mule deer and their fawns for cover and browsing, occurs in low areas of the subject property slated for road building or home construction.

Historically, the proposed development area was used for ranching and grazing. Although habitat within the project area is not pristine, the only portions of the project area that appear significantly degraded are those adjacent to the perimeter fence, near roads and gates on the northeast and western boundaries. These areas have a high concentration of weedy introduced plant species such as dyer's woad (*Isatis tinctoria*), cheat grass (*Bromus tectorum*), chicory (*Cichorium intybus*), and fivehorn smotherweed (*Bassia hyssopifolia*). Construction disturbance promotes the spread of weedy invasive species and provide ideal conditions for their propagation, which could result in lower habitat quality for the undisturbed areas of the development.

Planned mitigation measures

Planned mitigation measures, many targeted specifically to reduce impacts to known elk migration corridors include: (1) retention of 80% open space within the 307-acre project area; (2) positioning structures away from elk migration corridors known to occur on adjacent properties; (3) restriction of fencing on the west side of the development to reduce potential impacts to wildlife, specifically known elk migration corridors; (4) clustering structures within the east side development in the natural bowl; and (5) keeping the east and west side development separated to allow relatively unrestricted migration between the Mountain Ranch Estates and Round Valley open space corridors.

Recommended actions

Recommended actions that may reduce potential impacts to wildlife include (1) taking steps during the planning and construction phases to reduce overall loss and degradation of habitat; (2) managing homeowner impacts on remaining wildlife habitat; and (3) establishing a management plan for the remaining wildlife habitat that will maintain areas in perpetuity.

Planning and Construction Mitigation

Recommended actions during the planning phase of the housing development include first moving the Primary Site Access Road along Silver Summit Parkway to the east to allow ungulate migration between the church property and the site access road. If the road remains in its current location, it is likely to both discourage wildlife movement along the planned wildlife corridor and increase the likelihood of animal-vehicle collisions on the road. Based on the 2011 site visit, there is heavy ungulate movement through the area currently planned as the road. Animals are moving from the subject property north into the open area on the other side of Silver Summit Parkway. Because the wildlife corridor currently in the plan is intended to allow animals to move through the housing development and have access to this open space area, the road needs to be moved to accommodate this movement. This could potentially be accomplished by removing the planned open space area between Parcel "A" and Silver Summit Parkway, which is likely to be of limited use to wildlife given its small size and already relatively degraded habitat.

Next, based on tracks found during the 2011 site visit, there is also heavy ungulate traffic along the fence line running between the subject property and Mountain Ranch Estates and Trailside Park. BIO-WEST recommends creating at least a 100-ft wildlife corridor along this fence line to maximize the open space already present on the other side of the subject property line. This corridor could be created by pulling building lot property lines in Parcel "E" back from the main property line, or placing restrictions on installing fencing or other developments within 100 ft of the property line. Additionally, the corridor between Parcels "E" and "D" is extremely narrow. Wildlife movement through the property would be better facilitated if this corridor were widened.

Recommended actions to improve the quality of the planned wildlife corridors and open space include minimal development of the trails (narrow dirt paths instead of wide gravel or paved paths); leaving as much native vegetation and natural topography in place as possible; and installing wildlife crossing signs and speed bumps where roads cross wildlife corridors.

During construction, the amount of damage done to natural areas should be reduced as much as possible. Every effort should be made to reduce construction footprints and limit the area disturbed by roads and equipment while structures are built. Maintaining existing habitats will be much more cost-effective and ecologically beneficial than trying to create and/or restore habitat. In areas that are disturbed by construction, native vegetation similar to what was removed should be used to restore the area. If construction activities take place in the spring or summer (April 1st through August 1st), a nest clearance survey, with a specific focus on short-eared owls, ruffed grouse, and greater sage-grouse should be conducted prior to initiation of construction. If active nests are found, particularly raptor (including owl) nests, a 500-ft buffer should be placed around the nest to avoid disrupting breeding activity. Nest clearance surveys and a buffer around active nests will help prevent illegal "take" of birds or eggs, which is prohibited under the Migratory Bird Treaty Act (1918). Best Management Practices, such as using silt fences and limiting the removal and destruction of native vegetation, should also be implemented during construction to avoid degrading habitat.

Managing Homeowner Impacts

Recommended actions to minimize impacts to wildlife and reduce human-wildlife conflicts once construction is completed and homes are occupied include: (1) requiring the use of only native vegetation in landscaping; (2) prohibiting the use of invasive non-native ornamental vegetation, such as myrtle spurge (*Euphorbia myrsinites*) to avoid the possibility of exotic plants colonizing wildlife areas; (3) prohibiting feeding of wildlife (except for birdfeeders); (4) minimizing exterior lighting and requiring dark sky compliant lighting, particularly on properties adjacent to wildlife corridors and open space areas; (5) discouraging or prohibiting the use of trails in wildlife corridors at least during ungulate migration times (spring and fall) to avoid disrupting animal movements; (6) prohibiting off-leash dogs along trails; and (13) providing education for homeowners regarding wildlife in the area and what they can do to reduce their impacts on the wildlife community. Education efforts could include signage along trails and open space areas, and information sent out with Homeowner's Association materials.

Managing Wildlife and Open Space Areas

Without a management plan in place, the quality of the wildlife corridor and open space areas will definitely decline over time and defeat the purpose of retaining wildlife habitat. Recommended actions for continued management include: (1) an active weed management plan that includes mapping current weed infestations, creating a plan to contain and reduce infestations and actively reducing the spread of weeds and infestations of new areas; (2) developing a program to monitor and maintain vegetation and general condition of wildlife corridors that includes maintaining trails, fences, healthy native vegetation, soil condition and other pertinent variables; and (3) monitoring wildlife use of corridors (using game cameras, track surveys or other methods) and adjusting human use of these areas accordingly to ensure the corridor is serving its purpose.

It is important to consider that while the wildlife areas planned for this development in theory can reduce negative impacts to the ecosystem, these areas *must* be properly maintained throughout the lifespan of the development in order to actually provide benefits to wildlife.

CONCLUSIONS

The primary impacts of the proposed development on wildlife would be habitat loss and fragmentation. An examination of the site plan suggests that nearly 30 percent of the project area would have roads, trails, parks, or structures, and a potentially larger amount of habitat may be lost during construction activities. Although habitat loss and fragmentation associated with the Stone Ridge Development could impact and potentially reduce local populations of short-eared owl, western toad, mule deer, elk, moose, and greater sage grouse, mitigation measures, such as those listed in this report, may reduce potential impacts on wildlife.

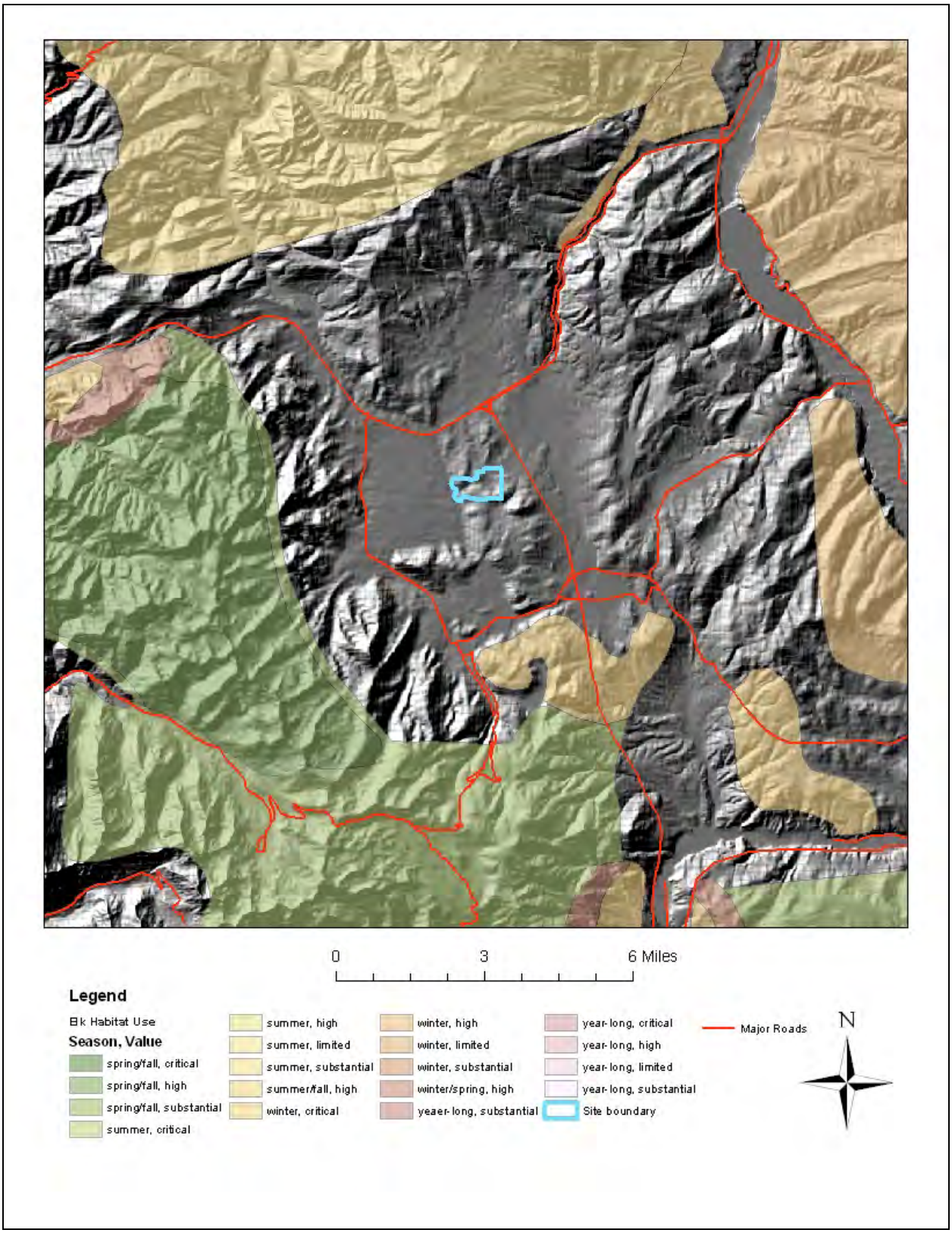


Figure 2. Seasonally important elk (*Cervus elaphus*) habitat (delineated by the Utah Department of Wildlife Resources) relative to the project area.

LITERATURE CITED

Bechard M. J., Schmutz J. K. 1995. Ferruginous hawk (*Buteo regalis*), the birds of North America online (A. Poole, Ed.). Cornell Lab of Ornithology. http://bna.birds.cornell.edu/bna/species/172. Accessed September 15, 2009.

Buehler D.A. 2000. Bald eagle (*Haliaeetus leucocephalus*), the Birds of North America online (A. Poole, Ed.). Cornell Lab of Ornithology. http://bna.birds.cornell.edu/bna/species/506. Accessed September 15, 2009.

Johnson B. 9/15/2009. Utah DWR Conservation officer for Summit County. Personal communication with Mike Sipos of BIO-WEST, Inc., Logan, Utah, regarding ungulate migration in immediate vicinity of proposed Stone Ridge Development.

Johnson B. 12/6/2011. Utah DWR Conservation officer for Summit County. Personal communication with Mary Cheney of BIO-WEST, Inc., Logan, Utah, regarding ungulate migration and general wildlife in immediate vicinity of proposed Stone Ridge Development.

Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755).

Miller, C.A., Waits L.P. 2003. The history of effective population size and genetic diversity in the Yellowstone grizzly (*Ursus arctos*): Implications for conservation. Proceedings of the National Academy of Sciences 100: 4334–4339.

Schroeder M.A., Young J.R., Braun C.E. 1999. Greater Sage-Grouse (*Centrocercus urophasianus*), the birds of North America online (A. Poole, Ed.). Cornell Lab of Ornithology. http://bna.birds.cornell.edu/bna/species/425 Accessed September 15, 2009.

Stebbins R.C. 1985. A field guide to western reptiles and amphibians. Houghton Mifflin Company, Boston. 336 pp.

[UDWRa] Utah Division of Wildlife Resources. 2011. County Lists of Utah's Federally Listed Threatened (T), Endangered (E), and Candidate (C) Species. Utah Conservation Data Center. Location: http://dwrcdc.nr.utah.gov/ucdc/. Accessed: 12/8/2011.

[UDWRb] Utah Division of Wildlife Resources. 2011. Utah's State Listed Species by County. Utah Conservation Data Center. Location: http://dwrcdc.nr.utah.gov/ucdc/. Accessed: 12/8/2011.

[UDWRc] Utah Division of Wildlife Resources. 2011. Vertebrate Animals and Insects and Mollusks. Utah Conservation Data Center. Location: http://dwrcdc.nr.utah.gov/ucdc/. Accessed 12/8/2011.

Wiggins D.A., Holt D.W., Leasure S.M. 2006. Short-eared Owl (*Asio flammeus*), the Birds of North America online (A. Poole, Ed.). Cornell Lab of Ornithology. http://bna.birds.cornell.edu/bna/species/062. Accessed September 15, 2009.

identified on the Land Use Map.

B. As opportunities permit, the County should work with the Utah Department of Transportation to minimize the visual impact of large expansions of roadway asphalt while ensuring adequate traffic flows and safety. Center landscaped medians and other aesthetic improvements should be provided on Highway 224 between the Interstate 80 ramps and Ute Boulevard.

C. Summit County, working with the Utah Department of Transportation, should adopt a landscape enhancement and management master plan for the Highway 224 corridor. Summit County will consider density incentives for developers that contribute toward the implementation of the enhancement plan. Further, Summit County should continue to work with UDOT to gain agreements regarding the placement of raised barrier curbs, landscaping along the road edge, and divided median strips within Kimball Junction to provide additional enhancement in this area.

D. Redevelopment and infill will be promoted in the vicinity of the Smiths, K-Mart, and Wal-Mart in accordance with redevelopment concepts illustrated here and set forth in Chapter 11 of this Plan. Summit County will expedite this infill development, the principle issues being design compatibility and availability of parking. The intent shall not be to require more parking; but rather, ensure that parking will be available from the existing supply, with expansion only if necessary.

OLD RANCH ROAD NEIGHBORHOOD PLANNING AREA

Planning Area Goal:

Protect the rural and agricultural way of life, the mountain-ranching feeling, and the unique natural and scenic resources of the neighborhood, and ensure that the neighborhood remains a good place to raise a family and a place where people and animals live in harmony.

Neighborhood Character Objectives

The character of Old Ranch Road, together with the unique natural features, i.e., wetlands, waterways, agricultural meadows and hillsides, wildlife, historic structures and equestrian areas, are the aspects that must be preserved and enhanced. The infrastructure, particularly Old Ranch Road, is a physical manifestation of the rural spirit of this area and its past. These features form the common ground shared by neighborhood residents. Development in the Old Ranch Road Neighborhood Planning Area shall comply with the following principles.

Function and Scale

A. All new development shall comply with appropriate rural road and site planning standards.

Physical Design and Aesthetics

A. All development shall occur in a manner that protects and enhances the rural residential character of the area. Rural residential character includes trails (equestrian, pedestrian, bicycle), private equestrian uses and facilities, large lot single family detached dwellings, and other uses that must be both compatible with and promote the rural, open character of the land. The Old Ranch Road Neighborhood Planning Area Land Use Plan Map illustrates the appropriate "rural development" pattern for this planning area.

B. While development shall meet the open space requirements, it is appropriate to allow the open space to be incorporated into individual lots, provided that the open space is outside of fenced areas, be restricted from any structures and neighborhood character objectives of the General Plan are met. Whenever a subdivision is designed in a manner that incorporates a designated meadow or hillside view shed into a lot, a scenic view easement or other appropriate measure shall be established to ensure that structures do not encroach into the visually sensitive area.

C. To the extent possible, all development shall be required to bridge streams and the 100 year flood plain. Bridges crossing streams shall be constructed in a manner that includes stone and/or wood to enhance neighborhood character.

D. All development shall demonstrate that architectural design, materials and colors are consistent with the rural, mountain, and ranch character of the neighborhood.

E. All new development must ensure appropriate access to the mountains through trail connections and open space view corridors.

F. Create an entry to each development to contribute to neighborhood ambiance that is appropriate to the Old Ranch Road neighborhood character.

G. A neighborhood gateway should be created at each end of Old Ranch Road to help identify the neighborhood. Each gateway should include appropriate rural, mountain landscaping and monument signs that reflect the character of the neighborhood, and which should be constructed of timber and native stone.

H. All development near either entrance to Old Ranch Road shall include landscaping and other features that contribute to the desired gateway character of the neighborhood planning area.

I. All fencing in the neighborhood shall be ranch style fencing with consideration given to the need to safely enclose and protect large animals. If fencing is used only for aesthetic purposes it shall be rail-type fencing of a ranch character.

J. Exterior lighting shall be minimal and directed downward. Streetlights are not consistent with this neighborhood.

Environmental Objectives

A. New development shall implement the Recreation and Trails Master Plan.

B. New development shall provide internal trail connections to the basin wide trail system.

C. Every effort should be made to properly manage livestock to minimize impacts to water quality and the environment.

D. Equestrian trails shall be designed to avoid "land locking" horse owners and provide them with trail access to appropriate areas. Old Ranch Road shall be designated as a key trail link in the community trail system.

E. Establish trailheads with benches and trash receptacles.

F. Fishing access to the stream should be maintained where appropriate.

G. There should be a perimeter trail system along the Swaner Park. This trail is a community priority.

H. Development must preserve the natural landform, vegetation, scenic quality, and ecological balance that exist in the Old Ranch Road neighborhood.

I. All man-made elements shall be integrated into the natural environment with a sense of quality, permanence, and sensitivity; respecting and preserving the stream corridor, wetlands, hillside and meadow view sheds.

J. Development of land that includes streams shall help to enhance the aquatic habitat of the stream.

Transportation Objectives

A. Every effort should be made to realign the entrance to the Old Ranch Road at Highway 224. This road should intersect with Highway 224 at a location that will be suitable for a traffic light to improve safety.

B. Old Ranch Road shall be designated as a "scenic roadway" and as such, the road design and pavement width shall be preserved as they exist.

C. Except where access points currently exist Old Ranch Road should serve as the principal limited access roadway through the neighborhood. A series of small country lanes should be established to provide access to new residential subdivisions within the neighborhood. All roads shall be treated as country lanes with landscaping to the pavement.

D. In order to keep traffic speeds consistent with the residential character of the neighborhood all pavement surfaces shall be narrow with curves providing minimal turning radii at appropriate locations.

E. Existing roads shall only be widened to provide for trails.

F. Curb and gutter is not appropriate in this neighborhood; other effective and aesthetic methods should be employed. Drainage along roadways shall be consistent with rural character; i.e., ditches and other similar techniques.

G. Reduced traffic speeds shall be promoted on neighborhood roads with appropriate signs or other appropriate

measures indicating use by children, horses, bicyclists, walkers and fisherman.

H. Future roadway improvements should include the extension of the Highland Drive frontage road along the south side of Interstate 80 to Kimball Junction. Road design standards shall be appropriate for the neighborhood. No other major roadways should connect to Old Ranch Road.

I. All roads within the neighborhood shall be given names that reflect the rural ranching character of the neighborhood.

Old Ranch Road Land Use Plan

There are many land use and environmental sensitivity classifications that should guide developments in this neighborhood planning area. These areas are identified on the Land Use Map.

NORTH MOUNTAIN NEIGHBORHOOD PLANNING AREA

Planning Area Goal:

Protect the unique natural and scenic resources of this rural area, and ensure the area remains primarily an open environment; a place where people and animals live in harmony; and where residential and recreational uses are separated by large areas of open land.

Neighborhood Character Objectives

The appropriate long-term character of the area is large lot residential use, with structures appropriately clustered and sensitively sited in the mountainous terrain and consistent with hillside and meadow view shed policies which promote large expanses of open space; appropriate residential densities a round the principal meadows; an appropriately-sized neighborhood commercial area; related recreational amenities; and large areas of open space suitable for the protection of scenic resources and the continuation of wildlife in the area. The character of all development, including the scale and design of the infrastructure, shall be rural in nature and in harmony with the mountain environment. Development in the North Mountain neighborhood shall comply with the following principles:

Function and Scale

A. All new development shall comply with rural road and site planning standards.

B. The appropriate character includes trails (equestrian, pedestrian, bicycle), private equestrian uses and facilities, large lot single family detached dwellings, and other uses that are compatible with and promote the mountain and open character of the land.

C. Summit County will consider incentives to bring about the master planning of any properties that will form an appropriate neighborhood commercial area for the neighborhood in previously approved commercial areas.

D. The neighborhood commercial area shall be limited in size and type of uses, which serve the immediate needs of or are compatible with the neighborhood.

E. Required open space in each development shall be contiguous to adjacent open space and protect hillside and meadow view sheds

shared facilities, and/or structural parking, as opposed to single large facilities and separate parking lots for each land use. The objective shall be to permit only the necessary impervious surfaces to be constructed on a site and plans that promote parking expansions over time to more precisely determine the appropriate parking lot size. Consideration shall be given to maximum amount of surface parking lot coverage that will be permitted in this neighborhood. Solutions such as on-street parking, structured parking, and joint use of parking facilities must be considered in any development proposal.

K. The Resort Center and mountain resort support areas shall be pedestrian oriented. Development plans for the Resort Center and mountain resort support areas shall identify and whenever possible include provisions that encourage and facilitate pedestrian movement, promote transit ridership opportunities, and minimize the use of automobiles to circulate within the Resort Center, mountain resort support areas, and adjacent neighborhoods. Consideration also shall be given to measures that minimize the intrusion of day skier automobile and related traffic congestion in the Resort Center and Park City. The success of proposed Resort Center and mountain resort support areas plans in dealing with the automobile shall be a significant factor in determining density under the Development Potential tables in the Development Code.

L. The number of property access points (curb-cuts) on Highway 224 shall be restricted. Direct access from Highway 224 to individual development parcels will be permitted only when access from other roadways is not possible.

West Mountain Land Use Plan

The existing and desired land use patterns are identified on the neighborhood land use map. This plan represents the neighborhood goals and objectives described above. This illustration shall serve as a guide for future land use decisions in this neighborhood.

EAST BASIN NEIGHBORHOOD PLANNING AREA

Planning Area Goal:

The meadowlands and portions of the foothills east of Highway 40 west of Promontory Ranch are located within the Snyderville Basin. (Promontory Ranch forms its eastern most boundary.) These lands, together with lands west of Highway 40 comprise the East Basin Planning Area and are crucial to the future planning of the Snyderville Basin.

It is the goal to allow those land uses and activities, which promote a neighborhood scale and appropriate economic development, and business services activities in concentrated locations access.

Economic Development Objectives

A. Provide a location for industrial uses that offer quality jobs capable of supporting local families and/or an appropriate location for businesses, which serve the needs of primarily Snyderville Basin residents.

B. All major development shall be developed in a phased manner. The phasing schedule should be based on projected market absorption rates, fiscal impacts on County and Special Service Districts, and relating the provision of community amenities and needs with other land uses, showing that to the extent practicable, tax revenues will be available to the County and Special Service Districts before fiscal impacts occur.

C. Summit County will work with Park City on annexation and jurisdictional matters related to development in this neighborhood, particularly with respect to the Resort Center. It is Summit County's objective to: 1) ensure proper planning and design, 2) that community benefits, will accrue to the community as a whole, 3) and that the County and its Special Service Districts will not incur any negative fiscal impacts from the cumulative development in this neighborhood.

Neighborhood Character Objective

The dominate feature or characteristic of the East Basin Planning Area shall continue to be large tracts of perpetual open space consisting of critical view corridors and other critical and sensitive lands preserved in their natural state and open spaces that are designed to enhance or are set aside in development. Activities that generate traffic, visual, and other impacts must be in harmony with the rural, mountain, and resort environment of the Snyderville Basin. Development in this planning area shall adhere to prescribed principles in order to create the desired community character. These principles are as follows:

Function and Scale

A. Any development that occurs in this planning area must be in scale and compatible with the rural, resort, and mountain environment and surroundings of the corridor specifically and the Snyderville Basin generally. The characteristics of concentrated development that is compatible with a rural and resort image, with key open spaces and view sheds preserved, is mandatory.

B. Village Centers may be appropriate in this neighborhood planning area. If, at the discretion of Summit County, such centers are in compliance with the goals and objectives of this Plan and additional centers are necessary to accomplish the County open space preservation objectives.

C. Industrial and non-highway oriented commercial and service uses shall be allowed to help provide the residents of the County with a balance of land uses required to promote a sustainable economy.

D. Development at the key gateways along Highway 40, including Quinn's Junction, shall promote a sense of

hospitality and arrival in its land uses and physical design characteristics. At these gateways, land uses that are not consistent with these objectives are not appropriate.

E. No development shall be allowed to reach a scale, in terms of the size of structures, the amount of development, and the type of land uses allowed, that is not in harmony with the rural mountain character that must be preserved in the Snyderville Basin and existing residential development in this neighborhood.

F. The height of any structure in this area must be compatible with the rural, mountain character.

Physical Design and Aesthetics

A. All development shall occur in a manner that creates and supports the desired rural and resort character and mountain environment.

B. No structure shall be placed on any hillside or ridge in a manner that causes any portion of a structure to extend into a skyline. Reasonable view studies, including computer modeling if necessary, shall be required whenever there are questions about structure location, including a building permit for previously platted lots.

C. All structures shall be sited in a manner that preserves the scenic views identified in the Plan. If a Resort Center is developed, it must create a special environment to attract destination visitors. Because of its distance from the ski areas of the Snyderville Basin, this resort must provide a quality resort golf experience and/or other similar guest amenities and facilities, together with accommodations that meet the needs of visitors that intend to stay in the resort for an extended period of time (3 to 10 days).

D. Development shall be clustered in appropriate locations so that development is not spread across the mountainsides, meadows and environmentally sensitive areas in any manner that is inconsistent with the policies of this Plan.

E. The open character of the corridor also is created by the meadow view shed east of Highway 40, which represents a significant attribute of the Snyderville Basin. To ensure the preservation of this attribute, all structures shall be located to the outer edge of meadow to the extent possible. Development on the periphery of the meadow shall be either concentrated to preserve maximum open space or may be dispersed low-density uses that contribute toward the open character of the meadow.

F. Whenever any development is designed in a manner that incorporates the scenic foreground or background into a residential or commercial lot, a conservation easement or deed restriction shall be established to ensure that structures do not encroach into the visually sensitive areas.

G. All development, including residential,

commercial, and industrial uses, shall demonstrate that architectural design, materials and colors are consistent with the rural and mountain character of the neighborhood prior to approval.

H. Architectural styles and design elements shall be compatible with the rural, mountain resort environment.

I. Development shall be appropriate in scale and style to the surrounding environment, and no structure shall be allowed to dominate the natural features of any site.

J. All new development must ensure access to the mountain through trail connections and open space view corridors.

K. Bridges crossing streams shall be constructed in a manner that includes stone and/or wood to enhance the neighborhood character.

L. All new structures shall be designed to avoid a “big box” appearance. Large buildings shall have design and façade treatments that break up the building’s mass and bulk in a manner that complies with the Policies of Chapter 11 of this Plan. Parking facilities shall be shared whenever possible, but in any instance the amount of impervious surface shall be minimized and appropriately screened.

M. The streetscapes within the East Basin Neighborhood Planning Area shall be designated as follows:

1. Local residential streets shall be narrow with generous landscaping and interruptions of sight lines.

2. Commercial and industrial streets shall be focused on traditional neighborhood layouts, with walkable connections to Village Centers whenever possible, and include landscaping.

N. All development within and adjacent to the meadow lands shall provide periphery landscaping to soften the transition between the development and flat, grass, open lands.

O. Exterior lighting within the planning area shall be minimized and where used, shall be a color-corrected, high-pressure sodium type. All exterior light fixtures shall be located low and as close to the ground as reasonable.

P. Signs within the area shall be limited in size.

Recreation and Amenities

A. Open space that is required to be set aside in each development shall, whenever possible, be contiguous to adjacent meaningful open space, useful and meaningful, and protect scenic views and natural resources. The community trail system shall be integrated into these open space parcels, whenever possible.

B. All residential development shall provide appropriate neighborhood parks to meet the recreational needs of the residents.

C. Small parks shall be established at trailheads. At each park location there shall be benches and trash receptacles.

Restrooms and drinking water should be provided at prominent activity spots.

D. New development shall help to implement the Recreation and Trails Master Plan.

E. Where appropriate, new development shall provide trail connections to the Snyderville Basin trail system.

F. Trail connections between the Snyderville Basin and public trails included in Promontory Ranch should link with those nearby in the Eastern Summit County Planning District.

Environmental Objectives

A. Development is prohibited in all wetlands (jurisdictional or otherwise), critical wildlife habitat, significant ridgelines and hillsides, and waterway corridors, including streams and irrigation ditches, as open space.

B. Development must preserve, to the extend possible, the natural landform, vegetation, scenic quality, and ecological balance that exists within this planning area.

C. All development shall be required to bridge streams and the 100 year flood plain, whenever possible.

Transportation Objectives

A. All transportation corridors, including Highway 40 and local streets, shall be designed to integrate aesthetically and in scale with all private portions of the developed area, including residential and commercial neighborhoods. These corridors shall include pedestrian connections that link residential neighborhoods, service areas, and resort areas.

B. The number of property access points (curb-cuts) from Highway 248 shall be restricted to the existing access points or as may be identified in a comprehensive master plan.

East Basin Land Use Plan

An evaluation of conditions of the East Basin Planning Area suggests there are areas that, for various reasons, lend themselves toward different land use treatments. Each area must contribute toward the preservation of sensitive open space and the natural environment. The existing and desired land use patterns are illustrated on the Land Use Plan Map.

Chapter 5

Open Space Policy

OBJECTIVE: Preserve key open space in the Snyderville Basin, including environmentally critical and sensitive lands, recreational spaces, and cultural spaces, to the extent possible to retain the sense of place and quality of life that is crucial to the residents and the economic success of the resort economy.

MEANINGFUL OPEN SPACE

5.1 POLICY:
"Meaningful open space" is a primary purpose of this Plan. In determining whether open space is meaningful, Summit County will take into consideration: 1) whether the land in question can be adequately protected for the designated open space purpose(s) and will not be fragmented either on the project site and 2) whether the open space is of sufficient size to achieve the intended open space purpose(s). Meaningful open space may include:

A. Lands, which have been demonstrated to be important for endangered, threatened, or ecologically significant species, or natural systems;

B. Lands that include or contribute to the preservation of important wildlife habitat, particularly critical winter range, birthing areas, and migration corridors;

C. Lands adjacent to or in close proximity to significant lands that have already been preserved as open space;

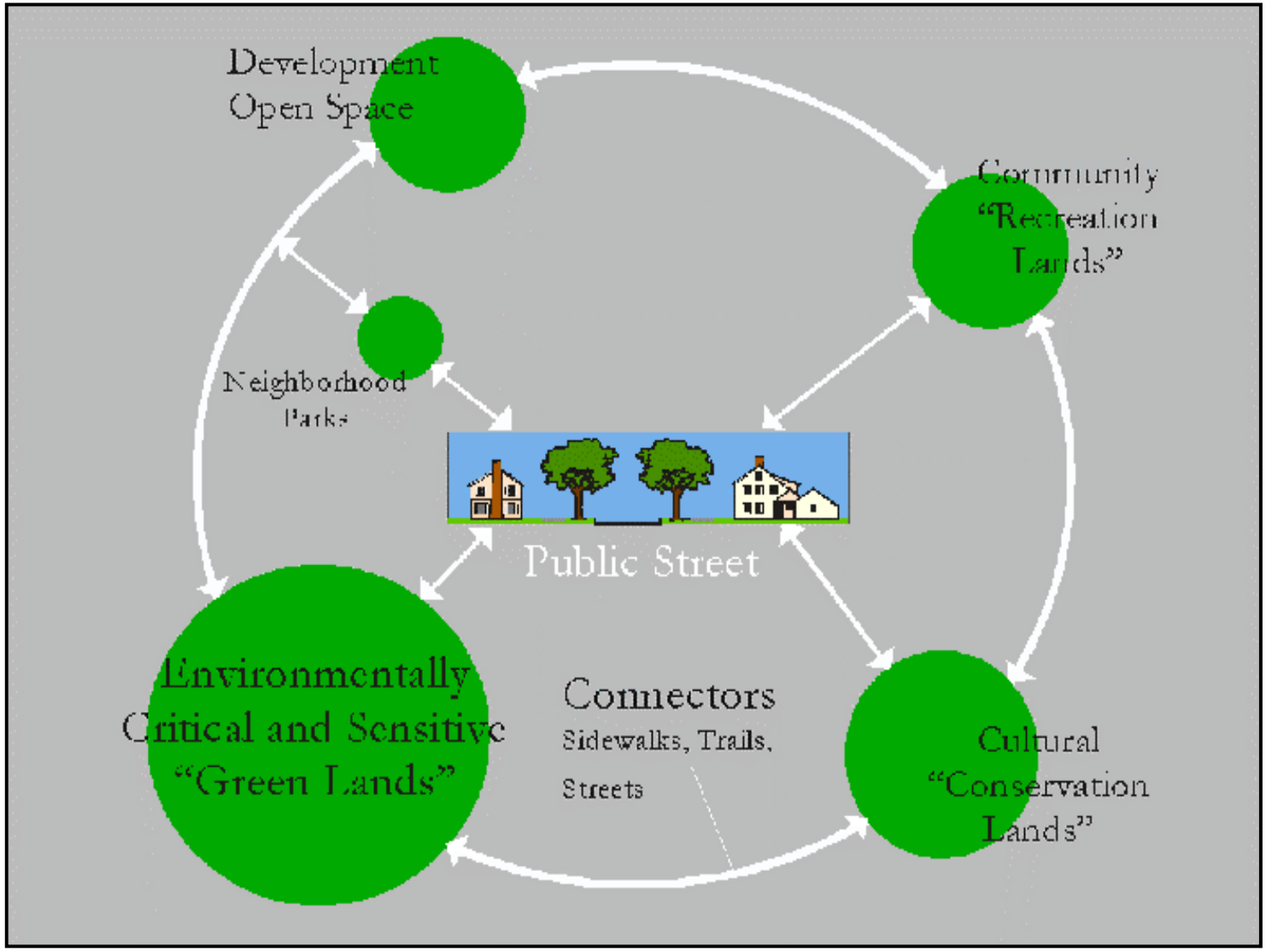
D. Lands that are valuable to the community due to their proximity to developing or developed areas or importance in preserving key view sheds or remote back country qualities, or more accessible areas that offer quiet and secluded passive recreation;

E. Lands that are valuable to the community because of historical, agricultural, and/or cultural or intrinsic value or proximity to such areas;

F. Lands that contribute to the protection of water resources including important areas surrounding wetlands, flood plains, drinking water sources, and other similar areas; or

G. At the discretion of Summit County, lands which provide significant contributions to the community in the form of enhancement to highway corridors, park and recreation areas, and other similar areas.

Community Open Spaces and Connectivity



OPEN SPACE WITHIN DEVELOPMENT

5.2 POLICY: In order to ensure compatibility with the mountain environment development will meet the following minimum requirements. Summit County shall determine the most reasonable area(s) to be reserved as open space based on the policies set forth in this Plan.

A. There shall be no open space requirement that precludes development that complies with the "base" zoned density, but development shall be sited in the least sensitive portion of the property and all development shall meet the clustering requirements set forth in Chapter 6 of this Plan.

B. For any type of major development outside of a Village and Resort Center, including subdivisions containing single family, two family, and/or multi-family dwellings, a minimum of 60 percent of a parcel must be reserved as "meaningful open space", also, no more than 25 percent of the critical land portion of the parcel shall count toward the 60 percent open space requirement.

C. For commercial, industrial and institutional development, twenty-five (25) percent of the total parcel and must be set aside as "meaningful open space."

5.3 POLICY: Whenever density increases are granted for the preservation of open space in the form of conservation easement, those easements shall be legally established in perpetuity at the time of development approval.

5.4 POLICY: Open space should be contiguous within a development site and should connect with open space on adjacent parcels. Small isolated pieces of open space scattered throughout the site and narrow strips of open space are less valuable, difficult to manage, and shall not be counted as "meaningful" open space.

5.5 POLICY: Appropriate public access trail connections will be secured through required open space. Such trail connections will be required wherever practicable when density incentives are given.

5.6 POLICY: Property owners are encouraged to dedicate land for open space prior to gaining development approvals. However, such lands that have been previously dedicated as part of a development approval shall not be considered in the open space calculation.

OPEN SPACE PRESERVATION

5.7 POLICY: Establish an open space preservation program to remove density from high priority open space areas.

5.8 POLICY: A primary purpose of resort and village centers is to preserve meaningful open space throughout the Snyderville Basin.

5.9 POLICY: In developments outside village or resort centers, density incentives will be considered in exchange for off-site meaningful open space preservation.

5.10 POLICY: The County has established a formal open space advisory committee, which shall continue to operate through the Snyderville Basin Planning Commission and report to the Board of

County Commissioners. The purpose of the committee should be to:

A. Assist in identifying, prioritizing, and making recommendations regarding density sending areas and receiving;

B. Assist in identifying agreements related to the transfer of density for the purpose of acquiring "meaningful open space".

C. Recommend the acquisition of development rights from properties considered important to the community for open space purposes;

D. Use cash-in-lieu of Density Transfer Program participation and other funds received by the County to recommend purchase receiving and/or sending sites to the preservation of open space.

5.11 POLICY: Summit County should establish a formal mechanism or entity for holding and transferring land and development rights and managing/monitoring all open space easements or restrictions.

5.12 POLICY: Establish a purchase of development rights program with priorities placed upon purchase of lands or conservation easements in high priority open space areas. Summit County should develop an on-going revenue source earmarked for open space acquisition.

5.13 POLICY: Summit County should establish cooperative strategies with the Utah Open Land Trust, Nature Conservancy, and other qualified groups to achieve the preservation of important open spaces.

NEIGHBORHOOD AND COMMUNITY RECREATION LANDS

5.14 POLICY: The neighborhood park, recreation facility and/or trail will be provided to serve a neighborhood or development. The Development Code shall establish reasonable standards for parks and recreational amenities specifically designed to serve the neighborhood or project level demand. Neighborhood facilities are most appropriately developed and managed by individual developers or neighborhood/homeowner associations. Such improvements are not addressed in the Snyderville Basin Special Recreation District's community parks, recreation, and trails plan. The Snyderville Basin Special Recreation District will not accept responsibility for owning or managing these facilities.

5.15 POLICY: Community park contributions and impact fees shall be in accordance with the Recreation and Trails Master Plan, which serves as the recreation element of the Snyderville Basin General Plan. The Recreation and Trail Master Plan policies are fully incorporated herein by reference, and are designed to further direct and interpret the intent of this Plan. The policies are intended to provide for the community recreation needs for parks, open recreation lands, facilities, and trails within the District boundaries. General design guidelines will be applied in the planning process to assure that the recreation and non-motorized transportation needs of residents of and visitors to the Snyderville Basin are met.

5.16 POLICY: In a resort center, modified open areas, such as golf courses, and ski trails, may be considered open space

if it is determined that they are appropriately located to meet the objectives of this Plan.

5.17 POLICY: The use of a golf course to meet open space requirements shall be considered in accordance with the following criteria:

A. The highest priority will be given to golf courses within an approved Resort Center, where the golf course promotes a substantial tax base project for the community and a significant number of tee times will be made available to the public throughout the day.

B. Second priority will be given to publicly owned and operated golf courses.

C. Third priority will be given to a private golf course on which limited tee times and scheduling hours are made available to the public each day.

D. No priority will be given to private golf courses with no public access.

EXHIBIT 11.1

Utah Code
Title 17 Counties
Chapter 27a County Land Use, Development, and Management Act
Section 401 General plan required -- Content -- Provisions related to radioactive waste facility.

17-27a-401. General plan required -- Content -- Provisions related to radioactive waste facility.

(1) In order to accomplish the purposes of this chapter, each county shall prepare and adopt a comprehensive, long-range general plan for:

(a) present and future needs of the county; and

(b) growth and development of all or any part of the land within the unincorporated portions of the county.

(2) The plan may provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;

(c) the efficient and economical use, conservation, and production of the supply of:

(i) food and water; and

(ii) drainage, sanitary, and other facilities and resources;

(d) the use of energy conservation and solar and renewable energy resources;

(e) the protection of urban development;

(f) the protection or promotion of moderate income housing;

(g) the protection and promotion of air quality;

(h) historic preservation;

(i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and

(j) an official map.

(3) (a) The plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section **19-3-303**. The provisions shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:

(i) the information identified in Section **19-3-305**;

(ii) information supported by credible studies that demonstrates that the provisions of Subsection **19-3-307**(2) have been satisfied; and

(iii) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (3)(b) at any time.

(d) The county shall send a certified copy of the ordinance under Subsection (3)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted pursuant to Subsection (3)(b) the county shall:

(i) comply with Subsection (3)(a) as soon as reasonably possible; and

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(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(4) The plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

EXHIBIT 11.2

(5) Subject to Subsection **17-27a-403**(2), the county may determine the comprehensiveness, extent, and format of the general plan.

Renumbered and Amended by Chapter 254, 2005 General Session
Download Code Section Zipped WordPerfect 17_27a040100.ZIP 3,592 Bytes

<< Previous Section (17-27a-307) Next Section (17-27a-402) >>

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EXHIBIT 11.3

Utah Code	
Title 17	Counties
Chapter 27a	County Land Use, Development, and Management Act
Section 406	Public uses to conform to general plan.

17-27a-406. Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

Renumbered and Amended by Chapter 254, 2005 General Session
Download Code Section Zipped WordPerfect 17_27a040600.ZIP 2,043 Bytes

EXHIBIT 11.4

Utah Code	
Title 17	Counties
Chapter 27a	County Land Use, Development, and Management Act
Section 405	Effect of general plan.

17-27a-405. Effect of general plan.

(1) Except for the mandatory provisions in Subsection **17-27a-401**(3)(b) and Section **17-27a-406**, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection **17-27a-401**(3)(b).

Enacted by Chapter 254, 2005 General Session
Download Code Section Zipped WordPerfect 17_27a040500.ZIP 1,811 Bytes

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah
Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

ADVISORY OPINION

Advisory Opinion Requested by:	Old Ranch Road Neighborhood Group
Local Government Entity:	Summit County
Applicant for the Land Use Approval:	Park City Ranches, LLC
Project:	Stone Ridge CORE Rezone and Subdivision at Silver Summit
Date of this Advisory Opinion:	August 17, 2010
Opinion Authored By:	Steven R. Schaefermeyer, Legal Intern, Office of the Property Rights Ombudsman

Issue

Does a proposed development project Sketch Plan Application conform to the Snyderville Basin Development Code and General Plan, and does the General Plan constrain the Summit County Council's ability to grant or deny a CORE rezone request?

Summary of Advisory Opinion

The Sketch Plan Application being reviewed by Summit County is in its procedural infancy. In its current state, it is premature to determine if the project proposed by Park City Ranches, LLC conforms to applicable sections of the Snyderville Basin Development Code and General Plan. A complete analysis is more appropriate and useful at a later stage of the review and approval process.

Under state law a general plan is advisory unless otherwise stated by ordinance. The Snyderville Basin Development Code requires the Summit County Council to only approve CORE rezone requests it finds are consistent with the General Plan. The County Council's determination of whether the rezone request is consistent with the General Plan, and its ultimate decision to grant or deny the rezone request will be affirmed if it is reasonably debatable that its decision promotes the purposes of the County Land Use, Development, and Management Act.

Review

A request for an advisory opinion may be filed at any time prior to the rendering of a final decision by a local land use appeal authority under the provisions of UTAH CODE ANN. § 13-43-205. An advisory opinion is meant to provide an early review, before any duty to exhaust administrative remedies, of significant land use questions so that those involved in a land use application or other specific land use disputes can have an independent review of an issue. It is hoped that such a review can help the parties avoid litigation, resolve differences in a fair and neutral forum, and understand the relevant law. The decision is not binding, but, as explained at the end of this opinion, may have some effect on the long-term cost of resolving such issues in the courts.

The request for this Advisory Opinion was received on December 31, 2009 from Gary W. Nielsen on behalf of the Old Ranch Road Neighborhood Group. A letter with the request attached was sent via certified mail, return receipt requested, to Bob Jasper, County Manager, 60 North Main, P.O. Box 128, Coalville, Utah 84017. Mr. Jasper's name was listed on the State's Governmental Immunity Database as the contact person for the County. By a letter dated February, 2010, Jami R. Brackin, Deputy Summit County Attorney, submitted the City's response to the Advisory Opinion request. Mr. Nielsen submitted a response to the County's submission by a letter dated February 12, 2010. Ms. Brackin submitted a letter dated February 17, 2010 in response to Mr. Nielsen's letter. By a letter dated March 1, 2010, Mr. Nielsen submitted a response to Ms. Brackin's letter. On March 9, 2010 Ms. Brackin indicated by email that she did not intend to respond to Mr. Nielsen's last letter.

Evidence

The following documents and information with relevance to the issue involved in this Advisory Opinion were reviewed prior to its completion:

1. Request for an Advisory Opinion, including attachments, filed December 31, 2009 with the Office of the Property Rights Ombudsman by the Old Ranch Road Neighborhood Group.
2. Email from Gary W. Nielsen, including attachment, received January 4, 2010.
3. Email from Gary W. Nielsen, received January 14, 2010.
4. Response from Summit County, including attachments, submitted by Jami R. Brackin, received February 1, 2010.
5. Reply from Gary Nielsen, received February 16, 2010.
6. Letter from Jami R. Brackin, received February 23, 2010.
7. Reply from Gary Nielsen, received March 1, 2010.

Background

In May 2009, Summit County (the County) received a Sketch Plan Application (the Application) from Park City Ranches, LLC (Applicant). The Applicant proposes a development project (the Project) to be located on approximately 307 acres in Summit County.[1] The Project is a large residential subdivision that would include approximately 250 units, 65 of which would be workforce housing units, if a residential subdivision and a re-zone request are granted. The rezone request proposes rezoning the property to the Community Oriented Residential Enhancement Zone B (CORE),[2] which may only be approved for land where a related workforce housing proposal is simultaneously approved.[3] A density bonus is given in CORE zones as an incentive to build workforce housing units.

A Major Development Review (MDR) is required for any development that proposes more than ten residential lots in certain residential zones.[4] The MDR process integrates the subdivision and site planning procedure with the zoning procedure,[5] but a separate Rezone Application is required apart from the applications required for the MDR.[6] Thus, the County is considering two co-dependant requests, where the approval of one is void without the approval of the other. The first request is for approval of a housing subdivision that is decided administratively, and the second request is for a rezone that is decided legislatively.

Work sessions to discuss the Project were held with the Snyderville Basin Planning Commission (the Commission) on May 26, 2009; June 23, 2009; August 11, 2009; October 27, 2009; and November 10, 2009. In its response dated February 1, 2010, the County stated that it anticipated at least one additional work session before the Applicant submits additional required applications[7] seeking approval of the Project. Public input concerning the Project was received on December 8, 2009; January 12, 2010; and January 26, 2010. Some members of the Old Ranch Road Neighborhood Group (the Neighborhood Group) expressed concerns during the first public input session, before submitting a request for an Advisory Opinion to the Office of the Property Rights Ombudsman on December 31, 2009.

The Neighborhood Group claims there are many significant discrepancies with the Snyderville Basin General Plan (the General Plan) and the Snyderville Basin Development Code (the Code). The Neighborhood Group also claims there are many procedural and substantive problems with the Application including: the Application violates and is being processed in violation of various sections of the Code, the Project is inconsistent with the General Plan, and notice of work sessions to affected property owners was improper. The main contention the Neighborhood Group would like to be addressed in this Advisory Opinion is whether the Summit County

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[1] The Applicant has an option to purchase the subject property from the owner, Nadine Gilmore.
[2] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-5-16B.2.
[3] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-5-16D.5.
[4] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-3-10A.
[5] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-3-10.A.
[6] The County Development Director or County Council may combine the processing and hearing of the applications required for the MDR and the Rezone Application. SNYDERVILLE BASIN DEVELOPMENT CODE § 10-3-2C.
[7] The Preliminary Plan Application, Final Subdivision Plat Application, and Rezone Application must each be submitted prior to project approval.

Council (the Council) is required to follow the General Plan when it considers applications requesting rezone to a CORE zone.[8]

The County maintains that it is processing the Application in accordance with the Code, and that any claims the Code has been violated and the Project is inconsistent with the General Plan are premature and unfounded. The County notes that no decision has been made concerning the application, and that the Commission has made no findings whether the Application is consistent with the Code or General Plan. Lastly, the County states that the General Plan is an advisory document, not regulatory one.

Analysis

It is premature to determine if the Project conforms to applicable sections of the Code and General Plan. A complete analysis at this time would be inappropriate and untimely. If the Council chooses to grant the rezone request, it must find the request is consistent with the General Plan, and the courts will defer to the Council's determination that the rezone request is in fact consistent with the General Plan. The Council's decision to grant or deny the rezone request will also be given great deference when reviewed by the courts, and affirmed if it is reasonably debatable that its decision promotes the purposes of the County Land Use, Development, and Management Act (CLUDMA).

I. It is premature to determine whether or not the Project conforms to applicable sections of the County Code and General Plan

A Sketch Plan Application (the Sketch Plan) is the first of three applications required by the MDR process. While the Sketch Plan must contain enough information to show compliance with the Code and General Plan, the Code does not consider a Sketch Plan a completed application for purposes of vesting.[9] Thus, under state law,[10] an applicant's right to develop the project proposed during the Sketch Plan phase may be limited.

After an applicant has submitted a Sketch Plan and held a preapplication conference with County staff, but before submitting a Preliminary Plan Application (the Preliminary Plan), an applicant must participate in work sessions with the Commission. Work sessions are informal meetings where various relevant issues pertaining to a development proposal are discussed and explored. The purpose of these work sessions is to educate, discuss, and clarify community policies before a Preliminary Plan is submitted and any formal action or decision is made by the County relating to a proposal. Work sessions are open to the public, but the Code does not require the County to permit public input during work sessions or send notice to affected property owners.[11] Only after a Preliminary Plan has been submitted and reviewed is a public hearing required by the Code.[12]

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[8] Email from Gary Nielsen received by OPRO Thursday, January 14, 2010.
[9] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-3-10C.1.
[10] UTAH CODE ANN. § 17-27a-508(1)(a).
[11] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-3-10D.2.b.
[12] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-3-10D.3. A public hearing before the Council is also required during the Rezone Application phase. SNYDERVILLE BASIN DEVELOPMENT CODE § 10-7-4C.

Only after a Preliminary Plan has been submitted and a public hearing held is the Commission able to make a recommendation to the Summit County Manager (the County Manager) for approval, approval with conditions, or denial of the Preliminary Plan. After the Commission makes a positive recommendation, the applicant is able to submit a Final Subdivision Plat Application (the Final Plat), and the County Manager administratively approves, approves with conditions, or denies the project. Where a project, including one found to comply with the Code and General Plan, simultaneously requests a rezone to a CORE zone in order to receive a density incentive, the County Manager may not unilaterally approve the project without the rezone also having received approval by the Council.[13]

It is premature to evaluate if the Application submitted by the Applicant conforms to the standards of the Code and General Plan. The Application before the County is a Sketch Plan which is purposefully an informal, non-binding, and informational stage of a longer three step MDR approval process. This informal stage of the MDR process allows the Applicant, when prepared, to submit a Preliminary Plan that more fully responds to important issues raised during required work sessions and optional public input sessions. More specifically, the Applicant is able to submit a formal Preliminary Plan that complies with the General Plan and Code.

As anticipated by the Code, the Project has changed since it was first submitted.[14] The Project is likely to continue to change before any required public hearings are held, any formal findings are entered, and the Commission is required to make a recommendation to the County Manager. Depending on the Commission's recommendation, the project may continue to evolve before the Final Plat is submitted and ultimately considered by the County Manager. Even if the Applicant got far enough in the process to submit a Final Plat, and the County Manager were to approve the Final Plat, approval is without effect unless the Council rezones the land to a CORE zone.

According to the Code, no right to develop under existing County land use regulations has vested in the Applicant, and three additional applications are required before final approval.[15] Additionally, no public hearings have been held or are currently required for the Application to proceed. No findings have been entered stating whether or not the Application conforms to the Code or General Plan, and no recommendation has been made to the County Manager. It is therefore imprudent and premature to analyze in an Advisory Opinion whether the Application conforms to applicable sections of the Code and General Plan.

II. The Summit County Council may only approve a CORE rezone request that is consistent with the General Plan, and the Council's decision to grant or deny a rezone request will be given great deference.

Every county in the state of Utah is required to prepare and adopt a general plan,[16] but a general plan is an advisory document unless otherwise stated by ordinance.[17] SNYDERVILLE BASIN

[13] SNYDERVILLE BASIN DEVELOPMENT CODE § 10-5-16D.
[14] The Applicant first proposed a total of 240 units, 81 of which would be workforce housing units. The total number of proposed units has increased to 250 units, and the proposed workforce housing units have decreased to 65. Response from Summit County received February 1, 2010, Exhibit "B."
[15] This Advisory Opinion does not examine whether any right vests in a developer upon submission of a sketch plan.
[16] UTAH CODE ANN. § 17-27a-401

DEVELOPMENT CODE § 10-5-16D.7 states that the Council may permit a CORE rezone if the "rezone and accompanying work force housing proposal are consistent with the goals, objectives, and policies of the General Plan." The Code defines "consistent" as:

> An amendment to the Snyderville Basin Development Code, or to a development permit, shall be deemed "consistent" with the General Plan only if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objective and policies, set forth in the General Plan and if it meets all other criteria enumerated in the General Plan and Development Code. The term "compatible with" means that the Code amendment or development permit is not in conflict with the General Plan. The term "furthers" means to take action in the direction of realizing the goals, objective and policies of the General Plan.

SNYDERVILLE BASIN DEVELOPMENT CODE § 10-11-1.72. As adopted, the Code limits the Council's discretion when considering a CORE rezone request. The Council is obligated to consider the General Plan and make findings that any CORE rezone it approves is "consistent" with the General Plan. When the provisions relating to CORE zones were adopted, the Council voluntarily limited the approval of CORE rezone requests to those consistent with the General Plan. The Council cannot arbitrarily choose to ignore provisions of the Code it has adopted that limits its own discretion.[18] Accordingly, the General Plan has the effect of law to the extent that a CORE rezone must be consistent with the General Plan – that is the rezone must be compatible with and not in conflict with the objectives and policies of General Plan.[19] In all other respects, the General Plan is advisory.

It is well-established in Utah law that a municipal legislative body is given wide latitude to make legislative land use decisions.[20] A rezone is a legislative land use decision,[21] and great deference is given to the Council when exercising its legislative discretion to grant or deny a rezone. Under Utah law, a court will presume that a land use decision is valid unless it is found to be arbitrary, capricious, or otherwise illegal. A land use decision will not be found to be arbitrary or capricious provided that it is "reasonably debatable" the decision promotes the purposes of CLUDMA.[22]

In *Harmon City, Inc. v. Draper City*, the City Council denied a request made by a grocery store chain to rezone property from a residential use to a commercial use. *Harmon City, Inc. v. Draper City*, 2000 UT App 31 (Utah Ct. App. 2000). The District Court presumed the City Council's decision to not change the zoning classification was valid even though the City's adopted General Plan called for a commercial use on the property. *Id.* at ¶2. The Appellate Court affirmed

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[17] UTAH CODE ANN. § 17-27a-405

[18] *Springfield Citizens for a Better Community v. City of Springfield*, 1999 UT 25, ¶30 (Utah 1999)

[19] This is not to say that the CORE rezone must be exactly compliant with the General Plan in every possible respect in order to be approved. Just that it must be consistent with the goals and objectives of the General Plan.

[20] Legislative decisions are distinguishable from administrative or quasi-judicial decisions frequently made by municipal governments which must be supported by substantial evidence on the record. *Bradley v. Payson City Corp.*, 2003 UT 16, ¶14 (Utah 2003)

[21] *Harmon City, Inc. v. Draper City*, 2000 UT App 31, ¶9 (Utah Ct. App. 2000)

[22] Utah Code Ann. § 17-27a-801(3)(b)

the lower court's use of the "reasonably debatable" standard to determine if the City Council's action was arbitrary or capricious. *Id.* at ¶25. This standard of review recognizes the presumption that a legislative body's zoning decision could promote the general welfare even if it is reasonably debatable that it actually will promote the general welfare. *Id.* at ¶14. The Harmon Court found no case where a zoning classification was overturned for being arbitrary or capricious, and emphasized that a zoning decision "reflects a legislative policy decision with which courts will not interfere except in the most extreme cases." *Id.* at ¶18. The policy expressed by the Harmon Court is firmly grounded in Utah jurisprudence.[23]

Accordingly, while the Council may only approve CORE rezone requests that are consistent with the General Plan, the determination that a rezone request is or is not consistent with the General Plan is part of the legislative rezone decision made by the Council. The County's determination whether a CORE rezone is compatible with the general plan will be upheld if it is reasonably debatable.

In *Bradley v. Payson City Corp.*, an applicant challenged Payson City's decision to deny its rezone request. *Bradley v. Payson City Corp.*, 2003 UT 16 (Utah 2003). The applicant claimed it was an unreasonable decision because of a discrepancy between the City's General Plan and Zone Map. The City ultimately relied on the General Plan to support its decision to deny the rezone request rather than the Zone Map which was more likely to support approving the applicant's rezone request. The Court noted that the discrepancy between the two documents was not conclusive evidence that the City's decision was arbitrary and capricious, but on the contrary was "precisely the kind of legislative decision that should be left to the city council and undisturbed by the judiciary." *Id.* at ¶26. The Court deferred to the City Council to determine which document it would rely upon to make its decision.

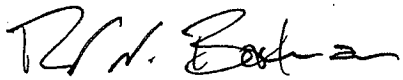
Accordingly, while the Council may only approve CORE rezone requests that are consistent with the General Plan, the courts will defer to the Council to make that determination. The Council is given the same deference when deciding whether to approve or deny any rezone request. The Council's finding that a CORE rezone request is compatible with the General Plan will be upheld it is reasonably debatable that the decision will promote the purposes of CLUDMA, and "is necessary to promote the public health, safety and welfare of the residents of the Snyderville Basin." SNYDERVILLE BASIN DEVELOPMENT CODE § 10-5-16D.7. A court will not substitute its judgment for that of the Council's when considering a legislative zoning decision made by the Council. *Bradley*, 2003 UT 16 at ¶24.

Conclusion

The County may continue to process the submitted Sketch Plan, and review all related applications that may come before for it for completeness and compliance with the Code and General Plan. The County Manager and the Commission should be given the opportunity to

[23] *Marshall v. Salt Lake City*, 105 Utah 111, 141 P.2d 704 (1943); *Dowse v. Salt Lake City Corp.*, 123 Utah 107, 255 P.2d 723 (1953); *Gayland v. Salt Lake County*, 11 Utah 2d 307, 358 P.2d 633 (1961); *Naylor v. Salt Lake City Corp.*, 17 Utah 2d 300, 410 P.2d 764 (1966); *Crestview-Holladay Homeowners Ass'n v. Engh Floral Co.*, 545 P.2d 1150 (Utah 1976); *Xanthos v. Board of Adjustment of Salt Lake City*, 685 P.2d 1032 (Utah 1984); *Walker v. Brigham City*, 856 P.2d 347 (Utah 1993); *Smith Inv. Co. v. Sandy City*, 958 P.2d 245, 252 (Utah Ct. App. 1998)

review and make formal findings as to the Project's compliance with applicable County standards. Additionally, if the Council chooses to approve a CORE rezone request, it must find the rezone request is consistent with the General Plan. This is part of the legislative zoning decision, and will be examined under the reasonably debatable standard. Conversely, even if a CORE rezone request found to be consistent with the General Plan is denied by the Council, the courts will affirm the Council's decision if it is reasonably debatable the decision will promote the purposes of the CLUDMA.



Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

NOTE:

This is an advisory opinion as defined in § 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

MAILING CERTIFICATE

Section 13-43-206(10)(b) of the Utah Code requires delivery of the attached advisory opinion to the government entity involved in this matter in a manner that complies with Utah Code Ann. § 63-30d-401 (Notices Filed Under the Governmental Immunity Act).

These provisions of state code require that the advisory opinion be delivered to the agent designated by the governmental entity to receive notices on behalf of the governmental entity in the Governmental Immunity Act database maintained by the Utah State Department of Commerce, Division of Corporations and Commercial Code, and to the address shown is as designated in that database.

The person and address designated in the Governmental Immunity Act database is as follows:

Bob Jasper
Summit County Manager
60 North Main
Coalville, Utah 84017

On this 17th day of August, 2010, I caused the attached Advisory Opinion to be delivered to the governmental office by delivering the same to the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the person shown above.

Cynthia W Nelson

Office of the Property Rights Ombudsman

SNYDERVILLE BASIN MODERATE INCOME HOUSING NEEDS ASSESMENT

Adopted December 13, 2006

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EXECUTIVE SUMMARY

Assessing the Snyderville Basin's workforce housing needs seems obvious – there are too few units that lower income households can afford. Developing responsive strategies and programs requires more than stating the obvious. An understanding of the factors contributing to the current housing needs is critical. This housing assessment analyzed key economic and demographic trends in order to more fully understand the nature of growth in the Snyderville Basin. A literature search was conducted to identify best practices for conducting housing assessments and models of successful programs and strategies. Particular attention was paid to housing plans and programs of other resort towns in Colorado, California, New Mexico, Wyoming and British Columbia. Quantitative and qualitative data on demographic, economic and housing market conditions, and trends were collected and analyzed. In addition, two surveys were conducted. The Employer Housing Survey sought information on employment patterns and the impact of the local housing market on businesses. The Community Housing Survey sought personal information on the impact of the local housing market on local residents and employees.

This report addresses the following key areas of concern:

- The relationship between economic development and the supply and price of housing, including rental housing, and
- The relative affordability of housing, with particular concern to the buying opportunities for households earning below the median income.
- The current housing need and the projected housing demand to meet anticipated employment and population growth.

The Moderate Income Housing Needs Assessment was prepared as a planning tool for the update of the Housing Element of the Snyderville Basin Plan. The findings of this assessment shaped the Goals, Objectives and Strategies of the updated Housing Element. The Snyderville Basin General Plan was adopted December 15, 1997 in compliance with State Statute 17-27-307 that identifies the availability of moderate-income housing is a statewide concern and requires municipalities and counties to propose a plan for moderate income housing as part of the General Plan

Defining Housing Affordability

The ultimate goal of housing policy is to address the growing mismatch between income and housing costs. The issue around defining housing needs must focus, therefore, on the question of "affordable for what and to whom?" Traditionally, affordable housing is considered an issue affecting low-income individuals and families. In resort and destination communities, housing affordability is also of concern to moderate and middle-income earners. The growing trend throughout the nation is towards work force housing that offers a variety of housing types, tenure and price options to accommodate an economically diverse work force and community.

The U.S. Department of Housing and Urban Development (HUD) calls housing costs – rent plus basic utilities or mortgage, tax and insurance payments – affordable when they consume no more than 30 percent of a household's income.[1] By this measure, affordability is a relative concept that can be applied to people of all income levels. The implication is that low- and moderate-income households who pay more than 30 percent of their gross income for housing are more likely to have to defer or cutback on purchases of other important necessities such as medical care and clothing. This is the most basic and most frequently used measure of housing affordability

Cost Burdened Households: A household that spends in excess of 30 percent of their income for housing costs is considered to be cost burdened. If housing consumes more than 35% of household income, the household is defined as "extremely cost burdened."

Moderate Income: Moderate income housing under Utah Code 17-27a-103 is defined as housing occupied by or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in which the housing is located.

The 2006 Area Median Income for Summit County is $81,200. The chart below is the HUD published income limits for Summit County by income and household size.

Percent of AMI	30% AMI	50% AMI	80% AMI	95% AMI
Income	$25,020	$41,700	$66,720	$79,230
Monthly Income Available for Housing	$626	$1,043	$1,668	$1,981

ECONOMIC PROFILE

Escalating housing prices reflect the strength of Park City's economy over the past decade and most notably the last five years. Employment and population growth exerted strong demand in a supply-constrained housing market. Based on this experience, housing costs are likely to continue to rise for the next several years, stabilizing only when the economy slows. The recent escalation of housing prices mirrors the increased economic growth in Park City and Summit County. Based on that experience, accelerating demand pressure resulting from continued job and population growth will push prices higher over the next several years,

1 Specifically, the Department of Housing and Urban Development (HUD) defines rental housing as affordable when rent (including such basic utilities as heat, electricity and cooking fuel) consumes no more than 30% of a household's net, or adjusted, income. The definition of net income varies by program, but it generally means gross income less a small deduction per dependent with additional deductions for childcare costs, extraordinary medical expenses, etc... For homeownership, mortgage lenders typically target 28 – 33% of gross household income as the maximum carrying cost for the purchase (covering payment of principal, interest, taxes and insurance.)

exacerbating the existing affordability challenges. This pressure will result in higher prices for single family home and condominiums, as well as higher rents.

- In 2003 there were an estimated 16,418 jobs in Summit County. Based upon data collected by the 2000 Census approximately 78 percent of all jobs in Summit County are located in Park City.
- The Leisure and Hospitality sector dominates the regional economy both in terms of the number of jobs and total wages. More than twice as many jobs exist in this sector than the next most significant sector.
- Between 2001 and 2003[2] the Leisure and Hospitality sector grew from 35 percent to 38 percent of all jobs.
- The next largest sector by number of jobs is Trade, Transportation and Utilities at 17 percent of all jobs. Government is third at 13 percent.
- Total wages earned in Leisure and Hospitality in 2003 totaled $119,269,850 or more than 27 percent of all wages.
- In 2003, the average wage income earned in Summit County averaged $26,519. Wages earned in the Leisure and Hospitality sector averaged $19,485 – more than 25 percent below the average wage for Summit County jobs.
- On average, non-agricultural payroll employment in Summit County has increased eight percent a year between 1990 and 2003. The number of jobs in Summit County increased from 7,991 to 16,418.
- Summit County's employment levels experience seasonal fluctuations. Peak employment occurs during the winter months. Employment levels drop off approximately 15 percent in the spring and summer months. The fluctuation in seasonal employment has decreased in recent years as events, recreational and cultural opportunities increase the tourism and second home base during the summer months.
- Over the next five years, continued employment growth in Summit County is anticipated with Park City remaining the employment hub. Based upon data from the Governor's Office of Planning and Budget, employment in Summit County is expected to increase 15 percent. The Leisure and Hospitality Industry will remain the largest share of jobs in the area, increasing to nearly 7,600 jobs. Assuming a stable share of employment and relatively little growth in wages, this continued growth will have significant implications for housing in the next five years.
- Of the 53 businesses that completed the Employer Housing Survey, 64 percent were Park City based business. Ninety-four percent were located in the Park City/Snyderville Basin. The majority of respondents were retail sales (22.6%) restaurant/food service (9.4%), lodging/housekeeping (9.4%). One ski area responded. Half of the businesses had 10 or fewer employees.
- The availability of affordable housing is a substantial issue especially in the recruitment and/or retention of Customer Service staff and Managerial/Professional staff. These two occupations reflect a wide spectrum of income.
- Employers cited the following reasons most frequently given by employees when they leave: Long Commutes (41%), Increase in Salary/Hourly Wage (39%), More Favorable Work Schedule/Conditions (28%). Housing Problems were specifically identified by 15 percent of respondents. Long Commutes combined with Housing Problems total 56 percent of responses.

2 The most recent data available since the Bureau of Labor Statistics transitions from the Standard Industrial Code (SIC) to the NAICS. One result of this transition is the creation of a specific "Leisure and Hospitality" Sector classification. Previously this sector had been combined in the broader "Services" code.

- Only 16 percent of employers offer any form of housing assistance ranging from referrals to Mountainlands Community Housing Trust (13%) roommate services, housing/travel allowance, housing locator services and company bulletin board (4.4% each) and transportation to worksite, seasonal housing, temporary/ transitional housing (2.2% each). One-third of respondents indicated an interest in learning more about employer-assisted housing benefits.

DEMOGRAPHIC AND HOUSEHOLD PROFILE

- Summit County's 2005 estimated population is 33,910, a growth rate of 118 percent between 1990 and 2005. Most of the population growth has occurred in the Snyderville Basin and Park City. Park City's year-round has grown nearly 80 percent between 1990 and 2005.
- The estimated 2005 Snyderville Basin population is 14,315 based upon the Census Designated Places (CDP) of North Snyderville Basin, South Snyderville Basin and Summit Park. The Snyderville Basin's growth rate averaged 3.8 annually over the past five years. The forecasted 2010 Basin population is 17,293
- Statewide, in-migration projections comprise 42 percent of total population growth. In Summit County, in-migration of working age households accounts for 81 percent of population growth. Other areas in the State with substantial in-migration as a component of population growth include neighboring Wasatch County (83%), and Washington County (89%).
- The 82 percent homeownership rate in the Snyderville Basin exceeds that of the state and the nation.
- The median income for owner-occupied households is $90,169. The median income for renter households is $52,014.
- Increases in wages are not keeping pace with housing costs. During the decade of the 1990s, household income rose by 77 percent. Rents increased 102 percent during this same period. Increases in housing sales prices outstripped any gains in income. Owner occupied housing costs increased 175 percent during this same time period.

DEMAND AND AFFORDABILITY ANALYSIS

- The availability of work force housing is not only a supply side problem in that not enough housing has been built, but the availability of housing is affected by the demand for housing and the distribution of income. Assessment of underlying housing need is concerned with measuring how many households, have housing costs that exceed the 30 percent cost-burden benchmark.
- Over the next five years, the demand for housing in the Snyderville Basin will increase substantially. The increase in the Leisure and Hospitality Sector will continue to drive the demand for additional workforce housing.
- The prevailing job market makes it difficult for many families to afford housing. Low incomes in the community are partially a result of the types of jobs prevalent in a resort economy. While employment in the Basin has grown over the past decade, wages have tended to stagnate and housing affordability for the local workforce has declined.
- The projected workforce housing demand over the next five years is 662 additional permanent housing units. There are existing development agreement obligations for 156 year round units. The potential remaining shortfall for workforce housing without market intervention and/or additional public commitment by 2011 is 506 year-round units.

- The pent up demand for homeownership housing among households with incomes between $35,000 and $50,000 is 112 units. The pent up demand for homeownership among existing renter households with incomes of $50,000 - $75,000 is 187 units.
- There is existing pent-up demand for rental housing affordable to households earning less than $35,000. Eighty-seven percent of cost burdened renter households earn less than $35,000.

SECTION 1: INTRODUCTION

The Moderate Income Housing Needs Assessment was prepared as a planning tool for the update of the Housing Element of the Snyderville Basin Plan. The findings of this assessment shaped the Goals, Objectives and Strategies of the updated Housing Element. The Snyderville Basin General Plan was adopted December 15, 1997 in compliance with State Statute 17-27-307 that identifies the availability of moderate-income housing is a statewide concern and requires municipalities and counties to propose a plan for moderate income housing as part of the General Plan.

The Housing Element was adopted as Objective 4 as a policy framework for moderate income housing in the Snyderville Basin. The 1997 Housing Element promotes "*an adequate and affordable mix and quantity of housing types and sizes to enhance the Snyderville Basin's diversity in a manner that is compatible with the unique neighborhood identity and character and help meet Summit County's labor force needs*." This was re-affirmed in the 2004 General Plan Amendment.

The Housing Element is one of the elements of the General Plan mandated by state law. Section 17-272-403 of the County Land Use, Development and Management Act, As Amended requires each county to prepare and adopt a comprehensive, long range plan for the protection or promotion of moderate income housing. The purpose of the Housing Element is to facilitate *"a reasonable opportunity for a variety of housing, including moderate income housing*" in order to "*meet the needs of people desiring to live there" and "to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life".*

The Housing Element of the Snyderville Basin General Plan establishes the County's policy relative to the maintenance and development of housing to meet the needs of existing and future residents. It establishes policies that will guide the Staff, Snyderville Basin Planning Commission and the Board of County Commission decision making, and sets forth an action plan to implement housing goals through 2011as required by state law. The Housing Element also furthers Summit County's commitment to facilitate housing opportunities for the County's workers and residents.

Defining Housing Affordability

The ultimate goal of housing policy is to address the growing mismatch between income and housing costs. The issue around defining housing needs must focus, therefore, on the question of "affordable for what and to whom?" Traditionally, affordable housing is considered an issue affecting low-income individuals and families. In resort and destination communities, housing affordability is also of concern to moderate and middle-income earners. The growing trend throughout the nation is towards work force housing that offers a variety of housing types, tenure and price options to accommodate an economically diverse work force and community.

The U.S. Department of Housing and Urban Development (HUD) calls housing costs – rent plus basic utilities or mortgage, tax and insurance payments – affordable when they consume no more than 30 percent of a household's income.[3] By this measure, affordability is a relative concept that can be applied to people of all income levels. The implication is that low- and moderate-income households who pay more than 30 percent of their gross income for housing are more likely to have to defer or cutback on purchases of other important necessities such as medical care and clothing. This is the most basic and most frequently used measure of housing affordability.

A family of four earning Summit County's 2006 Area Median Income – $81,200 – can afford to spend about $2,300 a month on housing. This amount is inclusive of principal, interest, taxes and insurance and translates into a mortgage of approximately $265,000.

A full-time worker earning the federal minimum wage of $5.15 per hour earns about $11,000 a year. This household can afford to pay $273 for rent and utilities monthly. There is no place in the Snyderville Basin where this household could find accommodations in this price range.

Opinions vary on the maximum percentage of income that households of different sizes, compositions and incomes should be expected to pay for housing, or whether if even makes sense to specify a maximum given the role that personal preferences play in housing choice and other consumer decisions. The definition, measurement and interpretation of housing affordability are ultimately subjective. There is no single correct answer to the question of how much households of different incomes can "afford" to spend on housing, how spending or income should be measured or on the housing quality standard that should be set. For purposes of assessing housing need and program design it is necessary to adopt specific definitions that are quantifiable with data available locally. The following definitions of affordability were used in this analysis.

Cost Burdened Households: A household that spends in excess of 30 percent of their income for housing costs is considered to be cost burdened. If housing consumes more than 35% of household income, the household is defined as "extremely cost burdened."

Moderate Income: Moderate income housing under Utah Code 17-27a-103 is defined as housing occupied by or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in which the housing is located.

3 Specifically, the Department of Housing and Urban Development (HUD) defines rental housing as affordable when rent (including such basic utilities as heat, electricity and cooking fuel) consumes no more than 30% of a household's net, or adjusted, income. The definition of net income varies by program, but it generally means gross income less a small deduction per dependent with additional deductions for childcare costs, extraordinary medical expenses, etc... For homeownership, mortgage lenders typically target 28 – 33% of gross household income as the maximum carrying cost for the purchase (covering payment of principal, interest, taxes and insurance.)

The 2006 Area Median Income for Summit County is $81,200. The chart below is the HUD published income limits for Summit County by income and household size.

Table 7.1 Summit County Income Limits

Percent of AMI	**30% AMI**	**50% AMI**	**80% AMI**	**95% AMI**
Income	$25,020	$41,700	$66,720	$79,230
Monthly Income Available for Housing	$626	$1,043	$1,668	$1,981
Est. Percent of All Households	15.7%	19.6%	18.1%	11.4%

There is a growing gap between wages and the cost of housing that reaches well up into the middle income tiers in the Snyderville Basin. According to US HUD guidelines, examples of jobs that pay “low income wages” include day care teachers, fire fighters, secretaries, bank tellers and car mechanics.

Workforce Housing

In communities across the US, policy makers and the public are giving increased attention to the issue of workforce housing. The term workforce housing typically refers to housing affordable to workers with a range of occupations who provide every day, vital services within the community through their work The concern is that if there is not adequate workforce housing within a community, businesses that rely on those workers will have a difficult time attracting and retaining employees, or employees unable to afford property housing will live in compromised living conditions.

Ultimately, the real measure of housing affordability for a community is whether housing is available within the price ranges that local employees can reasonably afford. This assessment examines the housing needs of moderate income residents in the Snyderville Basin as required by state statute. It further recognizes the dramatic influence that the hospitality and leisure industry have on the economy of Summit County and expands this analysis to more fully assess the housing needs of this sector of the economy whose households incomes are often substantially below the requisite 80 percent of Area Median Income.

Methodolgy

This assessment was developed through an analysis of key economic and demographic trends. This analysis provided a fuller understanding of the nature of growth in the Snyderville Basin. A literature search was conducted to identify best practices for conducting housing assessments and models of successful programs and strategies. Particular attention was paid to housing plans and programs of other resort towns in Colorado, California, New Mexico, Wyoming and British Columbia. Quantitative and qualitative data on demographic, economic and housing market conditions, and trends were collected and analyzed. In addition, two surveys were conducted. The Employer Housing Survey sought information on employment patterns and the impact of the local housing market on businesses. The Community Housing Survey sought personal information on the impact of the local housing market on local residents and employees.

This analysis addressed the following key areas of concern:

- The relationship between economic development and the supply and price of housing, including rental housing, and
- The relative affordability of housing, with particular concern to the buying opportunities for households earning below the median income.
- The current housing need and the projected housing demand to meet anticipated employment and population growth.

Why Housing Affordability is a Concern for the Snyderville Basin

Almost every major resort community in the nation has real housing affordability problems. According to the Harvard Joint Center for Housing Studies, the obstacles for providing quality affordable work force housing may be more difficult than developing a great resort. The production and availability of housing is constrained in virtually every community by government regulations and by non-governmental factors such as the cost of land and construction materials, and interest rates.

Summit County recognizes the unique challenges created by rising land and housing prices within a resort service economy. It recognizes that moderate income housing is an investment in a vital community and insurance of a locally-based workforce.

Assessing the Snyderville Basin's workforce housing needs seems obvious – there are too few units that lower income households can afford. Developing responsive strategies and programs requires more than stating the obvious. An understanding of the factors contributing to the current housing needs is critical

The high price of housing presents a distinct set of problems for the Snyderville Basin. Local employees suffer economic stress as housing prices outstrip wages and salary incomes. Employees must live in smaller residences or prolong the purchase of a home. In other instances the phenomena encourages employees to move out of the area (or leave the economy all together), substituting an alternative location where housing is more affordable. In Summit County, locational substitution (jobs filled by non-residents) is estimated to be approximately 64 percent. The inevitable consequences of locational substitution are increased commuting, diminished real incomes due to increased commuting costs, increased traffic congestion, higher road construction and maintenance costs, a decrease in volunteerism and a deterioration of the social, economic and political fabric created by the general sense of community that occurs when persons and families that work in the community live in the community. Collectively these phenomena reduce the supply of labor, denying the community a critical component needed to ensure the long term sustainability of the local economy. They also contribute to a general loss of community character and identity. For these reasons, communities experiencing housing affordability problems commonly undertake programs to increase the supply of such housing at prices that local employees and their families can afford.

Households are concerned about it because affordability affects their ability to become a homeowner, as well as the size and amenities of the home they are able to purchase. Real estate salespersons and industry participants also are concerned, because the number of households able to afford the purchase of a home is an important determinant of single family sales activity in their local markets. Housing affordability also has become an important public policy issue, as home ownership is viewed as being an important goal for both individual and societal reasons. Household income, housing prices and mortgage rates are the primary determinants of housing affordability. For a household considering homeownership, an additional factor is the rate of appreciation in housing prices.

In addition to the direct benefits housing services to individuals and families, there is a general benefit that is critical to the health and well being of the Snyderville Basin and Summit County as a whole. Appropriate, available housing is a crucial ingredient in virtually every major aspect of well being for our society and economy. The availability of affordable housing affects five major aspects of personal and community life:

- *Education*: Adequate housing is a necessary condition for children to arrive at school ready to learn.
- *Economic vitality*: Available and suitably located housing enhances workforce recruitment and performance, and the housing industry itself is a major generator of economic activity and local and state revenues.

- *Environment*: Housing that is properly planned and designed makes for safe and healthy communities. Housing that is poorly located relative to jobs worsens traffic congestion and air pollution.
- *Growth management* : Planning that provides for a variety of housing choices with adequate infrastructure and access to services and amenities is essential to the provision of affordable housing for all economic segments of the community.
- *Quality of life*: A well maintained housing stock is strong evidence of a healthy community that enjoys a high quality of life.

Housing Constraints

Constraints to the provision of adequate and affordable housing are posed by both governmental and non-governmental factors. These factors may result in housing that is not affordable to low- and moderate-income households or may render residential construction economically infeasible. Constraints to housing production significantly affect households with lower incomes and special housing needs. To accurately assess the housing environment in the Snyderville Basin, close consideration needs to be given to a series of constraints that increase the cost of housing including the housing market demand, available infrastructure, environmental and governmental factors.

Non-governmental constraints that influence the availability of affordable housing are generally associated with labor, raw land, materials and financing. Governmental constraints involve policies, development regulations, or other actions imposed by the various levels of government on development. Although Federal and State agencies play a role in the imposition of governmental constraints, these agencies are beyond the influence of local government. Several local governmental factors may constrain the maintenance, improvement and/or development of housing in the Snyderville Basin, including land use controls, building codes, processing procedures and development fees.

The most important direct government constraint on housing production is the regulation of land use through the General Plan and Zoning Ordinance. The General Plan is the foundation of all land use controls in the Snyderville Basin. The General Plan and Land Use Element identifies the location, distribution and density of land uses. Land Use densities are expressed as dwelling units per acre, indicating the maximum number of housing units, or dwelling units, per acre that are allowed. The Development Code regulates a number of development aspects, including such features as building height and density, lot area, setbacks and open space requirements. Design standards, such as roofing materials, architectural enhancements and landscaping also increase the cost of housing.

Other governmental constraints on housing production mainly affect the cost of housing production and its location due to infrastructure and environmental concerns. Development processing and permit fees, as well as development review processes that slow the approval process can add to the overall cost of housing by increasing construction holding costs.

Although not a direct market or governmental constraint, the public commonly perceive affordable housing as undesirable in their community. This may constitute a constraint on a local jurisdiction's ability to approve otherwise appropriate projects. Long-term education, superior project design, and economically integrated projects incorporating a proportion of affordable units, together with good management practices and a continuing opportunity for public involvement, may help alleviate these constraints.

Availability of Assistance Programs

Summit County does not have the financial resources or sufficient staff to undertake major housing assistance programs without substantial backing by state or federal agencies. Existing funding for federal and state programs is not sufficient to meet statewide demands, which in term, limits the County's' ability to meet it needs. Summit County is not an entitlement area – it does not meet

minimum threshold population sizes to receive a direct allocation of Community Development Block Grant Funds nor HOME funds. It must compete with other communities in the region for these limited resources. The County's ability to develop and implement successful programs is hampered by a "wealth bias" among many policy makers.

SECTION II: ECONOMIC PROFILE AND PROJECTIONS

Escalating housing prices reflect the strength of and growth in the Snyderville Basin's economy over the past decade and most notably the last five years. Employment and population growth exerted strong demand in a supply-constrained housing market. Based on this experience, housing costs are likely to continue to rise for the next several years, stabilizing only when the economy slows. The recent escalation of housing prices mirrors the increased economic growth in Summit County. Based on that experience, accelerating demand pressure resulting from continued job and population growth will push prices higher over the next several years, exacerbating the existing affordability challenges. This pressure will result in higher prices for single family home and condominiums, as well as higher rents.

Non-agricultural payroll employment in Summit County increased an average of eight percent a year between 1990 and 2003. Between 1990 and 2003 total wage and salary employment rose from 7,991 to 16,418. Park City dominates the economy of Summit County and provides most of the region's employment opportunities. Based upon data collected by the 2000 Census, approximately 78 percent of all jobs in Summit County are located in Park City. The Leisure and Hospitality sector dominates the regional economy both in terms of the number of jobs and total wages. More than twice as many jobs exist in this sector than the next most significant sector. Between 2001 and 2003[4] the Leisure and Hospitality sector grew from 35 percent to 38 percent of all jobs. The next largest sector by number of jobs is Trade, Transportation and Utilities at 17 percent of all jobs. Government is third at 13 percent. Total wages earned in Leisure and Hospitality in 2003 totaled $119,269,850 or more than 27 percent of all wages. In 2003, the average wage income earned in Summit County averaged $26,519. Wages earned in the Leisure and Hospitality sector averaged $19,485 – more than 25 percent below the average wage for all Summit County based jobs.

Of the 54 businesses that participated in the 2005 Employer Housing Survey, 50 percent reported that the number of employees increased over the past two years. More than one-third expects their number of employees to increase over the next two years.

Employment by Industry Sector

Between 2001 and 2003, wage and salary employment in Summit County increased 3.6% to 16,418 jobs. The Leisure and Hospitality Industry is the most significant sector of the economy in Summit County accounting for 38% of all jobs. The Leisure and Hospitality Sector and the Government sector combined account for 51% of all jobs in Summit County.

4 The most recent data available since the Bureau of Labor Statistics transitions from the Standard Industrial Code (SIC) to the NAICS. One result of this transition is the creation of a specific "Leisure and Hospitality" Sector classification. Previously this sector had been combined in the broader "Services" code.

Table 11.1: Summit County Employment by Industry Sector, 2001 – 2003[5]

Industry	2001	2002	2003	Percent Gain/ (Loss)	2003 % of Total Jobs	2003 Annual Wage
Natural Resources and Mining	70	71	67	(4.3%)	< 1%	42886
Construction	1562	1493	1320	(5.5%)	8%	32033
Manufacturing	563	558	508	(9.7%)	3%	46337

(Table 11.1 Continued)

Industry	**2001**	**2002**	**2003**	**Percent Gain/ (Loss)**	**2003 % of Total Jobs**	**2003 Annual Wage**
Trade, Transportation and Utilities	2663	2741	2804	5.2%	17%	23226
Information	227	223	221	(2.6%)	1%	37920
Financial Activity	1049	1373	1117	6.5%	7%	36308
Prof. & Bus. Svc	1232	1129	1034	(16.1%)	6%	41816
Ed. and Health Svc	531	580	674	26.9%	4%	27232
Leisure and Hospitality	5528	5797	6171	11.5%	38%	19327
Other Services	386	387	379	(1.8%)	2%	22045
Government	2035	2084	2123	4.3%	13%	29821
Total	15846	16436	16418	3.6%	100%	26519

Sixty-four percent of the Employer Housing Survey respondents were Park City-based and 94 percent were located in the Park City/Snyderville Basin. The majority of respondents were retail sales (22.6%) restaurant/food service (9.4%), lodging/housekeeping (9.4%). One ski area responded.

5 Data derived from information provided by the Governor's Office of Planning and Budget and Department of Workforce Services

Table 12.1: Major Employers in Summit County, 2005[6]

Business Name	Business Type
Deer Valley Resort	Ski Resort
Park City Mountain Resort	Ski Resort
The Canyons	Ski Resort
Park City School District	Public Education
Park City Municipal Corporation	Local Government
Summit County	Local Government
Stein Eriksen Lodge	Lodging
Triumph Gear Systems	Manufacturing
Premier Resorts of Utah	Lodging
South Summit School District	Public Education
Marriott Park City	Lodging
North Summit School District	Public Education
Wal-Mart	Retail Store
Jan's Mountain Outfitters	Sporting Goods
Dan's Foods	Grocery Store
U.S. Ski & Snowboard Association	Sports Club
Smith's Food & Drug	Grocery Store
Albertson's	Grocery Store
Park Meadows Country Club	Country Club
Park City Fire Service District	Local Government
Source: Utah Department of Workforce Services	

6 Department of Workforce Services

Seasonal Employment
Summit County's employment levels experience seasonal fluctuations. Peak employment occurs during the winter months. Employment levels drop off approximately 15 percent in the spring and summer months.[7] The fluctuation in seasonal employment has decreased in recent years as events, recreational and cultural opportunities increase the tourism and second home base during the summer months.

Future Employment Trends
Over the next five years, continued employment growth in Summit County is anticipated with Park City remaining the employment hub. Based upon data from the Governor's Office of Planning and Budget, employment in Summit County is expected to increase 15 percent. The Leisure and Hospitality Industry will remain the largest share of jobs in the area, increasing to nearly 7,600 jobs. Assuming a stable share of employment and relatively little growth in wages, this continued growth will have significant implications for housing in the next five years.

Table 13.1 Employment Projections by Industry Sector, 2005 - 2010[8]

Industry	2005	2006	2007	2008	2009	2110	Percent Gain/(Loss)
Natural Resources and Mining	917	914	905	898	890	880	(-4.0)
Construction	2165	2175	2230	2283	2342	2399	10.8%
Manufacturing	536	545	552	562	575	590	10.0%
TTU	3303	3365	3439	3504	3573	3639	10.1%
Information	306	311	320	328	337	347	13.4%
Financial Activity	3826	3876	3994	4115	4247	4389	14.7%
Prof. & Bus. Svc	2684	2746	2839	2932	3034	3141	17.0%
Ed. and Health Svc	1184	1230	1299	1372	1452	1535	29.6%
Leisure and Hospitality	6546	6667	6877	7099	7343	7598	16.1%
Other Services	1220	1240	1279	1317	1360	1404	15.1%
Government	2448	2541	2664	2792	2927	3071	25.5%

Commuting Patterns
Of the 14,558 jobs in Summit County in 2000, 78% were located in Park City.[9] (2000 Census, STF3). Employment in Park City exceeds the total number of employed residents by a ratio of 3:1 and indicates that a substantial number of non-residents workers are working in Park City.

7 Department of Workforce Services

8 Data derived from information provided by the Governor's Office of Planning and Budget and Department of Workforce Services

Weather (53.3%) and traffic (37.8%) were the most frequently cited reasons for employee lateness. Lateness/absenteeism in general was rated as a moderate business impact.

Wage Forecasts[10]

The 2003 average wage in Summit County was $26,519. The majority of jobs (38%) are in the Leisure and Hospitality sector with a 2003 average wage of $19,327. The Education and Health Services Sector had the most substantial wage growth over the past year. Table 18.1 below details changes in wages by sector between 2002 and 2003. Because the NAICS classifications are new, it is difficult to forecasting future wages. We can observe from this data, however, that gains in wages have not kept pace with gains in housing costs. During the same time period, the median price of a single family home increased 6.6 percent[11] outstripping wage gains in all sector except Government, Education and Health Services and TTU. While wage information is not available for 2004, it is unlikely that wages increases mirrored the 25 percent increase in single family home sales between 2003 and 2004.

Table 14.1: Changes in Wages by Sector, Summit County, 2002 - 2003

Industry	Total 2003 Wages	Per Capita Wage	Percent Gain/(Loss) Wages 2002 – 2003
Natural Resources and Mining	$2,873,367	$42,886	3.4
Construction	$42,283,513	$32,033	(21.8)
Manufacturing	$23,539,213	$46,337	(2.2)
TTU	$65,126,941	$23,226	7.8%
Information	$8,380,250	$37,920	(3.0)
Financial Activity	$40,556,145	$36,308	(12.5)
Prof. & Bus. Svc	$43,237,585	$41,816	(5.7)
Ed. and Health Svc	$18,448,958	$27,372	15.5%
Leisure and Hospitality	$119,269,850	$19,327	5.5%
Other Services	$8,355,162	$22,045	(5.1)
Government	$63,310,444	$29,821	6.9%
Total	$435,381,428	$26,519	-0.9%

Table 14.2 below relates wages to housing affordable at the average per capita wage per sector.

9 2000 Census, STF 3

10 Data derived from information provided by the Governor's Office of Planning and Budget and the Bureau of Labor Statistics

11 Source: Park City Board of Realtors, April 2005

Table 14.2: Relationship between Wages and Maximum Housing Costs

Industry	Per Capita Wage	Maximum Purchase Price[12]	Maximum Monthly Rent Plus Utilities
Natural Resources and Mining	$42,886	$160,000	$1,073
Construction	$32,033	$115,450	$801
Manufacturing	$46,337	$171,150	$1,158
TTU	$23,226	$85,575	$581
Information	$37,920	$139,650	$948
Financial Activity	$36,308	$133,875	$908
Prof. & Bus. Svc	$41,816	$154,350	$1,045
Ed. and Health Svc	$27,372	$100,800	$684
Leisure and Hospitality	$19,327	$71,400	$483
Other Services	$22,045	$81,375	$551
Government	$29,821	$110,250	$746

The availability of affordable housing is a substantial issue especially in the recruitment and/or retention of Customer Service staff and Managerial/Professional staff. These two occupations reflect a wide spectrum of income and earning potential. Employers cited the following reasons most frequently given by employees when they leave: Long Commutes (41%), Increase in Salary/Hourly Wage (39%), More Favorable Work Schedule/Conditions (28%). Housing problems were specifically identified by 15 percent of respondents. Long Commutes combined with Housing Problem total 56 percent of responses.

12 (Mortgage Assumptions: 5 percent down payment, 30 year term, 7 percent interest rate).

Employer Provided Housing Assistance

Of the 54 businesses that responded to the 2005 Employer Housing survey, the majority do not provide any form of employee housing assistance. Only 16 percent of employers offered any form of housing assistance ranging from referrals to Mountainlands Community Housing Trust (13%) roommate services, housing/travel allowance, housing locator services and company bulletin board (4.4% each) and transportation to worksite, seasonal housing, temporary/ transitional housing (2.2% each). One-third of respondents indicated an interest in learning more about employer-assisted housing benefits.

SECTION III: DEMOGRAPHIC AND HOUSEHOLD PROFILE AND PROJECTIONS

Summit County's 2005 estimated population is 33,910, a growth rate of 118 percent between 1990 and 2005. Most of the population growth has occurred in the Snyderville Basin and Park City. Statewide, in-migration projections comprise 42 percent of total population growth. In Summit County, in-migration of working age households accounts for 81 percent of population growth. Other areas in the State with substantial in-migration as a component of population growth include neighboring Wasatch County (83%), and Washington County (89%).

Total personal income in Summit County in 2002 was $1,388,200,000. This is a per household income of $123,593 or a per capita income of $43,064.

Population Trends

Growth in the Snyderville Basin is projected to increase over the next five years at approximately 3.8 percent per year.

Table 16.1: Population Projections[13]

Year	Snyderville Basin CDP[14]	Snyderville Basin CDP Households[15]	Summit County Population [16]	County Households[17]
2000	11,850	4,202	29,736	10,361
2005	14,315	5,076	33,910	14,441
2010	17,293	6,132	44,447	15,487

The median age in Snyderville Basin is higher than compared to the rest of the state. Fifty-eight percent of Snyderville Basin residents are between the ages of 25 – 59 compared with 42 percent statewide. This is also reflected in the substantially higher in-migration rates in western Summit County compared to the rest of the state discussed earlier.

13 **Projections based upon 2000 Census, U.S. Census Bureau estimates and GOPB projections.**

14 Census Designated Place (CDP) is a new census designation in 2000 defined as North Snyderville Basin, South Snyderville Basin and Summit Park. Estimates may vary compared to GOPB projections that do not use the CDP designation within Summit County.

15 Based upon 2000 Census average household size of 2.82

16 Total population for Summit County includes all incorporated areas.

17 Based upon 2000 Census average household size of 2.87

Table 16.2 Age Distribution in Utah and the Snyderville Basin [18]

	STATEWIDE	SNYDERVILLE BASIN CDP
Under 5 years	9.38%	5.81%
5 to 9 years	8.64%	9.02%
10 to 14 years	8.61%	9.25%
15 to 17 years	5.55%	5.41%
18 to 19 years	4.13%	2.13%
20 to 21 years	4.01%	1.18%
22 to 24 years	6.07%	2.00%
25 to 29 years	7.99%	4.79%
30 to 34 years	6.65%	7.54%
35 to 39 years	6.75%	10.36%
	STATEWIDE	**SNYDERVILLE BASIN CDP**
40 to 44 years	6.67%	14.27%
45 to 49 years	5.90%	9.60%
50 to 54 years	4.75%	7.39%
55 to 59 years	3.58%	4.45%
60 and 61 years	1.18%	1.35%
62 to 64 years	1.61%	0.06%
65 and 66 years	1.00%	0.05%
67 to 69 years	1.41%	1.01%
70 to 74 years	2.14%	1.09%
75 to 79 years	1.78%	0.00%
80 to 84 years	1.22%	0.01%
85 years and over	0.97%	0.01%

Eighty-two percent of households in the Snyderville Basin were homeowners in 2000. This is significantly higher than the 61 percent ownership rate in Park City, the state homeownership rate of 72.7 percent and the national homeownership rate in 2000 of 67.4 percent.

18 2000 Census, STF 3, Table P8

Table 17.1: Age Distribution by Tenure [19]

Snyderville Basin CDP	Number	Percent	Utah	Number	Percent
Total:	**4140**		**Total:**	**701,281**	
Owner occupied:	**3411**	**82.4%**	**Owner occupied:**	**501,659**	**71.53%**
Householder 15 to 24 years	24	0.70%	Householder 15 to 24 years	13,015	2.6%
Householder 25 to 34 years	336	9.9%	Householder 25 to 34 years	81,769	16.3%
Householder 35 to 44 years	1,413	41.4%	Householder 35 to 44 years	120,119	23.9%
Householder 45 to 54 years	1,046	30.7%	Householder 45 to 54 years	111,514	22.2%
Householder 55 to 64 years	448	13.1%	Householder 55 to 64 years	79,354	14.0%
Householder 65 to 74 years	128	3.8%	Householder 65 to 74 years	31,366	6.3%
Householder 75 to 84 years	16	.47%	Householder 75 to 84 years	55,436	11.1%
Householder 85 and over	0	0.0%	Householder 85 and over	39,098	7.8%
Renter occupied:	**729**	**17.6%**	**Renter occupied:**	**199,622**	**28.47%**
Householder 15 to 24 years	52	7.1%	Householder 15 to 24 years	48,749	24.4%
Householder 25 to 34 years	253	34.7%	Householder 25 to 34 years	64,612	32.4%
Householder 35 to 44 years	193	26.5%	Householder 35 to 44 years	37,567	18.8%
Householder 45 to 54 years	167	22.9%	Householder 45 to 54 years	21,460	10.6%
Householder 55 to 64 years	30	4.1%	Householder 55 to 64 years	10,782	5.4%
Householder 65 to 74 years	34	4.7%	Householder 65 to 74 years	7,265	3.6%
Householder 75 to 84 years	0	0.0%	Householder 75 to 84 years	6,267	3.1%
Householder 85 and over	0	0.0%	Householder 85 and over	2,920	1.5%

The age distribution of renter households compared to the state shows a greater percentage of households as renters between the ages of 25 and 54. This age group also represents the largest segment of the labor force and suggests an increased difficulty in attaining homeownership among households in peak household formation years.

19 Source: 2000 Census, STF3, H14

Income Distribution by Tenure

The average household size for owner occupied units is 3.02 persons. The median income for owner-occupied households in 2000 was $90,169.[20]

Table 18.1: Income Distribution of Owner Occupied Households

	Snyderville Basin CDP
Total Households 2000	**4,140**
Owner occupied households:	**3,411**
Less than $5,000	1.9%
$5,000 to $9,999	. 21%
$10,000 to $14,999	1.4%
$15,000 to $19,999	1.1%
$20,000 to $24,999	2.2%
$25,000 to $34,999	3.7%
35,000-49,999	8.0%
$50,000 to $74,999	17.5%
$75,000 to $99,999	18.5%
$100,000 to $149,999	23.5%
$150,000 or more	21.9%

The average household size for renter households is 2.41. The median income for renters in 2000 was $52,014. While the median renter income is significantly lower than owner-occupied households, it is a fairly substantial median income in terms of other communities in the state and the nation.[21] The median income for renters in Park City in 2000 was less than $40,000. This reflects the substantial number of income-restricted rental units in Park City. There are 344 income-restricted rental units in Park City compared with fewer than 100 income-restricted rental units in the Basin

20 Source 2000 Census, STF 3, HCT 12

21 Source 2000 Census, STF 3, HCT 12

Table 18.2: Income Distribution of Renter Occupied Households

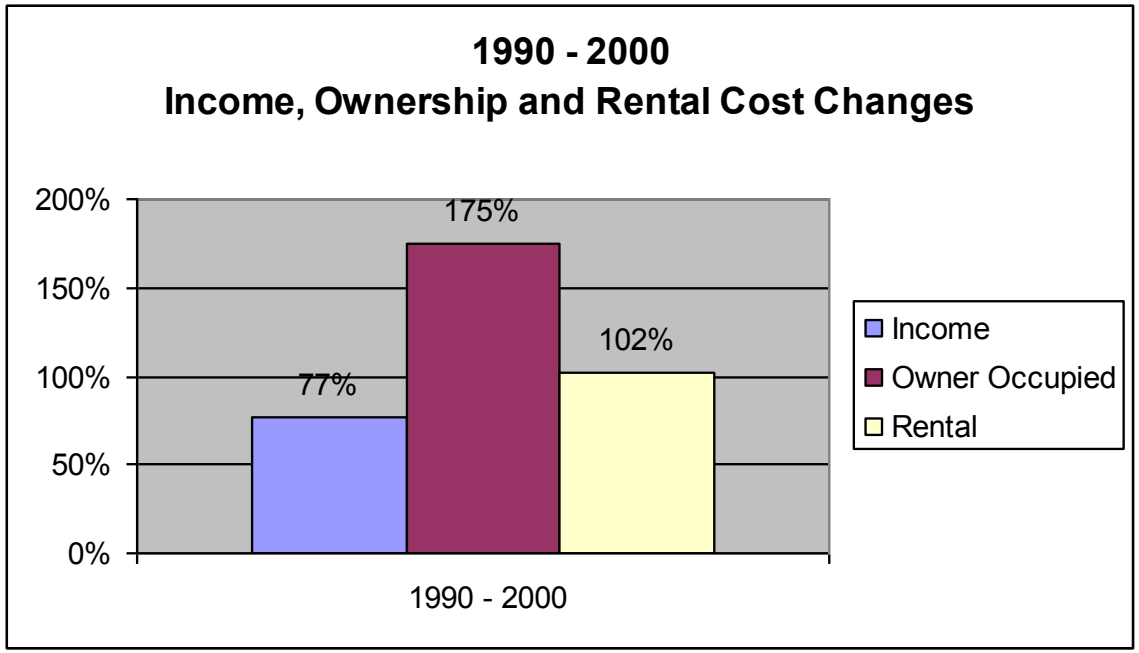
	Snyderville Basin CDP
Total Households 2000	**4,140**
Renter occupied households:	**729**
Less than $5,000	0%
$5,000 to $9,999	1.9%
$10,000 to $14,999	4.8%
$15,000 to $19,999	4.5%
$20,000 to $24,999	3.3%
$25,000 to $34,999	10.5%
$35,000 to $49,999	19.8%
$50,000 to $74,999	30.2%
$75,000 to $99,999	7.1%
$100,000 to $149,999	8.5%
$150,000 or more	8.1%

Income and Housing Costs

Increases in housing costs have not kept pace with increases in income among residents in Summit County. During the decade of the 1990s, household income increased by 77 percent. Increases in income stayed ahead of increases in rental costs. The same did not hold true for the increases in owner-occupied housing. The median cost of owner-occupied housing in Summit County increased 175 percent while income increased 77 percent. Figure 1 below displays the relationship between changes in income, ownership and rental costs.

Figure 1: Changes in Summit County Income, Housing Values and Rental Rates

Source: 1990 and 2000 Census, STF1 and STF3



SECTION IV: SNYDERVILLE BASIN HOUSING NEEDS AND AFFORDABILITY ANALYSIS

Indicators of Affordability

Cost Burdened Households

Assessment of underlying need is concerned with measuring how many households exceed the 30 percent benchmark The answer provides us with an indication as to what scale of housing assistance is required to reduce the need. Overall, 34 percent of Basin renters are paying 30 percent or more of their household income for rent. Of particular concern are the more than 171 households whose rent payments are 35 percent or more of their income. Generally, affordability for renters is measured by percentage of household income that rent and utilities consume. The data presented in Table 20.1 below is based solely upon the rent payment. Since that rent payment may or may not include any utilities, it is likely that the number of cost-burdened households is even greater.

Table 20.1 Renter Household Income by Gross Rent as Percentage of Income[22]

	North Snyderville Basin	South Snyderville Basin	Summit Park	Total
Total Renter Households	**314**	**118**	**290**	**722**
Percent of Income				
Less than 20 percent	0	0	0	251
20 to 24 percent	0	0	0	137
25 to 29 percent	0	0	0	66
30 to 34 percent	0	0	0	72
35 percent or more	0	10	14	171
Not computed	0	0	0	25

There are 96 units of deed restricted affordable rental housing in the Snyderville Basin. Elk Meadows is a Low Income Housing Tax Credit project developed in 1996. Rents before the utility allowance at Elk Meadows range from $828 for one bedroom unit to $1,149 for a three bedroom unit.

22 2000 Census, STF 3, Table H73

There are not any agencies that regularly monitor and report vacancy rates off the Wasatch Front. Discussion with management companies for multi-family housing properties report waiting lists and rapid releasing for the most affordable properties in the Park City/Snyderville Basin area. Property management companies for market rate units report extreme competition for the most competitively priced properties, especially if the owner is willing to accept a lease term of six month or less.

Table 21.1 Deed Restricted Affordable Housing Units in the Snyderville Basin

Development	Number of Units	Details
Elk Meadows Apartments	96 income restricted rental units	Low Income Housing Tax Credit Rental Project with a maximum income equal of 53 percent of AMI.
Bear Hollow Village	62 units	28 Townhomes @ $268,451 13 Condominium Units @ $206,020 8 Lodge Units @ $203,335 13 Condominium Units @ $131,104 Units are deed restricted with limited appreciation of 3% annually. *All sales prices are as of 7/31/2006*
Redstone Village	15 units	Initial sales price of units was $175,000. All units are deed restricted for ownership with limited appreciation of 3% annually.

Twenty-seven percent (827) of owner-occupied households pay more than 35 percent of their income for their housing costs. [23]

Housing Inventory, Sales Price and Household Income

In the first six months of 2006, there were 83 two and three bedroom condominiums sold in the Snyderville Basin. The average price was $338,694. Assuming a five percent down payment, this translates into an average monthly housing cost of $2,129 for principal and interest. This would be affordable to a household earning approximately $94,000. This is 115 percent of the Summit County area median income. Approximately 20 percent of all renter households could qualify for these units. This translates into 146 renter households.

Many renter households have indicated their difficulty in entering the housing market. Eighty-seven percent of renters indicated that they would prefer to purchase a home. Eighty percent of potential homeowners cannot find a home that they can afford. Additional barriers include: *Homes in my price range are too small (46%) or need too many repairs (39%)*. One-third of potential home buyers cite an inability to save enough for a down payment. The survey also indicates a strong preference for single family detached homes over multi-family homes.

23 2000 Census, STF3, Table H97

Housing affordability has decreased when measured against average wages, incomes and housing prices. Housing affordability is particularly an issue at the lower end of the market. Lower income buyers have been most affected by the rise in housing prices. Lower income buyers are frequently priced out of the market or must compete vacation home buyers who can offering more favorable terms and conditions of sale to the seller. For upper income buyers, rising prices affect the quality of the home they can afford, the location, size and amenities.

WORKFORCE HOUSING DEMAND SCENARIOS 2006 - 2010

The prevailing job market makes it difficult for many families to afford housing. Low incomes in the community are partially a result of the types of jobs prevalent in a resort economy. While employment in the Basin has grown over the past decade, wages have tended to stagnate while housing offerings at prices that the large majority of the local employment base can afford have declined. Over the next five years, the demand for housing in the Snyderville Basin will increase substantially. The increase in the Leisure and Hospitality Sector will continue to drive the demand for additional workforce housing.

The projected workforce housing demand by 2010 is 662 additional units.

Table 22.1 Core Resort Sectors Projected Growth

Snyderville Basin Population Projection 2010	17,681
Multiplied by % of Population 16 years or older	.74
Equals: Projected Workforce 2010	13,084
Less: Snyderville Basin Population 2005 (16 and over)	10,172
Equals: Total New Worker Residents	2,912
Locational Substitution	36%
Multiplied by Total New Worker Residents	
Equals: Total New Residents Employed Locally	1,048
Total New Residents Employed Locally	1,048
Multiplied by % of jobs in Core Sectors	82%
Equals: Total New Residents in Core Sectors	860
Divided By: Workers per Household	1.3
Equals: 2010 New Workforce Housing Demand	662 units

The calculated outstanding affordable housing requirement to meet projected workforce growth is 156 year round units.

Table 22.2 Outstanding Housing Obligations Commitments

PROJECT	UNITS	NOTES
Canyons	126	Total obligation is 287 units defined as 161 seasonal units and 126 year round employee household units
New Park	20	20% of total density
Bear Hollow	10	Remaining units to be built under current obligation
Total Obligation	156	

Table 23.1 Remaining Workforce Housing Demand

2010 New Workforce Housing Demand	662 households
Less: Committed Housing Obligation	156 units (year-round)
Equals: Remaining Workforce Housing Demand	506 units (year-round)

The potential remaining shortfall for workforce housing without market intervention and/or additional public commitment by 2010 is 506 year-round units.

In addition to new workforce housing demands, there is existing pent-up demand among existing renter households. ***The pent up demand for homeownership housing among households with incomes between $35,000 and $50,000 is 112 units. The pent up demand for homeownership among existing renter households with incomes of $50,000 - $75,000 is 187 units.***

Table 23.2 Existing Pent Up Demand for Homeownership

Renter households with incomes >$50,000	213 renter households
Multiplied By: Percent of renters interested in homeownership	88 percent[24]
Equals: Potential pent up home ownership demand	187 existing households
Renter households with incomes between households with incomes between $35,000 - $50,000	127 renter households
Multiplied By: Percent of renters interested in homeownership	88 percent
Equals: Potential pent up demand for home homeownership.	112 renter households

The pent up demand for homeownership housing among households with incomes between $35,000 and $50,000 is 112 units. The pent up demand for homeownership among existing renter households with incomes of $50,000 - $75,000 is 187 units.

[24] Based upon 2005 Community Housing Survey

Table 23.3 Cost Burdened Renter Households

	Number	Percent
Total Renter Households	749	
Number/Percent of Renter Households with annual incomes below $35,000.	192	26%
Percent of Renter Households with annual incomes below $35,000 that are Cost Burdened.		87%
Percent of Cost Burdened Renter Households with annual incomes below $35,000 compared to all Cost Burdened Renter Households		68%
Number/Percent of Renter Households paying >30% of income for rent.	243	32%

There is existing pent-up demand for rental housing affordable to households earning less than $35,000. Eighty-seven percent of cost burdened renter households earn less than $35,000.

Table 24.1 Summary of Work Force Housing Needs 2006 - 2010

Pent up Demand for Owner-Occupied Housing	187 existing renter households
Pent up Demand for Affordable Rental Housing	112 existing renter households
2010 New Core Resort Worker Demand	506 new households
Subtotal Existing and Projected Demand	805 new households
Less: Committed Housing Obligation	156 committed year round units
Total Remaining Demand	649 new units to meet demand

Other Measures of Housing Availability and Affordability

Ten Percent Test

Massachusetts, Rhode Island and Illinois have a uniform statewide standard for affordable housing that at least 10 percent of local housing stock is subsidized. This is a measure of affordable housing availability. In 2005 there were an estimated 7,900 residential dwelling units in the three Census Designated Places (CDPs) that comprise the Snyderville Basin: North Summit Park, South Summit Park and the Snyderville Basin. Of those units, 151 units (2 percent) were either federally subsidized or have some form of deed restriction required by the County. There are an additional 387 deed restricted units that have been obligated by Development Agreements. Total of existing and planned affordable units as of 2005 represent approximately 4.0 percent of all residential dwelling units. Total residential build out in the Snyderville Basin is estimated to be approximately 12,500 dwelling units. Applying the 10 percent test suggests a goal of 1,250 subsidized dwelling units in the Basin or an additional 712 units beyond that which are obligated. This is an additional 63 units beyond the findings of the housing demand analysis.

Ratio of Median Income to Housing Price

Another measure of the housing affordability and availability is the relationship between the median income and the median cost of housing. A national benchmark for evaluating affordability is whether a household earning the median income for an area can afford the median priced home. Affordability is defined as 300 percent of Area Median Income (AMI). The 2006 AMI for a household of four in Summit County is $81,200. Based upon the 300 percent measure, a median income household could afford a $243,600 house. In July 2006 the average price for two and three bedroom condominiums was $338,694. This is 39 percent greater than maximum housing affordability at 300 percent of median income. Single family home sales are substantially beyond the maximum housing affordability measure. The ratio of median income to median housing price is substantially higher.

SECTION V: CONCLUSION

Housing costs are determined in a market setting, but one that is subject to various government influences. Some government incentives and restrictions promote affordability, and others deter it. But all of these government influences ultimately affect housing affordability by altering housing demand, housing supply or both. While it is intuitive to think of new construction as a tool for increasing the stock of housing affordable to low and moderate income households, in practice, market realities and government restrictions make it extremely unlikely that for profit development will occur at affordable levels absent incentives or requirements from government.

Housing in the Snyderville Basin is more costly than in other Utah communities and many other western communities. Population increases, especially households whose income are not dependent on local wages, combined with a strong second and third home market has increased housing demand and housing values in the Snyderville Basin. While this is beneficial for property tax revenue and individual investment benefit, it makes the provision of housing for the full spectrum of the region's service workers, essential employees, seniors on limited incomes and citizens with special social or physical needs, more difficult. Given the limited availability of remaining land for residential development, the price of land and housing has increased to levels beyond what many households earning local wages can afford.

The provision of workforce housing is complicated by the diversity of factors that affect the housing market: strong demand, a finite supply of land and rising prices for it, and more profit for the construction industry in high end housing, types of housing currently available, mobility of the workforce, interest rates, population growth, geography, demographics, zoning and regulatory practices and economic well being.

If economic conditions remain relatively strong, it is likely that conditions producing for workforce housing will worsen. Solutions require a broad-based community consensus. Just as numerous factors are at play in the Snyderville Basin's housing affordability issues, the solutions require actions and strategies on many fronts including zoning, economic development, and local funding sources for housing. Most importantly, the solutions to these issues require the consensus of many sectors of the community including those groups and organizations not typically concerned with housing issues.

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING

TUESDAY, DECEMBER 13, 2011

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

3. <u>Public hearing and possible recommendation regarding Stone Ridge CORE Rezone and Major Development, Parcel SS-59-A, Silver Summit Parkway and Old Ranch Road, Park City; Pete Gillwald, representing Nadine Gillmor, applicant</u> – ***Amir Caus, County Planner***

Chair Salem set ground rules for the public hearing and asked that the comments be civil, relevant, and expedient and that they be addressed to the Planning Commission, not the applicant, Staff, or the audience. He stated that they would avoid dialog with those who give public input, and if people have questions, they could give them to him, and he would see that they are answered. He explained that the purpose this evening is not to debate CORE or the CORE language or whether the community needs affordable housing, and they are not here to talk about open space. The Planning Commission's function is administrative. They are reviewing an application submitted under the Code that existed at the time the application was made, and the Planning Commission must provide that applicant with due process under that Code. That Code dictates what the Planning Commission can consider. He requested that those who provide comment address the list of conditions under which the Planning Commission will consider this application and focus on the administrative function of the Planning Commission. The Planning Commission will make a recommendation, but the County Council will ultimately make the decision on this project. Commissioner Washington clarified that the Planning Commission will make two recommendations; one to the County Council on the rezone and one to the County Manager on the major development.

County Planner Amir Caus reported that Staff received additional public comment after the staff report was prepared, all of which oppose the proposed CORE Rezone. He indicated the location of the proposed Stone Ridge project and the project layout and provided a brief background of the project. He reviewed the methodology for determining the maximum number of units, which is 307, and explained that the applicant is proposing 230 units with a ratio of 1 workforce unit equivalent (WUE) per 1.5 market rate units. He reviewed the CORE B requirements and the process for approval of a CORE Rezone and Major Development. He reviewed the requirement for integration of workforce units and stated that the proposed integration of workforce units, especially on the eastern portion of the project, would be beneficial as they would be close to transit, school, church, and potential employers in Silver Summit. The Fire Department and Engineering Department prefer that a through road be built through the development. The traffic study shows that the Level of Service (LOS) would be C, which is an acceptable level based on engineering standards for Summit County. He

reviewed the issues raised at the last work session as outlined in the staff report and provided a map showing the proposed open space on the property.

Commissioner Klingenstein stated that he wanted Staff to independently verify that the applicant is providing more than 81% open space. He suggested that the IT Department independently verify the calculations.

Planner Caus reviewed the new visual analysis submitted by the applicant showing that the visibility of the ridgeline lots would be reduced. He presented two proposed options for alignment of the access road. He reported that a wildlife study was conducted in 2009 and accepted by the Division of Wildlife Resources (DWR). DWR was contacted again recently and has indicated that this is not considered to be crucial wildlife habitat, and in this case they would prefer that the elk population decrease due to the increase in traffic-related accidents and disease among the elk herds. The applicant has indicated that the neighborhoods were unwilling to meet with him until January, and unless the plan was significantly revised, they did not see a need to meet. Planner Caus explained that the 2006 needs assessment is the only one approved by Summit County. He reviewed the number of workforce housing units that have been approved since 2006 and explained that 393 of those 532 units represent the mandatory 20% requirement, not pent-up need.

Commissioner Washington noted that the affordable units in Silver Creek Village did not have a 20% requirement, as it was approved under the matrix system, and he believed many of those units were meant to address pent-up demand. Deputy County Jami Brackin clarified that, under the matrix requirements, the developer was required to provide a certain number of affordable units in order to get the requested density, and that was considered to be the mandatory portion. Chair Salem recalled that they are not addressing the topic this evening of whether there is a workforce housing need.

Planner Caus reviewed and summarized the CORE requirements and what needs to be evaluated for each requirement. He reported that the applicant has filed a written request for a decision, and the Planning Commission has 45 days from the date of that request to make a decision. Staff recommended that the Planning Commission either approve the proposed CORE Rezone with findings and conditions, deny with findings as articulated by the Planning Commission, or continue this item to January 10, 2012, with clear direction to Staff and the applicant on how to move forward with the process. The final date for a decision would be January 23, 2012.

Pete Gillwald, representing the applicant, reviewed changes to the project since the last work session. He reviewed the new design for the western parcel on the project, which would reduce the number of units in Parcel D to 18 and increase the units in Parcel E to 30. The total parcel area has been reduced by 7.4 acres, which adds to the meaningful open space.

Commissioner Klingenstein asked if the Engineering Department has a preferred alignment for the access onto Old Ranch Road. He also asked for verification that the

roads would be public, not private. Kent Wilkerson, the County's traffic engineer, stated that the County does not have a preferred alignment. Several alignments can meet engineering standards, and that is all they look for.

Mr. Gillwald stated that he prefers the roads be private, except for the main entrance road into the parcel so they can create an internal bus stop area. Commissioner Franklin noted that County Manager Bob Jasper has indicated that all roads in new subdivisions are to be public roads, and Mr. Gillwald's recommendation goes against that executive decision. Mr. Gillwald reviewed the options for connecting to Old Ranch Road. He stated that, if he could develop the through road as a private road, he could construct it narrower than County standards to discourage travel through the project. He indicated the trail connections and noted that the visual analysis was done prior to the redesign of Parcel D. Under the revised design, the number of units and the number of houses in the viewshed have been reduced. He stated that he received a wildlife study amendment this morning, which includes recommendations on wildlife mitigation. He noted that he has increased the wildlife corridor by an additional 120 feet. He explained that the wildlife study indicates there is elk migration north and south through the project area, and they are keeping development away from the wildlife habitat.

Chair Salem opened the public hearing.

Chris Hague, a resident who lives across from the proposed project, stated that the proposed roadway would shine lights right into his property and other properties. He requested that the Planning Commission consider the roadways on Silver Summit Parkway, because they will get headlights at night. He asked if the Planning Commission likes the project and commented that it is obscenity to put this many houses on this pristine property that would never be allowed under the Code and General Plan. Current zoning would only allow 15 homes, and this proposal represents a 1500% increase in density over what would be allowed without the CORE. He disagreed with Chair Salem's statement that they cannot consider reality, and reality is that the Planning Commission and County Council are rescinding the CORE tomorrow evening because it does not make sense, and it is unneeded. According to his count, over 650 affordable housing units have already been approved. There are five different reports, including reports from Scott Loomis, that the needs have been met, yet the Planning Commission is being asked to apply an outdated 2006 needs assessment, which makes no sense. The Planning Commission is being asked to apply an outdated needs assessment and a CORE that will be rescinded tomorrow night, and he asked what is driving this kind of nonsense. He asked if it is because the applicant has come with a lawyer and there is a subliminal threat of litigation. He stated that they should not be coerced that way. He recalled that the Planning Commission rejected the 2010 needs assessment because it was invalid and based upon suspect data, and the 2006 assessment is even worse, because it was done before the recession. He asked the Planning Commission to be reasonable and apply their intelligence and backbone to this application. He recalled that the 2006 needs assessment was based only on the Snyderville Basin, and he claimed that he has proven that statutorily the needs assessment has to be done on a county-wide basis. He stated

that there is affordable housing in the County, and all they have to do is look at the MLS and talk to Scott Loomis to see that is true. The whole premise for this project is to provide more affordable housing based on the 2006 needs assessment, and he asked if the Planning Commission is going to buy into that. If they do not agree that the 2006 needs assessment does not make sense, the whole house of cards falls. He addressed the requirement that affordable housing be dispersed throughout the project and stated that it is not. All the affordable housing has been put on the north side of this project, and on that basis alone the project should be denied, because it does not comply with the CORE B requirements. Another reason why the project should be rejected is that CORE B allows 1 unit per acre up to 100 acres, and the applicant is asking for three times what is allowed in CORE B. He did not believe when CORE was adopted that anyone would be asked to approve three times what is allowed in CORE B. He stated that this application represents nothing but greed and does not respect the people who surround the proposed project. He stated that he did his due diligence when he bought his house and looked at the zoning across the street and behind his house. He determined that, no matter what happened, it would be a great property, because Nadine Gillmor would only get 15 lots on her property, and this shows complete disrespect to all the adjoining property owners and is unfair. He asked what this would do to the neighborhood and the people who had reasonable expectations, and he stated that the Planning Commission would be ruining those expectations if they even consider this rezone. Mr. Hague stated that he sees elk and deer migrating from late November sometimes into February, and the wildlife corridor comes right behind his property and the high density that Ms. Gillmor wants. He stated that you cannot change the corridor the animals are expected to navigate through this proposed project. He stated that he met with the State wildlife person, and contrary to the staff report, he said they could not count this as a major wildlife corridor because they have not done the studies necessary to do that. He agreed that putting this kind of dense project over the wildlife corridor could have a deleterious effect on the wildlife. Mr. Hague stated that he has seen as many as 10 deer and elk herds at a time try to navigate this property, and Ms. Gillmor is so disrespectful that she has a 50-foot barbed wire fence, and the State wildlife management man told him it should not be any more than 45 feet. He stated that he has seen does get caught in the barbed wire trying to jump the fence. He commented that they have not been made privy to the latest report the applicant claims to have, but there is no way this kind of high density can be mitigated to protect the wildlife that uses this as a major corridor. If there are too many elk, the State should get people to go out and hunt the animals to thin out the herd, but they should not block the corridor. Mr. Hague claimed that this does not meet the 80% requirement for open space. The developer's computation is way off and is under 60% if it is calculated correctly. He stated that this project does not make any sense, and he asked the Planning Commission to not do this to them, because they deserve more respect and better than this. He requested that the Planning Commission forward a negative recommendation to the County Council.

Robert Ainsworth, Trailside HOA President, stated that between December and April, 15 bull elk spend the majority of their time on the hill on this property. He stated that it is inappropriate to place townhomes in this location. The Code states that buildings and

other structures shall be of a human scale consistent with adjacent developments, and multi-family dwellings are defined as a conditional use. He stated that the nearest multi-family dwelling is 2.5 miles away and across I-80, and this project is inconsistent with existing neighborhoods at every level. The Code states that the specific unit type shall be consistent with the character of the surrounding neighborhood and/or development. He stated that Stone Ridge is high density and is inconsistent with the rural character of Mountain Ranch Estates and the Old Ranch Road neighborhood and undeveloped adjacent sites. He believed this development would devalue all the adjacent properties. Stone Ridge has clustered all the deed-restricted property on one side of the development, but the Code states that each phase of a project must contain an appropriate amount of required workforce housing. He claimed that clustered development does not encourage strong neighborhoods, and there is nothing to preclude having rich HOAs on one side and poor HOAs on the other side of the project. Mr. Ainsworth stated that townhomes are inappropriate within the community and in the Stone Ridge development, which has been acknowledged by the developer, because he plans to put all the affordable housing as far away as he can from the high-priced units to protect the value of the high-priced units. The developer is asking the adjacent property owners east and north of the project to accept this financially negative impact in order to protect the profits of the development. He stated that workforce clustering is not compliant with the CORE Zone requirements, and this plan segregates clusters to retain the higher value market-rate units and protect the developer's profits, which demonstrates that those units are not compatible with each other, and that is why he wants them segregated. Mr. Ainsworth stated that the CORE Zone is intended to help lower income people access the community, and this site is incompatible with the intent of the CORE. It is too remote to reduce traffic congestion and does not encourage walkability, because it is not integrated with Park City and is clustered by itself as a CORE Zone. It is miles from work, groceries, retail, entertainment, and activities, and those people who cannot afford to buy a home are being asked to either walk or drive 3-1/2 miles to the nearest grocery or retail, which is not walkable. Currently, bus service is on an hourly schedule, which means that it would take two hours to take the bus to the store to get a gallon of milk. That two-hour round trip every day for work equates to 40 hours a month, and it is unreasonable to think that people who live there because they need assistance with housing would spend hundreds of hours a month trying to commute to integrate with the community for entertainment, work, or school. He stated that the site location cannot comply with CORE. In combination with the workforce housing in Silver Creek Village, there will be more than 400 workforce units within a one-mile radius on the far side of town, and the CORE requirements state that workforce housing needs to be dispersed amongst the community so they do not end up with ghetto effect but so they end up with a compatible and integrated society, and this site cannot accommodate that. He stated that the site can only be accessed through traffic-sensitive areas, and both Old Ranch Road and Trailside have traffic mitigation devices to mitigate existing traffic. Now there will be hundreds more cars using those corridors, and it will exacerbate traffic on Highways 248 and 224. With the connecting road, the emergency access will become the third gateway to Park City, especially when 224 and 248 are jammed during rush-hour traffic. It is also a direct shortcut for anyone who is north or south of this property. From this point on they will

be talking about ways to mitigate the traffic that they never should have had to begin with. Mr. Ainsworth stated that the Development Code discourages suburban development patterns, and this is a suburb, clustered small homes on the outskirts of a community. The Code requires compliance with all criteria. None of them are waivable, and Stone Ridge and this property inherently cannot comply with the letter and intent of the General Plan, Development Code, and CORE Rezone. On that basis, the Planning Commission must deny this proposal.

Greg Lawson, a resident of Old Ranch Road, stated that at the top of his list is the requirement for compatibility. Although the County Council came up with an interpretation of the compatibility requirements on another project, there is only one interpretation, and that is that the number of lots within 1,000 feet of the edge of the project are to be counted and then divided by the acreage. On the Old Ranch Road side of this project, it is not consistent with the average lot size based on that calculation. Another conflict between the CORE requirement and the General Plan is that at least 30% of the parcel must be preserve as meaningful open space, but the General Plan requires any project that applies for increased density to provide at least 60% meaningful open space, not 30% slopes that cannot be developed anyway and not fragmented open space with no continuity. He stated that they always get traffic studies showing that traffic will not affect the level of service, but they are done by engineers who concentrate on moving cars. They do not take into consideration people on horseback, which is prevalent in the Old Ranch Road neighborhood or the trailhead, which is used as a gathering place. The primary objective of the Old Ranch Road Neighborhood Planning Area is to preserve the historical and equestrian character of Old Ranch Road and enhance the multi-use corridor they have been trying to protect and make safe for those uses. Using a road for multiple uses is not found in the engineer's traffic manuals, but it is a sound planning idea. He claimed that when Mountain Ranch Estates and Trailside were developed, the road connection from Highway 40 to Old Ranch Road was to be the last major connection onto Old Ranch Road. The proposed connection through this property would be a major thoroughfare connecting people from Highway 40 to Old Ranch Road, and the impact of that connection would overwhelm what they have been working on for more than two decades. He quoted statements from the Planning Commissioners in the previous public hearing on January 26, 2010, and stated that he does not see that the applicant has addressed the issues raised at that time. They have seen the same plan every time, regardless of the Planning Commissioners' comments. He stated that the prior Planning Commissioners, who reviewed this project for two years, was not ready to approve this plan, and the current Planning Commission has reviewed it for only two months.

Jerry Abate, who lives on Trailside Drive in Mountain Ranch Estates, stated that he sent an e-mail to the Planning Commissioners last evening. He explained that he represents 80 homeowners in his neighborhood and formally expressed concerns and objections regarding the Stone Ridge Development on behalf of the Mountain Ranch Estates HOA. He stated that this plan is basically the same plan presented two years ago, which was rejected. During the last two years the applicant has done nothing to engage the

surrounding neighborhoods or address the concerns raised two years ago. Their concerns include density far in excess of the existing zoning of 15 homes on this property, the density being inconsistent with surrounding neighborhoods, 59 of the units being multi-family townhouse units which do not exist in any of the surrounding neighborhoods, impacts on Trailside Elementary School that have not been addressed by the developer, and impacts of traffic on Old Ranch Road and Trailside Elementary School. He explained that the Trailside community has invested over $8,000 in conjunction with the County on a traffic calming effort at the school, and he did not believe another neighborhood in the County had contributed HOA funds for traffic calming. He stated that the proposed development provides little contiguous and meaningful open space and that the proposed wildlife corridor is a joke. He commented that the HOA feels strongly that the Planning Commission should unanimously reject the Stone Ridge Development.

Jerry Wohlford agreed with what has been said and noted that this is two different developments and two different neighborhoods because of the ridgeline, and it does not make sense. He stated that he lives on Old Ranch Road and has not had outreach from the applicant, yet the original road connection would be right across from his property. He has discussed with the County Engineer the possibility of installing a traffic-calming island in that location to slow down traffic. Mr. Wohlford discussed problems associated with the proposed access onto Old Ranch Road. He noted that there is an existing house on the parcel, and it is not addressed in the applicant's proposal. If the acreage associated with that home were removed, the acreage in the proposal would be 280. The owner of the home indicated to him that the applicant was going to make him give up some of his property to make the open space work. He stated that almost everyone who has ridden a bike in the Snyderville Basin has ridden down Old Ranch Road. Other recreational activities access that road as well, and he did not want it messed up. He stated that this proposal does not work, and he did not want the through access in the project. He recalled that the Snyderville Basin residents passed a big open space bond, and he asked why the applicant could not be innovative and work with the open space conservation groups and make it work to not have such high density.

Zach Hartman stated that he is new to Park City and has been here for about a year. He thanked those who have been kind and made this a great place for his family. People have been arguing that there is too much affordable housing, and all they would have to is take the highest income a high school teacher can be paid in Utah times two for a household and apply that to the median income for a home, and there would be no homes in Park City that would be affordable for two teachers. The affordability index is as high as it has ever been, and if there was ever a time when two teachers could afford to live in Park City, it should be now. Still, it is difficult to make that work, and he believed people should take that into consideration. He referred to language he heard earlier that had made him think differently about this community. He heard the term "those people," and he stated that is a dangerous term. They are talking about carpenters, teachers, nurses, and other people who may make less than the people who made those comments and cannot afford to live in Park City. He asked how they could build 1,300 square feet and make it affordable for someone who makes $43,000 a year other than to build

townhomes, because they cannot afford to build a house. He asked them to think about the Gillmors' position. The comment was made that they got the "whole shebang." The whole shebang would have been full entitlement prior to 2006, and they are being kicked around by their neighbors. In reality, they have constitutional rights based on what the laws were when they made application, and those rights have been violated. All the neighbors around them have robbed them for their own benefit and socialized that cost to everyone else. He stated that this is his neighborhood, and he would prefer not to see it, but he could not handle injustice and someone's rights being trampled.

Melissa Briley provided a letter endorsed by the elected presidents of all the surrounding HOAs encouraging the Planning Commission to forward a negative recommendation on this project. She stated that everyone knows this property could have been developed in 1983, and it could be developed tomorrow. She stated that tenacity is not a reason to approve this project, and the public is very tenacious as well. She did not believe this meets the CORE requirements, and obviously the applicant had the luxury of submitting this application when it was not under so much scrutiny. She asked why they do not have integration of the workforce units listed on the items for discussion this evening. She stated that it makes sense to put the workforce housing next to the bus stop, but that is not what the CORE requires. She stated that this property violates the mast plan, and there are no multi-family units or duplexes on the neighboring properties. If the applicant tries to move the low-income housing so it is dispersed, none of the people could get to the bus. She stated that she provides medical care to a lot of low-income families and does not want her patients living here where they would have to walk over and take the bus. She would definitely take the shortcut to get to Willow Creek, and everyone else would, too. She stated that the Planning Commission's job is to see that this falls under the scrutiny of the master plan and meets the requirements to use this loophole. They are not required to make sure that the developer can make the most money possible.

Jacqueline Hess, a resident of Mountain Ranch Estates, commented that the developer needs to get an exception for this CORE Rezone, because he is trying to go under the 100-acre rule and apply it to a 300-acre parcel. She asked what community benefit is derived from this exception. She stated that traffic is a negative, and the last traffic study was on November 6, 2009, with a slight update. Since then, they have put in their own traffic calming measures at their own expense to try to calm down the current traffic flow, and that is not sufficient. She stated that the applicant talked about a private road going through the development, and there are pros and cons to that, but she thought the County said they do not want any more private roads because of the long-term maintenance costs and issues associated with that. She questioned how much an HOA could charge for road maintenance that would be affordable for the townhouses in the development. She believed they were pitting two neighborhoods against each other, because Old Ranch Road wants to keep its area pristine, and Trailside/Mountain Ranch Estates does not want more traffic through their neighborhood. Neither is a good access for this development. She noted that Trailside Drive goes past a school, park, soccer fields, and recreation center, and that is a big safety issue. She noted that the public transit is a one-way route through Trailside Drive. She stated that the architectural

standards seem to very minimal for this development, and she did not see any community benefits, and the community could use a large meeting room that could be used for multiple purposes. She understands the 300 acres is zoned for 15 homes, and it seemed there must be somewhere in the middle between 15 homes and 230 homes that would provide community benefits for all the surrounding neighborhoods and be a win-win for everyone. She noted that the Trailside School Principal is present and asked that she be allowed to speak.

Dr. Kathy Einhorn stated that more than half the students walk or ride to school, and she tried a calming effort last year to try to improve their traffic pattern, but it did not turn out to be a calming effort. With the current number of people who come in and out of Trailside, people wait for up to a half hour to drop off and pick up children. She expressed concern that many people in this development would be driving in bad weather to drop off and pick up children, and the children who walk would be negatively impacted. She stated that they have a hard time trying to monitor children trying to walk to the Recreation District for parking, because there is no parking at the school. Increasing the development and traffic would increase the danger to the children.

Jeff Cedeno, President of the Aspen Glen HOA, stated that he would fit the workforce income level according to how it is set up. He stated that the requirement that the development be within a half mile of year-round public or private mass transit is not applicable to this application. He stated that public transit does not run in an area or on a time schedule that is compatible with workforce needs, and a person living in affordable housing would not be able to afford a taxi to get to work. He stated that lots on Sagebrook Drive are very small, and the proposed lots are even smaller. There will be nowhere for children to play, and they will not be able to walk from one side of the project to the other or to school. He did not believe workforce housing would be compatible in this location.

Dr. Theron Miller stated that he has a Ph.D. in ecology, and one of his degrees was in wildlife management. He stated that Mr. Hague was correct in identifying the wildlife issues, and they believe this is sensitive land. He stated that there are probably 1,500 to 2,000 acres of land between Highway 40, Old Ranch Road, Park City, and Round Valley. There are about 30 to 40 elk, with plenty of range, and the population has been stable for many years. He did not believe they should control the population by building fences or further fragmenting the habitat, and road kill is not the way to manage wildlife. He stated that the elk will not walk by the church property to get to the open space down below Mr. Hague's property. He believed the residents in the proposed development would use all the surrounding roads, and all the surrounding developments would be impacted by the increased traffic. He stated that he scrimped and saved to build a home in this area and has suffered a 30% decline in property value. He resents the fact that the developer would put so many units right next to his property and say it is CORE development, because he would suffer even more property value decline. He asked the Planning Commission to be fair and consider the surrounding property owners as well as the developer.

Chris Passage, a resident on Sagebrook Drive, stated that he is not against development, because without development he would not have a place to live. He stated that there is development after development on the way into Park City that has failed, and he believed that could definitely happen with this development. He believed a number of valid points had been made this evening that would allow the Planning Commission to change this plan.

Debi Scoggan stated that she was under the impression that a CORE Rezone is a discretionary decision. She recalled that Planner Caus stated that Old Ranch Road would revert to a Level of Service C if this project is approved and that is an acceptable level of service. She stated that she has lived on Old Ranch Road for 22 years, and they have worked hard to protect that area. The atmosphere and environment on Old Ranch Road is not just about moving cars. She stated that the County agrees with the uses on Old Ranch Road, because it has put up signs everywhere saying it is a multi-use corridor, and they need to consider the impacts to a way of life that will no longer exist if this application is approved with this density. She stated that language from the General Plan should dictate to the Planning Commission, and this project shows total lack of compatibility with density and is completely inappropriate. The General Plan for Old Ranch Road states that all development shall occur in a manner that protects and enhances the rural residential character of the area and rural open character of the land with large lot development. She did not believe CORE was envisioned for this type of project and stated that it is supposed to be within walking distance of services. A bus that comes along once an hour is not public transportation. She stated that she purchased her home in the neighborhood because of Ms. Gillmor's property. Ms. Gillmor has benefited because she and the other neighbors bought in her neighborhood, and it has been a win-win situation for everyone.

Art Lang addressed wildlife and noted that the wildlife analysis given to Staff by DWR says there are too many elk, and they will cause traffic accidents and spread diseases among themselves. He found that argument to be specious and offensive. He felt it was tragic if the Division of Wildlife Resources finds a resource like that to be discardable. He commented that there would be no traffic accidents in the subdivision if there were no subdivision, and there would be no increased risk of accidents on surrounding roads if there were no additional traffic caused by the subdivision. He suggested that they look at the 2009 wildlife study and the follow-on study in detail and that it be examined by someone who is logical and has common sense. He felt it should be made available to the public so they can understand what is going on. He stated that the 2009 study talked about the wildlife corridor and an issue of wildlife using that space, and they need to examine the space recommended by the study. He stated that there will be pressure by the developer and Staff to make a positive recommendation on this subdivision, and he asked that they judge it on its merits and whether it follows the CORE requirements and is appropriate for this area. He asked the Planning Commission to not let the possibility that the County Council will overrule them dissuade them from doing the right thing. He asked them to stay the course and make the correct decision.

Leslie Masters, a resident of Highland Estates, stated that they will be greatly impacted by the traffic. She stated that they would almost be looking at a highway like 224 or Kearns Boulevard cutting through the canyons if this development goes through. She expressed concern about where the water would come from, because there are severe water shortages. She also expressed concern about lawn fertilizers going into Kimball Creek, which would contaminate Swaner and East Canyon Creek lower down. She recalled that there was talk about paving a trailhead on the east side of Kingsford, and it would be a great benefit if that were paved. She encouraged the Planning Commission to vote against this or at least reduce the density like they have done in many other projects.

Brad Peacock, a resident of Sun Meadows, noted that one area that has not been talked about is Silver Summit Road coming in from Highway 40. At the second intersection, children cross the street daily to get to school, the bus stops, and people have to cross the street to get to public transit. The speed limit on that road is 25 mph, but people routinely drive past there at 40 and 45 mph, and it is a very dangerous intersection. Now they are talking about tripling the traffic volume at that intersection, which would make the situation significantly worse. He stated that the CORE Rezone was put in place to relax the Code and enable workforce housing to be built in the community, but this is not a relaxing of the Code. This is a complete throw out of the Code, and while they may be forced by lawyers to be focused on the letter of the law, it completely throws away the intent of the Code. In fact, it has been thrown away, and now they are being asked in the eleventh hour to go against the spirit of a law that is being repealed, and that is not right.

Janet Williams stated that her concerns are similar to those already expressed. She stated that, as a health care provider, she witnesses daily the long-term health effects of poor lifestyle choices. For a number of years, one topic of discussion has been the importance of exercise as it relates to a number of health issues. Many individuals who live in or around Park City participate in numerous outdoor activities to maintain adequate levels of exercise. One way to obtain healthy exercise is to walk on a daily basis, but the benefits of walking decrease when air quality is poor. Pollution from vehicles is a primary cause of poor air quality, and the proposed plan to build 230 houses would result in significantly more private vehicles, plus there would be snow plows, buses, and other commercial vehicles, all adding to a horrific increase in pollution that is already worsening. This development would also have a significant impact on safety as it relates to the ability to run, walk, bike, and ride horses. She stated that the comments about Old Ranch Road also apply to Trailside. She lives on Old Ranch Road and is very aware of the traffic patterns. A number of people are on foot, bikes, or horses at any time, and wildlife crosses from the east of Old Ranch Road to the Swaner Nature Preserve. She noted that not many people have talked about the impact on the preserve, which is a very sensitive area. Many people do not observe the speed limit on Old Ranch Road or Trailside, which compromises the safety of both humans and animals. An increase in traffic would compromise the ability to participate in these outdoor activities in a safe manner. She stated that there is abundant wildlife inhabiting this area, and she did not believe the impact on animals had been adequately studied. She requested that the

Planning Commission carefully consider all the comments and stated that they live here because this area is important to them and their ability to interact safely.

Jean Tabin stated that she lives on 5200 North, and her major concerns are the transportation level of service and development on sensitive lands. She noted that the area where the development is proposed is labeled Hillside Stewardship, and she did not believe development is a good example of Hillside Stewardship. She stated that she sees elk every day as she travels on 5200 North, up to 20 or more at a time, on the hillside where Parcel E is proposed. There is no real corridor for them in that area, and they will go. She referred to Swaner Preserve and noted that the watershed and animals are very sensitive, and this development will have an effect on them. She was insulted that they would be going from an A/B LOS to possibly a low C. She explained that this area is rural, and increased traffic is a concern. She questioned whether there would be more accidents involving animals with this development and whether there might also be more highway accidents with the animals. The DWR says that the population will not likely decrease, but if it does not decrease, she questioned where they would go. She believed they need more wildlife corridors and migratory pathways.

Craig Stevens, a resident of the Old Ranch Road neighborhood, stated that he has counted up to 60 head of elk on the hillside. He encouraged the Planning Commission to challenge the no development on sensitive lands and challenge the bureaucratic logic that somehow there are too many animals on it and therefore it is not sensitive land. He stated that he has photographs of that area available.

Richard Sheinberg stated that he has owned property on Old Ranch Road for several years, and he values the attributes addressed by the speakers this evening. They are irreplaceable, and they are urging the Planning Commission as representatives of the community to consider those attributes and the irreversible changes that will occur in this neighborhood as a result of this development. He stated that it defies logic to think that people would not go over the hill to get to Highway 224 if there is a shortcut through this development. He asked if the exchange of correspondence in 2009 between a member of the community and the State property rights ombudsman had been made available to the Planning Commission and stated that it addresses many of the issues being discussed tonight and the conclusions reached by the State ombudsman. He suggested that they ask Staff to make that available, because it has a direct bearing on the applicability of the General Plan to the consideration of a CORE Rezone. He understands the Planning Commission has broad discretion in their deliberations and consideration of this application, and they have the ability to reject this application for any reason or no reason at all because it is a rezone and a legislative act. The restrictions under which the Planning Commission has been told they have to operate defy logic and common sense, and the Planning Commissioners can use their own common sense and judgment in considering this, because it is a legislative act.

Tiffany Root stated that she has lived in Silver Summit since 2006 and agrees with earlier comments. She believed the Stone Ridge Development is an inappropriate density for

surrounding neighborhoods and would strongly impact their quality of life. She urged the Planning Commission to not rezone this land and to not approve this project. If it has to be developed, she asked that it be left at 15 units.

Dan Obradovich, a resident of Highland Estates, asked how this application is any different from the one they had lots of reservations about a couple of years ago. It did not seem to him that it was much different, and the issues are still there and have not been addressed. He agreed with previous comments about the problems with the application as it relates to the CORE requirements and the overall County planning document. He believed that is what the Planning Commission is supposed to address, and they have articulated those problems, and that is why the Planning Commission should not recommend this to the County Council.

Sheila Raboy stated that she lives in Trailside and addressed compatibility and appropriateness of the density. If they look at the history of this little community, there was nothing there. Then they made a little community, and the trend after that was larger lots, not smaller ones. To take the little community that is across the way and use it as the average lot size is almost analogous to someone wanting to build a mall by Wal-Mart in Heber, using Wal-Mart as an average of the retail space. She asked the Planning Commission to look at the history and zoning and how it evolved. What they are trying to do here is basically not compatible nor appropriate density for this particular area.

Dale Boschetto, a 20-year resident of Old Ranch Road, stated that he supports Chris Hague's comments that this application disrespects the adjoining properties and Mr. Ainsworth's comments that it is truly inconsistent with the neighborhoods and clusters workforce housing, which is not in the spirit of the CORE requirements.

Amy Abbott commented that this is just too big. She stated that her husband is a botanist and wildlife biologist, and on his behalf she commented that, historically, sage grouse were found in Round Valley. Sage grouse need continuous, unfragmented parcels of sagebrush, which the Stone Ridge Development had. Recent surveys indicate that sage grouse are located in other areas in the vicinity, and it is probable that they are also on this parcel. They are currently listed as a candidate for endangered species, and this property warrants sage grouse surveys. If sage grouse are found, the owners and developers should formulate a conservation agreement with the U.S. Fish and Wildlife Service.

Jay Hess, a resident of Mountain Ranch Estates, stated that he has been a developer in other states, and the average rooftop generates a minimum of four roundtrips per vehicle per day and oftentimes more like six or eight. He believed the traffic engineer would have to have guessed how much traffic would use Highway 40 and how much would use Trailside, and he was certain that whatever he guessed was wrong. He was certain that probably 90% of trips would be down Trailside Drive to Kimball Junction, which is a lot of cars. He stated that Trailside cannot handle many more cars and cannot even handle the cars it has now. With respect to the development, the applicants claim that Ms.

Gillmor has tried to develop this for 20 years. He made the analogy that, if you're late to the movies, you don't get the same seat selection as the people who got there first. He asked that the applicant not be given the same rights as people who came 15 years ago.

Jeffrey Kuhn, a resident of Old Ranch Road, stated that two of the three proposed access points to the project on Old Ranch Road are directly across the street from either his north or south property line. He accepts the fact that something will be built, and the question is how it can be done skillfully. He felt there are several neighborhoods in the project, and from a life/safety point of view, the applicant is being asked to be sure the parcels connect over the ridge. If that were not required, they would not have the same traffic patterns or animal concerns, and they would have more flexibility. The County Manager has declared that he wants only public roads for economic reasons, but private roads provide options that would allow for greater traffic calming. The County may be short on money, but he did not believe economic reasons and money are supposed to drive planning solutions, and he would support private roads and the types of mitigations they would allow. He asked the developer if it would be possible to develop two access points on Old Ranch Road to avoid having the center ridge top connector.

Sancy Leachman, representing Citizens for the Alignment of Growth and the Environment (CAGE), explained that they are a County-wide, citizen-based organization, and their group opposes this development, because they do not believe it meets the letter or the spirit of the CORE Rezone program. They believe this is not just a local community issue but a County-wide issue. The entire County represented by their group is in opposition to this, and it is not a NIMBY situation.

Nic Schapper recalled that a year and a half ago when he commented on this project, he was going to Afghanistan for a year, and he thought that would be last time they would discuss it. He stated that they need to recognize that the property owner has rights, but what they are discussing is how many rights the property owner has compared to other property owners. The property owner currently has a right to build 15 units, and he believed everyone in the room would be supportive of building 15 units. However, the applicant is asking for a 1500% increase in their rights, because he is providing a community benefit of open space and affordable housing. However, the community is not asking for those benefits, and in fact they are saying they do not want them. There is a fundamental question of right or wrong and a duty to serve the community, and the community has spoken loud and clear. The other CORE project was approved, and now the community is having to sue their leadership because the leadership did not support the community. He believed it was unfortunate that the community has to sue their leadership to get them to make community-supported decisions. In 2007 the community told the County that CORE was a bad concept, but it was voted on anyway. He asked that they not continue to fight the community but that they support the community. He asked that they not be bullied by lawyers and their advice and not be in a situation where they are so frustrated that they have to resign their position because they are trying to support the community. He asked the Planning Commission to listen to and serve the community, and the community will serve them when there are legal problems.

Rochelle Robinson, a resident of Old Ranch Road, stated that for once in her life she would like to meet a developer who is sensitive to wildlife, beautiful land, and a community that opposes what they are trying to present and forget about the money. She stated that money is not always the important thing. She opposed the road that would connect to Old Ranch Road because of the reasons that have been expressed.

Poluvan Mohan, a resident of Spring Creek, commented that this application appears to be based on a 2006 assessment. 2006 was before the housing meltdown, and they are now in 2011. He questioned how they could even consider a rezone based on an outdated 2006 assessment.

Bill Hickey, a resident of Silver Summit, stated that the statute is very clear that the Planning Commission has sole discretion to deny the application for any reason, and they do not have to give a reason. Anyone who tells them otherwise is wrong. In order to approve this application, they would have to bend over backward for the developer and count open space within the development when calculating the number of units, grant an exception to CORE B for 300 acres, and grant an exception to count unbuildable lands in the open space calculation to get to the figures the applicant has provided. They would have to stretch the CORE language with regard to housing types being similar to surrounding areas. There are only two types of housing types—single-family homes and multi-family units, and they would have to ignore that language in order to approve townhomes. They would have to base their decision on the 2006 needs assessment, and the Code language does not say they have to do a needs assessment and use that needs assessment forever until they can approve a new assessment. It says they have to assess the needs of the community, and it does not tell them how they have to do that. They can simply look at the MLS records and see that there is housing available, and Mr. Loomis's website shows that there are deed-restricted housing units available. He urged the Planning Commission to deny the application.

Debbie Battersby, an Old Ranch Road resident, stated that she walks with her dogs on Old Ranch Road, and many times in the winter people are late getting to work and try to pass each other. If she is walking with her child or her dog, they have to move way off to the side of the road, because it is narrow with the snow banks. Cars coming the other direction have to move way over to avoid people who are walking. Cars often come around the corner fast, and she believed there could be a major traffic accident there. The bus stop is located where they plan to bring the road through, and cars slide down and try to pass in the winter, and people will block off the bus. She stated that she is opposed to this because there is so much traffic. She was also upset about the wildlife. She sees bikers all summer long, and people love this place, but more people will create more traffic.

Chair Salem closed the public hearing.

Chair Salem asked for three questions to be addressed. One is whether there are community benefits associated with this project. Another is whether this decision is discretionary, and the third is how this application is different from two years ago.

Community Development Director Don Sargent explained that when the CORE rezone was designed, the community benefit was considered to be the affordable housing, based on a needs assessment that demonstrate the need for affordable housing. Chair Salem noted that the language in the CORE section of the Code does not mandate any community benefits. Commissioner Washington clarified that the expansion of the CORE B from 100 units to 300 units is based on an open space benefit provided to the community, and there is a judgment to be made on the benefit of that open space.

Ms. Brackin explained that the decision to rezone is a legislative decision, and the discretion comes at the legislative level in front of the Summit County Council. The Planning Commission's purview is to look at this from a planning perspective and to some degree based on policy and make a recommendation to the legislative body. Because this is a rezone and major development application that go hand in hand, the Planning Commission's primary function is to review the plan, see if the rezone application meets the criteria from an administrative standpoint, and leave it up to the legislative body to use their discretion. Director Sargent explained that clarification is included in the language of the CORE provisions.

With regard to how this application is different from the one presented two years ago, Chair Salem explained that it is slightly different, but it is essentially the same.

Ms. Brackin explained that the 2006 needs assessment is the only needs assessment formally adopted by the County legislative body. Unless and until that is replaced by another needs assessment, it is the needs assessment from which they must make their decisions, including this one. Commissioner Klingenstein clarified that it is a requirement under State law to have a needs assessment, not just a Summit County requirement.

Bruce Baird, representing the applicant, explained that he instructed Mr. Gillwald from the beginning to comply with everything in the Code and to work as closely as possible with Planning Staff to do absolutely everything so that, when it came to the Planning Commission, the application would be complete. Mr. Gillwald has worked with Staff, and Staff has done a good job. There is a point where the Planning Commission needs to trust the Staff, and Staff input is clear from the report that everything on the list has been complied with. He noted that there is absolutely no wildlife element in CORE, and it cannot be considered as a basis for an administrative recommendation for denial. The same thing applies to schools and several other issues that are simply not available to discuss here. He commented that the statement that traffic would be a three times multiplier is not true. He explained that a LOS C for traffic means that the road is functional, and that is the requirement and is perfectly acceptable in all locations. He stated that he would be happy if the Planning Commission were to read the ombudsman's

report, because it states that there is no possible way that the upzoning of someone else's property could constitute a taking of the people's property who were there first. He pointed out that Summit Parkway is not rural, it is not obscene, and what the applicant has proposed is better, because it has more parks, more open space, more trails, more connectivity, a better design, and higher standards. If they want to talk about fairness and seats in a movie theater, this is what's fair. He explained that Ms. Gillmor donated the road to the County to open up Trailside School at no cost. Her only promise at that time was that she would be treated fairly in the development process. He stated that fairness means when something is next to an existing development, it should be designed better than that development and be compatible with it. He stated that the through road is not the developer's issue. The County needs to tell them what to do, and they will do it, and they will connect it to Old Ranch Road wherever the County wants them to connect it. All they care about is being treated fairly. He commented that 20 years ago there would have been elk where Mr. Hague's house is located. Mr. Hague is concerned about the elk on Ms. Gillmor's property, but he is not volunteering to tear his house down to allow the elk on his property. Mr. Baird stated that what he hears is a lot of people saying that they want free open space. After reviewing the comments of the Planning Commissioners, he understands the philosophy of wanting to work together and just talk this through and come up with some number that works. He stated that sometimes that simply is not possible. Listening to the comments made this evening, he asked if removing 10 or 20 units would make any difference to the opposition, and he did not believe it would. He stated that no rational human driving the road after this project is built would know the difference between 230 units or 210 units or 240 units or 200 units. It is simply not going to happen, and people simply would not know the difference. The community says they want 15 units, and splitting the baby is not going to make a difference between 15 units and 230 units; the community wants 15 units, and there is no question about that. The applicant does not want 15 units. He pointed out that the Planning Commission has a fundamental choice to make, and that is whether this application complies with the CORE provisions or not. If it does comply, as the applicant believes it does and as they believe the staff report substantiates, then the Planning Commission needs to tell the County Council that this plan complies with the standards in the CORE provision, not this plan minus 20 units on the hope that somebody won't be angry and sue, not minus 40 units on the hope that somebody won't be angry and sue. He stated that there is no point in trying to make everyone happy, because they cannot do it. He asked the Planning Commission to bite the bullet, do what they think is right, and he would leave it in their hands.

Commissioner Franklin stated that the biggest issue for him is transportation, and mass transit is lacking in this area. He did not know if it would get better in the future, but he did not believe an hour's wait is appropriate for a development of this nature in terms of trying to get people back and forth to Kimball Junction or Park City.

Commissioner Velarde stated that she is not ready to make a decision tonight. She asked who the developer spoke with in the neighborhoods that said they did not have time to meet with him. Mr. Gillwald replied that he spoke with Greg Lawson, Tom Craig, Bill

Hickey, and Jeffrey Kuhn. When he reached out to Mr. Lawson, he wanted to have him help put together a meeting with the Old Ranch Road residents. The response he received was that they could not meet until January, and they were unwilling to meet because the plan has not changed.

Commissioner Washington stated that he supports the applicant's right to request a decision tonight, and he believed they should make that decision. He would support a negative recommendation on the rezone because three times CORE B is absolutely not justified by any stretch of the imagination. He stated that 80% open space does not compel him to allow three times CORE B. He recalled that when CORE was set up, it was to be low density to high density, with CORE A at 75 units, CORE B at 100 units, CORE C at 100, CORE D at 150, and CORE E at 200. Each progresses to greater density, and they had no thoughts whatsoever of coming up with three times what they envisioned. On that basis alone, he would be willing to make a negative recommendation right now. They have given the developer an opportunity to decrease the density, and he has not made any changes in that regard. If the Planning Commission is not comfortable with making a recommendation on that basis, he would suggest making a negative recommendation based on lack of compatibility with existing neighborhoods with townhomes versus single-family residences and based on the traffic LOS. It was his recollection that there could be no deterioration in the LOS without mitigation, and there is deterioration in the LOS. He stated that he was not comfortable with the open space calculations and believed they were subject to interpretation. He also stated that the application is not complete based on the list of requirements, noting that General Plan compliance is not defined, appropriateness with the neighborhoods is not defined, and he has seen nothing on the interior/exterior pedestrian/bike connectivity. He commented that a number of things are listed as being yet to be determined, and this is determination time. He has seen no building elevations, site planning requirements, solid waste management and recycling, or green building plans. This plan is not ready, and he did not believe it ever would be, because the developer is intent on pushing through the original proposal, and there is no way to make it work.

Commissioner Klingenstein commented that, although the project has made some strides, the public raised some questions that he would like to examine more closely. They include recreation corridor uses in terms of Old Ranch Road and the traffic impacts, the school and recreation areas and related safety issues, and the project being on the periphery of the transit service, resulting in a lower level of service. There is also the question of townhomes versus single-family residences. He did not believe they would have time this evening to carefully consider these questions, and he did not want to spend all of January trying to wrestle with this application. He is not particularly happy with the CORE ordinance, but the Legal Department has made a vesting determination on this application and issued a letter that it meets all the Code requirements. Therefore, this project is fully vested, whether they like it or not. This is an administrative body that makes recommendations to the Council, and the Council gets to make the discretionary decision. The Planning Commission's decision is not discretionary, and they have to look at it from a planning perspective. He stated that he has spent hours reviewing the

General Plan, and it both supports and does not support the project, so they have to look at the facts and measure them against the tools they have. He stated that the most compelling argument for the project is meeting the County's housing needs as required by State law. There is an entire chapter in the General Plan that addresses housing, and the needs assessment is attached to it. With regard to the argument that CORE B was never intended to allow this sort of development, that may be true, but when reading the CORE B provision, it states in black and white that parcels larger than 100 acres in size will be considered. The open space must exceed 80%, and until Staff independently verifies that the applicant has provided 80% open space, that would be a concern for him, because it needs to meet the minimum threshold. He stated that the application does meet many of the 17 requirements, and the development pattern does a fairly good job of mimicking the adjacent neighborhoods. The question is density within the development pods, and he hoped his questions about that would be addressed. He requested that the condition regarding DWR acceptance of the project be deleted, because it is a non-issue under the CORE requirements. He also suggested additional conditions for the Planning Commission to consider. All open space and wildlife corridor areas shall have conservation easements to protect them in perpetuity. He also requested that any meaningful open space contiguous to Round Valley be dedicated to a public entity in perpetuity. He wanted a condition included that no fences would be erected except within the defined building envelopes. He would also like the property cleaned up in terms of barbed wire fencing, old fenceposts, and the old rock quarry. He did not want any new permanent survey monuments or other man-built or installed improvements outside of the building envelopes. He did not want any terrain parks or bicycle tracks in the open space or wildlife corridors, and only trails would make sense in those areas. If the connector road is built, he would like the applicant to install traffic calming devices to make it less likely for people to go through there. He asked for engineering direction from Staff regarding what would make sense for an Old Ranch Road connection. He would like to have the soils issue cleared up, so they know where the soils came from and whether they are contaminated.

Commissioner Taylor asked if the goal is still 50% median income and whether that needs to be stated as a condition. Planner Caus replied that is still the goal, and it would be finalized through a housing agreement, but it could also be included as a condition of approval. Commissioner Taylor stated that he disagrees with the statement on page 6 of the staff report that the steeper slope terrain on the east side of Old Ranch Road makes it inappropriate for horse property. He asked where that is stated in the Code, and if it is in the Old Ranch Road neighborhood, they need to maintain the characteristics of consistency and not come up with an arbitrary exception. He noted that the church counts as one density unit since it was part of the original parcel, but that never appears in the analysis. If 307 units are allowed minus 1 for the church, that should be stated. He explained that even the applicant acknowledges that they are between two neighborhood planning areas, and he believed they need to honor each side of the project relative to the planning area it is adjacent to rather than combining the density and spreading it out. He noted that the staff report defines a major road as it relates to the Old Ranch Road connection as having curb and gutter, and because there is no curb and gutter on this

street it does not constitute a major roadway. He disagreed with that and asked where the Code states that curb and gutter defines a major road. He referred to the DWR statement that approximately 30% of the property is affected by development and commented that simple math would mean that 70% is available for open space, without taking into consideration whether it is meaningful. He noted that the applicant's materials show one-story houses with steep roofs and asked if that is what they will see or if there will be two-story houses impacting the viewshed. He expressed concern about the interpretation of meaningful open space and presented a drawing he had prepared showing what he considered to be meaningful open space. If they lose any of that open space, the applicant would have less than 80% open space, which would affect the density. Planner Caus clarified that the meaningful open space requirement is only 30% per the Code, and the 80% open space requirement is for overall open space in the project.

Chair Salem stated that he believes the applicant has the right to ask for a decision this evening. He would be comfortable with that request since there has been very little change in two years, and he did not see how there would be a significant change in any of the following factors over the next month or two. He stated that he has struggled with the density from the beginning, although the way the Code is written, it does leave some interpretation. He could say in good conscience that he could not see how the Code could possibly have intended to imply going from a 100-acre limit to a 300-acre limit. With that assumption, it is impossible for him to reach the 230-unit number. He stated that he struggles to see the 80% open space, but he would trust Staff to show that there is 80% open space. He agreed that townhomes are not compatible with the adjoining neighborhoods. Another area where he struggles is traffic, and he could see no way that it would work, but he would trust Staff's analysis. He would be comfortable with making a recommendation this evening unless the applicant believes they could make a substantial difference in some of the areas discussed this evening.

Mr. Baird stated that he believed they could explain the open space calculations to satisfy Commissioner Taylor, and he believed the map does that. As to the density, if Chair Salem is talking in literal terms of order of magnitude, that would mean 23 units as opposed to 230, and he would take him at his word that he meant 23. If the answer is that it would take getting down to 23 to get the Planning Commission's approval, they might as well vote tonight. As to the townhome issue, he believed it was addressed by the requirement of complying with the affordable housing requirement and that they are not going to get there without the townhomes. He did not believe there would be an ability to get rid of the townhomes, although if that is an issue, and that was the only thing making a difference, he would suggest that they wait until January 10 to do an economic evaluation to see whether the townhomes pencil or whether they could put in some smaller single-family patio-style homes. If that was going to make the difference as opposed to the order of magnitude on the density, then he would ask them to vote to wait until January 10. But if the vote is that the density is an order of magnitude off, then there is no point in waiting. Chair Salem clarified that when CORE B was written, it was intended to be up to 100 units on a 100-acre parcel. Ms. Brackin clarified that CORE B starts at 1 unit per acre on 100 acres, but it was always intended that it could be more than

100 acres with the 80% open space. That is the way it is written. Commissioner Washington stated that was not the intention at the time it was written. Chair Salem believed that, if they had wanted it to be bigger than that, it would have said someone could have up to 500 acres, and the point is that the authors felt that 100 acres was the natural limit, unless there were some measures taken around open space. That might mean that they could go from 100 to 110 or 120, but certainly not 230 units. Mr. Baird responded that there is always an issue of when to negotiate on density. If they asked him to take one unit off and accept 229 units, he would ask them to vote yes now. However, if they are talking about a magnitude cut, the answer would be please vote no now and they would move it along. At some point, there are always discussions on density. He knew that if he were to say yes to 150 units today, that would mean when he got to the County Council the number would go from 150 to 75. He had no idea what Commissioner Washington's number is, although he implied 150 from a statement he made earlier, but at some point there is an acceptable number, but he would not get into bargaining against his client's interests in this forum. Commissioner Washington asked what forum he would bargain in. Mr. Baird replied that there is a public hearing. Commissioner Washington stated that is what they just experienced. Commissioner Klingenstein stated that, in fairness to Mr. Baird, he has another level to go to, and he believed what he was referencing is that he knows if he takes a haircut here, he's going to be expecting another haircut there. It may be fair enough, but he has to save some flexibility for the next level. Mr. Baird explained that every developer comes to the Planning Commission with some units to spare, and that is not a surprise to anyone and cannot possibly be a surprise to the Planning Commission. If the Planning Commission were the land use authority on this application, and he were in a position where the answer would be yes or no on X number, then he would be in a position to negotiate numbers, but he is not, especially in the order of magnitude or the 100 area. He stated that he is not going to bid against himself, and he does not expect them to bid against themselves.

Commissioner Washington referred to CORE A, which has a maximum overall density of .5 unit per acre and shall only be considered for parcels or portions of parcels at 150 acres or greater. That is where he calculated that CORE A would be eligible for 75 units. There is a provision for that to be expanded if there is 80% open space. To him, that seems to set an upper threshold for CORE B increases. Otherwise, he questioned why they would start with 150 acres in CORE A. The concept was that bigger properties would be less dense, and smaller-sized properties were intended to be more dense. He did not believe they ever considered three times the density for CORE B, maybe 50%.

Commissioner Klingenstein commented that they may want to forward a positive recommendation based on Commissioner Washington's institutional memory and recommend what the Planning Commission believes is a comfortable number for density, and the County Council will make the final land use authority decision. Commissioner Washington disagreed with that, because the Planning Commission is supposed to look at the plan, and cutting the project in half does not make a bad project better. It does not eliminate the traffic on Old Ranch Road and overcome other issues. Chair Salem stated

that he believed that would be a sufficiently substantial change that it would require the plan to be redrawn. Ms. Brackin explained that the Planning Commission has until January 23 to make a decision, and they do not have to decide tonight. If the applicant wants to return with another plan before the 45 days is up, they can do so, or they could withdraw their request for a decision. At this time, this is the proposed plan, and they have asked for a decision within 45 days. Chair Salem asked if the applicant would be willing to take the input from this meeting into consideration and return with a revised plan on January 10. Mr. Baird replied that it has been his experience in this type of situation that, if they come back with a markedly different plan, the public will want to have a public hearing saying that it has not been adequately considered, and the clock would start over again.

Commissioner Klingenstein stated that he did not want to make a decision tonight, because he wanted to be sure that findings of fact, conclusions of law, and conditions are properly articulated. He asked about the possibility of recommending a certain density number and recommending that, if the Council comes up with a number that the Council and the applicant can concur on, it would be remanded back to the Planning Commission for final design and compliance with Code requirements. Ms. Brackin stated that the Planning Commission could make that recommendation, but whether the Council chooses to do that is up to them.

Commissioner Franklin stated that he would forward a negative recommendation to the County Council based on the discussion this evening. He believed there was inadequate transportation and mass transportation, which are important issues.

Commissioner Velarde stated that she was astounded that Ms. Gillmor seems to over and over again incite anger in the name of she's tried but nobody will pay any attention. She stated that she would like the applicant to sit down with the adjoining communities and see what can be worked out. She rejected the idea that the applicant has done all they can do with the neighbors. She also rejected the notion that the community is belligerent or uneducated or does not understand business or personal property rights. Despite who has sat before the Planning Commission over the last 20 years, the applicant has been completely unsuccessful at developing a relationship with the people who live here. She would prefer that the applicant take the next month to do what they have to do to win people over. She also believed that would weigh heavily with the County Council. She believed the developer has another agenda, because what they are doing does not make sense to her. She had the impression that they are trying to bulldoze their way through to get what they want, and they are wrecking what is great about this community. If the applicant were to demand a decision tonight so they can continue with their bulldozer, she would forward a negative recommendation.

Commissioner Washington stated that he believed they should make a decision tonight.

Commissioner Klingenstein stated that he would not want to make a decision tonight, because they do not have clearly articulated findings of fact and conclusions of law.

They need to have those right before this goes to the Council. If they want to forward a negative recommendation, he would want to give Staff time to prepare what has been articulated. He stated that no one has articulated clearly what does not work in the General Plan, what does not work in the Ordinance, and what does not work in the rest of the Code. He explained that they need it in black and white and cannot just say no. Their decision needs to be based upon the law.

Commissioner Taylor commented that, if this is an incomplete application and there are items yet to be determined, he would question whether the 45 days is applicable. He stated that he would like to know what the rules are. If the rules were not understood by either party, and Commissioner Washington is correct in the 75 to 150 intent, he would put that on the table and see what the applicant can do to work with it. He believed there has been a lot of public comment that would dictate the form that would take, such as respecting land forms, traffic flows, safety concerns, etc., that are applicable in the CORE. He would hate to forward a recommendation when they do not know the rules of the game.

Ms. Brackin noted that Commissioner Washington and Chair Salem both referred to the issue of townhomes not being compatible. She clarified that the Development Code lists townhomes as single-family residences, not multi-family.

Chair Salem asked if the Planning Commission were to forward a negative recommendation and the County Council were to accept that, whether the applicant could re-apply with a substantially changed application. Ms. Brackin replied that it depends on whether the CORE is repealed. Chair Salem stated that he was prepared to give the applicant a response tonight.

Commissioner Velarde stated that she would like to hear what the applicant wants. Mr. Baird stated that his advice to his client is almost always to try to sit down and work in good faith with someone until the clock expires. He stated that he has succeeded in that on a great number of projects. However, it takes two to tango. He stated that he was in court the other day and the judge ordered mediation, even though he knew which way he had to rule. If there were any realistic counter party on the other side who would sit down in good faith and discuss the matter, and not an order of magnitude as was said originally and without waiving the January 23 date, he would ask the Planning Commission not to vote tonight while they have that discussion. He stated that he respects the Planning Commission's position and hoped that means they would have an open mind on it if he actually does it. He knows that it has happened over the course of a long time of meeting and meeting and meeting. Commissioner Washington stated that he has been on the Planning Commission for nine years and asked how many times he has seen a project from this applicant and how many times someone has been before the Planning Commission. Mr. Baird is making the point that they have been pounding on the door, and he did not believe that. Mr. Baird explained that there was an applicant one back who was a purchaser for Ms. Gillmor, and this is essentially a continuation of that application. Although there were a number of meetings, they were threatened with

lawsuits and everything they could think of by the neighborhood. They had the Planning Commission's instructions two years ago to have meetings. They sent out fliers to everyone and had charettes and meetings. If there is an honest chance, and the Planning Commissioners can look him in the eye and tell him that if they sit down and discuss this and come up with a reasonable number, or even the fact that they have tried may change their opinion, he would agree to try it. He stated that he never wants to get into a position where he has to say just take a no. Sometimes taking a no is better, but if they are serious, and he would take them at their word, they will be there.

Chair Salem stated that he could see moving forward with this at a much smaller density. If they are interested in trying to determine a number that meets the intent of the Code, he would be willing to do that. Otherwise, he believed it was a simple decision.

Commissioner Washington stated that he believes the number is something less than 150, and the project would be a totally different project. He believed the west side of the project would probably have to be eliminated from the plan, and he did not believe there was a way for traffic and transportation on Old Ranch Road to be mitigated. If it cannot be mitigated, they cannot approve. The other thing that would have to be addressed is how they will take care of phasing. He did not want to be stuck with a developer coming in and carving up the land because they have a year to get the project started or they would lose everything. If they can come up with a new project with no Old Ranch Road connection or a mitigation plan, he would be willing to consider it.

Commissioner Velarde stated that she is more interested in seeing what they can work out with their neighbors rather than a specific number. It is possible that nothing can be done, but if they do not give them the opportunity, it seems arrogant on the Planning Commission's part. Chair Salem stated that he could not support the notion of forcing the applicant to have to get buy-in from a neighbor to make this work. If he were the neighbor, he would not support any development near him, and it seemed unfair for the Planning Commission to mandate that they do that. He was comfortable with the level of public input that has been received, and he believed the applicant has done all that could be expected in terms of reaching out to the neighbors. At this point, he believed it comes down to whether the density is appropriate and is within the intent of the Code, if they believe the traffic has been mitigated, if they believe the open space adheres to what was intended, etc. He asked if there are issues for Commissioner Velarde aside from the neighborhood cooperation that are stumbling blocks. Commissioner Velarde stated that those are all stumbling blocks for her, but the neighbor cooperation is and has been her biggest concern. She would be very interested in hearing if they can come up with a number that would be acceptable to the neighborhoods. She believed the public has heard and seen this application enough times that maybe they are not as steadfast as they were two years ago, and they might be willing to sit down and realize that compromises have to be made on both sides.

Commissioner Klingenstein made a motion to continue this item until January 10, 2012, with specific direction to address the density and intent of CORE B, traffic,

open space calculations and the other comments made by the Commissioners on the public record. The motion was seconded by Commissioner Washington.

Commissioner Taylor stated that he was not of the opinion that the final number is totally negotiable. He would like to define the number and does not know how to do that. He does not know what the intent was, and he would like Commissioners Washington and Salem, Staff, and the applicant to get together to identify the intent or limitation that was set up when CORE was written. He would like that to be defined rather than coming back on January 10 with some random number. Commissioner Klingenstein stated that, odds are that whatever number they come up with on January 10, the applicant will save some flexibility for the final land use authority. The Planning Commission is not the final land use authority, so it is hard to negotiate. Commissioner Washington stated that he is not trying to negotiate. If they look at the logic of the CORE Zone categories, he believed there would be an appreciation for what they were trying to do.

Commissioner Taylor amended the motion to include that the maximum number of units based on the intent of the CORE Rezone Ordinance would be 150 units.

Chair Salem stated that it would have to be clarified as to whether 150 units is the maximum or whether 150 is the number of units. If this had been a 100-acre parcel, it could have qualified for CORE B at a maximum density of 100 units. That does not mean they would qualify for 100, and the Code as written does leave discretion to the Planning Commission. Commissioner Taylor stated that he believed defining the maximum number is what they are looking for in this case, and then it would be subject to everything else they have been talking about.

Ms. Brackin explained that this application is under CORE B, not CORE A, and based upon what the County Council has already determined as to how the calculations are to be made, the maximum has been calculated at 307 units. The applicant is asking for 230 units. That is under the statute as written as interpreted by the legislative body. She stated that it is difficult to say legally that they would be justified in saying that the maximum density is 150 units based on an interpretation of CORE A when the application is a CORE B application and how to calculate density has been determined by the legislative body. Commissioner Washington stated that he did not believe the County Council's density calculation had anything to do with this project and the interpretation of how CORE B should work. Ms. Brackin explained that, once an ordinance is adopted, a Planning Commissioner's memory and intent does not come into play from a legal perspective. The CORE B ordinance tells what can be done, and Staff has applied the interpretation of the County Council and determined a maximum number under this application. Commissioner Washington stated that is with the understanding that the Planning Commission has the leeway to specify how much additional density is allowed in CORE B based on the quality of the contiguous open space provided. Chair Salem clarified that Commissioner Washington is implying that the County Council approved a methodology for calculating maximum density, but they did not apply that methodology to this particular application, and if they were to try to do that, they would run into the

100-acre limit, having to evaluate the open space beyond 80%, and making the decision as to what incremental density beyond the maximum could be given.

Commissioner Klingenstein did not accept the amendment to the motion based on the advice of Legal Staff.

The motion passed by a vote of 5 to 1, with Commissioners Franklin, Klingenstein, Salem, Velarde, and Washington voting in favor of the motion and Commissioner Taylor voting against the motion.

EXHIBIT 14.27

DRAFT UNAPPROVED

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING

TUESDAY, JANUARY 10, 2012

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

The regular meeting of the Snyderville Basin Planning Commission was called to order Tuesday, January 10, 2012, at 6:00 p.m.

PRESENT: Bassam Salem—Chair, Mike Franklin—Vice Chair, Chuck Klingenstein, Bruce Taylor, Annette Velarde, Mike Washington

STAFF: Don Sargent—Community Development Director, Amir Caus—County Planner, Tiffanie Northrup-Robinson—County Planner, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

REGULAR MEETING

1. <u>Public input for items not on the agenda or pending applications</u>

Chair Salem opened the public input.

Nicholas Schapper asked for clarification and stated that this meeting was published as public input as of today. County Planner Amir Caus explained that the staff report went out before the County Attorney's Office informed Staff that the public hearing had been closed and not reopened. The staff report said this is a public hearing, but the notice is correct and does not state that it is a public hearing. County Planner Tiffanie Northrup-Robinson explained that the agenda items were noticed on the published agenda as discussion and possible recommendation, which is correct, although the staff report inaccurately stated public hearing. Chair Salem stated that, legally speaking, the public hearing was closed at the last meeting. Mr. Schapper stated that tonight's meeting is posted incorrectly, and under the Utah law requirement for posting a public meeting, this is posted as a public hearing. Deputy County Attorney Jami Brackin explained that the agenda is the controlling document that the County is legally required to post, and the agenda is posted as discussion and possible recommendation, not as a public hearing. She confirmed that the legal notice is correct, and no public hearing is shown on the published noticing. Chair Salem explained that it is not their intent to quiet anyone; the intent is to follow due process. They had a very thorough meeting when the public hearing was held, the Planning Commission received a lot of opinions, and everyone who wanted to was allowed to speak their piece. Mr. Schapper stated that the staff report was 266 pages, he spent all day, and he double checked the web site, and it is noticed as a public hearing. Chair Salem apologized for any misunderstanding.

EXHIBIT 14.28
DRAFT
UNAPPROVED

Ani Robertson asked to be informed of the next public input on the Stone Ridge project and asked how it would be publicized. She stated that she and her neighbor spent hours trying to access the staff report, and neither of them could access it. Chair Salem suggested that Ms. Robertson talk to Planner Northrup-Robinson about access issues. Any recommendation on Stone Ridge will go to the County Council, and they are required to have a public hearing. That will be noticed under the same terms that all public notices are to be made, and she could check with Staff regarding when that public hearing will be held. Community Development Director Don Sargent stated that if anyone has an issue with getting access to the public website and downloading staff reports, they can call Staff to help them get a copy.

Max Greenhalgh stated that he started attending meetings a little over a year ago, and at the first meeting he attended, he was scolded after giving input for not having attended sooner when the CORE Rezone was being developed. He deserved that chastisement, but he was also told that the reason he opposed it was that he did not want to see the General Plan changed from the way he left it when he was a Planning Commissioner. That was not the case, and when he was involved in developing the current General Plan and Development Code, it was anticipated that there would be change. He hoped that, as the General Plan is adjusted, it would be looked at as a building block, not be thrown away and start from scratch. He was startled as drafts of the General Plan amendments have been discussed at the elimination of suburban sprawl as the major threat to the General Plan and evolution of the community. He believed that may have been deleted because it created problems with the CORE Rezone, which allows development to occur anywhere. Now that CORE has been repealed, he hoped the Planning Commission and Staff would consider identifying suburban sprawl as one of the biggest threats they face as a community. He recalled that, as they considered that issue, they saw the movie "Subdivide and Conquer," which will be shown on January 21 at the Lutheran Church at 6:00 p.m. He believed Planning Commissioners and Staff should be required to attend or get a copy and show it before or after one of their meetings. He stated that it is a great movie for anyone who is interested in assessing the threat of the general lifestyle of reliability on automobiles and what it can do to a community.

Chair Salem closed the public input.

2. **Discussion and possible recommendation regarding Stone Ridge CORE Rezone and Major Development, Parcel SS-59-A, Silver Summit Parkway and Old Ranch Road, Park City; Pete Gillwald, representing Nadine Gillmor, applicant** – ***Amir Caus, County Planner***

Planner Caus presented the newest layout received from the applicant showing an increase in the wildlife corridor, reduction of the visible lots on the saddle, and two road alignments for access to Old Ranch Road. He clarified that there will be 230 units total, one being the church parcel, and one being the existing single-family residence on the property. A public hearing was held and closed on December 13, 2011. The applicant is

proposing a CORE B Rezone, at 1 unit per acre, and if the project exceeds the 100-acre limit, it must provide more than 80% open space. The Summit County IT Department has confirmed that the applicant is proposing 81% open space. The workforce housing ratio is 1:1.5, with 92 workforce unit equivalents (WUEs) to 138 market rate units. The 92 WUEs would provide 72 physical workforce units, with a total density of 230. Staff believes the integration is acceptable, even with most of the units on the east side of the property where they can be closer to transit, amenities, stores, churches, schools, and potential employers. The Summit County Engineering Department has provided a thorough report, and both Engineering and the Fire Department are requiring a road through the development connecting the Old Ranch Road and Silver Summit sides of the proposed development. The neighborhoods to the east and north have expressed support of the through road, and the neighborhood to the west has expressed opposition to the connection. Chair Salem confirmed with Planner Caus that the County is requiring a road that would be open to the public all the time. Planner Caus reported that the traffic study shows the Level of Service (LOS) would be C on Old Ranch Road and Silver Summit Parkway. That is a drop in service, but LOS C is still acceptable, and traffic calming measures are suggested to mitigate some of the traffic issues. He reviewed the 17 requirements in the Code for a CORE Rezone. He indicated the areas of the project that are considered to be open space and the mandatory 30% meaningful open space area. He provided a visual of the trail connections throughout the development. He reported that Staff received an updated wildlife study, which has not changed much from the 2009 study. Staff discussed it with DWR, and they do not consider this to be crucial wildlife habitat. Planner Caus stated that Staff considers this application to be complete and recommended that the Planning Commission forward a positive recommendation with the findings, conclusions, and conditions outlined in the staff report, or forward a negative recommendation with appropriate findings, or continue to a date certain before January 23, 2012.

Pete Gillwald, representing the applicant, reported that they had a neighborhood meeting that was attended by six members of the community, and they came up with a joint statement that he read for the record as follows: "Representatives of the developer of Stone Ridge and a group of neighbors met on January 3, 2012, at the suggestion of the Snyderville Basin Planning Commission. The parties agreed to disagree on certain issues, including compliance with CORE and whether the project as proposed was acceptable to the community. The plan for the project presented at the meeting was not materially different from the plan previously considered by the Planning Commission except for certain relatively minor tweaks attempting to address certain issues raised by the Planning Commission and the neighbors. The meeting's primary focus was on discussing other development alternatives. The participants agreed to keep what was discussed at the meeting confidential. The discussions were frank and respectful." Mr. Gillwald reported that they had a follow-up meeting on January 9 to carry on the dialog.

Mr. Gillwald reviewed the revised plan and noted that access into the property was shifted 200 feet further east to address one of the neighbors' concerns and as recommended in the wildlife study to allow the north-south migration of wildlife through

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the site. The area within Parcel D was reduced and some of the density shifted into a cluster in Parcel E. He indicated two potential access points onto Old Ranch Road, one lining up with 5200 North, and the other further to the south being the one recommended by the Engineering Department. The amount of area within the parcels was reduced by reconfiguring, which increased the wildlife corridor and the spacing between the southern property line and the nearest lots in Parcel D, resulting in an additional 100 feet of separation. He presented the open space plan showing the 30% meaningful open space and noted that they took out the 3.6-acre parcel for the existing residence and the church parcel, then reduced the building pad sizes for several lots in Parcel D, which allowed them to maintain 81% open space. He referred to the two access points and noted that a condition in the staff report would require that they use one access point, but he would like to change that so the applicant could use one or the other, depending on the final engineering solution. He recalled that the cross connection between Parcels D and E has been widely discussed, and the applicant does not have a preference as to whether the road is public or private. However, a private road would allow them to minimize the cross connection and do some traffic calming while meeting the Fire Marshall's requirements. He reviewed the affordable housing plan which had been updated to reflect the current lot configurations. Mr. Gillwald noted that the applicant will provide additional right-of-way along Old Ranch Road for future County expansion for bicycle lanes or a soft trail for equestrian use. With regard to visual impacts, he explained that they were able to shift homes about 200 feet further from the intersection of Kingsford Avenue when they revised Parcel D. He expressed concern about limiting the height of the homes to 24 feet as recommended by Staff, noting that the lots on the backside of the hill are downhill lots, and it would be difficult to build one-story homes on them. He requested that the homes that are visible be limited to a certain height but the ones on the backside which are not visible from Kingsford be allowed two stories to be more complementary to the terrain. In response to the request for architectural elevations, he presented a series of images reflecting the quality, flavor, and colors they would propose on the various types of lots in the development. He also provided street lighting information and plant species and location of plantings within the open space in response to the request for enhanced lighting and landscape plans.

Commissioner Franklin expressed concern about extension of the bike park onto a steep hillside. Mr. Gillwald explained that the staff report includes a condition that extension of the skills park is not to be allowed.

Commissioner Washington asked Mr. Gillwald to review the walkability of the project. Mr. Gillwald explained that they will extend the hard surface trail along the frontage of their property that ties into the existing trail in front of the church. The Engineering Department has asked for signalized pedestrian crossings across Silver Summit Parkway to connect to the hard trail on Summit Parkway. They are required to have sidewalks in the residential area within a mile or so of the school to provide access to the school, and there will be single-track trails throughout the project. Commissioner Washington asked what the applicant has done to address transit. Mr. Gillwald explained that they wanted to include a roundabout, but when they shifted the road access point, there were grading

concerns that made it difficult to include a roundabout. But they will need the roundabout if the road is a public road. If the secondary roads are private, that road would have to be public in order to bring a bus into the site. If all roads are public, that is less of an issue. Commissioner Washington asked how the proposal addresses the requirement for high-quality public places, such as parks, trails, and recreation facilities. He expressed concern that everything is labeled "neighborhood," and he does not consider public to be the same as neighborhood. Mr. Gillwald replied that public facilities will include all the trails, and the parks are public. Commissioner Washington asked if the parks will be taken over and managed by the Snyderville Basin Special Recreation District and explained that public amenities need to be something the Recreation District will take on. Planner Caus explained that the open space must be dedicated to a public entity as required by the Code, which is another public benefit. Bruce Baird, representing the applicant, explained that the applicant showed what they consider to be the required 30% meaningful open space, but that does not mean that is all they plan to dedicate, and there is no reason not to dedicate most of the open space to the public. He stated that the applicant would be happy to dedicate vast amounts of additional open space to the public. Commissioner Washington expressed concern about the density and compatibility of the housing in Parcel A with the adjoining subdivision. Mr. Gillwald explained that the minimum lot size in Parcel A is about 6,000 square feet, which is similar to the smallest lot in the area north of Summit Parkway.

Commissioner Klingenstein commended Staff on the staff report and stated that he is prepared to make a motion.

Commissioner Taylor stated that his biggest concern is that this is a single application, but the project clearly identifies two totally different methods of development. There is the Old Ranch Road estate lot side and the dense development on the east side of the project. He disagreed with the combined density calculation based on the methodology the staff report states was approved by the County Council. He asked if the methodology is mandated in a document or if it is just someone's opinion. Ms. Brackin explained that the methodology was adopted by the Summit County Council after the Planning Commission and County Council wrestled with the issue of how to interpret the Code and consistently apply what is written in the Code. The methodology in the staff report was the County Council's legislative interpretation of how the calculation was to be made and was adopted as policy by the Planning Department based upon what was done at the open meeting with the County Council. She explained that it may not be adopted as part of the Code, but it is absolutely adopted as a policy as to how the language in the Code is to be interpreted. Commissioner Taylor stated that he disagrees, especially with the questions raised and the history of a couple of the Planning Commissioners being part of adopting the original CORE Development. He questioned why the benefit of all the acreage on the west side of the project, which is clearly developed in a different development pattern, should go toward increasing the density on the east side of the project and stated that does not make sense. He clarified that he has no problem with the two development patterns, but he hates planning by equation and believed they should build what fits, and he did not see that being adhered to in this case. He encouraged the developer to get rid of the

seven lots that are visible on the saddle. He stated that there are many interpretations he did not see answered from the comments at the last meeting, specifically what defines the connector as a major road. He did not understand why they would dump another feeder onto Old Ranch Road when one-seventh of the neighborhood plans defined in the General Plan talk about preserving the rural character of Old Ranch Road. He stated that he understands viewsheds are defined as being from major roadways, but they also talk about preserving environmentally sensitive lands in viewsheds, which he believes changes the character of that interpretation. He believed they should consider the viewsheds from the existing neighborhoods; i.e., from Silver Summit toward the mountain and from Old Ranch Road up toward Round Valley. He noted that the comment in the last staff report that steeper terrain does not work for houses is not addressed in the Code or General Plan, so he did not believe the nature of the western part of this development should differ in flavor and character from the existing Old Ranch Road neighborhood. He believed a meaningful ridgeline is a prominent ridgeline, and although it may not be shown on the maps in the General Plan, he believed the saddle is something they need to be concerned with. The applicant has indicated that some sewer easements need to be developed for the western lots, and before they could provide a positive recommendation, he believed the sewer easements should be worked out rather than getting into a vesting argument and finding that sewer easements are not available. He was disappointed that they only got images of buildings rather than actual drawings so they would know specifically what they will be looking at. He stated that he did not read the letter from the natural gas company as being an approval to provide natural gas. He commented that the Division of Wildlife Resources gave the Planning Commission a good presentation, and now they seem to be saying never mind regarding this project.

Commissioner Velarde thanked the applicant for having a neighborhood meeting. She stated that her struggle is that it seems like the Planning Commission has a lot of room for discretion. The language states "to be considered," and then they come back and have discussions, and it sounds like the applicant will be entitled. She wanted to understand whether the word "considered" actually means "entitled." Ms. Brackin explained that the Code states that CORE B shall be considered only for parcels that are 100 acres, but they can consider more than 100 acres if the applicant meets the threshold of 80% open space. It would not matter if the application were for 101 acres or 2001 acres. Once the 80% threshold has been met, other parcels shall be considered. That does not entitle the applicant to the density; they still have to go through the application process and meet all the criteria before the Planning Commission can make a recommendation. Then the legislative body has to determine that it is appropriate and that it meets all the criteria before the applicant receives entitlement. They are absolutely allowed to apply for it, and the Planning Commission must absolutely consider the application, but the applicant will not be entitled to the density until the County Council says they are. Commissioner Velarde asked if the density for this project is based solely on the Discovery project. Ms. Brackin explained that there were work sessions and separate discussions with the County Council not based on Discovery but based on how to interpret and actually do the calculations relative to the surrounding neighborhoods based on the language in the CORE section of the Code. Through several work sessions and a public meeting, the

County Council determined that the density calculation as shown in the staff report is how density would be calculated for a CORE Rezone. The County Council took into account what was said at the Planning Commission level, and Staff worked with them on the density calculation. Commissioner Velarde stated that she attended all of those meetings, and they all addressed the Discovery CORE. Ms. Brackin explained that there were some meetings at the County Council level that were separate from the Discovery application and dealt solely with the calculation. Staff is following the mandate of the legislative body which told them how they are to calculate CORE density. Commissioner Velarde asked Ms. Brackin to address townhomes and stated that they have received information that a townhome is not a single-family residence. Ms. Brackin explained that the CORE provision language talks about being compatible with or similar to, not exactly like. All of the surrounding neighborhoods are single-family homes, and Summit County's definition of single-family homes is detached and attached single-family homes. Townhomes are specifically defined as a single-family home type under the Snyderville Basin Development Code. Because CORE requires a mix of types and compatibility with the surrounding neighborhoods, and because there are two types of single-family homes and the Code encourages a mix of types, the development should have both types of single-family homes. Townhomes are specifically enumerated as a single-family home type, and that is consistent with how it is defined in the Code and how Staff has interpreted it. To not approve this because none of the surrounding neighborhoods has townhomes is contrary to the language of CORE, which requires and encourages a mix of types, but it is also contrary to the definition of townhomes as a single-family unit. Commissioner Velarde asked if the applicant could still apply for CORE B if they did not have townhomes. Ms. Brackin replied that they could. Commissioner Velarde asked if the applicant would be willing to build single-family homes and get rid of the townhomes. Mr. Gillwald replied that they probably would not, because in previous iterations of the plans they were taken out, but increased the density by putting in more of the 6,000-square-foot lots. From the standpoint of marketing and buildability of the project, townhomes create a great opportunity for providing workforce housing and another housing type so they can accommodate workforce housing through different products. In order to achieve 81% open space, they have to create a product that is more dense than a standard single-family lot.

Commissioner Washington expressed concern about the ability of the applicant to develop workforce units at the target of 50% of Area Median Income (AMI) at the size defined in the previous staff report. He believed the lots would be sold, and he questioned whether it would be feasible to build townhomes. Scott Loomis with Mountainlands Affordable Housing Trust explained that the requirement is for all the affordable homes to average less than 50% of AMI, which means some can be above and some can be below 50%. The applicant has proposed some units as low as 30%, which would require a subsidy. The developer could give the lots to a non-profit entity, and if it does not make sense economically, the developer will be stuck with the lots and have to produce the unit and provide the subsidy to get it down that low.

Chair Salem stated that he did not personally feel that he was ready to make a decision, but they are required to do so by State law unless the applicant chooses to extend that requirement. He stated that he struggles with the Planning Commission's role in CORE being purely administrative and having no discretion, with all the discretion remaining with the County Council. He understands the Planning Commission can provide policy opinion on things they have challenges with so the County Council can take that into consideration. He also struggles with the legal interpretation versus the lay person's interpretation as it relates to density in excess of 300 acres and going beyond the 100 acres stated in CORE B. He stated that it is very clear to him from reading the Code that was not the intent. He also struggles with the interpretation of open space, especially interpreting the space within someone's property lines as part of the open space. For example, if they were to break a 100-acre parcel into 100 lots but restrict the building pad on each lot to .1 acre, it could be argued under the definition in the Code that there is 90% open space, but to a lay person, that would seem to be no open space at all, and the individual property owners believe they own 1 acre. He also believed a townhome is different and is not compatible with a single-family completely detached home. He wanted to be sure those three concerns are expressed to the County Council to insure that they are considered.

Commissioner Klingenstein suggested that they get a motion on the table so they can start to discuss it. He believed his motion would address those concerns as well as others that have been expressed.

Commissioner Velarde verified with Ms. Brackin that all of the Planning Commission's discussion must happen in a public forum. She stated that she would like to think about this for a while and wished there was an avenue for the Planning Commission to work through this as a team rather than everyone asking questions and then having to make a decision. She stated that she came to this meeting very clear about what she wanted to do, and now she is not so clear. Ms. Brackin explained that, because the applicant has asked for a decision, and because State statute grants them that right, she was not certain what could be done that would be productive between now and January 23. They could schedule a meeting by January 23 to make a decision, but there would probably not be time to schedule a work session before then. Chair Salem stated that it is his interpretation that those avenues are available to the County Council but not to the Planning Commission in the case of CORE.

Commissioner Klingenstein explained that the Planning Commission has identified many issues of concern, but they have to address them within the Development Code based on the State enabling legislation. The CORE ordinance has been repealed, and it is time to deal with this issue and move it forward so the legislative body can tackle it with the latitude they are accorded under the law. The Planning Commission only gets to make a recommendation. Chair Salem confirmed with Ms. Brackin that the legislative body has absolute discretion in making a decision on this application.

Commissioner Washington stated that the Planning Commission is forwarding a recommendation, and that is all. They are not giving anyone anything; they are not stopping anyone from doing anything. They are making a recommendation to the County Manager and to the County Council based on what they think and their reading of the Code and their understanding of CORE. The County Council could choose to not take their recommendation, and he has no problem with that.

Commissioner Klingenstein made a motion to forward a positive recommendation to the Summit County Council on the rezone application and to the County Manager on the subdivision application based upon the following findings of facts, conclusions of law, and conditions of approval.

Before I read the findings of fact, conclusions of law, and conditions of approval, I would like to add in the following intent and clarification language, knowing it is not legally binding, but it will perhaps help my fellow Planning Commissioners to forward a positive recommendation based on the 17 requirements found in 10-5-16(E) having been substantially met and allow the County Council to understand our many reservations, though this project meets the letter of the law of 10-5-16 CORE.

First of all, we recognize that we are a recommending body acting in an administrative capacity that can only look at the facts of this application and render a planning recommendation. We ask the County Council to use their legal position as the final land use authority and legislative body to negotiate a better project under 10-5-16(D) 2 that states:
Nothing in this Chapter shall be construed to mean that compliance with these criteria guarantees project and rezone approval. Rezone and project approvals are at the sole discretion of the Legislative Body of Summit County, following the public hearing process.

The repeal of the CORE section of the Development Code was done because, though it had many admirable qualities, it did not have sufficient tools to address the substantive concerns of the Planning Commission and citizens who expressed their thoughts on the public record. Those concerns include:

1. **Transportation – Though the project is located on the Brown Line of the public transportation system and private for-hire transportation services are available, the level of service of the transit is very low and may remain so for the foreseeable future, therefore making it not practicable for the workers for which the workforce housing is being developed. Also, the cost of private transportation services is high and, therefore, not affordable for the workforce housing inhabitants.**
2. **Traffic – The allowable density does create significant traffic generation that will result in reduction of service levels. Though the external project impacts may be mitigated over time, the rural standards available to the County do not apply (see Kent Wilkerson's**

memo dated December 28, 2011, Exhibit 5:13) for the demonstrated impacts to pedestrians, bikes, and equestrian users, especially on Old Ranch Road. We no longer live in a rural county when one evaluates the Snyderville Basin. It is an urbanizing area that is trying to maintain some key rural attributes. Since much of this area may be called "suburban/rural," reduced density will result in reduced traffic impacts that may lead to a minor reduction in the level of service for cars and perhaps pedestrians, bikes, and equestrian users. We have also heard testimony from the principal of the school that the area already suffers from poor traffic management and impacts plus difficulty in getting pedestrian students safely across the streets in key locations.

3. **Density – Though the project meets the new density calculations approved by the Council, a couple of Planning Commissioners said it was never the intent of this ordinance language to allow this significant of a density increase. Kindly, the applicant's representatives stated on the record (see page 23 of 29 of Exhibit 8.21 draft minutes of the Snyderville Basin Planning Commission Regular Meeting, December 13, 2011) that indeed there was room for negotiation with the final land use authority, and density numbers as low as 150 were discussed.**

Acknowledging the above information and concerns, we make the following positive recommendation to the Summit County Council on the rezone application and to the County Manager on the subdivision application based upon the following findings of fact, conclusions of law, and conditions of approval.

<u>Findings of Fact</u>:

1. **The development is located within one-half (1/2) mile of year-round public mass transit. The current mass transit schedule, however, may not meet the needs of the community once built. According to the Summit County Public Works Department, additional service will be added as demand and resources are available.**
2. **The project has access to a public sewer system, and the Snyderville Basin Reclamation District has agreed to service the project.**
3. **The project has access to a water system. Under Summit County's concurrency program (Summit County Code 10-10-1 et. seq.), no building can occur without a willing-to-serve letter from a water service provider.**
4. **The proposed density may be appropriate and may be compatible with existing adjacent uses and neighborhoods.**
   a. **Based upon methodology approved by the Summit County Council, the Old Ranch Road neighborhood has 0.20 units per acre; Mountain Ranch Estates neighborhood has 0.35 units per acre; and the Silver Summit/Trailside neighborhoods have 1.98**

units per acre. This results in an average unit per acre of 0.85 for the adjacent neighborhoods. The Stone Ridge project is proposing .75 units per acre.

b. The application is comprised of 307 acres which, under CORE B, would allow one unit per acre, or 307 units. The applicant is requesting 230 units (including the church unit and the existing single-family residence on the property).

c. The application includes single-family home types which are similar to the surrounding neighborhoods and provides a mix of family home types required by the Code.

5. The project is not within 2000' of any other CORE rezone.

6. The average household income targeted in this project does not exceed 50% of the Area Median Income, and the workforce unit to market unit ratio is at the allowed 1:1.5.

7. There is no proposed development on sensitive lands, and the development is clustered to the extent possible in the least visually sensitive areas of the property.

8. Development area "D" has the most visual impact within the development.

9. At least 30% of the open space is meaningful open space as defined in the General Plan and is located adjacent to the Round Valley open space preserved by a conservation easement.

10. A transportation study was conducted, and the County Engineering staff has indicated that there would be no unacceptable reduction in the level of service on the roads serving the project that cannot be reasonably mitigated. According to the transportation study, there would be a specific reduction in the level of service based upon incremental delays on Silver Summit Parkway at the US 40 ramps. This reduction in the level of service can be reasonably mitigated by the project developer through the measures outlined in the report of the Summit County Engineer dated December 28, 2011.

11. Internal traffic calming measures should be used in order to discourage the use of the internal road system for through traffic.

12. The project has an internal and external pedestrian connectivity plan which is generally acceptable.

13. The project has the required number of covered parking spaces for each unit and complies with the requirements of the Code.

14. The applicant has submitted conceptual architectural elements and has partially complied with the site planning requirements of 10-5-16(E)13 of the Code.

15. A solid waste management and recycling statement has been submitted. Further review will be needed.

<u>Conclusions</u>:

1. **Although the project complies with the mass transit requirement, the rate of build out should be tied to the ability of Park City Transit to increase the frequency of trips along Silver Summit Parkway.**
2. **The average density of 0.75 unit per acre is less than that of the adjacent neighborhoods (0.85 unit per acre) and, therefore, less than "double the density" allowed.**
3. **The applicant's request for 230 units (including the church unit and existing single-family residence) is less than the 307 units, or one unit per acre, allowed by CORE B. The density may be appropriate and may be compatible with the existing adjacent uses.**
4. **As a result of the traffic study results showing the reduction in the level of service on Silver Summit Parkway at US 40 and an incremental delay at that juncture, the developer must mitigate that reduction in the manner listed in the report of the Summit County Engineer dated December 28, 2011.**
5. **The conceptual architectural elements which have been submitted to the County are partially acceptable and partially comply with the Code. A determination regarding the compliance of preliminary plans must be made by the Snyderville Basin Planning Commission prior to the County Manager's approval of the development. Final construction drawings and building elevations should be submitted to Staff, who shall verify compliance of these plans prior to the issuance of any grading or building permit.**
6. **Final landscape, irrigation, and lighting plans are not required until prior to building or grading permit issuance. A solid waste management plan showing the location of garbage and recycling collection containers approved by the County waste manager is required prior to the issuance of any final development permit by the County Manager.**

Conditions of Approval:

1. **All open space and wildlife areas shall have a conservation easement or deed restriction placed upon them in a form acceptable to Summit County.**
2. **The meaningful open space areas shall be dedicated to Summit County or other public entity.**
3. **No fences shall be constructed or allowed on parcels within development areas D and E, except within approved building pads/areas. Additionally, other man-made improvements, including property monuments, shall not be allowed except within the approved building pads/areas.**
4. **All pre-existing conditions or improvements to the property, such as scarring and barbed wire fencing and related support posts/stakes, shall be removed and disturbed areas mitigated with revegetation.**

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5. **No bicycle terrain parks or "free ride trails" shall be allowed within the open space areas due to their intensive nature and impacts on wildlife.**
6. **Traffic impacts must be mitigated by:**
   a. **Installation of traffic calming measures such as chicanes, islands, divided roadways, or speed humps within the project.**
   b. **Other measures as indicated by Engineering staff report dated December 28, 2011, which are generally as follows:**
      i. **Connection from Silver Summit Parkway to Old Ranch Road is required as a public roadway designed to County standards. The connection is necessary for public safety and to mitigate the impacts of the development.**
      ii. **Turn lanes at the connection of Silver Summit Parkway and Old Ranch Road which provides access to the project.**
      iii. **The Old Ranch Road multi-use corridor side should provide intersection enhancements to allow for all users (e.g., cyclists and equestrian) to access and maintain the current Level of Service (LOS).**
      iv. **Payment of Transportation Impact Fees which shall act as regional mitigation for the impact of the project.**
      v. **Inclusion of a future transit station (bus stop) which connects to pedestrian sidewalks and trails internal to the project.**
7. **Prior to final development approval, a final Housing Agreement approved by Summit County shall be recorded which targets the average household income of 50% or less of the Area Median Income.**
8. **The height of all homes in development area D shall be limited to 1 story (or 24 feet).**
9. **The internal project road shall connect to Old Ranch Road at the southerly alignment and near the existing home's driveway (see December 7, 2011, staff report, p. 131).**
10. **To the extent possible, the applicant should work with the property owners directly across from the road connection to Old Ranch Road to buffer the impacts of the connection.**
11. **The applicant shall work with the Park City Transit District to increase the number and frequency of trips along the Brown Line (or other appropriate service line) prior to 50% build out.**
12. **All preliminary building elevations, green building principles, road layouts and traffic calming measures, trail/sidewalk and pedestrian plans, landscape and lighting plans, and solid waste management plans shall be submitted to and approved by the Snyderville Basin Planning Commission per the Development Code prior to any final approval by the County Manager. The applicant shall submit final**

construction drawings and building elevations, landscape and lighting plans, and a solid waste management plan approved by the Community Development Director prior to the issuance of any grading or building permit.

13. Green building design and principles shall be incorporated into the design of each home.

The motion was seconded by Commissioner Franklin.

Commissioner Klingenstein stated that he took the time to prepare this motion so the Planning Commission could keep their fingerprints on the project, be sure they get a project they can all be proud of from a design standpoint, and to make sure the Council understands that they have really struggled with this application. He commented that there are unintended consequences to ordinances, and that is why it is important to have a succinct and lively debate as they go through the General Plan and Development Code.

Chair Salem asked why fences were precluded only in development areas D and E. Commissioner Klingenstein explained that areas D and E are the areas with defined building envelopes. The area outside of the building envelopes will be counted as open space, but the property owner will actually own the property.

Commissioner Washington amended the motion to add to Item 2 in the preamble to the motion a statement that the project as proposed does not meet the goals in 10-5-16(A) of the Code that may be achieved through this program, as it does nothing to reduce the number of cars into and out of the community, and to add a preamble Item 4 stating that the project does not meet the goals in 10-5-16(A) regarding different housing types being mixed and integrated compatibly to create strong neighborhoods, which was a primary guiding criterion for CORE, because this proposal does not create a strong neighborhood. Commissioner Klingenstein accepted the amendment so long as they acknowledge that these are goals that may be achieved and are encouraged and that they would like to see a better job done. Commissioner Franklin accepted the amendment in his second.

Commissioner Taylor referred to Finding of Fact 2 which states that the project has access to a public sewer system and commented that it has not been established that the west side of the project has access to a public sewer system.

Commissioner Taylor amended Finding of Fact 2 to state, "The project <u>may</u> have access to a public sewer system . . . ." Commissioner Klingenstein accepted the amendment, and Commissioner Franklin accepted the amendment in his second.

Commissioner Taylor referred to Condition 8 regarding the height of homes in development area D and suggested that they delete the 1-story/24-foot requirement and require that the homes not break the ridgeline in the saddle using Old Ranch Road or

Silver Summit Parkway as the vantage points. He did not care how high the homes are as long as they accomplish the goal of development not being visible in that area. Commissioner Klingenstein noted that the Code establishes view corridor areas and asked if they could include the condition Commissioner Taylor suggested. Ms. Brackin explained that it is a condition, and they can suggest, but they cannot mandate.

Commissioner Taylor amended Condition 8 to state that no homes in development area D shall break the ridgeline of the saddle when viewed from Old Ranch Road or Silver Summit Parkway. Commissioner Klingenstein accepted the amendment, and Commission Franklin accepted the amendment in his second.

Commissioner Velarde stated that she would like to point out to the County Council that she does not believe townhomes are compatible with the surrounding neighborhood. She would like the Council to look at that and see if they concur with Legal Staff's opinion that they do comply. Commissioner Klingenstein stated that he did not specifically refer to townhomes, but the language he chose was that it may be compatible, not that it is compatible. Commissioner Velarde stated that, because the County Council is a discretionary body, they would have more latitude in interpreting that, and she would like to notify them of it so it occurs to them to consider it. Commissioner Klingenstein stated that the minutes will reflect her concern. Commissioner Washington noted that the adjoining neighborhoods are single-family detached, and the question is whether single-family attached is compatible with single-family detached, because they are two different housing types. Commissioner Velarde stated that she would like that concern highlighted in the motion that goes to the County Council.

Commissioner Klingenstein amended the motion to add Item 5 to the preamble to state that some Planning Commissioners have expressed a concern about whether townhomes are truly compatible with the adjacent neighborhoods. Commissioner Franklin accepted the amendment in his second.

Commissioner Washington amended the motion to add Condition 14 to state that the applicant shall dedicate to the County additional road right-of-way on Old Ranch Road as offered at the January 10, 2012, meeting for the purpose of allowing multiple users (vehicles, horse, and bikes) along Old Ranch Road. Commissioner Klingenstein accepted the amendment, and Commissioner Franklin accepted the amendment in his second.

Commissioner Salem stated that he appreciated this approach, but it reflects a stronger endorsement of the application than he is personally comfortable with. The record shows his concerns, but voting yes on this may indicate a stronger endorsement than he would like of the density and the interpretation of density. He appreciated the compatibility comment, but open space is still a concern for him. He asked if there is a mechanism to be sure his concerns make it into the language of the motion or whether he would have to

edit the language completely. Ms. Brackin explained that, if he wants the motion to be amended, he would have to propose the language. His concerns are clear in the minutes, and that will be relayed in the staff report to the County Council. He would have to decide whether he wants to propose an amendment or if he believes his concerns would be sufficiently addressed in the minutes and staff reports.

Commissioner Klingenstein amended Item 3 of the preamble regarding density to state that "4 of 6 Planning Commissioners said it was never the intent of this ordinance language to allow this significant of a density increase." Commissioner Franklin accepted the amendment in his second.

Chair Salem verified with Ms. Brackin that, if the Planning Commission were to forward a negative recommendation with findings that the application does not meet the criteria, they would not have much input if the County Council were to decide to move forward with it. He asked if the only official mechanism by which they can impact this development would be through conditions applied to a positive recommendation. Ms. Brackin explained that, as a body, they would have more leverage applying a conditional approval than a denial if they want to continue to have impact on the development.

Commissioner Taylor stated that he finds it hard to believe from the documentation he has reviewed that the intent of the density calculation averaging was meant to result in multiple development pods with different patterns. He could understand the average if the applicant is shooting for one tight neighborhood, but there are two neighborhoods in this development. He believed they should be looking at this as two separate parcels with two separate calculations and that the density is unnaturally boosted by a large expanse of land on the west side of the parcel. He questioned whether they should challenge the County Council's methodology or address it in how they vote on an amendment. If they vote against this motion, there is no motion to forward, and it would not go to the Council as a negative recommendation. Commissioner Klingenstein stated that he believed the County Council had a significant debate with a lot of input, and that methodology was eventually applied to the Discovery CORE project. He did not believe the Council would want to change course, because it would open up additional legal problems on Discovery. Ms. Brackin stated that, because CORE has been repealed, the calculation would likely not be applicable to anything else. Commissioner Velarde stated that she was in the audience at all the meetings at the Planning Commission level and claimed that the calculations at the Planning Commission level were created for Discovery. When it got to the County Council level, the only example the County Council had in front of them was Discovery. They are now taking a calculation on a completely different piece of land and shoving it onto this one. Commissioner Taylor stated that, from the material he was able to peruse, CORE was meant as an infill-type calculation, and this is not infill. That is why he stresses looking at it as two different planning sections. Ms. Brackin explained that, at the time the County Council wrestled with the density calculation, the Stone Ridge application was in process, and the Council was were very much aware that whatever they decided would be applied to Stone Ridge as well as Discovery. Commissioner Taylor stated that he believed CORE was intended to be an infill solution.

In this application, there are two distinct styles of development with two different pods delineated, and the documented materials show this as two projects that happen to be connected with a road that no one wants. He believed density should be calculated based on the acreage on either side of the delineation line, which appears to be the center line of the saddle.

Commissioner Taylor amended the motion to add the following language to the end of Item 3 in the preamble, "It is our belief that the CORE was intended to be infill and that this project should be divided into two projects, with each project site being calculated independently." Commissioner Klingenstein accepted the amendment, and Commission Franklin accepted the amendment in his second.

The motion as amended passed by a vote of 5 to 1, with Commissioners Franklin, Klingenstein, Taylor, Velarde, and Washington voting in favor of the motion and Commissioner Salem voting against the motion.

Chair Salem commented that he feels this was likely the right approach, but it reflects too strong an endorsement for him. There are too many statements in the motion that imply his acceptance, and he struggles with that.

3. **Discussion and possible recommendation regarding Village at Kimball Junction Specially Planned Area (SPA) Rezone and Development Agreement** – ***Tiffanie Northrup-Robinson, County Planner***

County Planner Tiffanie Northrup-Robinson recalled that three work sessions and a public hearing have been held on this item. She provided a brief history of the Village at Kimball Junction and the mandatory land use principles associated with a SPA application. She explained that the applicant is requesting an additional 51,000 square feet of development, and with the expansion, the density would be about 1.6 units per acre. She recalled that the Planning Commission requested more information about three primary areas of concern at the last meeting. One was the workforce housing location, and the Planning Commission requested that the applicant consider reorienting the building so it would be less visible from the Cottonwood I Building. They also expressed concern about the visibility of the Del Taco building from Highway 224 and suggested the possibility of locating it differently on the site and making some architectural changes. The third item of concern was further exploration of recreation facilities. She reviewed the options for reorienting the workforce housing and explained that it was agreed that Option 3 as shown in the staff report would be the best option. The applicant looked at relocating the Del Taco building, but both the applicant and the County Engineer felt the alternate location would not be best due to circulation patterns, stacking, getting larger vehicles in and out, and causing interference and backing onto Ute Boulevard and Sagewood Drive. Therefore, the applicant continues to propose the original location. They removed a portion of the architecture as requested by the Planning Commission to reduce the height, and Planner Northrup-Robinson provided the

WORK SESSION NOTES

SNYDERVILLE BASIN PLANNING COMMISSION

TUESDAY, MAY 13, 2008

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

PRESENT: Claudia McMullin—Chair, A. Flint Decker, Julie Hooker, Kathy Kinsman, Bassam Salem, Mike Washington

STAFF: Kimber Gabryszak—County Planner, Adryan Slaght—County Planner, Helen Strachan—Deputy County Attorney, Elizabeth Wilcox—Secretary

WORK SESSION

1. Discussion: Workforce Housing Incentives—***Kimber Gabryszak, County Planner***

County Planner Kimber Gabryszak presented the staff report. She summarized the process for a rezone and reviewed the rezone categories. She explained that an applicant for a rezone would also have to provide a detailed project plan which would go through the approval process concurrently with the rezone process by means of a housing agreement, which would be a binding document between the County and the developer. Once the project is approved, the density could not be changed without going through an extensive process. If, for some reason, the approved project were not built, the rezone would be invalid, and the property would revert to the original underlying zoning. She noted that the smaller properties would be eligible for higher densities. The intent is to constrain higher densities to smaller properties so the impacts would also be constrained. She noted that such smaller properties would be considered as infill. She briefly reviewed, summarized, and clarified the changes/discussion items outlined in the staff report.

Commissioner Kinsman requested an opportunity to review the staff report and changes more thoroughly before providing comment.

Commissioner Hooker and Commissioner Salem stated that they would need more time to review the proposed changes.

Commissioner Decker commented that underground parking is often a huge cost and sometimes a prohibitive cost for developers. He stated that he would like to get more information and comparables on underground parking.

Commissioner Washington also commented on parking and stated that, he believed the less restrictive they could make the parking requirement, the better.

EXHIBIT 15.2

Kimber Gabryszak
Planner II

Memorandum

To: Workforce Housing Subcommittee and SBPC

From: Kimber Gabryszak

Date: May 13, 2008

Re: Workforce Housing Incentive Language

Major changes / discussion items:

- Name of the zones
- Intent statement
- Allowing larger parcels to be considered with additional open space
- Resort-sponsored seasonal housing
- Mixed use workforce housing
- Off-site workforce housing
- Neighborhood compatibility – set a distance with a disclaimer for properties not near other developments?
- Prohibit rezones that are within a certain distance of each other (what distance?)
- Open space percentages
- Possibility of utilizing acreage outside of the zone
- Parking

Community Development Department
Planning Division
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 615-3132 Fax (435) 615-3046
kgabryszak@co.summit.ut.us

10-5-?? Incentive Zones

Name options:

- **CARE Zones – Community Area Residential Enhancement Zones**
- **CORE Zones – Community Residential Enhancement Zones**
- **Others?**

A. The provision of workforce housing is essential to maintaining a diverse and healthy community where people from all walks of life can live together. It is not desirable to have essential workers commuting into the community, which adds to traffic congestion, pollution, and stress. Reducing the number of cars into and out of the community, increasing walkability within and between neighborhoods, providing access to trails, and ensuring that different housing types are mixed and integrated compatibly to create strong neighborhoods, are all goals that may be achieved through this program. Therefore, the purposes of the incentive zones are to:

1. encourage the voluntary provision of workforce housing by allowing workforce and market density in excess of the underlying zone;

2. encourage development designed in a manner so as to cluster development in the least visually and environmentally sensitive areas and maximize open space;

3. encourage walkable developments;

4. encourage transit-oriented development and uses and developments that minimize traffic impacts;

5. promote significant linkages to the broader community open space and trail network;

6. encourage the development of high quality public places such as parks, trails, and recreation facilities;

7. encourage a mix of housing types in the same neighborhood;

8. allow developments that are visually compatible with adjacent developments; and

9. encourage development which preserves the natural setting to the greatest extent possible.

B. Incentive Zone Categories: there shall be eight (8) categories of incentive zone:

1. Category A shall have a maximum overall density of 0.5 units per acre. Category A shall be considered only for parcels or portions of parcels that are 150 acres or less in size.

i. Parcels larger than 150 acres in size will be considered for this category if a major, contiguous portion of the property remains in meaningful natural open space. In this case, the overall open space for the development must exceed 80%.

2. Category B shall have a maximum overall density of one (1) unit per one (1) acre. Category B shall be considered only for parcels or portions of parcels that are 100 acres or less in size, and greater than 50 acres.

   i. Parcels larger than 100 acres in size will be considered for this category if a major, contiguous portion of the property remains in meaningful natural open space. In this case, the overall open space for the development must exceed 80%.

3. Category C shall have a maximum overall density of two (2) units per acre. Category C shall be considered only for parcels or portions of parcels that are less than fifty (50) acres in size.

4. Category D shall have a maximum overall density of five (5) units per acre. Category D shall be considered only for parcels or portions of parcels that are less than fifty (50) acres in size.

5. Category E shall have a maximum overall density of ten (10) units per acre. Category D shall be considered only for parcels or portions of parcels that are less than twenty (20) acres in size.

6. Category F shall have a maximum overall density of fifteen (15) units per acre. Category F shall be considered at the sole discretion of the Legislative body of Summit County and only for the purpose of infill or redevelopment, for parcels that are less than twenty (20) acres in size, and that demonstrate reasonable appropriateness considering the location and surrounding uses and infrastructure.

7. Resort Sponsored Seasonal Housing – A 100% seasonal housing project may be considered at the sole discretion of the Legislative body of Summit County and only for the purpose of providing temporary or seasonal housing for major employers in Summit County. The major employer will be required to manage the units and will be responsible for maintenance and response to nuisance complaints. These units may be studio or dormitory, but in no case shall be allowed to house more than 100 workers. Parcels considered for this designation must be directly served by transit.

8. Mixed Use Workforce Communities shall be considered at the sole discretion of the Legislative body of Summit County and shall have a maximum overall density of twenty (20) units per acre, and may consist of a mix of residential and commercial uses. A Mixed Use Workforce Community must be a minimum of ??? acres in size and a maximum of ??? acres in size.

   i. A minimum of 5% of the total floor area of the development shall be dedicated to neighborhood commercial uses.

3

ii. Allowable commercial uses are those outlined in Section 10-2-10 as being permitted uses in the Neighborhood Commercial zone.

iii. Applications for rezone to Mixed Use Workforce Communities shall demonstrate reasonable appropriateness considering the location and surrounding uses and infrastructure. Parcels considered for this designation must be directly served by transit, and shall only be permitted adjacent to similar densities and uses.

iv. These projects shall also comply with the following principles: a) development that minimizes the dependence on the automobile; b) an integrated network of walkable streets; c) roads designed to slow traffic; d) buildings located in appropriate proximity to the street to spatially define the streets as public space; e) design that encourages residential above retail and commercial uses; and f) an appropriate range of amenities within walking distance.

C. Off-Site Workforce Housing

1. 100% Commercial Development meeting the requirements of Section 10-5-7, Commercial Alternatives, may apply for additional density to offset the land costs and facilitate the provision of off-site workforce housing as outlined in Section 10-5-9 of this Chapter. There shall be no additional market rate density provided

2. This section needs work:
- work with a non-profit?
- Can donate lots, not just structures? Must be improved lots?
- location – must be nearby and not exceed density of which incentive zone?
- by default is 100% workforce?

C. Designation procedures:

1. Properties may apply for designation as an incentive zone. Applications will be reviewed on a case by case basis, with review of the Needs Assessment to determine if the project is needed to ensure that workforce housing needs are being met. Properties applying for incentive zone designation shall prove that they meet the following criteria:

a. The property is located within ½ mile of year-round public transit, or can demonstrate that the property is slated for year-round public transit in the five-year transit plan, or developer will provide transportation from the project to the nearest public transit hub.

b. The project shall have access to a public sewer system, and shall have written proof that the system is capable of serving the proposed density.

4

c. The area has access to a water system, and shall have proof of adequate wet water and that the system is capable of serving the proposed density, and has access to electricity.

d. The proposed density is appropriate to and compatible with adjacent uses and neighborhoods within 500'?

2. At the time of rezone, a property shall be designated with the appropriate Incentive Zone category

3. An application for rezone will be considered only when such application is considered simultaneously with an applicable workforce housing proposal for the entire property to be rezoned.

4. The applicants shall enter into a Housing Agreement with the County finalizing the rezone and housing proposal, and the Housing Agreement shall be recorded against the property prior to rezone finalization. The rezone and housing proposal shall be processed concurrently, and neither shall be approved or modified independently from the other.

5. The BCC may permit the rezone of the property only after it has determined that both the rezone and accompanying workforce housing proposal are consistent with the goals, objectives, and policies of the General Plan and all other criteria and considerations described in this Title, and said action is necessary to promote the public health, safety and welfare of the residents of the Snyderville Basin.

6. The rezone shall be considered void after one (1) year unless substantial construction or development on the approved housing project has taken place or has continued in good faith without interruption; provided, however, that a longer period of time may be provided for a phased development as set forth specifically in the Housing Agreement and approved by the BCC.

7. No incentive rezone will be considered for properties that are less than 500' (1000'?) from any other incentive zone.

D. Requirements: development utilizing these density bonuses shall comply with the following requirements, in addition to the requirements of Section 10-5-3:

1. A total of one (1) Workforce Unit Equivalent (WUE) shall be provided for every market rate unit in an incentive development.

a. The 20% mandatory requirement shall not be applied to incentive developments in addition to the above requirement.

b. Off-site commercial ?

2. No development shall occur on sensitive lands.

3. At least fifty percent (50%) (30-40%???) of the parcel shall be preserved as meaningful open space as defined in Chapter 5 of the General Plan, except as otherwise stated in this Code. Additionally, a minimum of 20% of the developed portion of the parcel shall be utilized as active open space such as pocket parks and trails, which shall be maintained by the Development. Open space shall be clustered with adjacent open space to the greatest extent possible.

4. If a parcel is partially rezoned to an incentive zone the balance of the parcel outside the incentive zone may be counted toward the open space requirement, provided one of the following requirements are met:

    1. The preservation of the open space will protect view corridors, and an open space preservation nonprofit such as Utah Open Lands or Summit Land Conservancy is willing to hold a conservation easement on the land, the finalization of said easement to be a condition of approval, or

    2. The preservation of the open space will preserve critical wildlife habitat, as verified by the Utah Division of Wildlife Resources.

5. A transportation study shall be done, and if the additional density results in any reduction in the level of service of roads serving the project, such reduction in service shall be mitigated by the project.

6. Interior and exterior connectivity shall be provided, including but not limited to sidewalks and trails, both within the development and connecting the development to adjacent developments, parks, schools, churches and neighborhood commercial areas.

7. Residential parking shall be covered, and shall be provided at a minimum rate of 1 space per bedroom unless it can be demonstrated that special measures have been provided to reduce the need for parking. If spaces are assigned to particular units, visitor parking will also be provided throughout the project. Designated visitor parking is not required to be covered.

8. For projects exceeding four (4) units per acre, the following additional requirements shall be met:

    1. All building elevations shall comply with the Architectural standards outlined in Section 10-4-20, and shall be presented to the Snyderville Basin Planning Commission to be reviewed as part of the approval process.

9. For projects exceeding nine (9) units per acre in a multi-family design, a minimum of 40% of the parking shall be provided underground.

10. A minimum of 10% of the workforce units shall be pet-friendly, permitting a minimum of one dog or cat per unit.

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E. Exceptions: for projects exceeding nine (9) units per acre, the following exceptions from the requirements of this Title may be made:

1. Where the applicant has demonstrated that reducing building footprints through the inclusion of an additional building level will significantly increase the preservation of meaningful open space that meets the requirements of section C.5 above, the building height for structures containing workforce units may be permitted to exceed the 32' limit, up to a maximum of forty feet (40').

Additional items

Multiple parcels

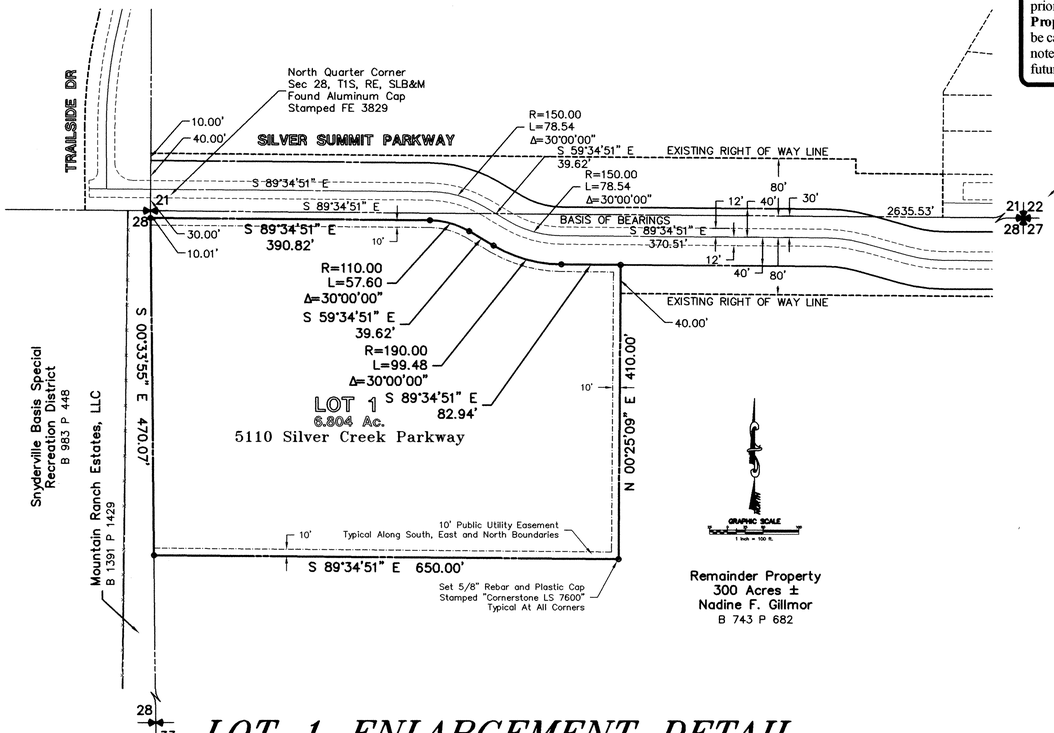
- discretionary, may consider multiple parcels under one application where certain findings are made, i.e. neighborhood compatibility is enhanced, housing would be maximized in areas with infrastructure/transit, what else?

Accessory dwellings

- can we make them able to count towards housing requirement? And ensure they are occupied / rented? Managed?

SILVER SUMMIT CHURCH SUBDIVISION PLAT "A"

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



LOT 1 ENLARGEMENT DETAIL

SCALE: 1"=100'

Utilities shall have the right to install, maintain and operated their equipment above and below ground and all other related facilities within the Public Utility Easements (PUE) identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to and such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use of the PUE without the prior written approval of the utilities with facilities in the PUE.

Gillmor Remainder Property Description

A tract of land being a portion of Sections 28 and 29, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah as depicted hereon and generally described as follows:

All that certain tract of land bounded on the north by the Silver Summit Parkway Extension, bounded on the northwest by the Snyderville Basin Special Recreation District property, the Ranch Estates Subdivision, and the Judabeth Subdivision, bounded on the west by Old Ranch Road, bounded on the south by Park City Municipal Corporation property, and on the east by the east line of Section 28, Township 1 South, Range 4 East, Salt Lake Base and Meridian, said tract containing approximately 300 acres, more or less, together with and excepting therefrom certain bonafide rights or interests in adjoining properties not yet declared or known.

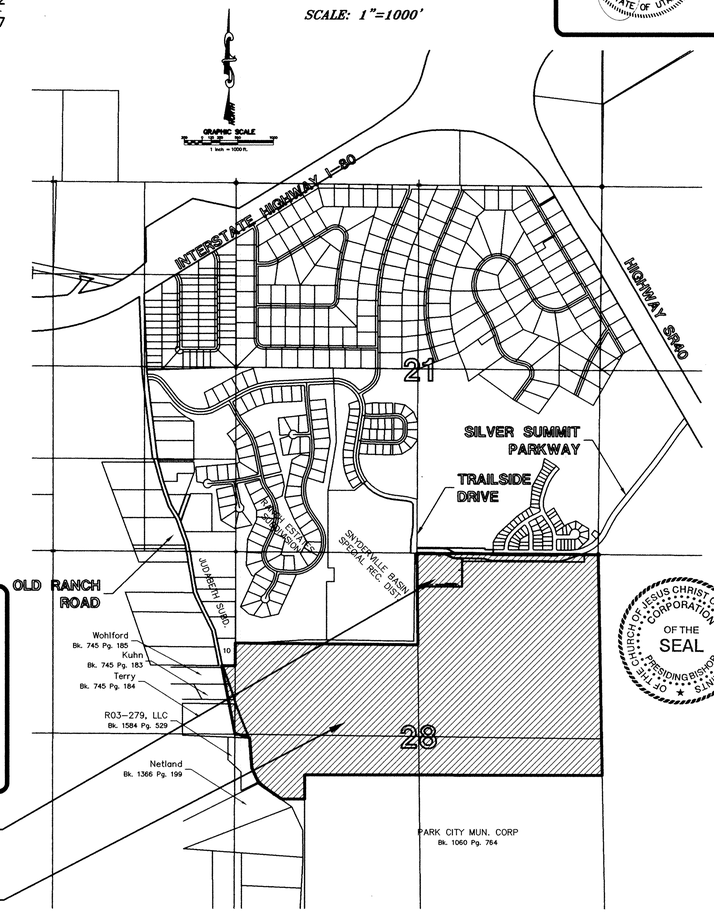
Note: In order to meet the requirements of the Snyderville Basin Development Code (1998) and pursuant to the conditions of approval of the subdivision recommended by the Snyderville Basin Planning Commission, the base density of the **Gillmor Remainder Property** shall be calculated as if the two (2) parcels were not yet subdivided. One (1) unit of base density shall then be removed from the **Gillmor Remainder Property** and assigned to **Lot 1** for development. In the event the **Gillmor Remainder Property** shall apply for further development in the future, the base density of the **Gillmor Remainder Property** shall be that total density calculated on a per acre basis as if prior to subdivision, less one (1) unit. Future density calculations for the **Gillmor Remainder Property** may comply with the base zoning of the Development Code then in existence, but must be calculated on a total per acre basis as described above, less the one unit assigned to **Lot 1**. This note shall in no way prohibit the **Gillmor Remainder Property** from increasing density in the future under the laws and codes then existing and applicable at the time of application.

CORNERSTONE LAND SURVEYS
SALT LAKE CITY, UTAH
(801)495-2360

REGISTERED LAND SURVEYOR
LICENSE NO. 7600
JOHN B. STAHL
STATE OF UTAH

VICINITY MAP

SCALE: 1"=1000'



LOT 1, SILVER SUMMIT CHURCH SUBDIVISION

GILLMOR REMAINDER PROPERTY 300 ACRES ±

Revised Aug. 27, 2004

SURVEYOR'S CERTIFICATE

I, John B. Stahl, a Registered Land Surveyor holding License No. 7600 in accordance with the laws of the State of Utah, do hereby certify that I have performed a survey of the following described property and that I have subdivided said property into a single lot containing 6.804 acres with a remainder parcel containing approximately 300 acres as directed by the owner of said property and in accordance with the Snyderville Basin Development Code of Summit County, Utah described as follows:

A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 28, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, described as follows:

COMMENCING AT the northwest corner of the Northeast Quarter of Section 28, Township 1 South, Range 4 East, Salt Lake Base and Meridian; thence South 00°33'55" East 10.01 feet to the point of BEGINNING and running thence South 89°34'51" East 390.82 feet along a line 10.00 feet south of and parallel with the north line of said Northeast Quarter to a point on a 110.00 foot radius curve to the right; thence easterly 57.60 feet along the arc of said curve through a central angle of 30°00'00", said arc having a chord bearing South 74° 34'51" East 56.94 feet; thence South 59°34'51" East 39.62 feet to a point on a 190.00 foot radius curve to the left; thence easterly 99.48 feet along the arc of said curve through a central angle of 30°00'00", said arc having a chord bearing South 74°34'51" East 98.35 feet; thence South 89°34'51" East 82.94 feet; thence South 00°25'09" West 410.00 feet; thence North 89°34'51" West 650.00 feet to the west line of said Northeast Quarter; thence North 00°33'55" West 470.07 feet along said west line to the point of BEGINNING, containing 6.804 acres.

John B. Stahl, L.S. 7600 — *Dated this 27th day of August, 2004*

OWNER'S CONSENT TO RECORD AND DEDICATION

Know all men by these present that we the undersigned owners of the above described tract of land having caused the same to be subdivided into one lot containing 6.804 acres together with a remainder parcel containing approximately 300 acres as set forth on this plat and name said tract

SILVER SUMMIT CHURCH SUBDIVISION
Plat "A"

The undersigned owners also hereby convey to Summit County those certain strips as easements for public utility purposes as shown hereon, the same to be used for the installation, maintenance and operation of public utility service lines as may be authorized by Summit County.

By Nadine F. Gillmor — *Dated this 30 day of Aug., 2004*

ACKNOWLEDGMENT

State of UTAH)
County of SALT LAKE) :ss.

On this 30th day of August, 2004, personally appeared before me, Nadine F. Gillmor, the signer of the foregoing instrument, who duly acknowledged to me that she executed same.

Notary Public
HELEN SHIFLAR
175 East 400 South, Suite 900
Salt Lake City, Utah 84111
My Commission Expires April 5, 2006
State of Utah

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation sole, participates in this plat as a contract buyer to establish the boundaries of its parcel known as Lot 1 of the Silver Summit Church Subdivision, Plat "A." Said corporation does not participate in this plat to the extent that it creates parcels other than Lot 1, nor has it participated in planning or engineering those portions of the plat.

By: Authorized Agent — *Dated this 27th day of August, 2004*

ACKNOWLEDGMENT

State of UTAH)
County of Salt Lake) :ss.

On this 27th day of August 2004, personally appeared before me Terry E. Ward, personally known to me to be the Authorized Agent of CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and that the seal impressed on the within instrument is the seal of said Corporation; and that sad instrument is the free and voluntary act of said Corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said Corporation and that said Corporation executed the same.

GORDON R. JESSEE
NOTARY PUBLIC - STATE OF UTAH
50 East North Temple, 12th Floor
Salt Lake City, UT 84150-6320
My Comm. Exp. 9-25-2004

Notary Public

PARK CITY FIRE DISTRICT

I hereby certify that the foregoing instrument was reviewed, approved and accepted for conformance with Park City Fire District standards.

This 30TH day of AUGUST, 2004.

District Fire Marshall

UTAH POWER & LIGHT COMPANY

I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Utah Power and Light Company

This 30 day of August, 2004.

Representative, Utah Power and Light Co.

SPECIAL RECREATION DISTRICT

I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Snyderville Basin Special Recreation District.

This 31ST day of August, 2004.

Snyderville Basin Special Recreation District

SUMMIT WATER COMPANY

I hereby certify that the foregoing instrument was reviewed, approved and accepted for conformance with Summit Water Company standards.

This 30th day of August, 2004.

Summit Water Representative

WATER RECLAMATION DISTRICT

I hereby certify that the foregoing instrument was reviewed, approved and accepted for conformance with Snyderville Basin Water Reclamation District standards.

This 30th day of August, 2004.

Snyderville Basin Water Reclamation District

SILVER SUMMIT CHURCH SUBDIVISION PLAT "A"

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

COUNTY ENGINEER APPROVAL

I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Summit County Engineer.

This 30TH day of August, 2004.

Summit County Engineer

COUNTY ASSESSOR APPROVAL

I hereby certify that all taxes, interest, and penalties owing to the land have been paid.

This 31st day of August, 2004.

Carla Dee Richins, Chief Deputy
Summit County Assessor

COMMUNITY DEVELOPMENT

I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Director of Community Development.

This 31ST day of August, 2004.

Director of Community Development

PLANNING COMMISSION APPROVAL

I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Summit County Planning Commission.

This 31st day of August, 2004.

Chairman, Summit County Planning Commission

APPROVAL AS TO FORM

I hereby certify that the foregoing instrument was reviewed, approved and accepted as to form.

This 1st day of September, 2004.

Summit County Attorney

COUNTY RECORDER

The foregoing instrument was recorded at the request of:

Grant S. Davis
This 2nd day of September, 2004 at 9:07 am/pm
Entry 709645 Fee: $30.00
Alan Spriggs
Summit County Recorder

709645

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, FEBRUARY 15, 2012
SHELDON RICHINS BUILDING
PARK CITY, UTAH

- **Discussion regarding the Stone Ridge CORE rezone. The proposal includes approximately 230 units on the 307.584-acre parcel and approximately 72 workforce housing units, 158 market units, and 244 acres of open space and trails; Amir Caus, Planner**

County Planner Amir Caus presented the staff report, indicated the location of the proposed project, and provided a background of the parcel, noting that a portion of the parcel was identified in 1998 General Plan land use plan as being appropriate for clustered development. Current base density for the property is between 8 and 11 units, minus the church parcel and existing residence. The applicant is proposing 230 units of residential development through the CORE program. A sketch plan application was received in the spring of 2009, and on January 12, 2012, the Snyderville Basin Planning Commission forwarded a positive recommendation to the County Council for the rezone and a positive recommendation to the County Manager for the major development.

Council Member McMullin asked at what point in the process an application is considered to be vested under a certain process. Deputy County Attorney Dave Thomas explained that State statute states that local government determines by its ordinances what it considers to be complete as far as a project moving forward. The County ordinance states that the decision is to be made by the Community Development Director once an applicant has provided enough information in good faith to determine whether the application complies with the County's rules. At that point the application is vested to go through the process. Community Development Director Don Sargent explained that the sketch plan was submitted in spring of 2009, and Staff continued to meet with the applicant and update the plans and application. The applicant reconsidered some aspects of the development proposal, and soon after, a new applicant's representative presented the same application, and the process continued to move forward. Soon after Staff received the sketch plan and went through the initial public process with the Planning Commission, the application was determined to be complete. The latest application is a continuation of that with some modification and is considered to be a continuation of the completed application submitted in 2009. Council Member Elliott verified with Mr. Sargent and Mr. Thomas that the application becomes vested, not the person or the entity involved.

Planner Caus reviewed the history of the units proposed from the time the plan was originally submitted to the current date. He explained that the applicant has applied for a CORE B Rezone, at a density of 1 unit per acre. CORE B has a 100-acre limit, but if more than 80% of the parcel is preserved as open space, the 100 acres can be exceeded, and the current proposal provides 81% open space.

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Council Member McMullin asked if it is Staff's position that, once the applicant provides more than 80% open space, the number of acres is infinite. Planner Caus replied that it is based on how the language is written in the Code. Council Member McMullin asked if Staff believes the word "can" is the same as "shall." County Planner Kimber Gabryszak replied that it is not necessarily; however, the Planning Commission made the interpretation that the application complies with that possibility, and the applicant could move forward with all 300 acres. Council Member Elliott stated that she wanted to have a more lengthy discussion about that issue.

Planner Caus noted that at a ratio of 1 unit per acre, the potential maximum number of units would be 307, and the applicant is proposing 230 units. The methodology approved for calculating maximum density by the Summit County Council during a previous CORE project was accepted as a policy. The method is to identify neighborhoods surrounding the project, identify the densities, average them, and double that amount. He presented the density calculation for this project. He reviewed the process for processing this rezone and major development application and noted that the project must be specifically designed as approved. The ratio of workforce housing to market-rate housing is 1:1.5, which equates to 92 workforce unit equivalents (WUEs) to 138 market-rate units. With the larger sized workforce units proposed, there would be 72 physical units, for a total of 228 physical units, not including the existing church and single-family residence on the property. With regard to integration of workforce housing units, the majority of the density is on the eastern portion of the property, and Staff supports that design because that area is closer to transit and amenities. Planner Caus reported that the County Engineer and Fire Department require road access through the entire property. Neighbors to the north have expressed support, because it would relieve some of their traffic concerns, and neighbors to the west have expressed opposition to the access road. A traffic study was submitted and reviewed by the Engineering Department, which determined that the Level of Service (LOS) would not be reduced below LOS C, which is the County standard. Traffic calming measures have been recommended to mitigate some of the traffic impacts.

Council Member McMullin asked about the current LOS on the roads. Kent Wilkerson with the County Engineer's Office replied that the roads are currently at LOS A. Only one road near Silver Summit Parkway would drop by one LOS, and for the most part, traffic would remain at LOS A throughout the area. He noted that existing volumes on the roads are very low.

Council Member Hanrahan asked how the engineers were able to determine where traffic from this development would go. Mr. Wilkerson explained that the traffic report in the packet shows the percentage split going in various directions. About 80% would go to Highway 40, about 8% toward Highland Drive and Old Ranch Road, and about 5% down Old Ranch Road toward Highway 224. Council Member Hanrahan asked how those estimates are made. Mr. Wilkerson explained that estimates are done by the applicant's traffic engineer, and he reviews them and applies the County's travel demand model. He explained that they look at where the attraction is, where people are trying to go, and then pick the fastest route from the project to that point.

Planner Caus presented a site plan showing the proposed open space for the project and the 30% required open space. He also presented a visual analysis showing the visibility of the homes on the proposed lots. He explained that the Planning Commission reviewed potential road alignment for the Old Ranch Road access, and the County Engineer's Office recommended that the access be located at the southernmost portion of the development parcel. Staff and the applicant have worked with the trails team of the Snyderville Basin Special Recreation District to review the trails connections on the property. The applicant provided an updated wildlife study

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in 2011, and the Division of Wildlife Resources recommended additional mitigations and indicated that they would prefer that the elk population decrease because of the increase in traffic-related accidents on the freeway and because of disease in the herds due to their close proximity to each other. The Snyderville Basin Planning Commission determined that all 17 criteria have been met and forwarded a positive recommendation. Staff recommended that the County Council discuss the project and provide direction to the applicant regarding additional information needed or project revisions.

Council Member Elliott stated that she was on the Board of County Commissioners when CORE was approved, and she has asked several people if they ever envisioned that CORE B could be larger than 100 acres. She stated that no one ever imagined that it could be larger than 100 acres. She believed part of the problem with the project is the legal interpretation, because she did not believe this was ever the intent, and certainly it was not her intent. She believes workforce housing needs to be clustered near facilities and services, not spread out all over the hillside. From reading the packet and past history, she would be unwilling to grant more than 100 acres in one CORE Rezone. She did not believe the legal interpretation that it covers the entire property is a good interpretation and was not the intent when the legislation was passed. For that reason, she believed it was inappropriate to give CORE Rezone to the entire property and spread it across the hillside. She believed it would be appropriate to have a few additional houses on Old Ranch Road, but it was unacceptable to her to run a road over the top of an elk transportation route. She asked the applicant to choose a 100-acre CORE B near Silver Summit where it is closer to services and stick with that and apply the base density of 1 unit per 20 acres over the rest of the property. She noted that Old Ranch Road was not envisioned to ever have public transit, and it is inappropriate to put affordable housing in a CORE Rezone that was never envisioned across Old Ranch Road. She explained that her primary concern is with the choice of the type of CORE and running the road over the top.

Planner Gabryszak explained that there were discussions throughout adoption of the CORE process concerning the size of property that could apply. Much of the discussion had to do with the few large pieces of property in the Snyderville Basin, and the Planning Commission and County Commissioners were concerned that, by not providing an option for larger properties, those property owners would be excluded from consideration for a CORE application. She reviewed several other properties that well exceed 100 acres in size at the time CORE was adopted and could have been considered for the development of affordable housing. At the time, it was discussed that those property owners could apply for development under CORE on 100 acres, but the question was whether it would be considered if they could only apply for 100 acres. Language was included that would allow these larger parcels to apply for CORE but try to limit their impacts by increasing the open space requirement to 80% so development would not sprawl, and impacts of development would be limited to only 20% of the property. Therefore, they could master plan the entire larger parcel but limit the impacts to 20% of the developable area. She reiterated that these properties were discussed through the process.

Chair Ure verified with Planner Gabryszak that the 80% open space on the applicant's property was calculated on the entire property. Planner Gabryszak clarified that the 80% open space does not have to be 80% meaningful, contiguous open space. It can include parks and other internal open space and is calculated on the entire property. Council Member Elliott stated that she has no memory of discussions about large parcels. Council Member McMullin stated that she was on the Planning Commission, and her memory was that CORE was to be low density to high density, with CORE A at 75 units, CORE B at 100, CORE C at 100, CORE D at 150, and CORE

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E at 200, and they had no thoughts whatsoever of coming up with three times what they envisioned. She asked why they would have had a CORE B that would go to infinity when CORE A was limited to 150. She stated that there is no way when she did this in 2008 that she thought she was doing that.

Council Member Hanrahan commented that it almost does not matter, because it is within the purview of the County Council to determine whether this property is rezoned. Council Member McMullin noted that CORE presupposes the need for affordable housing. The County does not have evidence that there is an affordable housing backlog, which was the basis of CORE in the first place, and they have had evidence in the past month that there is no backlog and that the 2006 study was flawed. She believed the Council has the discretion 100% to use that as justification for making a decision.

Mr. Thomas explained that it is within the Council's discretion, but they need to have reasons for making their decision so that it is not arbitrary and capricious. The 2006 needs assessment is the basis for the CORE Rezone, and the numbers prepared by Staff show that, according to the 2006 needs assessment, there is still a deficit. The Council may disagree with that, but that is what the County has adopted, and at the time this application was vested, that needs assessment was in place. As a result, the County must adhere to that needs assessment for this project. For future projects, if the County comes up with a new needs assessment or a new affordable housing program, those projects will be subject to that needs assessment. In terms of this project, the 2006 needs assessment applies, and State law is very specific about the fact that the County must follow its own rules. If the County made that as the rule, they must follow that rule, even though they may now disagree with the conclusions of it. State statute says that, as part of its moderate income housing plan, the County must have a needs assessment and then implement it through an ordinance to satisfy it. In Summit County's case, that was CORE. The needs assessment can be updated, and then the affordable housing program can be updated. The County adopted the 2006 needs assessment, adopted CORE to satisfy it, and it has not been updated. This application came in under the CORE and the 2006 needs assessment, and once it was vested to go through the process, the County cannot change the rules on the applicant midway through the process.

Council Member McMullin asked why the Code says the Council retains the right to use its discretion to say no if that is considered to be arbitrary and capricious. Mr. Thomas replied that it is a balancing test. On a pure rezone, the Council has an enormous amount of discretion. In this case, they are penned in a little bit because the moderate income housing plan comes into play in addition to the rezone. Part of the moderate income housing plan is to use this rezone as a method to take up deficits in terms of affordable housing. When they adopted the CORE, the Council put some restrictions on themselves with regard to the rezone. They have discretion, but they have to have good reasons to not follow the CORE or the 2006 needs assessment, something more than just saying they do not like the 2006 needs assessment.

Council Member Elliott stated that she has been passionate about creating affordable since she was elected in 1989, and they have not solved the problem or built the housing they were required to build by the 2006 needs assessment. She believed there was still a good amount of validity in the needs assessment, and she wanted to see a CORE Rezone built in this location, because the intersection of Silver Summit Parkway, Highland Drive, and Highway 40 is an ideal place to put it. It has services and meets some of the criteria for CORE. She just believed the applicant was overdoing it. She did not agree with the applicant defining meaningful open space

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as lots that are owned by individuals. She stated that a meaningful wildlife corridor is not crossed by a road and needs to be contiguous, so if there is a road through the project, she would vote against it. She also would not agree with including three times the density that was envisioned for CORE B, but one pod of CORE B by the road would be fine. She stated that she loves townhomes, but there is a provision in the CORE language which says the houses must be similar in type and style, and she strongly disagreed with Deputy Attorney Jami Brackin's notion that they can put townhomes in a place where there is not a townhome within three miles.

Chair Ure stated that it was his understanding that the through road was required due to Fire District requirements. Council Member Elliott claimed it was because of the density that is scattered all over the parcel that is not valid to begin with. Chair Ure verified with Council Member Elliott that she was saying that the applicant should do away with the density so the through road is not required. Council Member Elliott stated that she did not believe the CORE Rezone ever envisioned being three miles from the nearest bus on Old Ranch Road, and that is nonsense. The interpretation that they could stretch one pod of CORE density out over 300 acres never entered her mind. As far as she could remember, it never entered her mind that this would be a possibility and that in a place with separate, single-family homes, they would cluster a dense pod of townhomes, which does not make sense to her in this location. She also did not believe the open space was meaningful.

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Council Member Robinson stated that he views this as an opportunity to give Staff and the applicant feedback. His first question is whether there is a need for this. He requested that Mr. Thomas provide the specific Utah Code Annotated sections that relate to the needs assessment and how it became enthroned until it is dethroned by some act of the Council. He noted that this application has generated a lot of controversy among the public, almost universally negative, and if there is not a compelling need, he would not want to approve it. He recalled that they have had various accountings of how many units of workforce housing the Council has authorized, and the staff report differs somewhat from the accounting he has seen in terms of how the Silver Creek Village is accounted for. He commented that the notion of an affordability index and the needs assessment discussion of a projected trend of growth in the area have been derailed by the recession. He believed it was vague as to whether a need exists and the legal requirements for the County to meet an existent or non-existent need, as the case may be. Other questions include the effect of CORE on the General Plan, which controls the idea of a graduated CORE and whether any one of them could break out of that order and exceed the limits that have been discussed. With regard to the open space count, if they take the position that they can increase CORE B over 100 acres, he believed it is in the Council's discretion to determine what meaningful open space is, and open space on a parcel owned by an individual is in a different category of open space than what is being accounted for in order to reach an 80% threshold. He stated that he would like a more detailed accounting of the open space. He wanted to discuss the townhome versus single-family dwelling equivalency. He also recalled that there was to be no LOS reduction caused by the project on surrounding roadways, and he believed that also needs further discussion. With respect to roadways, there appears to be an issue where the County Manager is requesting that the roads be public, and the applicant is requesting private roads.

Council Member Hanrahan commented that he believed the additional 50% of open space, above the 30% required meaningful open space, is considered to be a community benefit. Therefore, the applicant is allowed to have increased density. He asked if his understanding of that is accurate and whether a 5% increase in open space equates to 130 additional units. Council Member Robinson agreed that a community benefit is associated with increasing the open space

to 80%, and he believed the Council needs to weigh whether that community benefit justifies the impact on the surrounding area.

Council Member Robinson commented that the connection between Silver Summit Parkway and Old Ranch Road is a two-edged sword. On one hand, the neighbors around Trailside, Mountain Ranch Estates, Highland Estates, and Silver Summit Parkway would welcome the relief that would come from that connection, but the Old Ranch Road neighborhood would not want that. The Engineering Staff has highly advocated for it, and it creates a situation where the path of least resistance would connect a lot of neighborhoods. He was not certain whether the traffic study adequately assesses the non-site-specific impacts. He felt there was a question as to whether the meaningful open space would be deeded to the County and whether the affordable housing is sufficiently integrated into the project. He recalled that on the Discovery CORE, the County Council came up with an averaging formula, and the compatibility language can create disparity when it is applied to neighborhoods that are vastly different.

Chair Ure stated that he understood the calculation used on the Discovery CORE was to be used only on that development and would go no further than that. Council Member Robinson agreed that was what they were told, and perhaps that was because it was assumed that the CORE B would be limited to the maximum of 1 unit per acre, and no amount of averaging would result in anything less than that. Council Member Hanrahan stated that it was his recollection that it would be precedent setting for the two existing applications, but it would not come into play on this project because it is a CORE B rezone and the maximum density is 1 unit per acre.

Council Member Hanrahan noted that Criterion 10 states that, if there is a reduction in Level of Service of roads, that reduction shall be mitigated by the project. He was not sure whether there are traffic mitigations for the decrease from LOS A to LOS C. Mr. Wilkerson clarified that the language states "no reduction in Level of Service." His original review was that, as long as the LOS was above C, it would be fine. However, the CORE goes from the County standard of LOS C to no reduction in service. He interprets that in terms of more than just traffic, and he has to look at all services associated with the project. He agreed that there will be a reduction in LOS, but it would be minimal, and mitigations can be provided to offset the LOS, which the traffic study provides for through turn lanes off of Silver Summit Parkway, traffic calming, and accommodations for other users such as pedestrians and equestrians. He noted that it says mitigation, not that mitigation must be proportional to every little incidental element, and the applicant is providing mitigations for the LOS impacts.

Council Member Robinson stated for the record that he lives in the vicinity of the proposed project, and some people have suggested that he should not participate in these discussions. He stated that he has no direct financial interest in this project, and he believed he could be objective in reviewing it.

Council Member Hanrahan asked Mr. Thomas if the Council's options are to accept the application as it has been presented, deny the application, or negotiate a different application. Mr. Thomas clarified that the Council can approve, deny, or approve with conditions where they could change things, such as approving a certain number of units under certain conditions and for certain reasons that fit within the needs assessment and ordinances.

Greg Lawson, representing CAGE, explained that they are working on a presentation and wanted to have time to see what issues may be most important to the Council. He noted that another

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work session is scheduled for February 29 and a public hearing for March 21, and he wanted to confirm that they would be able to make a presentation at the public hearing. He requested a 15-minute block of time to make their formal presentation, even if it means individuals from the neighborhood have to give up their time. Chair Ure agreed to allow CAGE 15 minutes to make a formal presentation. He asked Mr. Lawson to inform the members of CAGE to not come up and repeat what has been said in the presentation and to respect the process.

Council Member Hanrahan noted that he would be out of town on March 21 and requested that the public hearing be held on a date when he could attend.

Mr. Lawson presented a preview of the residents' concerns for more than three years. He stated that, given the fact that there has not been any movement on the developer's part to make any alterations in the plan, they would like to make a thorough and complete presentation dealing with the General Plan and whether or not it is advisory or regulatory. There are opinions from other attorneys and the State Ombudsman's Office that the General Plan, particularly related to CORE, is regulatory. He stated that they have serious concerns about the CORE Rezone provisions being consistent with the General Plan and Development Code, particularly rezoning the project under the CORE requirements. He commented that there are also compliance issues with the CORE Zone, such as compatibility, appropriateness, traffic considerations, and the fact that the project spans two very different neighborhood planning areas with different goals, objectives, and characteristics. He stated that they want to make the case that this project is in two different neighborhoods with two different compatibility issues, two different appropriateness issues, and traffic is a major concern. He stated that the fact is that neither side of the development area wants the through road, but the need for it results from the number of units and the size of the project. He stated that the neighborhood plan spells out that no additional major road connections would be allowed onto Old Ranch Road. Mr. Lawson stated that they would like to take some time in their presentation to discuss the impacts of this project, which is being maxed out on 300 acres, and they barely meet the 80% requirement. He commented that 80 acres or more of the project is on 30% slopes or greater, and the meaningful open space definition in the General Plan only allows for 25% of critical lands, with 30% slopes being considered critical lands. He stated that roughly 100 acres is zoned Rural Residential, and the remainder is zoned Hillside Stewardship, which is comprised primarily of slopes 20% and greater. The fact that the applicant is treating this as though there are no physical constraints to development has been ignored by Staff, and CAGE would like to present their analysis of what road development on slopes 20% and greater means in terms of impacts. They are concerned about how the project would be phased and keep affordable housing going at the same time as the market rate units. They would like to know what remedies are in place in case this does not work and the applicant is unable to comply with the workforce housing requirements in the CORE Zone. They have discussed alternative concepts for development of this property, although not all of the residents in the neighborhoods would like to see the property developed, but the majority understand that it is entitled to be developed. They are not opposed to development or affordable housing, but not to this extent or using every bit of land possible for development. Even though 80% open space sounds good, much of the land cannot be developed to begin with. He stated that they have been baffled by the County Attorney's insistence and interpretations of the Code, and they will deal with that in their presentation. They also want to make sure that the minutes of the Planning Commission meetings tell the story, which is more powerful than the story they have to tell. He told the Council Members that they should review the minutes of the January 26, 2010, Planning Commission meeting and noted that every Planning Commissioner expressed grave concerns about the project. He also noted that a

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positive recommendation was made on January 10, 2012, but the minutes reflect that not a single Planning Commissioner was comfortable with the project, and they were baffled at the direction from the County Attorney that the best way to make an impact would be to make a positive recommendation and state their concerns. They do not understand why the Planning Commission could not have made a negative recommendation and used their concerns as the basis for it.

Council Member McMullin stated that the January 10 recommendation reads to her like a recommendation to deny. Council Member Elliott agreed that was the way it came across to her. She stated that she has great respect for the landowner's property rights. The landowner deserves an economic return for those property rights, and she believed something creative and monetarily rewarding could be done. She believed something could be created that would have great community and neighborhood value for everyone. She asked if CAGE's presentation could be made on February 29 so the Council Members would have a chance to think about their concerns, get a clear direction, and make some progress when they have the public hearing. Mr. Lawson stated that they would be willing to make their presentation on February 29, but they would also like to have some time at the public hearing to restate what they think needs to be restated. He claimed that part of the reservation about moving it ahead of the public hearing is that when they raised concerns at the Planning Commission meetings, at the next meeting they were knocked down by either Staff or the County Attorney, and they had to start over again. Council Member McMullin stated that she did not understand why anyone would give advice that they thought the County Council would listen to Staff or the Planning Commission less with a recommendation for denial than with an approval.

Pete Gillwald, the applicant, stated that when he hears comments about not making any attempt to make changes and not trying to address issues, he wanted the Council to know that they have spent a lot of time reworking this plan and trying to address the issues, including visibility from Silver Summit Parkway, open space, increased wildlife corridors, locations on Old Ranch Road, and making improvements. They met with the Recreation District and the neighbors, and for someone to say they have made no attempt to address issues is unfair. He explained that they have taken all the comments and concerns into consideration and have read the Code and the ordinance, and they feel that they have met the conditions for meaningful open space. He believed the Planning Commission recommendation was based on the 17 criteria the applicant must address as part of the CORE Rezone, and they have addressed them. When the language states that if he provides 80% open space he can develop more than 100 acres, it seems very clear to him. He stated that he is following the Code and doing the best job he can, and he is willing to deal with the issues. With regard to the road through the project, he is not thrilled with it, and he would prefer to build private roads and build that as an access easement to reduce traffic, but the County Engineer and Fire District asked for it.

Council Member McMullin asked the Legal Department for the definition of the word "can," and stated that she believes it is a possibility and does not equate to "shall."

Chris Hague commented that he sent an e-mail to the Council and asked that it be added to the public record.

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SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, FEBRUARY 29, 2012
SHELDON RICHINS BUILDING
PARK CITY, UTAH

- **Continuation of discussion regarding the Stone Ridge CORE rezone; Amir Caus, Planner**

Chair Ure explained that Staff would make their presentation and address questions or comments from the Council. Some limited public comment will be taken, but only if it is constructive, and there are to be no negative comments regarding Staff, which is not appropriate.

County Planner Kimber Gabryszak reviewed the background and history of the CORE program to answer questions raised at the last meeting concerning the historical process. She addressed the question of whether CORE B should apply to parcels larger than 100 acres and noted that the provision for CORE B states that parcels larger than 100 acres in size will be considered for this category if a major contiguous portion of the property remains in meaningful, natural open space. In this case, the overall open space for the development must exceed 80%. She recalled that the Council questioned whether "will" was consistent with "shall" and means it must be applied, or if it is more discretionary and means "may." It is Staff's recommendation that use of the word "will" is more consistent with "shall" than with "may." That means parcels larger than 100 acres should be considered in this case. She recalled that the Planning Commission also discussed this issue and came to a majority opinion that the criterion was being met. She noted that this application has been going through the process for several years, and this interpretation of CORE B was not questioned early on in the process, so the applicant moved forward relying on this interpretation.

Council Member Hanrahan commented that is ultimately an interpretation for the Council to make. Mr. Thomas explained that they would have a hard time under case law saying that "will" is equivalent to "may." There are things the Council can define regarding how this project will proceed, but this language says that the additional land over 100 acres has to be considered. It does not mean the Council has to give one unit per acre up to 307 units, which is the maximum, and it can be scaled back from that depending on the other factors the Council may consider. This language states that they must have at least considered the maximum, which 307 units.

Commissioner Robinson explained that his issue was not what "will" means, but rather trying to give meaning to the whole of the CORE Zone categories. He has trouble giving meaning to CORE B in the context of the other CORE Zones. CORE A says it shall have a maximum overall density of .5 units per acre and shall only be considered for parcels or portions of parcels that are 150 acres or less in size. Parcels larger than 150 acres will be considered if a major contiguous portion of property remains in meaningful, natural open space. That same language is in CORE B. If they do not put an upper limit of 150 acres on CORE B, there is no reason for anyone to apply for CORE A, because at .5 units per acre, they could only get 75 units, and in

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CORE B they would get 1 unit per acre, or 100 units on 100 acres. If an applicant could take CORE B to infinity once the test has been met, there would be no meaning to CORE A and no reason to apply it. He did not believe CORE B was intended to go to infinity, and looking at the CORE section in its entirety, it can be seen that it has a cascading effect. He believed CORE B should stop at 150 acres. His main concern was whether CORE B could be extended infinitely above 100 acres, and he believed it should be capped at 150 acres, which would force the applicant into CORE A if they want to go above that. Mr. Thomas replied that would be true if they had less clear language in CORE B. CORE B is unambiguous, and as a result they cannot go outside the four corners of the CORE B ordinance. Council Member Robinson maintained that there is inconsistency in the language, because he could not think of a scenario where CORE A would be selected, and it appeared that the ordinance was intended to create a cascading effect, with larger parcels having fewer units per acre and smaller parcels having more units per acre.

Planner Gabryszak explained that the next major concern was the 2006 needs assessment and how it relates to current market and the Stone Ridge application. She explained that the 2006 needs assessment was adopted by the Board of County Commissioners and incorporated as an appendix to the General Plan. Some concerns have been expressed about that needs assessment and whether it is flawed, but regardless of that, it is incorporated into the Snyderville Basin General Plan. It has been adopted and is currently in force. Since this application was submitted under that needs assessment, that is the needs assessment that applies to the project, regardless of whether the market has changed or the needs assessment was flawed. Planner Gabryszak reported that affordable housing is being addressed as part of the County's strategic plan, and a needs assessment model is being drafted and will replace the existing needs assessment, but it is not applicable to this development. The 2006 needs assessment showed a pent-up need of approximately 299 units, not counting units going forward to meet the additional need created by new development. About 522 to 532 affordable units have been approved since 2006, but of those, the majority represent the mandatory 20% affordable housing requirement for new development, and only about 134 to 144 units target the pent-up need. According to the 2006 needs assessment, an estimated 110 units of pent-up need could be partially addressed by this project.

Council Member Robinson noted that the needs assessment mentions another test of multiplying the area median income (AMI) by 3 and comparing that against the median price of a home. He asked what the AMI would be today and what 3 times that income would be compared to the market value of a home. Scott Loomis with Mountainlands Affordable Housing Trust replied that the AMI in 2012 was $100,300. Three times that would be $330,900, and the median price was also around $300,000 for a condo. Council Member Robinson noted that there appears to be no lack of affordability based on that metric. Mr. Loomis explained that they have also just seen the calculation for the in-lieu fee based on median price per unit equivalent and the AMI, and there was a gap of about $78,000 based on current numbers, which is similar to the gap in 2006.

Council Member Elliott commented that the 2006 needs assessment may have been criticized as being flawed, but it was adopted. She believed from the work she does as liaison to various boards related to affordable housing that there is a continuing need for affordable housing. Regardless of whether the 2006 needs assessment is perfect or imperfect, it is valid and was adopted, and she believed they need to not approve more affordable housing until they have better information.

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Council Member Robinson asked for an explanation of the units approved for the Silver Creek Village Center. Planner Gabryszak explained that she was not the Planner on that project and was not certain that her explanation would be entirely accurate. She explained that the matrix did not specify a percentage of affordable housing, but based on what other developments have provided, it was generally around 10%. The Silver Creek development proposal included approximately 10% for affordable housing. However, after the mandatory provisions of the Code were put in place, the Planning Commission and Staff did not believe 10% was a community benefit, considering that it is less than the mandatory requirement. The number of affordable units was increased to slightly more than the 20% requirement in order to count it as a community benefit. The County Council then requested that the applicant provide additional affordable housing, and about 110 additional units were included in the project. When she calculated the number of units approved, she considered the 110 units over the 20% requirement as meeting pent-up demand. Council Member Robinson commented that he was not sure it is Staff's place to allocate the excess units over the average of 10% that would have been required under the matrix. He believed it was Council's place to do that, and it may be that the contribution toward pent-up demand is more than the amount Staff allocated.

Council Member McMullin arrived.

Mr. Jasper explained that the County Council adopts the law, and Staff, backed by the County Attorney's Office, does the best they can to apply that law. Ultimately, the Council must make the final decision, but they must also follow the law. He clarified that the staff report represents Staff's interpretation of the law the Council has adopted to the best of their ability.

Council Member Robinson stated that he believed what is important under State law is that the County come up with a reasonable plan for providing affordable housing. State law does not make a distinction between pent-up demand and demand generated by a new project being approved. He believed the distinction between pent-up demand and providing for future impact was made up by the County and is not required under State Code, and how they do the accounting is discretionary. Mr. Thomas acknowledged that the distinction between pent-up demand and future demand is something the County came up with. The statute says that the County needs a plan as to how they will realistically meet the need for affordable housing, and the County defined need as both future and pent-up. As they created that, the County's plan has to address the need they said was in the needs assessment.

Council Member Hanrahan recalled that when they approved the Discovery CORE Rezone, it was 50% workforce unit equivalents (WUEs) and 50% market rate, which was about 53 WUEs. Planner Gabryszak explained that the Discovery CORE originally proposed 1 affordable unit per 1.5 market rate units. Even if that ratio changed to 1:1, it would not result in 52 or 53 physical units. When they go through the unit equivalent process and build larger units, that number goes down. That is why she calculated the number as approximately 40 to 50 units in the Discovery CORE project. Some of that would go toward their 20% requirement, so not all of the units would go toward pent-up demand. Council Member Hanrahan noted that it is Staff's position that the General Plan is an advisory document, and he would maintain that the needs assessment as part of the General Plan is simply an advisory document that leaves them a lot of discretion.

Chair Ure asked how many of the 287 affordable housing units associated with The Canyons meet pent-up demand. Planner Gabryszak explained that the units required at The Canyons were required as part of their development agreement and their impacts going forward. They were

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taken into account in the 2006 needs assessment and do not count toward any requirements in the needs assessment.

Planner Gabryszak recalled that the third major concern is whether the General Plan is regulatory or advisory. Legal counsel has stated that it is advisory, and Staff has also provided background in the staff report, including State language about a general plan being advisory unless an ordinance is adopted that makes it regulatory. The Ombudsman's opinion on the project was included in the staff report, and the major confusion comes from the CORE language itself, which states that the legislative body may permit the rezone after it has been determined that the project is consistent with the goals, objectives, and policies of the General Plan. The question is whether that language makes the General Plan regulatory. There is some disagreement on that, but even if it does make the General Plan regulatory in terms of this project, Staff has outlined in the staff report how they have found that the project is consistent with the General Plan. Particular areas of concern include the road connection through the project. The General Plan language in the Old Ranch Road Neighborhood Planning Area prohibits any additional major road connections, and Planning Staff and the Engineering Department have found that this would not be a major road connection but would comply with the neighborhood area goals for country lanes. The Council was also concerned about including open space within privately owned parcels, and she explained that a section in the Old Ranch Road Neighborhood Planning Area specifically encourages and states that it is appropriate to include open space in individually owned parcels, with care being taken to be sure it is not utilized in any way or damaged and not fenced off. Another item includes reasonable methods for provision of housing, and Planner Gabryszak noted that the Code program was adopted and found by the Planning Commission and County Commission to be consistent with the General Plan in terms of clustering, open space, environmental protection, trail connections, etc. Staff has found that the General Plan is advisory and not regulatory. Staff, the Planning Commission, and the Board of County Commissioners found that the CORE program was compliant with the General Plan and that the proposed project is generally consistent with the General Plan as well.

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Council Member Robinson stated that they keep hearing that the General Plan is advisory and that the 2006 needs assessment was adopted by the Board of County Commissioners into the General Plan. Therefore, he believed that makes the needs assessment advisory and not regulatory. Mr. Thomas agreed that the General Plan is advisory, but it was his opinion that the provision in the CORE portion of the Code requiring consistency with the General Plan may be regulatory, and that is where the 2006 needs assessment comes in. He explained that the purpose of the General Plan is to set up goals and priorities that the County implements in its Code. The 2006 needs assessment is implemented through CORE, and ultimately the Development Code CORE provisions control. This development came in and vested under that provision, and that is what applies to this project. Council Member Robinson referred to the language in the CORE provision of the Code and maintained that it states that the County Council's judgment is necessary to determine whether this action promotes the health, safety, and welfare of the residents, even if they were to find that it is consistent with the General Plan. He commented that they "may" do it, and it is within their discretion, and Staff likes to be very specific about language at certain times and not others. Mr. Thomas explained that the four corners of this part of the documents would be the same. The Council has discretion, but there must be some reasonable arguments behind their use of that discretion. He explained that the reason CORE was adopted was to alleviate pent-up demand. They have a 2006 needs assessment and nothing that contradicts that needs assessment. Council Member Robinson stated that they may not have a formal document, but they have a lot of evidence that contradicts it. He referred to the State

Code regarding an estimate of the need for the development of additional moderate income housing if long-term projections for land use and development occur. He noted that the long-term projections outlined in the needs assessment said the County would continue the high rate of growth that existed in the years leading up to 2006, and that did not happen.

Council Member Hanrahan stated that he agrees with Council Member Robinson's position and that they need to find reasonable findings to say yes or no to the proposal.

County Planner Amir Caus addressed previous issues raised by the County Council. With regard to fragmentation of the wildlife corridor, he explained that the applicant is proposing a 630-foot corridor which crosses the road, and the Division of Wildlife Resources did not express concerns about that corridor. Another issue was the number of units. Staff found that all 17 CORE criteria are being met, and the proposed density is appropriate because they are being met. With regard to unit style and compatibility, and particularly townhomes versus single-family dwellings, the County Attorney's Office has determined that townhomes fall under the Snyderville Basin Development Code definition of a single-family dwelling. The CORE provisions encourage a mix of housing types, and a mix of single-family homes was discussed throughout the process. With regard to integration of workforce housing units, Staff acknowledges that most of the units are in the eastern portion of the development, but units are spread throughout the project, and because they are close to amenities, Staff finds that requirement has been met.

Council Member Hanrahan asked if it would be more accurate to state that integration of workforce housing has not been met and that Staff is recommending a waiver of that criterion because the housing is closer to amenities. Planner Caus explained that a majority of the workforce housing is in the eastern portion of the project, but it is still dispersed throughout the project and not clustered in one location within the project.

Planner Caus presented a radius map showing that all the workforce housing in the project is within one-half mile of mass transit. He verified that trails are proposed that lead to the bus stop. He recalled that the Council expressed concern about the calculation of meaningful open space and clarified that CORE requires 30% of the project be preserved as meaningful open space, which the applicant has done, and the applicant has also identified that 65% of the open space would be dedicated to the County.

Council Member Robinson referred to the language in the CORE section of the Code regarding meaningful open space and stated that he thought it said unless otherwise defined in the Code, but elsewhere in the Code it shows a 60% standard for meaningful open space. It also states that no more than 25% of the critical land portion of the parcel shall count toward the 60% requirement. Planner Gabryszak noted that language is in the General Plan, not the Development Code. Council Member Robinson maintained that the General Plan has been adopted by the Code, and it says they have to provide 60% meaningful open space and cannot count more than 25% of critical lands. Mr. Thomas explained that language is in the General Plan, which is advisory. Council Member Hanrahan stated that, regardless of whether the language is in the General Plan or the Code, the point is valid, and meaningful open space is defined in various ways. He believed they should apply the 25% of critical lands criterion to the meaningful open space. He also noted that the language states that meaningful open space will not be fragmented on the project site and that small pieces of open space scattered throughout the site and narrow strips of open space are less valuable and shall not be counted as meaningful open space. Even

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though the General Plan may say that open space may include portions of a lot that are not fenced in, it seemed to him that those portions in this proposal do not meet the other criteria. Planner Gabryszak clarified that there is a difference between meaningful open space and active open space. The only thing that counts toward meaningful open space is the larger pieces, not the small pieces along sidewalks and roads. She read from the definition of meaningful open space in the General Plan and explained how it is determined. She explained that the CORE provision of the Code is one area where the percentages have been changed, and instead of requiring 60% open space, it requires 30% meaningful open space and 20% internal. Council Member Hanrahan asked if all the critical lands are included in the 30% meaningful open space. Planner Gabryszak explained that the 25% language regarding critical lands was placed in the General Plan as a goal, but was never codified in the Code, and that item has been discussed with the Planning Commission as it relates to the current General Plan and Development Code updates. She noted that they do not exclude critical or sensitive lands in other types of development applications. Council Member Robinson stated that he was less concerned about the fragmented open space, but he was concerned about the meaning of the language which states that at least 30% shall be meaningful open space except as otherwise stated in the Code. He maintained that they have adopted the General Plan as part of the Code, and it says on major subdivisions, 60% shall be meaningful open space and 25% not be critical. He asked how Staff can explain away the language, "except as otherwise stated in this Code." Planner Gabryszak stated that she did not understand what Council Member Robinson was referring to, because the language he is referencing is in the General Plan, not in the Code. Council Member Robinson continued to maintain that the General Plan has been adopted into the Code.

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Planner Caus presented a new illustration of the proposed open space on the parcel. He noted that the minutes for the density calculation methodology have been included in the staff report, and the maximum of 1 unit per 1 acre is well below that calculation. The density requested by the applicant is also well below the potential of 307 units. With regard to traffic, he noted that the Code states that any reduction in the level of service should be mitigated by the project. The County Engineer's Office has identified some drop in the level of service, which can be reasonably mitigated through road connections and traffic calming measures. The County Engineer's Office and the Park City Fire Department require a through road connection for safety reasons, which will be addressed through the final site plan by the County Manager's Office. Staff finds that the connecting road does not constitute a major connection.

Mr. Jasper asked if the through road could be not open to the public and just have crash gates. Planner Caus explained that the service providers have specified that it is to be an open road with no crash gates. Planner Gabryszak explained that Planning Staff is also opposed to a crash gate, because it is not good planning. Neighborhoods become isolated, and people have to drive a long distance to get to another home that is maybe two blocks away. There are too many examples of that in the County, and a goal of the General Plan is to increase connectivity, not increase exclusivity and divisiveness. Council Member Elliott asked if the through road would be required if they were to only permit one house on the Old Ranch Road side of the project and if that would drop the level of service on Old Ranch Road. Kent Wilkerson with the County Engineer's Office replied that a substantially smaller project would not require the through road, but he does not have an absolute number as to how small the project would have to be. He explained that the Code states any reduction in level of service, and even one house would affect the level of service, but it may not decrease from LOS A to LOS B. Even one house has an effect, but the drop in level of service could be mitigated through the transportation impact fee. He had not studied at what point that could not be mitigated, and on a project of this size, it is not

an absolute mitigation for mitigation but an overall mitigation. In this case, the applicant is providing additional trails to help mitigate, not necessarily bringing traffic mitigation back to the exact level of service.

Pete Gillwald, the applicant, presented the proposed plan and indicated the changes that have been made to the proposal over time. He indicated the types of units proposed and explained that they are trying to create diversity in the workforce component of the project. They have also increased the size of the wildlife corridor and the separation between Round Valley and the home sites in Parcel D and decreased the size of building envelopes in Parcel E to increase the amount of open space. They have also reduced the number of homesites visible from Summit Parkway in Parcel D. He stated that he does not like the through road and would prefer that it be an emergency access. In speaking with the Park City Fire District, they only require 20 feet of surface and do not require a public road. Council Member Elliott asked what the numbers are on either side of the project that trigger the Fire Marshall asking for the public road. Mr. Gillwald explained that it is not so much an issue of numbers as it is an issue of cul-de-sac length. Parcel D and the eastern portions of Parcel E exceed the allowable cul-de-sac length in the Code. He presented a revised open space plan showing the 30% meaningful open space, noting that the meaningful open space will also include the area east of Trailside Park and south of the church property, and actually about 50% of the project meets the criteria for meaningful open space. He indicated that they have spread workforce housing throughout the project except for Parcel E because of the distance from school sites, major transportation, and amenities. The goal is to meet 50% of AMI or less overall, which reduces the number of units they need to provide by about 25 to 30 units. The 20% workforce housing requirement for the 230 units they propose would be 46 units, and the balance would apply toward the pent-up need in the 2006 needs assessment.

Council Member Robinson commented that they will be impacting a lot of people and creating a lot of other impacts for a net gain of 26 units toward the pent-up demand. Bruce Baird, representing the property owner, responded that Council Member Robinson has done the math correctly, and they are complying with the Code, although he understands Council Member Robinson's point.

Mr. Gillwald reviewed the proposed trails and noted that they are proposing additional right-of-way along Old Ranch Road for continuation of bike lanes and construction of a soft trail for equestrian users. They have also offered additional trailhead parking at their southern access onto Old Ranch Road and have talked about creating an equestrian parking area on Silver Summit Parkway to create an equestrian connection between Old Ranch Road and the Silver Summit area. Mr. Baird explained that they recently did that on their own to react to some things they thought would be helpful to provide more public benefits. He stated that they keep trying to meet the concerns they hear expressed by coming up with good ideas.

Council Member Hanrahan asked if having the trail go through the wildlife corridor would impact the wildlife. Mr. Gillwald replied it would be no different from the single track trail going through the wildlife corridor from north to south, and that alignment was provided by the Snyderville Basin Recreation District as the most logical connection between existing trails and Round Valley and Trailside. Council Member Hanrahan asked if DWR took the trail through the wildlife corridor into account. Planner Caus replied that DWR saw the proposed trail plan, which may not have been exactly the same tracks, but it did go through the wildlife corridor. Mr. Gillwald noted that these trails have been proposed and discussed for a number of years in

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conjunction with this application. He indicated the hard-surface trail along Summit Parkway and explained that the project will have its own private circulation trails to get to the public trails and the Summit Parkway area.

Mr. Gillwald reviewed the visual impacts of the Parcel D lots from Kingsford Avenue and how the project had been redesigned to reduce the number of units in Parcel D, of which only seven will be seen from Kingsford Avenue. He explained that they have tried to reduce the visual impact, even though that ridgeline is not identified in the General Plan as a critical ridgeline, and they are trying to address the concerns of the residents. Mr. Baird explained that they have not shown any of the proposed landscaping, which will also hide the view of those homes. He pointed out that from the start they have taken a careful look at the Codes the County has written and worked carefully with Staff, and they believe they have addressed every issue and made a number of changes that have made the project better. He believes they are compliant with the Code in all ways, and they are always willing to address any questions.

Council Member Robinson asked whether the impacts of a project like this on the school-age population has been factored in. Mr. Thomas replied that by State statute they are not allowed to consider that. Council Member Robinson stated that he would like to see the documents that were given to the Utah Property Rights Ombudsman in late 2009 and early 2010 and questioned why they did not see that letter in 2010 when they were discussing the CORE. Planner Caus explained that the Ombudsman's opinion related specifically to Stone Ridge, not the Discovery CORE. Council Member Robinson stated that he believed the Council should have had the benefit of that legal reasoning, because the principles involved are the same.

Greg Lawson, representing citizens in the Old Ranch Road neighborhood, stated that it has been interesting to see the County Council debate with the Planning Staff and County Attorney as the residents have done for the last three years on this project. He stated that the County Council will see that they have strong disagreements with Planning Staff and their recommendations for approval of this project. He noted that the residents who have contributed to their assessment include planners and engineers and a few attorneys. He explained that they want to talk about the mandatory requirements of the CORE Rezone, what they believe are violations to the Snyderville Basin General Plan and Development Code, and what they think constitutes an appropriate decision from the County Council.

Mr. Lawson stated that the framers of the CORE Rezone were concerned about compatibility with the surrounding neighborhoods and developed two criteria for dealing with compatibility. One was whether a proposed project would be compatible from a density standpoint with existing neighborhoods within 1,000 feet of the proposed project. According to that provision, the project could not exceed more than double the density of the surrounding homes in the neighborhood within 1,000 feet of the property boundary. Because this project spans two neighborhood planning areas and two distinctly different neighborhoods, Staff's weighted average and calculation method for determining average lot size is not applicable to this situation. He claimed that Staff has ignored the two different neighborhoods and combined the lots for both neighborhoods into a weighted average, which substantially covers up the differences between the Old Ranch Road neighborhood and East Basin area. He noted that the Old Ranch Road area is mostly horse property, with large lots, most of them with horse keeping facilities, and a number of residents ride horses along Old Ranch Road to get to the trailheads. He noted that there are 21 lots within 1,000 feet of the east boundary of the proposed project, which average 5.69 acres. To comply with the Code for CORE compatibility, lots would be

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limited to no less than 2.85 acres to meet the Old Ranch Road neighborhood area, and the Stone Ridge lots average .75 acre, roughly four times more than what the calculation demonstrates is necessary for compatibility.

Council Member Robinson noted that the metric should be units per acre rather than lot size. Mr. Lawson explained that by their calculations focused on homes in the Old Ranch Road neighborhood within 1,000 feet of the property boundary, compatibility with their neighborhood is not achieved by the project.

Mr. Lawson stated that the second criterion related to compatibility deals with housing types. Because the Stone Ridge proposal includes 59 townhouses, it does not comply in their opinion, or with any sensible, logical evaluation, with single-family home types. The definition section of the Code has different definitions for single-family attached, which would be townhouses, and single-family detached, which is an individual home on an individual lot. He noted that a single-family home on a ¼-acre lot would be 2 to 3 people in the household and 2 cars per lot compared to fourplexes or fiveplexes on the proposed plan, which would be 4 or 5 units on a ¼-acre lot with 12 to 15 people and 8 to 10 or more cars on that same area. He stated that it is not believable that four or five units connected together equates to the same housing type as a single-family home on a single-family lot. He acknowledged that the County Attorney's office has used a technical explanation for this, but from a planning standpoint in other jurisdictions, there is always a distinction between a single-family home and multi-family units. He stated that there is a distinction in the Code, and to put a townhouse in the Hillside Stewardship Zone requires a special permit, whereas single-family homes are allowed. He claimed that the intent of appropriateness was to maintain the same housing types with the adjacent neighborhoods, and the proposed development fails to meet the mandatory requirement for appropriateness.

With regard to the 30% requirement for meaningful open space, Chapter 5 of the General Plan states that critical lands can only be counted at 25% of their area, and Mr. Lawson stated that they have calculated the slopes within the proposed 30% meaningful open space and find that 33 of the 92 acres of meaningful open space exceed 30% slopes. 25% of 33 acres is 8.25 acres that could be credited toward meaningful open space.

Council Member Elliott asked if Mr. Lawson has the critical lands as zoned and mapped by the County on a map the Council could see. Mr. Lawson replied that it is in the packet, and on the exhibit the applicant showed, the red areas are 30% slopes or greater. He noted that there is a slope map in the applicant's submittal.

Council Member Robinson recalled that the Code section says the applicant must provide 30% meaningful open space, and the General Plan says it has to be 60%. He verified with Mr. Lawson that he was not taking issue with the 60% but was saying that of the 30%, only 25% of the critical lands could be counted. Mr. Lawson stated that he would address the 60% requirement later in his presentation. He stated that Staff's assertion of the 80% open space requirement has not been documented to his satisfaction, and he has not seen the actual calculation showing that 80% of this project is in any kind of open space. He believed that warrants an engineer's calculation. He stated that internal e-mail communications show that Staff has done the acreage calculations for the developer, and he did not know why the developer was not doing it and handing in an engineering drawing to certify the acreage.

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Council Member Robinson requested that Mr. Lawson provide the Council Members with a copy of their presentation. Bill Hickey, representing the East Basin Neighborhood Planning Area, commented that the General Plan also states that all required open space shall be meaningful, and they did not address that in their presentation, but that language is in the General Plan. He offered to send that to the Council Members as well.

Mr. Lawson referred to the transportation study and noted that the CORE Rezone Code states that there shall be no reduction in the level of service. There is clearly a reduction in level of service, and it would be impossible to mitigate that on Old Ranch Road and Trailside. There would be too much automobile traffic generated by this project. Although Staff has claimed that the reductions are acceptable, that is not what the CORE requirement states. It does not allow any reduction without compensating mitigation, something that would offset it entirely. He stated that there is no practical, reasonable way to mitigate 500 to 600 additional cars being added to either neighborhood. Council Member Hanrahan asked if Mr. Lawson was interpreting mitigation to be 100% mitigation of any traffic impacts. Mr. Lawson replied that he does not know of any other way since the terminology states "any reduction," which means there shall not be a reduction in the level of service caused by the proposed project. Council Member Hanrahan stated that, from a common sense perspective, there would be hardly any development anywhere that could completely mitigate its traffic impacts, and he did not agree with Mr. Lawson's point. Mr. Lawson replied that there is a level of development that would be acceptable on the property that would not cause the issues that they have discussed for the last three years. Council Member McMullin verified with Mr. Lawson that, with the amount of mitigation that would have to be done, even if it mitigated the impact, the project would still be too impactful in other ways.

Mr. Lawson addressed connectivity and walkability and acknowledged that there are schools, parks, and churches within walking distance, but the missing requirement is commercial. There are no commercial areas within walking distance of this proposed project; therefore, it does not meet that requirement.

Mr. Lawson discussed integration within the development and commented that the plan shown by the developer showed that the affordable housing is clustered on the east side of the project and is not compatible with anything within the Old Ranch Road Neighborhood Planning Area, so they have been forced to leave it out of that area. He claimed that it is not an integrated plan based on the CORE requirements.

Mr. Lawson stated that they believe there are a number of inconsistencies and violations to both the General Plan and the Development Code. He stated that the CORE Rezone requires two separate permit applications, one for the rezone and one for development. As soon as the application for the major development is submitted, it moves into the requirements as a major development, which requires that a minimum of 60% of the parcel be preserved as open space. That is why they believe there has been failure to comply with the actual development requirements in the Development Code and the General Plan requiring 60% meaningful open space. He stated that, to date, they have received no explanation from Staff regarding how the applicant gets around the 60% requirement as a major development.

Mr. Lawson referred to the CORE provisions that he believes require compliance with the General Plan and make it regulatory as far as the CORE Rezone goes. He stated that they have debated this with Staff for three years, and in 2010 they obtained a letter and opinion from the Utah Office of Property Rights. The letter clearly indicates that the General Plan is regulatory as

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far as the CORE provisions in the Code, and Mr. Lawson believed there is a strong argument that the General Plan is a regulatory document. They also discovered a letter written in November 2004 by David Allen who was the Community Development Director at the time to an applicant stating that the General Plan was a regulatory plan, and his letter was cited in a court order of June 8, 2006, which was issued by Judge Kimball.

Mr. Lawson addressed the road connection from Highway 40 to Old Ranch Road and stated that he was one of the collaborators who wrote this provision in the General Plan. He claimed that the reference to "other" was to Trailside Drive, which had just been approved as part of a settlement with developers of Trailside and Mountain Ranch Estates. The term "major" was used because they went along with the fact that there needed to be a road connection and that it was to be the last road connection allowing traffic to come through from Highway 40. It was based on what existed then and exists today, which was the use of Old Ranch Road by recreationists, primarily residents on horses which are an important component of the safety concern. Over the years, runners and people who walk their dogs show up at the trailheads at Round Valley to enjoy a historical old road preserved as it was when it was first constructed. He stated that the sheer size of this project is driving the road connection, and both sides of the project could meet the Code requirements to have two points of ingress and egress without the road connection. He believed jeopardizing the safety of the equestrian neighborhood and other users along Old Ranch Road is clearly not an acceptable component of this project.

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Mr. Lawson explained that the preliminary plan submission requirements state that the location and impact on any critical wildlife habitat is to be addressed and mitigated by the project. It may not be in the CORE requirements directly, but the reference to the preliminary plan section of the Code does require that wildlife considerations be addressed and mitigated. Even BioWest, the applicant's consultant, has put in writing that there are critical habitat areas, including fawning areas for mule deer and wintering areas for many different animals. He stated that there is no doubt that habitat will be lost, but it needs to be mitigated and minimized as much as possible. The problem is that the size of the project does not allow it to accommodate wildlife requirements.

Mr. Lawson stated that there has been concern since the Code went into effect about road construction on steeper hillsides. That is what drove zoning for the Hillside Stewardship Zone, where most of the property exceeds 20% slopes, and road construction on slopes greater than 30% has significant impacts on the landscape. He stated that they have done an analysis based on the information supplied by the applicant but have not seen the Staff pay any attention to the fact that typical cuts and fills for the road will create disturbances of between 60 and 90 feet of width on the hillsides. Vertical cuts would exceed 10 feet in many places, and in some places, more than 15 feet. Of the more than three miles of road in the project, roughly 26 acres would be impacted by the road construction. He stated that the Snyderville Basin is located in a very sensitive environmental area, and even with the best revegetation efforts, road construction on steep hillsides would remain a permanent scar.

Mr. Lawson stated that they have been baffled by the County Attorney and Planning Staff's interpretation of the General Plan and Development Code. He stated that they have been trying to prove their points for three years, and as residents of the neighborhood, they are the ones who will suffer the impacts of this project. He commented that it has come down to the County Council being their last backstop, and they have the responsibility and discretion to deny this project, because it does not meet the requirements of even the Code rezone requirements, much

less the General Plan and Development Code. He hoped they had convinced them of the traffic concerns on Old Ranch Road and stated that they have received testimony from the principal of Trailside Elementary School who has indicated that additional traffic will create additional safety problems for the children going to school. He explained that the Mountain Ranch Estates HOA has paid money to put in traffic calming devices because of the traffic along that roadway. He stated that there is no demonstrable need for additional affordable housing units in the Snyderville Basin at this time. That issue comes up over and over again, and they have taken care of it for the time being. He believed justifying this project on the basis of something that does not exist does not make sense to anyone. He noted that he has heard reference to what previous Planning Commissioners have said, and he hoped the Council would take more time to study the positions stated in those Planning Commission meeting minutes. He stated that they all refer to, raise concerns, and demand changes in the plan based on what they have talked about—too much density, it is not compatible, it is not appropriate, the open space does not meet the requirements, the road connection is unacceptable, and connectivity and walkability is not available to this project because it is on the outskirts of the developed area. Mr. Lawson stated that moving development at this density into that area is another example of suburban sprawl that that the General Plan and Development Code say they have had enough of and that they would start to take care of their hillsides and their environment and concentrate development around Town Centers. He stated that they are not opposed to development of this project, and they know under the Code that the property is entitled to be developed, but only to the extent allowed by the General Plan and Development Code. He commented that there is a reasonable amount of development possible on this property, but jamming 230 units onto even 300 acres with most of it in slopes over 20% is not the kind of planning allowed in the Development Code.

Mr. Gillwald responded that, even if they take out the acres for steep slopes, he would still have 30% meaningful open space. With respect to the grading plans, they are preliminary and have not been finalized. Many of the cuts and slopes can be mitigated, and the grading plan will have to be redesigned because they have redesigned about a quarter of the project, and many of the roads will change. He explained that wildlife habitat has been discussed. They do have to provide 240 acres of open space in order to qualify for over 100 acres of parcel size. He provided preliminary plan drawings to the County Engineering and GIS staff, and they provided their own independent study. He also did a study of his own as well, and they both came up with the same 81%, so the percentage of open space has been verified.

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Amir Caus

From: Kimber Gabryszak
Sent: Monday, October 31, 2011 3:40 PM
To: Amir Caus; Don Sargent; Jami Brackin
Subject: FW: Reply to Fw: stonebridge

Kimber Gabryszak, AICP
Summit County Planner III
435.336.3132 or 435.615.3132

From: Mike and Kelly Franklin [PCDudes@msn.com]
Sent: Friday, October 28, 2011 4:50 PM
To: Annette Velarde; Bassam Salem; Bruce Taylor; Chuck Klingenstein; Julie Hooker; Kimber Gabryszak; Mike Franklin; Mike Washington; Tiffanie Northrup-Robinson
Subject: Reply to Fw: stonebridge

----- Original Message -----
From: Mike and Kelly Franklin<mailto:PCDudes@msn.com>
To: Judy Summer<mailto:judy@jjsummerstudio.com>
Sent: Friday, October 28, 2011 4:48 PM
Subject: Re: stonebridge

Judy

I want to take a moment and thank you for your interest in the Stonebridge Development. While I can't publicly comment on this development, I would strongly urge you to attend the next public hearing and get you "voice" on the public record. The commissioners and myself sincerely take into account the publics concerns.

If you ever have any questions, please feel free to contact me.

Mike Franklin

435.729.9062 mobile
----- Original Message -----
From: Judy Summer<mailto:judy@jjsummerstudio.com>
To: pcdudes@msn.com<mailto:pcdudes@msn.com>
Sent: Friday, October 28, 2011 1:46 PM
Subject: stonebridge

please pass this on the the rest of the commission. thank you.
hello..comments on stonebredge...
it seems that there still is no answer to the situation of the old ranch road traffic and the schools. have any of you, or the developers ever driven regularly on old ranch road in the winter when there are snow plows and school buses, as well as local traffic streaming in to avoid the daily kimball junction mess?. or in the summer when street bikers use it regularly, as well as folks going to the trail head with horse trailers and suvs?
i certainly understand wanting to develop one.s land, but this area is very sensitive, and again , the near last of the little open space in the basin and around the "real" round valley... i.e. the area of old ranch road to olympic park etc. must we fold to greed?..
i have been here since 1978 and have only seen the community continually loose its character of country life. as a citizen, it appears so useless to participate in discussions at all , when developments like this can even be considered. is it the fact that whom ever has the most lawyer money always wins.
instead of paving the trails, perhaps that money could have been better used to buy the property in which the trails exist. perhaps we should look at some of the other not so very crucial ideas on the agenda and better spend the money on preservation of what we already have. a beautiful open space mountain for the elk herd and the trail users.
sincerely, judy summer

Amir Caus

From: Kimber Gabryszak
Sent: Monday, October 31, 2011 3:42 PM
To: Amir Caus; Don Sargent; Jami Brackin
Subject: FW: <ACL> Stoneridge development

Kimber Gabryszak, AICP
Summit County Planner III
435.336.3132 or 435.615.3132

From: Bassam Salem [bassam.salem@incontact.com]
Sent: Friday, October 28, 2011 1:37 PM
To: Annette Velarde; Bassam Salem; Bruce Taylor; Chuck Klingenstein; Julie Hooker; Kimber Gabryszak; Mike Franklin; Mike Washington; Tiffanie Northrup-Robinson
Subject: FW: <ACL> Stoneridge development

Re-forwarding due to bounces.

Sincerely,

Bassam

B A S S A M S A L E M | SVP Professional Services | inContact

c. 435.565.1005 | f. 800.921.9366 | w. http://www.inContact.com<http://www.incontact.com/>

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[cid:image003.png@01CC9575.A8031BB0]<http://blog.incontact.com/blog/bassam-salem>
[cid:image004.png@01CC9575.A8031BB0]

From: Bassam T. Salem [mailto:Bassam@BassamSalem.com]
Sent: Friday, October 28, 2011 1:33 PM
To: plancommcpk@gmail.com; michael.washington@fadvisors.com; bct_aia@msm.com; jhooker@co.summit.ut.us; pcdudes@msm.com; commissionerverlarde@me.com; bassam@bassamsalem.com
Subject: FW: <ACL> Stoneridge development

FYI.

Sincerely,

Bassam

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[cid:image004.png@01CC9575.A8031BB0]

From: Bassam T. Salem [mailto:bassam@bassamsalem.com]

Sent: Friday, October 28, 2011 1:30 PM
To: 'Craig Stevens'
Subject: RE: <ACL> Stoneridge development

Thanks, Craig, for your message and feedback. I'll share this with my colleagues to keep all interactions around active applications on the public record. Please do come to the next public hearing on the topic so as to be able to express your opinions live.

Sincerely,

Bassam

B A S S A M S A L E M | SVP Professional Services | inContact

c. 435.565.1005 | f. 800.921.9366 | w. http://www.inContact.com<http://www.incontact.com/>

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[cid:image003.png@01CC9575.A8031BB0]<http://blog.incontact.com/blog/bassam-salem>
[cid:image004.png@01CC9575.A8031BB0]

From: Craig Stevens [mailto:crsteven@adobe.com]
Sent: Friday, October 28, 2011 12:52 PM
To: Bassam Salem
Subject: <ACL> Stoneridge development

Hey Bassam,

I'm hearing Stoneridge is back on the front burner, and being fast tracked. Really hope this one gets re-worked substantially.

The 60 head of Elk on saw on the Stoneridge hillside last spring won't be there if they develop the contemplated density and in the locations they are requesting.

Some time I would like to talk with you about this, but didn't want to forget to express my opinion sooner rather than later.

Probably see you Saturday.

Craig

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Amir Caus

From: Adryan Slaght
Sent: Monday, November 07, 2011 9:32 AM
To: Amir Caus
Subject: FW: Neighborhood Core Changes

fyi

Adryan Slaght, AICP
Principal Planner
Summit County Community Development Department
PO Box 128
60 N Main St
Coalville, UT 84017

T: 435-336-3158
F: 435-336-3046

Please consider the environment before printing this e-mail.

New email address: aslaght@summitcounty.org

From: Annette Singleton
Sent: Monday, November 07, 2011 8:38 AM
To: Jennifer Strader; Adryan Slaght
Subject: FW: Neighborhood Core Changes

HI Jen and Adryan!

Ms. Barndt mentions a neighborhood survey in the email below, and would like to know the results, etc. Bob and I are both unaware of such survey. Would you be so kind as to respond to her questions, and copy me on the response? Thanks!

Annette Singleton
Office Manager
Summit County
Phone: 435-336-3025
asingleton@summitcounty.org

From: Chris Robinson
Sent: Wednesday, November 02, 2011 9:14 PM
To: Maria Barndt
Cc: Annette Singleton; Robert Jasper
Subject: Re: Neighborhood Core Changes

Maria (and Doug),

We've been spoiled by an indian summer, so we're not quite ready for winter. Glad to hear from you.

I will cc County Manager Bob Jasper for him to respond to the survey question.

Because the Stoneridge project may ultimately get to the County Council for our consideration, it's inappropriate for me to engage in any dialogue on this matter outside of a public Council meeting with all parties present.

Best,

Chris
801-599-4397

On Nov 1, 2011, at 1:01 PM, "Maria Barndt" <mbarndt@parkcity.org> wrote:

Hello Neighbor, How are you and Rochelle doing,? Ready for Winter?

I was wondering when we could give our final feedback on the Neighborhood survey that we filled out. Do you know when that meeting will be held for public input?

I'm also concerned about the proposal by Nadine, Mostly the impact on Traffic, The Look of the Project. Are we going to be able to get our own **local Community back to work** or is the project going to the Boyer Group with their builders?
We live next to a Subdivision that exits right out onto Old Ranch Rd, a traffic study should be done at that site. I notice how much more traffic is occurring now in 2011 vs, 2005 when there were only #5 houses built. A Considerable amount of Cars are exiting and entering. It's no longer a quiet corner.
If the Proposed amount of Houses go in on Nadine's Property, there is going to be a huge amount of traffic coming out onto our Rural Roads. We need to stand up to them and say No !
We still use the Hay Barn that we have to enter from Old Ranch Rd with our Tractor, Osguthorpe uses his Farm Equipment, Balers and Tractors also on the road. I want to keep doing this but with more cars on the road I don't see how we can.. Maybe we need to look at buying certain sections of Nadine's Property for Open Space?

Don't we have enough Affordable Housing Projects Yet? If this project goes in who's to say that our local community will get any of the jobs? Boyer Hires their own? Am I right? Or will they be using Local Contractors, Local Architects and Local Construction Workers? The Project is just too big, Too many houses, Very small lots, They need to reduce it down Again.....

I'm only writing this to you because I think you understand fully the impact it would have on our subdivision. Old Ranch Rd. I love it here I want to stay here, I want to be able to leave this place for my girls. We have lived in many places in Park City and settled here. We took down our For Sale sign and were trying to stay. If only Doug could get a House to build but these are tough times…

We all moved out here to Live the Rural way of Life, Old Ranch Rd is that Last place in Snyderville to do that!

Kindly,
Maria

Maria Barndt
Landscape Gardener
Park City Municipal/Parks Dept
ph:435-615-5638fx:435-658-8989
Maria@ParkCity.org

Stewart Capital, LLC

P.O. Box 8000
136 Heber Avenue, Suite 204
Park City, UT 84060
435-655-3605 · Fax 435-655-7676

Mr. Charles Klingenstein
Snyderville Planning Commission
2131 Lucky John Drive
Park City, UT 84060

November 3, 2011

RE: Stone Ridge Development in the Snyderville Basin

Dear Mr. Klingenstein:

As a resident of Quarry Mountain Ranch near Old Ranch Road and a concerned citizen of Park City, I am writing to urge you to vote against the high density development proposal in the Snyderville Basin known as Stone Ridge. It is my appreciation that this development calls for the new construction of 230 units on approximately 300 acres between Trailside Park and Round Valley, near the Trailside subdivision. I firmly believe that a development of this density would significantly diminish the quality of life we enjoy in Park City. Allow me to articulate the reasons:

1) Old Ranch Road is a primary recreational corridor for Park City; if you increase the traffic count and wear and tear of this road, you will ruin one of the primary attractions of summer/fall Park City. Further, an increased density in this area will ruin the bucolic agrarian atmosphere of Old Ranch Road.
2) Losing 300 acres of open space will be a significant blow to our community in terms of loss of trails, green space for recreation and stress on wildlife in Round Valley.
3) Park City already has an abundant supply of existing housing stock. A development of this size will place enormous pressure on our existing sewerage, water, trash collection and road infrastructure.
4) Density of this magnitude will bring the unwelcomed potential of increased crime to our community.
5) There is a tremendous supply of affordable land in Heber and Kamas for low income housing developments. These communities are only 15 minutes away, allowing employees of the service industries of Park City an easy and manageable commute.

Many of the Park City homeowners in the Snyderville area (myself included) have a substantial capital investment in our homes. We made these investments in the context of low density zoning laws and because we wanted to live in a low density, agrarian-like area of Park City. We have no interest in seeing these investments diminished because of a high density development in our neighborhood.

I respectfully urge you to give some careful consideration to what makes the character of Park City so special: mountains, fields, streams, verdant trees, clean air, outdoor sports, wildlife, low traffic, peacefulness. In this context, it will be easy to conclude that the Stone Ridge Development runs contrary to the character of Park City.

I would be most grateful if you would provide a response to this letter using the PO Box address listed on this letterhead.

Earnestly submitted,

John C. McNamara
Chief Executive Officer

To the Snyderville Basin Planning Commission

RE: Community Concerns about Stone Ridge

Dated: December 12, 2011 for hearing December 13, 2011

The Staff Report Dated December 7, 2011 was not made public until Friday, December 9, 2011. Therefore there has been insufficient time to respond to the report. The following are concerns of the various communities that will be affected by the Stone Ridge project. They are not necessarily listed in the order of importance.

This new application made by the "Nadine Fausett Gillmor Trust" according to the Preliminary Plan Application Form filed on October 6, 2011 (the "Project") suffers from the same deficiencies that the previous application suffered-it does not comply with the mandates of the CORE, the General Plan or the Code. Therefore, the Planning Commission should vote to deny the application and pass on to the County Council a negative recommendation.

The County Code provides in Section10-5-15: "Each project shall comply with the applicable Development Application Procedure and Approval Processes outlined in Chapter 3 of this Title." Chapter 3 provides in Section 10-3-2-D-Project Termination Due to Inaction: "2. An application shall be deemed inactive and subject to denial on the basis of inactivity if, through the act or omission of the applicant and not the County:

a. More than six (6) months has passed since the last meeting with Staff and the applicant.
b. More than six (6) months has passed since a request for additional information was made by Staff, which request has not been complied with or reasons for non-compliance are not stated or indicated by the applicant."

If, as the applicant claims, this is a continuation of the original application, the commission should deny the application as being untimely. It is curious that there has been no action on the Project since January, 2010 and now the applicant is demanding immediate action on her Project despite the fact that the current application was not filed until October 6, 2011. The Staff Report dated December 7, 2012 claims that there were meetings with staff that kept the application alive. The file does not support that representation.

In adopting Ordinance 760 putting a moratorium on CORE applications, the County Council determined that the "CORE rezone process needs to be evaluated in conjunction with any approved affordable housing needs assessment before any further applications are accepted by Summit County…." This application clearly violates the mandates of the County Council.

We have been told by Scott Loomis that the county has in process a new needs assessment that should be available sometime next year. Currently the only adopted needs assessment is the 2006 document which is clearly outdated and does not provide support for the proposed CORE rezone. Since that needs assessment was published, the following affordable housing projects have been approved or in the process of approval:

Boyer Research Park (Park City Tech): 152
Silver Creek Village (I80 and US40): 330
Park City Heights (Route 248 Karnes Blvd): 76
Discovery: 52.5
Village at Kimball Junction: 20
Olympic Park: unknown but at least 10-20 units
Tanger Mall: 10
Total: 650.5 (counting only 10 units at the Olympic Park)

In the " Summary of 2010 Snyderville Basin Housing Needs Assessment" authored by the Mountainlands Community Housing Trust (Scott Loomis) dated March 22, 2011 it states: "The current mandatory requirement for all new development to provide housing at a rate of 20% meets the requirement to meet the estimated needs if long-term projections occur." Mr. Loomis recently testified that there is no current need for additional workforce housing.

In the Staff Report dated November 10, 2011, the Staff in recommending the repeal of the CORE states that the County Council placed a moratorium on any further applications under the CORE "recognizing that the economy had changed…."

In a Staff Report dated September 16, 2009, staff stated the following: "The Affordable Housing element of the General Plan has set a goal of obtaining 250 affordable units by 2011, and the CORE program was adopted as a way to implement this goal through the provision of density bonuses in exchange for additional workforce units." Clearly, this goal has been met. We are concerned that Scott Loomis, in heading up the study for a new affordable housing needs assessment, intends to do a three part study, i.e. one for the Snyderville Basin, one for the east side and one for the county as a whole. We submit that under Utah law, a needs assessment for only Summit County as a whole should be conducted.

The now discredited "2010 Housing Market Assessment: Snyderville Basin" study prepared by James A. Wood dated October 2010 ("2010 Needs Assessment") was never adopted by either the Planning Commission or the County Council. That was the purported needs assessment designed to fulfill the provisions of Utah Code 17-27a-403 (the "Act") (oftentimes referred to by the county attorney and the staff as Senate Bill 60), and the unspecified court order cited as requiring Summit County to provide additional affordable housing.

Any new needs assessment must include all the "unincorporated area of the county" as required by the Utah Code, 17-27a-403 (2)(a)(B)(iii). The Act also permits the county in its plan to "include planning for incorporated areas" such as Park City as well as we have suggested should be done, and not simply the Snyderville Basin.

Therefore, since the 2010 Needs Assessment was discredited and never adopted, the 2006 Needs Assessment which also only considered the Snyderville Basin, with manufactured statistics, is being applied to this Project. It clearly is outdated as noted by the Staff Report. Since December of 2006 when the assessment was published, we have had a serious recession which has negatively affected all of the assumptions and projections in that study. Not only has the employment picture changed, the perceived need for additional affordable housing will be met by the number of affordable units on the books as noted above.

Bottom line, the 2006 and 2010 Needs Assessments have been completely discredited. There is no needs assessment or court order justifying the application of the CORE provisions in the Code to the Gillmor application and her Project.

Our next concern is with respect to the fact that the proposed Project as portrayed for the workforce housing is all located on the eastern portion of the development and is built over the wildlife corridor. The Staff Report dated October 20, 2011 ("Staff Report") notes that the new Gillmor application has been submitted to the State Division of Wildlife for review, and that staff has recommended widening the wildlife corridor. The Project does nothing to consider the actual corridor and what the disruption the Project will have to the migration of elk and deer. Not only is there a need for a new wildlife study, we suggest that both staff and the members of

the Planning Commission do a field trip so that the actual wildlife corridor can be shown by those who know where it is. We have pictures that show that the wildlife corridor goes right through the high density part of the Project. The access for the Project not only goes right over the wildlife corridor, it places the roadway in such a position that auto headlights will directly reflect in houses across the Silver Summit Parkway in complete disrespect for those around the Project. This violates the mandate of the East Basin Land Use Plan, Section E that prohibits any development "that is not in harmony with the rural mountain character that must be preserved in the Snyderville Basin and existing residential development in this neighborhood." Development that generates traffic "must be in harmony" with the existing neighborhoods. This Project ignores the affect that traffic will have on neighbors.

The December 7, 2011 Staff Report suggests that it is a good idea to block the wildlife corridor since there are too many elk wintering in Round Valley. This contention can only be described as insensitive and disregards the General Plan's mandate that we preserve and protect what little wildlife remains in the basin. The General Plan provides for the East Basin Land Use Plan: "Environmental Objectives A. Development is prohibited in all…critical wildlife habitat…." This Project ignores this mandate. In fact, it flies in the face of the General Plan.

On October 26, 2011, you were presented with a Staff Report Dated October 20, 2011 from the county Sustainability Coordinator, Ashley Koehler that gave you the results of a public vote concerning the most important priorities for the community. The response was that open space and wildlife were the "highest priorities."

As the Staff Report notes, the Project violates the requirements of the CORE that the workforce housing "must" be integrated throughout the project. "Each phase of a project must contain a proportionate amount of the required work force housing." Code 10-5-3B4. The word "must" is mandatory and cannot be waived by either the Planning Commission or the County Council. However, as the Staff Report notes, the highly dense nature of the workforce housing will violate the goals of the Old Ranch Road Neighborhood Planning Area under the General Plan. Compliance with the General Plan is mandatory under the CORE. See the Advisory Opinion of the Property Rights Ombudsman dated August 17, 2010, page 8. "Additionally, if the Council chooses to approve a CORE rezone request, it must find the rezone request is consistent with the General Plan. This is part of the legislative zoning decision…."

The proposed Project also violates another of the East Basin Neighborhood Planning Area goals under the General Plan. As noted in the Staff Report: "Development of that area must be compatible with existing residential development…." See Code Subsections 10-5-16E.4.a and b. The proposal that the Project have attached town houses can hardly be considered compatible with the existing neighborhoods which consist of standalone single family residences. Section 10-1-1 of the General Plan states that it "was developed to ensure that the resort and mountain character of the basin is to be embraced and protected, while urban development patterns, which erode the unique character of the basin, is discouraged and, to the extent possible, prohibited. The development pattern of the Snyderville Basin shall be rural in nature, with low densities of one unit per twenty (20) acres, and up to one unit per ten (10) acres in certain circumstances, to ensure the rural character. These rural densities will help protect the

mountain environment." The proposed 230 units for the Project violate the rural development pattern of the Snyderville Basin. The Project, with approximately one dwelling per acre, is close to 20 times the allowable density under the General Plan and is approximately a 1500% increase in density.

Nor does the proposed work force housing comply with other requirements for this planning area. For example, under the heading " Recreation and Amenities", a developer is required to comply as follows: " A. Open space that is required to be set aside in each development shall, whenever possible, be contiguous to adjacent meaningful open space, useful and meaningful, and protect scenic views and natural resources." Under Section 5.2.B of the General Plan, no more than 25 percent of the "critical land portion" of a parcel shall count towards the open space requirement. Approximately 79 acres of the 240 acres of open space in the Project is "critical land," so that only 20 acres (25 percent) of these 79 acres may be counted as open space. Additionally, the staff has failed to include the open space adjacent to the Project to the East of the Project as part of the allowable density calculation. See 10-5-3 that requires that the proposed density must "be compatible with existing **adjacent uses** and neighborhoods within 1000', as measured from the edge of the CORE rezone." (Emphasis added) The staff has ignored the adjacent open space which is an "adjacent use." On this basis, the Project contains only about 54% (and far less if the adjacent open space is counted) open space, far short of the 80% plus requirement, and that open space still does not meet the requirement of "useful and meaningful" contiguous open space (the developer is counting back yards, side yards and other

potential enclosed property as "open space"). For those reasons alone, the Project does not meet the requirements of a CORE B Rezone.

A CORE B, by definition, has a maximum density of one (1) unit per one (1) acre, and a maximum size of 100 acres. Although the CORE provisions do permit applications to be considered that exceed the 100 acre limit, it was never contemplated by either the Planning Commission or the then Board of County Commissioners when the CORE was adopted that a CORE B application would be three times the maximum density. It is unfair to the surrounding communities that when they purchased their homes, did their due diligence and relied on the current zoning to allow a change in zoning to allow what can only be described as urban sprawl in violation of the mandates of the Development Code which this Project envisions.

In considering your decision, keep in mind that the CORE provides that: "Nothing in this Chapter shall be construed to mean that compliance with these criteria guarantee project and rezone approval. Rezone and project approvals are at the sole discretion of the Legislative Body of Summit County, following the public hearing process." Code, 10-5-15D.2. Although the above discussion provides enough reasons to reject this Project, you can vote to reject it for no reason simply because you do not like it. We respectfully request that the Planning Commission, since the Project does not meet the requirements of the Code, the CORE or the General Plan, forward a negative recommendation to the County Council.

From: Sharon Mardula [samardula@gmail.com]
Sent: Monday, December 12, 2011 2:37 PM
To: John Hanrahan
Subject: Planning Commission Meeting: Stone Ridge

John

Our neighborhood (Mountain Ranch Estates) has been discussing the impact of the Stone Ridge development. We understand the rights of a landowner to develop their land and generally oppose the NIMBYs with their pitchforks and torches.

We wish to discuss among other thing, the impact of an additional 230 homes on

- • safety issues such as access of fire, EMT and police during the rush hours on Trailside Dr. near Trailside Elementary at school pickup/drop off times
- • the lack of community benefits provided by the development and how it can provide them such as
    - • a truly ADA compliant indoor pool,
    - • an auditorium located in the county,
    - • additional space for overfilled exercise classes,
    - • more soccer fields to relive overscheduling of existing fields at Trailside Park
- • the lack of common area landscaping and design features such as rock walls, significant trees, play structures

I realize you can't participate in the meeting tomorrow but I want you to attend it to hear the issues in person. This is such a critical issue for me and my neighbors. The scheduling of the County Council hearing for 12/20 guarantees that fewer members of the community will be in attendance making it more important for you to attend tomorrow's meeting to get the full exposure of what this project means to your constituency.

Thanks,

Sharon Mardula

Hi Amir, my name is Mark Harden and I'm writing in regards to the Stone Ridge development going on in Summit County. I'm trying to understand the need for more development in a community with so many homes already on the market or approved for future development. I'm also concerned about the need for additional affordable housing when from what I understand there are approximately 600+ undeveloped affordable housing units already approved. Is there really a demand for it! I don't know of many other communities with such a requirement. Especially when there are several communities(Heber, Kamas, Francis, Oakley, Peoa, ect), including SLC, within 20 minutes of the Park City area. We moved here four years ago from Michigan and recently purchased a home across the street from this proposed development. The main reason we chose Park City is the open space, school system, safety, proximity to a large city & airport and the overall quality of life.....the same reasons many of my friends and neighbors chose this town. I think most of these are at risk with continued development. Park City is a great town that is very unique and we hope to keep it that way. I'm afraid these continued developments and expansion will take away from this and change it's density and demographics. Trailside elementary is already at capacity (I have a child there and a wife employed there) and the roads have already become somewhat dangerous for the traffic and pedestrians. Additional development will also require more schools, infrastructure and city/county services.....where will it end.

It's seems a lot of people sacrifice for the benefit a of a few. The developer seems to be the only winner here.

Thank you for your time and I hope you can forward take these comments into consideration and forward them to the appropriate individuals. I look forward to your reply.

Sincerely, Mark Harden

Thoughts on Stoneridge and putting it into perspective;

The other day at the Envision Park City Event at the Library Don Sargent made the comment that "if you want to get a big turn out at a public hearing in the Basin just mention affordable housing or dog kennels."

I would venture to say that the turn out at the Stone Ridge Development will not be because of either of those two issues…. After giving it some thought I wanted to share with you a couple of things that might help put this project into perspective.

I grew up in a small town in northern Idaho, Cascade which had a population of 600 to 700 people when I left town and moved to Park City 25 years ago. Cascade is very much like Coalville … it serves as the County seat for Valley County and it is about 20 miles from a much more well know resort town McCall … some interesting similarities with Summit County, Coalville and Park City.

After I walked out of the envision Park City meeting the other night …. Don's comment really stuck in my mind …his comment made it sound like Park City was full of a bunch of NIMBYS… and I began to wonder; why is it that there are so many people who have shown up at the recent public hearings on the developments that are being processed through under the CORE provision … what are they against? They all claim they support affordable housing. I have not heard that the developer was proposing any dog kennels as a part of Stone Ridge…so it couldn't be the dog thing. I could see how someone could view the public outcry as NIMBYISM.

But as I was driving home my sister, who still lives in Cascade, called me on my cell. She told me that she was thinking that after 54 years of living in Cascade she was ready to try someplace else. Her one reservation was that she still really loved the people of Cascade and did not want to leave them …as I made the turn on to 5200 North off of Old Ranch Road I jokingly suggested to her that she could pack everyone up in Cascade and move them to Stone Ridge, Utah just down the street from my house…. That's when it dawned on me what a huge project Stone Ridge really was ….

You could fit my entire home town in this development …. not that Cascade is that large of town, but it is a town with grocery stores, restaurants, bars, and even a theatre …. Maybe that's it! The developer is asking us to allow an entire town to be plopped down right next to our existing neighborhoods … with no commercial support, no real benefits given to the existing neighborhoods… only the negative impacts from this unimaginable increase in density …. To put it in a local perspective it is like moving every resident of Coalville (maybe not quite everyone) or perhaps Kamas, packing them up and moving to Stone Ridge, the impacts would be undeniably tremendous … Is this NIMBYISM??? I don't think so… I think is more likely, horror and shock that there exists any code that would allow this to happen in Summit County.

Anyway, I hope that the county is looking at us not as NIMBYS but as victims of a very bad effort on the County's part to solve an afford housing challenge… Further I hope the

County can look in the mirror at itself and realize it was not the citizens who came up with the ill-fate CORE code …. The problem was created by the County… and any code that would allow such a behemoth change in density is absurd.

So while the voices will be emotional at the public hearing, I don't think the voices you will hear are complaining about affordable housing, I think they are screaming for you, the County, to enact good public policy that will ensure that there is in fact good affordable housing available…and that the location and proper size of that housing fits into the neighborhoods and communities and does not overwhelm them but compliments them. Is that too much to ask for.

We all live in a truly beautiful place, it has a great sense of community, and we have all "chosen" to live here and call it home for many different reasons. Affordable housing is an important part of retaining our diversity as a community. I have got to believe that the vision of the Commission who enacted the CORE program was to integrate the housing needs into and around a wide variety of neighborhoods and likely not to overburden one area with unacceptable impacts of traffic, safety, and degradation of one of the most cherished historical roadways remaining in the Basin to meet those needs.

The CORE provision was enacted with the best of intensions, but it simply does not work on this scale and at this location … the most important thing at this point is to own up to those mistakes and do the right thing and deny this application and revise the code to something that works to accomplish the actual defined needs of a valid needs assessment for the community once such an assessment is available. To move forward recklessly based on a property owner's sudden urgency to cash out on a property after sitting on the property for years would be a travesty. I see many reasons in the CORE code that would justify a negative recommendation and would hope that the County would be willing to defend against any efforts to appeal such a decision.

I for one, would rather see the County defend a negative recommendation on a project like this in court, than to settle with the developer on a project that is simply wrong and cannot be taken back once approved.

Sincerely,

Kurt Peterson

To: AC Caus

Summit County Planner

Summit County, Utah

From: Kurt and Heidi Peterson

418 West 5200 North

Park City, UT 84098

RE: Input on the proposed Stone Ridge Development – Old Ranch Road

AC,

We want thank you and your staff for the incredible amount of time and effort you have all put into this project, it appears to be the project that would not go away. If it is any comfort to you, all of us residents in the Old Ranch Road (ORR) and Trailside area have spent a significant amount of our last 2 years digesting the project and its affects along with you.

I would ask that you share this, what will be a bit lengthy letter, with all the planning Commissioners and hope sincerely that they are able to read this before the Public Hearing that is now scheduled for December 13th, 2011. It sounds like the developer's demands to "take on the Public" sooner than later is putting us all in a bit of a time crunch. I hope that you are able to get the proper notices out and the packages to the Commissioners in time so they are able to process the information prior to the meeting.

I was totally disheartened by the very pushy approach that the Stone Ridge developer has taken, and for Pete Gilwald to describe his "best effort to contact the public" as a couple of phone calls, certainly sets the tone for what they are trying to do with this project. Funny how they go away for 18 months and then right at the busiest time of the year, for everyone, it is now imperative that they get this to a Public Hearing. I do hope that their approach does not go unnoticed by the Commission. I very much appreciate Annette Verlarde's plea with the Developer to reach out to the neighborhoods and get some input from them. I feel badly that they did not listen to her suggestion. I have always believed that it was better to work together to get things done than to pit one another against each other.

Sorry for the rambling but now on to the meat of my comments and concerns about the project;

Overall, I am gravely concerned that the Commission is being asked to make a decision on a development which could forever change the complexion of ORR based on an outdated Needs Assessment Study and a pilot rezoning program (CORE) that has been determined to be ineffective and inappropriate for its intended purpose by the County and the Citizens alike, as reflected by the recent push to repeal it. Further with an almost entirely new commission it feels like all the time and efforts we as citizens put into voicing our concerns about this project 18 months ago were for not… and we are

now faced with starting all over again. Among the many issues, it seemed that there was a huge question, with the last seated Commission, as to whether the CORE was even a legally enforceable code because of the inherent conflict that the it promotes with the General Plan … I will leave that up to someone more educated than myself to dig into.

I am going to address some of the issues that were raised at the last work session but for the record, I don't really even understand why the County is continuing to entertain this project …

Specific to the work session and a couple of things that were brought up that I would like to touch on;

1.) I appreciated Mike's question about the material that appears to have been dumped in the field on the Trailside of the project. Here is a photo of significant pile of dirt, probably 12 feet tall) that I believe Mike was referring to. I would hope that the County will look into the source and either verify that it is in fact, just dirt that was graded, or determine it was fill that was brought in and have it tested for contaminants that could put neighbors at risk.

2.) I agree with Chuck Klingenstein that the project, as drawn, lacks what I would consider <u>contiguous meaningful open space</u> as required by the code. That was something we addressed in the previous plan and work session as a big concern of ours.

3.) I also agree with Chuck that the wildlife corridor may be less meaningful if it does not provide a pathway for wildlife to go anywhere. That tells me however that the "meaningful open space" is even more important. The fact is, the Elk have always wintered and grazed where all of the houses are to be built, because they have historically eaten the grasses that exist in the flatter areas of that property. So if you are going to build over their winter habitat, then they at least deserve a generous open hill side to forage on for food. (I'm sure if this project moves forward they will be forced to find habitat elsewhere to winter)…. Anyway, meaningful open space is more important than ever I would suspect.

4.) Regarding open space … I seem to remember that there was a limit to the percent of the open space that could be included in the developer's calculations if the open space was located in a sensitive area or zone like hillside stewardship. So I would suggest that Staff do a very complete

analysis based on all the criteria that defines what kind of open space can be considered in that calculation. I did not see any adjustment on the developer's number reflective of that limit.

5.) The rendering that was provided was nice to see. What I got out of the rendering was that it showed perhaps 12 to 13 homes in the pod of the development that broached the ridgelines as viewed from Trailside Drive. It was considerate that the houses were denoted in brown as opposed to green so they were identifiable.

What I think would be much more helpful however would be to see a complete rendering of the entire built out development *(maybe it has already been done and provided to the Staff)* from Trailside Drive and from Old Ranch Road. The density on Trailside drive looks terribly dense. Perhaps the developer could find an example of what that kind of density might look like (a local comparative project that we can see… I am envisioning a "Bear Hollow Condo" type building or series of buildings)

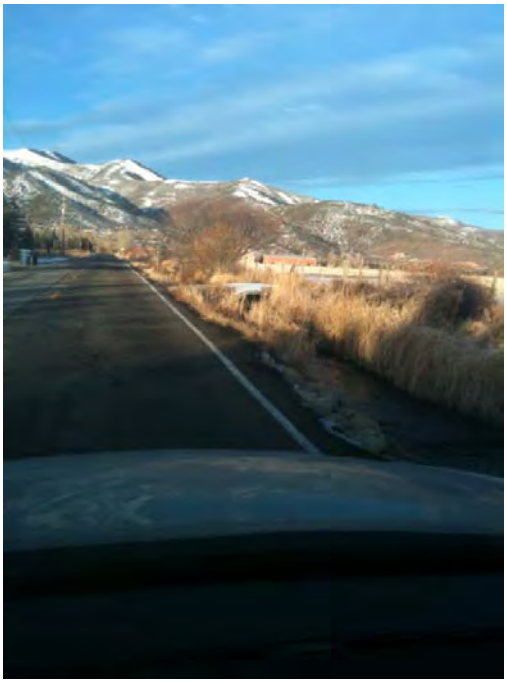
6.) In regards to the access onto Old Ranch Road… while I appreciate Chuck's comment that it is nice to line roads up and establish an intersection, of the options that were presented, the most dangerous and least attractive would be the option to align the access from 5200 North. Such alignment would make the access even more challenging and dangerous for those of us who live on 5200 for the reasons discussed;

a. the 15% grade of our private road (which has been there since 1969),
b. the fact that the bus stops at the top of the road
c. The challenging visual corridor that all ready exists.

For the record It is not a matter of better maintenance of salting or sanding the hill... it is simply that the conditions that exist are challenging enough and adding another factor (cars entering across the street) would make this a tremendously danger intersection. Additionally, there are many other safer points of entry that are available that should be considered. (See picture)

7.) Now the Big One for me … Traffic and the Health, Safety and Welfare of all the users of Old Ranch Road and the Residents.

Not to down play the traffic impacts in any way on Trailside drive, a relatively new road with pathways, but Old Ranch Road is a historic country lane that is characterized by a 20 foot strip of patched asphalt with virtually no shoulder. I should qualify this characterization as; the section of the road from the proposed access to ORR to about Quarry Mountain Ranches. Further, it is bordered on the north by an irrigation canal that runs parallel for most of that section… perhaps 1 mile and a half in distance. (see photo)



Any traffic increases, in my opinion, greatly raises the potential for conflict on this designated "Multi-Use" corridor between vehicles and the other users. I assumed that the county acknowledges this issue since they worked with the residents a number of years ago to help mitigate the safety concerns the residents and users had voiced at the community visioning process that took place a couple of years ago. The efforts to direct drivers attention to the large number of bikers, hikers, horseback riders, walkers and children who share use of the 20 foot strip of pavement via the signs certainly helps.

Kent Wilkenson in Engineering was very accommodating in fielding my many questions about the traffic study and what the traffic study showed and what perhaps it does not show or reflect. What I took away from that conversation was that the traffic study meets the County's requirement from a vehicular standing point…. I believe he said is comes in at a LOS C which is acceptable for their purposes. But as I understand it, a traffic study is not a way to measure the public's health, safety or welfare. It simply measures traffic flow, cueing, spacing and such but it

does not measure potential conflicts that might exist between other users of this corridor….the autos, the Bikers, hikers, horseback riders, walkers and children.

The Traffic Study estimates there will be an increase of something like 300 additional cars per day that will travel down this stretch of ORR. My guess is this figure would be far more than that figure and will get worse as other traffic issues arise in the years to come. Here's why I think the number is grossly underestimated;

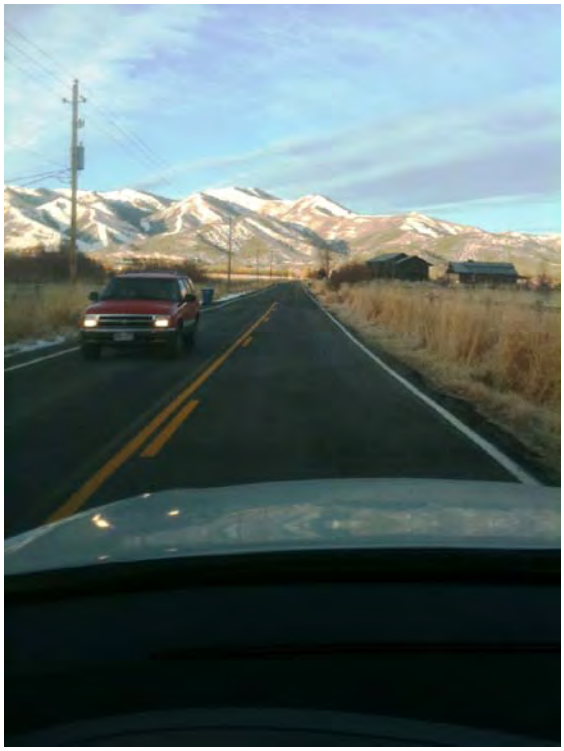
a. Travel time from the development is estimated to be 11.5 minutes down ORR to 224 and to the School zone in town, which is based on an average speed of 28 miles an hour down ORR.
b. Travel time from the development down Highway 40 to 248 and to the School zone is estimated to be 8.7 minutes. … so this sounds like the logical way for new residents to take their kids to school as it is 3 minutes faster.

   What this study does not account for is the real world… the fact that beginning at about 7:30 to 8:00 in the morning, when parents and workers are all coming into town to work and to drop the kids off at school, there is a significant cueing of traffic that generally backs up to the National Abilities / Quinn Junction Sports Complex Exit and on snowy days it can back up to the exit off Highway 40 to 248. I hear about the traffic jam practically every day from my office manager who commutes in from Midway.

   Further throw in the 239 homes that make up Park City Heights and the 1,000 new homes *(not sure of the actual number)* at Silver Creek Village and imagine what the cueing will become at the point those developments are all on line.

   After a couple of trips to drop off the kids I don't think there is any questions which way residents of Stone Ridge will go to take their kids to school … the path of least resistance …. Old Ranch Road.

c. The traffic study refers to ORR as a Residential Collector and a Major Collector in the traffic study. I believe that such a roadway is normally 24 feet wide which allows for adequate spacing for a bike lane and shoulder, perhaps mitigating some of the heath and safety issues. ORR offers only 20 feet of asphalt from 5200 North to about Quarry Mountain Ranches. The road along that stretch boarded by an irrigation canal on the north side for about a mile that is eating away at the existing asphalt in places, therefore there exists no shoulder for a bike lane on either side and as it stands the outside white line that is there to delineate the "bike lane" runs mostly along the edge of the asphalt and often places it is into the dirt shoulder. (see photos)



Therefore biker, hikers, horseback riders, and children have no choice but to use part of the auto lanes that are available for passage. Kent did say that ORR was due for some capital improvements; we did not discuss what those improvements are. I would suggest however, that if a project of this size and scope were to be allowed (I still can't fathom how it could be) to move forward, the developer should be responsible for making and paying for all the improvements that would be required to mitigate the publics additional exposure to health and safety issues caused by the project. It would not be fair to tax existing residents to cover this expense. It might be good to recall that the CORE was designed to improve the heath safety and welfare of the public …. Not add to the risks…. (see below)

> *The Legislative Body of Summit County may permit the rezone of the property only after it has determined that both the rezone and accompanying workforce housing proposal are consistent with the goals, objectives, and policies of the General Plan and all other criteria and considerations described in this Title, and said action is necessary to promote the public health, safety and welfare of the residents of the Snyderville Basin.*

d. As a resident I drive ORR 4 to 5 times a day and I would guess that on a normal summer day 200 or more bikers use ORR each day. For the road bikers it is probably the most used biking corridors that exits in Park City… as practically every loop ride around Park City depends on this link. It is one of the only ways to avoid the massive congestion and numerous intersections at Kimball Junction which can be incredibly dangerous for bikers. For mountain bikers and hikers who live on the west side of the basin ORR is the

only way they can get into Round Valley and the trials that exist there and visa versa for those of us who live on Old Ranch Road and in the Trailside areas.

e. ORR has been surprisingly accident free in spite of its Multi-use functionality. I have grave concerns that should this project go through we will see a repeat of the tragedy that took place on Silver Creek Road this past fall, when the young driver hit and killed the horse that was being ridden, and rider ended up horribly injured as a result of the collision.

In closing I would ask that you consider the following;

- Is the CORE code a legitimate code as it appears that there are major conflicts with many aspects of the General Plan, which has been acknowledged by the recent push to recall it,
- I would implore you to weigh heavily the impacts and health safety risks that the traffic from this project will bring to this very popular corridor and to the neighborhoods.
- I would ask you to consider the wisdom of making such a monumental decision about this project based on a needs study that was done at the very peak of our market, when nothing was affordable and there were very few projects that were in line to deliver affordable units.
- Is there proof that there really is a pent up need for affordable housing and is the present housing stock of the already approved projects not enough to meet those needs…. The world has changed dramatically since 2006 when the real estate world was on fire.
- Is getting additional affordable housing worth closing the chapter on the rural character of the last historically significant roadway that we have remaining in the Basin*… (what we should be doing is interacting with you all working on an effort to get Old Ranch Road turned in to a scenic / historic byway…. Linking it to the Historic Kimball Hotel at Bitner Ranch and codifying it's significant with monuments to Mark Twin, Walt Whitman and Horace Greeley who all supposed stayed at the hotel on their ventures out west.)*

The CORE code appears to have been created with good intensions in mind. After following this process on a number of different projects it appears that implementation of the code for use public use and benefit has been less than successful. I suspect that is why it is being repealed. I for one would rather see the County defend a negative recommendation on a project that is being processed under this code, with such dramatic issues that are presented in this application, in court than to settle with a developer on a project that is simply wrong and cannot be taken back once approved.

Thank you for your time and consideration, I have faith that you will make the right decision on this application. I'll leave you with one of my favorite Whitman's poems which ends with a comment that one should "leave the world a little better place than we found it". In a world of massive unrestrained development protecting Old Ranch Road from the impacts this development would be leaving the world a little better place.

Sincerely,

Kurt and Heidi Peterson

From: Kris Buckner [mailto:kris_buckner@yahoo.com]
Sent: Monday, December 12, 2011 7:50 PM
To: annettevelarde@mac.com; plancommcpk@gmail.com; michael.washington@wfadvisors.com; bct_aia@msn.com; pcdudes@msn.com; bassam@bassamsalem.com
Subject: Against Stone Ridge Development

Dear Mr. Klingenstein, Mr. Washington, Mr. Taylor, Mr. Franklin, Ms. Verlarde, and Mr. Salem,

I am against the Stone Ridge Development but will be unable to attend the Snyderville Basin Planning Commission's meeting on Tuesday, December 13. Through this email, I will share my concerns regarding this project with the Snyderville Basin Planning Commission. These concerns focus on water resources/availability, education, construction impact, and economic impact.

Water Resources/Availability
What happens during the next drought or near-drought? A lot of development in the area has already occurred since the last really low-water year(s). So the level of water resources for the existing communities already is in question. How will there be enough water for an additional 250 - 300 houses? (Also take into consideration the 1,000+ unit development that's taking place at the intersection of I-80 and Highway 40.)

Education
Trailside Elementary School's facilities are already strained. How can the elementary school accommodate another 100+ students? What will happen to the quality of education? How many more additional special learning resources will those students require, and at what cost to the current students and taxpayers? Trailside has a reputation of being one of the best elementary schools in the Park City area. Why jeopardize our children's education?

Construction Impact
The construction noise and vehicles will negatively impact the quality of life for current residents for years. How can we enjoy being outdoors, hiking, biking, and playing at the park with the air pollution and noise pollution that will be emanating from the construction equipment and reverberating across the valley? On the especially hot, dry summer days, what will happen to the air quality? (Consider the amounts of pollution diesel construction trucks/equipment emit and the dust from the dirt work.) How will the developers be able to contain the construction debris and garbage, especially considering the frequent high winds in the area? Will the surrounding communities be expected to just put up with the pollution -- air, noise and otherwise?

Economic Impact
Who really will be purchasing these homes? Who can get a loan? What happens when the builder finances everything and then goes under because the economy isn't improving? (Or because of competition from nearby new developments and resales?) Will this become a development owned by investors who have little or no interest in the actual conditions in the neighborhood? Are we looking at a future "Slumhenge"? Perhaps the county should wait a few years to see how the economy fairs. We need to know what the impact of foreclosures of existing homes and the addition of units in the I-80/Hwy 40 development, the Quinn's Junction development, the Weillenman development, the Kimball Junction development and the development behind the outlet mall will be on the current housing market and economy.

Please stop (or at least postpone) this development for now. There are too many unknowns.

Regards,
Kris Buckner
Full-time Trailside resident
918-290-1415

H. GREGORY LAWSON
5570 North Old Ranch Road
Park City, UT 94098

January 5, 2012

Snyderville Basin Planning Commissioners
P.O. Box 128
Coalville, UT 84017

RE: Proposed Stone Ridge Development

Dear Planning Commissioners:

On behalf of the Old Ranch Road Neighborhood Planning Area and the East Basin Neighborhood Planning Area, I am formally requesting a work session be scheduled with the Planning Commission regarding the proposed Stone Ridge development. Please consider this request in conjunction with a similar request from Craig Eroh with CAGE, which is working with our neighborhood groups.

This request is made pursuant to the requirements in the Snyderville Basin Development Code, Chapter 3, Section 10-3-10: Major Development Review for Residential Development Exceeding Ten (10) Lots in the RR, HS and MR Districts: D. Review Procedures: 2. Work Sessions Required for Major Development: I quote – "In order to provide an opportunity for informal discussions among developers, public officials, service providers and the public on various issues relating to, among others, the use of land in the Snyderville Basin, the Commission shall conduct work sessions related to the proposed sketch plan."

Please note that to date the Planning Commission as now constituted has not fulfilled this requirement. As we requested at the last Planning Commission meeting on December 20, 2011, representatives from the ORR and EB Neighborhood Planning Areas have not been provided an opportunity to participate in work sessions regarding this proposed project, and in fact, the public has been prohibited from participating in work sessions. As I expressed during the meeting December 20th, the format for public input sessions, which have been held, are too restricted and tense to allow for meaningful discussions between all the parties participating the evaluation of the proposed project as required by Section 10-3-10, which the Planning Staff has told us is the procedure to be followed for the proposed project.

We believe this important provision in the SB Development Code should not be ignored and I strongly encourage each of the members of the Planning Commission to review Section 10-3-10:D. – 2.We have important points for discussion with the Planning Commission that cannot take place under the format of the public hearing and three minute time limits.

We believe the property can be developed in a manner consistent with the General Plan and the Snyderville Basin Development Code and still return a fair and equitable return to the land owner and the developer of the property.

Respectfully yours,

Greg Lawson

Greg Lawson

H. GREGORY LAWSON
5570 North Old Ranch Road
Park City, UT 94098

December 20, 2011

Snyderville Basin Planning Commissioners
P.O. Box 128
Coalville, UT 84017

RE: Proposed Stone Ridge Development

Dear Planning Commissioners:

As you know, the processing of the proposed Stone Ridge development with the Snyderville Basin Planning Commission (PC) has been underway for well over 3 years. Many of you were not on the PC on December 6, 2009 when the PC members presented their assessments of the proposed project including a number of serious concerns regarding the proposed size, density, traffic and environmental impacts.

PC members also identified specific components of the proposed project that did not meet the requirements of the General Plan or the CORE rezone provisions of the Snyderville Basin Development Code. I submitted a summary of the PC member comments to you in writing and made a short presentation at the PC meeting held on December 13, 2011.

Since the meeting December meeting in 2009, the applicant has refused to respond in any meaningful way to the input provided by the former Planning Commission or to the numerous issues of non-compliance with the General Plan and SBDC pointed out by residents in the two neighborhoods impacted by the proposed project.

I am concerned that the full and complete record of the issues previously identified by the former PC and the neighborhood residents has not been accurately presented to you. The attached "On Proposed Stone Ridge Development, Issues for Discussion" is a condensed record of the issues still not settled in the review of the proposed project.

The proposed project does not comply with the requirements of the SB General Plan or the SBDC, which cannot be ignored by the PC. The size and density of the proposed project exceeds the reasonable carrying capacity of the land. Approximately 227 acres of the 300 acres is currently zoned Hillside Stewardship because it consists of terrain with 15% to 30% slopes. The extensive road system and other infrastructure improvements in these steeper portions of the property do not meet the development requirements of the General Plan or the SBDC.

More specifically, the proposed project fails to even meet the CORE provisions of Section 10-5-16-E: Requirements, which are numbered below in accordance with the specific CORE requirements:

4.a. Compatibility – Does not comply with the minimum average density of the Old Ranch Road Neighborhood Planning Area.

4.b. Appropriateness – Does not comply with the East Basin Neighborhood Planning Area requirement for similar housing types.

8. Neither the CORE open space provisions nor the proposed project are consistent with the General Plan requirements for minimum meaningful open space.

10. The required traffic study does not take into proper consideration the multi-use recreational corridor designated for Old Ranch Road. In addition the through road connection to Old Ranch Road specifically violates the ORR Neighborhood Planning Area policy stated in the General Plan that no another road connection should be made to Old Ranch Road. The additional traffic will jeopardize safety for users of Old Ranch Road and children attending the elementary school.

11. The fact that commercial facilities do not exist in either the ORRNPA or the EBNPA is a strong indicator this area is not appropriate to meet the goals of workforce housing.

Each of these items of non-compliance are more fully explained in the attachment hereto.

In addition, the application for the Preliminary Plan is not complete and should not be accepted for processing by the Planning Department or the Planning Commission.

The fundamental issue is simply: " The sheer size of the proposed project exceeds the capacity of the land and cannot meet the development requirements of the General Plan or the SB Development."

We hope the residents will be given sufficient time in work sessions and public input meetings with the Planning Commission to fully present our evidence demonstrating the proposed project as currently planned should receive a strong recommendation of denial from the Planning Commission to the County Council.

We believe the property can be developed in a manner consistent with the General Plan and the Snyderville Basin Development Code and still return a fair and equitable return to the land owner and the developer of the property.

Respectfully yours,

Greg Lawson

On Proposed Stone Ridge Development
Issues for Discussion
Dec. 19, 2011

IS THE GENERAL PLAN REGULATORY OR ADVISORY?

One of the first issues addressed by residents when the Planning Commission first allowed public input on the proposed Stone Ridge project at the meeting on December 8, 2009, was the inconsistency of the CORE Rezone provisions with the General Plan and the Snyderville Basin Development Code. The Staff and the County Attorney told residents the General Plan was only advisory and CORE was not required to be in conformance or consistent with the GP. Residents disagreed with the Staff and County Attorney and requested and paid for an objective legal opinion from the State of Utah Office of the Property Rights Ombudsman. Their Advisory Opinion stated the County Council may only approve CORE rezone requests that are consistent with the General Plan.

The General Plan is regulatory and the Summit County Council can only approve CORE rezone requests it finds are consistent with the General Plan.

1. See Advisory Opinion of August 17, 2010 from Brent N. Bateman, Lead Attorney, Office of the Property Rights Ombudsman.
2. Also see the letter of November 4, 2004 from David Allen, CDD, included in Decision and Order of June 8, 2006 by Judge Dale A. Kimball, US District Judge.

CHAPTER 5 WORKFORCE HOUSING
10-5-15 APPROVAL PROCESS:

A. Each project shall comply with applicable Development Application Procedure and Approval Processes outlined in Chapter 3 of this Title.

CHAPTER 3 DEVELOPMENT APPLICATION PROCEDURE AND APPROVAL PROCESS
10-3-1: PERMITS REQUIRED:
No development or development activity may be undertaken within the unincorporated area of the Snyderville Basin unless all development permits applicable to the proposed development or subdivision of land are issued in accordance with the provisions of this Title.
10-3-2: GENERAL PROVISIONS:
10-3-2-D. Project Closure Due to Inaction:
The County may formally close applications which remain inactive for nine (9) months or longer due to acts or omissions of the applicant.

1. No application may be closed on the basis of inaction without giving 21 calendar days certified written notice to the applicant.
2. An application shall be deemed inactive and subject to closure on the basis of inactivity if, through the act or omission of the applicant and not the County, one of the following occurs:
   a. More than nine (9) months has passed since the last meeting of Staff and the applicant.

10-3-10: MAJOR DEVELOPMENT REVIEW FOR RESIDENTIAL DEVELOPMENT EXCEEDING TEN (10) LOTS IN THE RR, HS & MR ZONE DISTRICTS:

A. Purpose: The purpose of the Major Development review is to establish a procedure for considering any development application requesting residential densities in the RR, HS and MR zone districts that exceed ten (10)lots....**This review process requires the submission of significant information to describe the development and justify compliance with the provisions of the General Plan and this Title.**

B. Criteria for Approval: In order to approve an application for Major Development, the CDD or designated planning staff member shall first find that the application:
   1. **Conforms to all goals, objectives, and policies of the General Plan;**
   2. Conforms to all relevant provisions of this Title;
   3. Is compatible with the appropriate social, cultural, rural, mountain and natural resource characteristics of the Snyderville Basin;

C. Submission Requirements: An application for Major Development shall not be accepted as complete unless such application contains the information set forth in Sections **10-3-11, 10-3-12 and 10-3-13 of this Title**; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this Title.

1. Sketch Plan: Prior to submitting an application for a Major Development review, an applicant shall first submit a sketch plan and pay the fee for review thereof. ..**The sketch plan shall contain enough information, in graphic and text form, to adequately describe the applicant's intentions with regard to site layout and compliance with the General Plan**, this Title and any applicable development permit, consent agreement or development agreement. **A sketch plan is not a completed application for purposes of vesting under Utah law.**

D. Review Procedure:
   1. Sketch Plan; Pre-application Conference: After submitting a sketch plan and before work sessions are held, an applicant shall meet with the CDD or designated planning staff member to discuss the procedures and issues related to the project. Issues which may be discussed at the pre-application conference may include, but are not limited to:
      a. Consistency with the goals, objectives and policies of the General Plan, this Title, and Chapter 2 of this Title.

CHAPTER 2 ZONING DISTRICTS, DEVELOPMENT POTENTIAL AND REQUIREMENTS
10-2-11: DEVELOPMENT EXCEEDING BASE DENSITY:

B. Density: The base and maximum potential densities within the RR, HS and MR are stated below. Only Developable Lands shall be considered for Incentive Density. **Sensitive Lands shall only be considered at Base Density and cannot be counted for incentive density. This requirement in Chapter 2 is not addressed by the Staff or the applicant in the calculation of open space. It is another major inconsistency between the Code and the CORE Rezone provisions.**

10-3-12: SKETCH PLAN SUBMISSION REQUIREMENTS:

A. Information Required: A detailed sketch plan shall contain the following:
   6. A delineation of environmentally sensitive areas including, **but not limited to**, wetlands, slopes exceeding 30%, floodplains, and ridgelines. **The Planning Commission and the Staff should be requiring the wildlife study under this provision.**

10-3-13: PRELIMINARY PLAN SUBMISSION REQUIREMENTS:

A. Information Required: A detailed Preliminary Plan shall contain the following information:

   10. The location of and impact on any critical wildlife habitat, including birthing areas, critical winter range and migration corridors.

11. The proposed development layout, including lots, parcels, buildings, setback lines, utilities, fire hydrants and water storage systems where applicable, open space, and architectural and landscape concepts.

12. The proposed grading and drainage plan and landscape and maintenance plan. Drainage is a major concern to surrounding residents due to the high groundwater levels during the spring runoff.

13. The location and design of public and private roads. We have not found design plans for the roads in the proposed project.

CHAPTER 5 WORKFORCE HOUSING
10-5-16 COMMUNITY ORIENTED RESIDENTIAL ENHANCEMENT ZONES (CORE)

D. Designation Procedures

1. Each application will be viewed on a case-by-case basis and be compared to the Needs Assessment to determine if the project is necessary to address the Workforce Housing needs of the Snyderville Basin. **The 2006 Needs Assessment states – "The projected workforce housing demand by 2010 is 662 additional units." The number of recently approved workforce housing units exceeds this number and a case-by-case review of the proposed Stone Ridge project would conclude additional workforce housing units have already been adequately addressed.**

7. **The Legislative Body of Summit County may permit the rezone of the property only after it has determined that both the rezone and accompanying workforce housing proposal are consistent with the goals, objectives and policies of the General Plan and all other criteria and considerations described in this Title,** and said action is necessary to promote the public health, safety and welfare of the residents of the Snyderville Basin.

E. Requirements: Development applying for consideration for CORE density bonuses shall comply with all the following requirements, in addition to the requirements of Section 10-5-3. Failure to comply with any of these requirements is grounds for project denial:

4. The proposed density is appropriate to and compatible with existing adjacent uses and neighborhoods within 1000', as measured from the edge of the proposed CORE rezone. If there are no existing uses and/or neighborhoods within 1000', the burden of proof is on the applicants to demonstrate that the proposed density is appropriate where proposed.

a. Compatibility: if any existing neighborhood is located within 1000' of a proposed CORE development, the CORE development shall not exceed twice the average density of that portion of the neighborhood or neighborhoods within a distance of 1000'.

The Staff Report of December 7, 2011 presents a calculation of the average density within a 1000' of the edge of the proposed development, but fails once again to recognize the two different Neighborhood Planning Areas straddled by the proposed project. The Old Ranch Road Neighborhood Planning Area is on the northwest and west edges of the proposed project and the East Basin Neighborhood Planning Area is on the north and east

sides. The two NPA are very different. The ORRNPA is characterized by very low densities and large lots suitable for horses and equestrian uses along with Old Ranch Road multi-use recreational corridor connecting residences with the Round Valley Trailhead and the Swaner Preserve. The EBNPA consists of numerous younger families residing in Highland Estates with ¾ acre lots accommodating horse keeping, in Silver Summit with smaller lots, which were marketed in the 1980s as affordable homes, Trailside Subdivision with 1/3 acre lots adjacent to the elementary school and the regional Trailside Park, and Sun Meadows with 1/3 acre lots with connections to Trailside Park and the elementary school.

The Staff is claiming the averaging methodology used for the proposed project was approved by the Summit County Council for the Discovery Project, but this project was entirely within the Summit NPA. Using the same averaging calculation for the proposed Stone Ridge project is not appropriate since it straddles two very different NPAs and seriously distorts the actual average lot size in the ORRNPA.

If the averaging calculation specified in 10-5-16-4. a. is followed, the proposed Stone Ridge project does not meet the density requirement in the Old Ranch Road Neighborhood Planning Area. The 26 lots on Old Ranch Road within 1000 feet of the edge of the proposed project total 148 acres, which divided by 26 lots equals an average of 5.69 acres per lot. The minimum lots size allowed within this portion of the proposed project would be 2.85 acres. The current sketch plan shows lots .5 to 1.0 acres.
The 10 lots in the Mountain Ranch Estates subdivision also within the ORRNPA on the northwesterly edge of the proposed project total 31 acres including related open space for an average lot size of 3.1 acres. The minimum lot size allowed is 1.5 acres and the sketch plan indicates lots .5 to 1.0 acres.

b. Appropriateness: if any existing neighborhood is located within 1000' of a proposed CORE development, the CORE development shall utilize **home types** similar to the existing home types within those portions of the neighborhood or neighborhoods within a distance of 1000'.

The proposed project does not meet this requirement in the East Basin Neighborhood Planning Area. The sketch plan indicates 59 townhouses (single family attached are defined in 10-11-1.107 as three or more units) are proposed in this area, but there are no townhouses or single family attached units in this neighborhood within a distance of 1000 feet from the edge of the proposed project.

SBDC Definitions:
At the meeting on December 13, 2011, the County Attorney informed the Planning Commission that the SBDC did not distinguish between single family homes and townhouses and therefore 4b. Appropriateness would be satisfied.

We found in Chapter 2, Section 10-2-10: Use Table that in the HS Zone, Single Family Attached units (also known as townhouses) require a Low Impact Permit and Single Family Detached units are an allowed use. In other words, a special permit is required to construct townhouses in the HS Zone

Moreover in the Definitions section of the SBDC, it clearly makes the distinction between Single Family Attached units and Single Family detached units:

10-11-1.107 Dwelling Unit, Single-Family Attached: A dwelling unit in a structure containing three (3) or more units sharing one (1) or more vertical common walls and no horizontal floors and ceilings, each of which is designed for and used as a dwelling unit exclusively by one family and its guests; may also be referred to as a townhouse.
10-11-1.108 Dwelling Unit, Single-Family Detached: A detached principal building, other than a mobile home, design for and used as a dwelling unit exclusively by one (1) family and its guest. Only one of these dwelling units is permitted for each lot of record when identified as permitted or conditional use, unless otherwise stated in this Title; may be referred to as a single family detached dwelling.

Two different definitions, <u>two different home types</u>: SF Attached is 3 units, attached to each other on a single parcel (known as a townhouse); and SF Detached is 1 unit, on a single lot (known as a single family detached dwelling). Again, the County Attorney has misinformed the PC about the clear distinction between SF Attached or townhouses and SF Detached or single family dwelling on a single lot.

8. At least thirty percent (30%) of the parcel shall be preserved as meaningful open space as defined in Chapter 5 of the General Plan except as otherwise stated in this Code. Additionally, a minimum of 20% of the developed portion of the parcel shall be utilized as active open space such as pocket parks and trails, which shall be maintained by the Development. Open space shall be clustered with adjacent open space to the greatest extent possible, and may be used as a buffer from adjacent uses if deemed appropriate.

The CORE requirement of only 30% meaningful open space is not in conformance with the General Plan and its application would be a violation the Code requirements. This CORE requirement and therefore the proposed Stone Ridge project directly conflict with General Plan Chapter 5. Open Space, 5.2.B which states – "For any type of major development outside of a Village and Resort Center, including subdivisions containing single family, two family, and/or multi-family dwellings, a minimum of 60 percent of a parcel must be reserved as "meaningful open space", also, no more than 25 percent of the critical land portion of the parcel shall count toward the 60 percent open space requirement." This inconsistency has been identified numerous times during the public input sessions for the proposed project, but the Staff continues to ignore it.

Also related to the open space calculation is the existing home within the proposed CORE Rezone parcel, which has not been addressed by either the Staff or the applicant. The calculation of open space and average size of lots within 1000' of the edge of the proposed project are affected by the presence of this home and its parcel size.
We have not found a detailed calculation of open space that complies with the General Plan or the SBDC.

10. A transportation study must be done, and if the additional density results in any reduction in the level of service of the roads serving the project, such reduction in service shall be mitigated by the project. If traffic impacts cannot be reasonably mitigated, that could be grounds for denial.

The proposed project fails to comply with this requirement on at least two counts:

1. **It fails to recognize the Old Ranch Road Neighborhood Planning Area policy in the General Plan on Page 73, Paragraph H. in the Transportation Objectives, which states: "No major roadway should connect to Old Ranch Road." The term "major roadway" was used to distinguish between another road connecting Highway 40 to Old Ranch Road from new roads for new developments within the ORRNPA.**

   This ORRNPA objective is focused on keeping traffic at current levels to preserve the safe use of Old Ranch Road as a multi-use corridor for horseback riders, bikers, runners, hikers and for visitors to the Round Valley Trailhead and the Swaner Nature Preserve. This has been a two decade ongoing effort by the ORRNPA and it has proven to be a worthwhile effort.

   The Staff for reasons not understood by neighborhood residents has chosen to ignore The ORRNPA objective and substitute a definition for "major roadway" to mean something other than a road connecting Highway 40 to Old Ranch Road.

2. **Fundamentally, however, the requirement for the road connection is due to the sheer size of the proposed project and the substantial increase in traffic. The substantial increase in traffic causes the reduction in service level. Since the reduction in service level and decrease in safety for recreational users cannot be reasonably mitigated, the proposed project fails to meet this requirement. The solution is for the proposed project to recognize and accept the ORRNPA prohibition of the road connection to Old Ranch Road and reduce the number of units to eliminate the need for the road connection.**

11. Interior and exterior connectivity shall be provided, including but not limited to sidewalks and trails, both within the development and connecting the development to adjacent developments, parks, schools, churches and neighborhood commercial areas.

    This requirement could be met except for one essential component, which is the absence of commercial areas. The lack of commercial and retail uses within reasonable walking distance of the proposed project is another indicator its location is not suitable for a CORE B rezone of this magnitude.

13. All building elevations shall comply with the Architectural standards in Section 10-4-20, and shall be presented to the Snyderville Basin Planning Commission to be reviewed as part of the approval process.

    The applicant has not provided building elevations and the application cannot be considered as complete for processing of Preliminary Plan Review.

15. All other site planning requirements outlined in the SBDC will apply to the proposed project.

    The site planning requirements outlined in the SBDC as identified below have not been addressed by the applicant:

As required in 10-5-15: Approval Process, A. Each project shall comply with the applicable Development Application Procedure and Approval Processes outlined in Chapter 3 of this Title. In Section 10-3-10: C. Submission Requirements: 2. Preliminary Plan: After completion of the Sketch Plan process, an applicant shall submit an application for a Preliminary Plan and pay the fee for the review thereof. Refer to Section 10-3-13 (corrected error of reference to 10-3-12), of this Title for detailed submission requirements.

In Section 10-3-13: PRELIMINARY PLAN SUBMISSION REQUIREMENTS: 10. The location of and impact on any critical wildlife habitat, including birthing areas, critical winter range, and migration routes.

For reasons not understood by the public, the Staff has not called attention to this omission by the applicant. Nor has the Staff pointed out that the applicant has not fully satisfied 10-3-13: 11., 12. and 13. Simply put, the applicants application for Preliminary Plan review is not complete and most certainly is not ready for decision making by the Planning Commission.

December 13, 2011

To the Members of the Snyderville Basin Planning Commission:

We are writing to you as the leaders of the HOAs for the neighborhoods that surround the proposed Stone Ridge development.

Several years ago, when an application was made to build more than 200 housing units on this neighboring parcel that was zoned for only about 15 homes, our neighborhoods patiently and diligently participated in a more than year-long process of hearings before the Snyderville Basin Planning Commission ("Commission") as this project was carefully considered by that body. At the end of this process, *almost two years ago*, the Commission rightly and justly concluded that the project was unacceptable as presented. It was too dense, not compatible with the surrounding neighborhoods, created traffic and safety concerns, did not provide adequate contiguous and meaningful open space, and was inconsistent with the General Plan. The Commissioners told the applicant that the development would not be approved without substantial revisions addressing these concerns.

And for almost two years, nothing further was heard from the applicant.

So we are now stunned to find that a new application, with a development plan substantially similar to the initial application that was highly criticized by the Commission and which addresses *none* of the concerns expressed by the Commissioners two years ago, is now before you and is being fast-tracked for a vote during the holiday season, when most of us are occupied with family matters.

We urge you to reject this application and forward a negative recommendation to the County Council. The County Council placed a moratorium on CORE applications because it recognized how flawed it is, so why perpetuate it by even considering this project? It is an affront to the careful deliberative process that the Commission and so many of us spent so much time and energy on a similar project during the last several years. The Commission was right two years ago. And we trust that the Commission will be consistent in its judgment now.

We thank you very much for your service and for your consideration.

Sincerely,

Melissa Briley
President, Sagebrook HOA

Robert Ainsworth
President, Trailside HOA

Jerry Abate
President, Mountain Ranch Estates HOA

Greg Lawson & Jerry Wohlford
Old Ranch Road Neighborhood Group

From: Donna Tiley [mailto:dbtiley@gmail.com]
Sent: Tuesday, October 25, 2011 8:17 AM
To: Donna Tiley
Subject: Re: Stone Ridge development

To Whom it May Concern:
I am a resident of Sun Meadow at Silver Summit. I am aware that a public input hearing is on Tues Dec. 13th, but I will not be able to attend since I work in Salt Lake and often well into the evening. I just have a few thoughts and concerns.
First, I am sensitive to the matter that it is private land and I do understand they have rights too. But, I am concerned about the amount of large to very large developments that are being proposed and that are going through in the Snyderville Basin in general. We are setting us up for the Salt Lake phenomena of inversion right here in the Basin. Most of us would love to preserve as much open space as possible, this is what brought us to live and love this area and to preserve a healthy environment (but as said before, we have to consider and be sensitive to land owners rights and in turn they should respect the residents that are impacted by their unnecessary copious wants and desires.)
The Stone Ridge proposed development would be sandwiched in between highly dense developments already. The land was originally zoned for 1 : 20 and now they want to still put 230 homes on her land. I wouldn't mind seeing a proposal for 1 to 5 acre lots being proposed along with open space (and **a lot less** approved density over all since really it was originally bought and zoned for 15 homes, as it was zoned for 1:20, and any change from that would be a benefit for the owner). Yes, it would hopefully mean fewer homes, but the scar and impact on the land would be less, and hopefully the wild life corridor would be preserved. I also think it would better compliment the area than what is currently proposed since dense neighborhoods surround this land. I feel Nadine Gilmore is now trying to cash in on something that she should have done before the Field Stone development. She was probably holding out and now missed the “boat” and is trying to recoup. The land that would have made sense for the “affordable housing” is already developed in this area and probably because of her greed she missed out. (This is just my interpretation of the situation as I live in this area)
The fact is how much "affordable" housing is really needed (?): studies haven’t been done since I think 2006. And, 2 out of the 3 large developments are already approved; this includes affordable housing. I feel that you will be saturating the market. Trying to sell an existing home will be even more difficult than it already is in this economy. And in regards to supplying the resort(s) with workers, maybe they should be responsible for supplying on site housing (at least a bit of it).
As you know most of us moved up to PC for the quality of life and healthy environment. Let’s not make another Salt Lake, Sandy, Draper, etc…..
Maybe I am still trying to understand this whole "affordable housing thing". I understand the concept, but the reality is: how is it enforced once the home is purchased and is owned?
It basically comes down to money and greed and what this society is all about.

Sincerely,
Donna Tiley
AspenGlenn II

Subject: Stone Ridge Development, Community Input

Dear Bassam,

I hope that you and your family had a nice holiday season. Now that the new year is upon us it is time to get back to the matters at hand. I am writing today to request that the SBPC grant a block of time, perhaps 30 minutes to hear from a very few selected representatives of neighbors that will be affected by the Stone Ridge Development.

Trying to express views with only three minutes in a cogent manner in nigh impossible. I can assure you that the comments made will be germain to the issues and will not contain personal attacks of either the landowner, developer or attorneys. (I was quite embarrassed by some of the comments made towards Ms. Gilmore at the last meeting.) A short powerpoint followed by a few very brief oral presentations are all we are requesting. We sincerely believe that there are important points that heve not been adequately explained to the Planning commission.

Please consult as needed to determine your response to this request. As you are well aware I believe it is the duty of citizens to participate in their government processes.You obviously feel likewise as demonstrated by the hard work and many hours that you have provided on behalf of the citizens of Summit County. I look forward to hearing your response.

Sincerely,

Craig Eroh

CAGE

--
Craig Eroh & Sancy Leachman
Citizens for the Alignment of Growth and the Environment
435-729-9096 (Craig's cell)
801-301-1423 (Sancy's cell)
cageut@gmail.com

From: Bill Hickey
To: bassam@bassamsalem.com ; plancommcpk@gmail.com ; michael.washington@wfadvisors.com ; bct_aia@msn.com ; pcdudes@msn.com ; commissionervelarde@me.com
Sent: Sunday, January 08, 2012 9:38 PM
Subject: Stone Ridge Comments

Dear Planning Commissioners:

I hope you don't mind me writing to you directly again. The staff report for Tuesday's public hearing was posted on Friday and I am just now finding the time to review this 213-page report – and I want to make sure my comments reach you. I sympathize with you regarding the volume of material you need to digest in anticipation of Tuesday's meeting, so I am going to restrict my remarks to just two issues this time - appropriateness and density - and leave it to others to follow up on the many other reasons that you should deny the Stone Ridge application.
1) Appropriateness
Many of you and many members of the public at the last meeting recognized that this development fails to meet the requirement of "Appropriateness" - the requirement that the proposed CORE project must utilize home types similar to the existing home types in the surrounding neighborhoods. There are no townhouses within miles of the proposed project, let alone within 1,000 feet. In response to this, Jami Brackin asserted that townhouses are defined in the Snyderville Basin Planning Code as the same as single-family homes, and at least one of you, understandably, seemed to think that settled the issue of Appropriateness.
Ms. Brackin's assertion is simply not true. The code clearly distinguishes between townhouses ("Single Family Attached" in the code) and single family homes ("Single Family Detached" in the code):

10-11-1.107 **Dwelling Unit, Single-Family Attached**: A dwelling unit in a structure containing three (3) or more units sharing one (1) or more vertical common walls and no horizontal floors and ceilings, each of which is designed for and used as a dwelling unit exclusively by one family and its guests; may also be referred to as a townhouse.

10-11-1.108 **Dwelling Unit, Single-Family Detached**: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one (1) family and its guest. Only one of these dwelling units is permitted for each lot of record when identified as permitted or conditional use, unless otherwise stated in this Title; may be referred to as a single-family detached dwelling unit.

Ms. Brackin seems to be playing off the fact that the phrase "single family" is used in both names, but it is a far stretch from that to her suggestion that the code defines and treats townhouses and single family detached residences as the same. It absolutely does not. The code is replete with instances where these two home types are distinguished. For example, in Chapter 2, Section 10-2-10, there is a table that indicates the permitted uses for each home type in different zoning areas, and those permitted uses are different for these two home types. According to that section, a townhouse needs a Low Impact Permit in some zoning areas where single family detached units are allowed without restriction. I have copied at the end of this email other code sections where the two home types are clearly distinguished.
You don't need to consult a lawyer to know the difference between a townhouse and a single family home. Townhouses are inappropriate for this development. The fact that the proposed project fails the "Appropriateness" requirement is just one of the many reasons why you should forward a negative recommendation on this project to the County Council.
2) Density
As discussed at the last hearing, a CORE B rezone is for parcels up to 100 acres. An exception may be granted for larger parcels if a major, contiguous portion of the property remains in meaningful natural open space. Some of my neighbors have sent you detailed and compelling arguments that this proposed project does not meet that requirement, but I will not repeat those here.
The point I want to make is that the applicant does not have a right to an open space exception. Rather, such an exception "will be considered." I was shocked at Ms. Brackin's dismissal of Mr. Washington's very salient remarks that, when he and his fellow commissioners wrote the CORE, they did not anticipate granting a CORE B exception for three times 100 acres. The legislative intent is always considered by

courts in trying to interpret a statute. Here we have one of the primary forces behind the drafting of the CORE statute testifying that it was not the drafter's intent to put a CORE B rezone on a 300-acre parcel. This should be seriously considered by you.
But aside from that, I return to my main point - the developer does not have a right to the CORE B exception he seeks. Almost all of you told him at the last hearing that the project was too big and too dense, and he has arrogantly disregarded those comments and come back to you with substantially the same plan, and he is demanding a vote. You were right in objecting to the scale and density. This project is an outrageous increase over current zoning in size and density and it does not belong on this parcel. The 2009 Planning Commission, this Planning Commission, and the community as a whole have voiced that judgment almost unanimously. It would drastically change the character of this area. I respectfully urge you to stand by your previously-expressed opinions and those of your predecessors and not be deterred by the prospect of litigation on behalf of the applicant if the application is denied (the law says that the application can be denied for any reason - what exactly are we afraid of?).
I thank you for your patient consideration of the public's input at the last public hearing and I thank you for your service.
Sincerely,
Bill Hickey
5575 Fairview Drive
Park City, UT 84098
435-659-1788
Below, as promised above, are other sections of the code in which Single Family Detached homes and townhouses (Single Family Attached) are clearly differentiated. The bold red highlighting is mine:
10-3-14-A-2-k:
Indication of the use of any lot (**single-family, two-family, multi-family, townhouse**) and all uses other than residential proposed by the subdivider.
10-3-15-A-10:
Architectural plans in conformance with Section 10-4-20 of this Title. The plans shall include elevations at a vertical scale of not less than one-eighth inch equals one foot (1/8" = 1'), unless otherwise agreed to by the CDD or designated planning staff member, of all proposed facades of all proposed structures, **other than single-family detached dwellings.** Building elevations, one of which shall be colored to accurately represent the proposed material and color scheme, shall be of sufficient detail to indicate building openings, height above grade, number of floors, specific materials proposed for the roof and exterior of the buildings, decks and other architectural features of the buildings, including chimney, mechanical equipment and features affecting the rooflines of all proposed buildings. A sample of all materials and color schemes for all wall and roof elements also shall be provided. **In the case of single-family detached dwellings, architectural guidelines shall be submitted.** (Ord. 323, 3-9-1998)
10-3-15-A-11:
A block model not less than one inch equals fifty feet (1" = 50') or larger and/or computer generated imagery with sufficient detail to illustrate the cubic volume and design philosophies of the aboveground portions of all major residential, commercial and industrial buildings, **excluding single-family detached dwellings**, in the project. The model or imagery shall be of sufficient detail to show the relationship, in terms of cubic volume and view planes, between proposed structures in the development, between structures and site topography, between the project and all other adjacent major residential, commercial and industrial buildings, and between the project and public roadways and other public areas. The model or imagery also shall show the relationship of proposed buildings to the proposed landscaping plan, which shall be shownat the time of planting. (Ord. 323, 3-9-1998; amd. 2004 Code)

10-4-6-B:
Individual Systems: Proposed projects that request approval to utilize individualsewage disposal systems shall perform an economic and planning analysis with the SBWRD and submit a subdivision and development feasibility review in accordance with Utah Administrative Code, Sections R317-501 through R317-513, or subsequent regulations. **Consideration will be given to individual systems if the entire property is master planned and there are no concentrations of dwelling units beyond single-family detached dwellings on individual lots**, together with associated barns and guest units and/or only isolated commercial uses. (Such developments are encouraged to investigate and connect to the public system whenever possible.)

Section 10-4-9-C: Parking Lot Design and Location: The following design standards shall be complied with within any zone district in which parking is being provided for **other than one single-family detached dwelling unit on a lot of record:**

Section 10-4-19 D, E and H:

D. Building Site Plan: **Building site plans for single-family detached residential development** shall provide the locations for the proposed building envelopes and associated driveways when there are sensitive areas on the individual lots. In certain instances, the recordation plat for the development may show multiple approved building envelope locations for each lot. At the time of building permit issuance, the lot owner shall choose one of the building envelopes and lose the other alternatives. The practice of selecting one and removing the remaining building envelopes for further development consideration shall be described on the plat. (Ord. 323, 3-9-1998)

E. Number of Single-Family Detached Dwellings on A Lot: **One single-family detached dwelling only will be permitted on a "lot" as defined in this Title**, except where specifically allowed in an approved SPA plan or when permitted accessory residential structures are allowed by this Title.

H. **Single-Family Detached Dwelling Design Elements:** Developments comprised of single-family detached dwelling units may provide for individual dwelling design review through restrictive covenants for compatibility of building materials, size, color and style, and other architectural standards required herein. The CC&Rs shall include provisions that ensure general design compatibility with the applicable provisions of Section 10-4-20 of this Chapter (Ord. 323, 3-9-1998). Summit County will only ensure that the individual buildings comply with the CCR's or Design Guidelines for a specific development if it is so specified in a Development Agreement, Consent Agreement, Settlement Agreement, or by a note on a recorded plat.

Maria & Douglas Barndt

Our Family bought the Stahle Farm a while back, our place is on the driving map of historical places in Snyderville. It's been a Wonderful place. My Husband and I (Douglas & Maria Barndt) both work and have lived in Park City for a very long time. Now our Kids are working in Park City.
I attended the Planning Commission Meeting where you approved The Stone ridge Development Recommendation to Proceed.
I was disappointed when you agreed to push the Development Forward, and some of the discussions you had seemed that you were also disappointed with your decision. I realize it was hard to make I could see it in your faces and body language.
I could also see that the Developer and Nadine G.'s Lawyer (I am guessing that's who it was) were not going to give an inch. I was not asked nor did I hear about a Neighborhood Meeting to attend.

I live on a very busy corner of Old Ranch Road where there is #1 Subdivision (Quarry Mountain Ranch) that uses the road to enter into and out of their development, and I can tell you that it is a very busy corner. I also drive the short section of Old Ranch Road from our Corner to 224 Hwy daily and contend with #2 other major subdivisions and a So Called **Neighborhood Park** (Mostly used for Basin Recreation Districts Profitability) and Two Creeks Subdivision, and now another Major Park for the Basin.
The Traffic is very busy at major travel times, very congested in the Summer time with Soccer games, and activities that last all day long. I see it, hear it and live with the congestion, this was not here 17 years ago or even 6 years ago, and it's getting worse. However, no one seems to understand what is really happening here. I don't know where The County Engineer is getting his traffic Studies from! And no one seems to question it.

I attached the Neighborhood Core Changes Study and this letter, hoping that you will read it again and focus on what Old Ranch Road Residents are saying about our Neighborhood and what is important to us! as we live and raise our families here.
It is important that you read The Neighborhood Study. In this questionnaire we ask that the Road Stays the same; No Bike Lanes, No Entry Corridors, No Bulb Outs, And no more Connector Roads that increases the traffic flow! We have expressed that it stay the same, a rough road with pot holes, a small country lane as you will, a road that serves our Neighborhood and our needs. There are families here that grow our own feed for our Horses, we cross the roads with Farm Equipment, we have never asked to change the road or have it widened or put in traffic calming features, sidewalks or bike lanes. It's mostly outsiders who want to see our road changed to accommodate their recreational activities.
If Council sends this Development back to the Planning Commission that would be You!, I would hope that you remember what the Old Ranch Road Neighborhood has expressed to you.
I thought I heard Bruce Taylor make the Comment that he felt strongly that the Project is really two projects. Get rid of the Large Home sites, which would get rid of the Connector Road between the two Subdivisions that connects to Old Ranch Road. Because we all know that when there is a short cut, we all want to take it..

Nadine’s development will affect all of the Basin’s way of life in so many ways.

Mountain Ranch Estates Owners Association
5705 Aidan Court
Park City, UT 84098
435-640-1150
MountainRanchEstates@gmail.com

RECEIVED JAN 3 1 2012

February 1, 2012

To: Members of the Summit County Council

From: Members of the Mountain Ranch Estates Home Owners Board of Directors

Re: Proposed Stone Ridge Development

We are writing to you on behalf of the Mountain Ranch Homeowners Association, representing 81 home and land owners, and want to formally express our deep concerns and objections with the proposed Stone Ridge Development. Our concerns and objections to the proposed development include;

- Density far in excess of the existing zoning of 15 homes for this property. NOTE: We recognize that the applicant filed for higher density under CORE, but the number of homes proposed still far exceeds the amount that should be allowed under CORE.

- The proposed density is not consistent in any way with the surrounding neighborhoods. 59 of the proposed 230 units are multi-family townhouse units, which do not exist in any of the surrounding neighborhoods.

- The impact the proposed development would have on Trailside Elementary is not even considered in the applicantsapplicant's proposal. Work force housing brings young families and young children. Adding some 100+ students to Trailside Elementary would result in severe overcrowding unless the applicant included an addition to the school in their proposal.

- The impact on traffic on Trailside Drive and Old Ranch Road would be significant and totally inconsistent with the rural nature of the area. In addition, adding to the amount of traffic that passes by Trailside Elementary would put our neighborhoods children in harms way. Any development of this property needs to include traffic calming measures on Trailside Drive west of Trailside Elementary Sschool to Old Ranch Road and on Old Ranch Road, which should be paid for by the developer.

- The proposed development provides little in contiguous and meaningful open space. Utilization of homeowner's back yards (private property) in calculating total open space is just another way the developer is trying to beat the system.

- The proposed "wild life corridor" (to put it frankly) is a joke. For years we have seen elk in our open space in Mountain Ranch Estates, and we fear that if this development goes in we would never see them again.

The above issues are our deepest concerns; however, but all the concerns expressed in the Planning Commission's motion, that which has been forwarded to you, need to be addressed before any development can be approved for the proposed property.

We are not totally against any development in our area but it needs to be done in a way that is consistent with the surrounding neighborhoods and with meaningful input from neighborhood members. We are not against work force housing but jamming in such a high percentage of the total assumed requirement into one area is just not in line with the objectives of the Counties General Plan.

We are not against any new development in our area, but we strongly feel that a new development needs to be consistent with the surrounding neighborhoods. Additionally, meaningful input from the adjoining neighborhood members must be taken into consideration. We are also not against work force housing or "affordable housing", but in our opinion, jamming in such a high percentage of the total assumed requirement into one condensed area, is not at all in line with the objectives of the County's General Plan.
We as a board are willing to have meaningful discussion with the developer to come up with a plan that will allow profitable development of the property but that will also address and fund concerns about traffic on Trailside Drive and Old Ranch Road, provide meaningful open space, provide workforce housing that is consistent with adjacent neighborhoods, provide benefits such as parks and trails to the surrounding area and create a new neighborhood that we all can be proud of. In simple terms create a win-win development.

We, as a Board, are willing to have meaningful discussion with the developer to help come up with an acceptable plan that will allow profitable development of the property. Our discussion will also have to address concerns about funding and solving traffic problems on Trailside Drive and Old Ranch Road, providing meaningful open space, providing workforce housing that is consistent with adjacent neighborhoods, providing benefits such as parks and trails to the surrounding area, and creating a new neighborhood that we all can be proud of. In simple terms, we would like to discuss creating a "win-win" development.

In closing, the Mountain Ranch Estates Homeowners Association and its Board of Directors feels very strongly that the proposal by the applicant for the Stone Ridge Development, as it stands right now, should be unanimously rejected by the Summit County Council. However, but as stated above, we are willing to work with the developer to formulate a proposal that all parties and be satisfied with and proud of.

For the Mountain Ranch Estates Homeowners Association.

Jerry Abate
President

Rob Millard
Vice President

Jay Hess
Treasurer

Sharon Mardula
Architectural Committee Leader

Patricia Kempton
Community Liaison

From: Charles Turco (chaturco) [mailto:chaturco@cisco.com]
Sent: Friday, January 06, 2012 2:33 PM
To: Sally Elliott
Subject: Strongly opposed to the Stone Ridge Development

Dear Ms. Elliott:

I hope this email finds you doing well. I am writing you to let you know that I am strongly opposed to the Stone Ridge Development that is being proposed. There are numerous reason's I am against this proposal. I moved to Park City eight years ago this month to get away from cities and large developments. I moved here because I have a passion for the outdoors and for the animals that inhabit the outdoors. Some of the reasons that I am strongly against this development are listed below.

*It will take away from the natural corridors that the Elk, Fox's, Deer and other animals use to exist.
*It will add much more traffic to the area, you can already smell the exhaust that comes off interstate 40.
*It will add much more traffic to our schools. (Although we were told that you were not supposed to consider this at the last meeting.) However this is a major concern for us since we have a 3 year old and a 10 month old.
*I am also opposed to the density of the homes. An additional 150 – 230 home is a lot for this small area.

We have sacrificed a lot to try and live here and we have done so because we love being away from a densely populated area. I commute 2 hours a day to work and my wife commutes 1 hour a day just so we can live here. I know they say they want to put affordable housing out here but why should this community have to shoulder all the density growth. If the community truly wants to add affordable housing have they looked into working with realtors to try and purchase existing homes on the market or in foreclosure and retrofitting the properties? Also, this area is not close to work for people or to the grocery store. Which means people will be driving a lot an extra 300 -700 vehicles at least.

Sally, thank you for taking the time to listen to my plea. I normally do not write politicians or council members but stopping this development means a lot to my family, my community and me. When we moved here we were told that the area was zoned for 1 home on every 15 acres and know it sounds like that could change and it really scares me. I wish I had the money to purchase the land and donate it to the county for open space but obviously I do not.

Thanks again for your time MS. Elliot and have a wonderful day.

Sincerely,

Charles Turco

PS
I also wanted to let you know that I have always voted for you in the past and appreciate the work you have done. Thank you!

Charles Turco
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Silicon Valley Select, Healthcare Team

Cisco.com

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Think before you print.

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From: Bill Hickey [mailto:billhickeyonline@yahoo.com]
Sent: Sunday, February 19, 2012 4:01 PM
To: Claudia McMullin; Chris Robinson; John Hanrahan; Sally Elliott; David Ure
Cc: sallycousinselliot@gmail.com
Subject: Stone Ridge Legal Issues

Dear County Council Members:

Please forgive me if you received this twice. My email to Ms. Elliot was returned and then I noticed that your addresses on the Summit County website are different than the email addresses I have on file.

I am writing to address a couple of the legal questions you posed to the County Attorney at the first work session for the Stone Ridge project.

1) May you deny this application for any reason at all?

You asked the County Attorney if it was not the case that you had sole discretion to approve or deny the application for any reason. Section 10-5-16 D.2. in the CORE statute states this explicity: "Nothing in this Chapter shall be construed to mean that compliance with these criteria guarantee project and rezone approval. Rezone and project approvals are at the sole discretion of the Legislative Body of Summit County following the public hearing process."

Mr. Thomas acknowledged that you had sole discretion, but correctly stated that your decision to approve or disapprove the CORE rezone could be challenged if it could be shown to be "arbitrary or capricious." But what does "arbitrary or capricious" mean? This question was settled unequivocably by the Court of Appeals of Utah in *Harmon City, Inc. v. Draper City* (2000). In that case, Harmon's grocery store had appealed a denial by the city council of a requested rezone to allow them to build a grocery store in an area that was zoned residential. The court noted that the "arbitrary or capricious" standard applied to both administrative and legislative decisions, but the application of that standard is different between the two types of decisions. For administrative actions - actions in which a governmental agency's discretion is limited by statute - the appellate standard for review is whether or not there was "substantial evidence" to support the decision. But for legislative actions - actions about which the legislative body has sole discretion - the appellate standard for review is whether or not it was "reasonably debatable" that the legislative body's decision advances the general welfare.

The court wrote:

"Establishing zoning classifications reflects a legislative policy decision with which courts will not interfere except in the most extreme cases. Indeed, we have found no Utah case, nor a case from any other jurisdiction, in which a zoning classification was reversed on the grounds that it was arbitrary or capricious."

Although the court acknowledged that Harmon's had presented evidence that the proposed rezone was reasonable, the court stated that, in challenging the city's denial of the rezone, "Harmon's burden was not to show that the city council had no reason to deny Harmon's

application to rezone the property to commercial. **Rather the burden was on Harmon's to show that the city's decision to preserve the status quo ... could not promote the general welfare."** [my emphasis]

In order to challenge a denial of the CORE rezone as arbitrary or capricious, the applicant would have to prove that maintaining the zoning currently in place is contrary to the general welfare. This is a burden that would be impossible for the applicant to meet under any circumstances. You may deny this application just because you think it is too big and it is in the wrong place. You may deny this application because you don't like the road that connects Silver Summit Parkway to Old Ranch Road. You may deny this application because you want to preserve the character of the existing neighborhoods. You may deny this application because you have decided that CORE was a flawed statute, you repealed it, and you don't want any more projects approved under it. In order to deny this application, you are ***not*** *required* to find that the project fails to meet one or more of the criteria that it needs to meet even to be considered (although you have already identified many of the criteria that it doesn't meet). You may deny this application just because you think the current zoning is reasonable and you'd like to keep it that way. Your decision cannot be challenged.

By the way, Harmon's had also complained that the Draper City Council had improperly relied on "public clamor" against the rezone in its decision to deny the rezone. The court ruled that "the Draper City Council was not required to disregard the concerns of its electorate - or its own concerns - when performing in a legislative capacity."

The Harmon's decision was subsequently followed and affirmed by the Utah Supreme Court in *Bradley v. Payson City Corp.* (2003) and *Petersen v. Riverton City* (2010). Jody Burnett, who I believe also represents Summit County as outside counsel, was the prevailing attorney in all three of the cases I've cited herein. So, he could certainly confirm what I've written here.

2) Are you required to rely upon an outdated and discredited needs assessment in reviewing this application?

The second question is related to the first.

I was puzzled by the assertion by Mr. Thomas that state law requires you to evaluate this application based on the 2006 Needs Assessment. I can't imagine what he is talking about. State law requires simply that the county's general plan should include "an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur." If Mr. Thomas is concerned about compliance with state law, he should be troubled by the fact that Summit County has never estimated the need for affordable housing in all "the unincorporated area of the county," as state law requires.

There is no state requirement that you must rely upon an outdated and discredited needs assessment (or even a current and valid needs assessment) in exercising your sole discretion regarding a CORE rezone. The idea that you should evaluate a rezone application in 2012, based

on a 2006 study, using 2000 statistics, to predict the need for affordable housing in 2011 is absurd. You have very recently heard testimony from Scott Loomis, the county's expert on affordable housing, that the 2006 study's estimate of "pent-up demand" was flawed. He said that the affordable housing projects that have been approved since 2006 would satisfy that theoretical pent-up demand in any case. And he said that the pent-up demand "absolutely would not have" increased since 2006.

As I have detailed above, you have the discretion to deny this application for any reason. There are no limits on your discretion - including no obligation to be bound by an outdated and flawed estimate of the need for affordable housing. Among the many other reasons you should deny this application is the fact that there is no current demonstrable need for affordable housing.

At the work session, Mr. Thomas promised you memos on these legal issues. I respectfully request that you make available to the public any communications to you from the County Attorney on these topics so that I and other members of the public can respond. The County Attorney's office has been exerting an unusual degree of influence over this application process with instructions on the law to staff and the Planning Commission that unnecessarily restrict their consideration of this application. The County Attorney told the Planning Commission that they had no right to make a recommendation to you about how you should exercise your discretion with regard to this application. The County Attorney told the Planning Commission that townhouses and single family homes were the same *as a matter of law*. Finally, and astonishingly, the County Attorney convinced the Planning Commission that the best way they could communicate their disapproval of this project to you was to forward you a positive recommendation (with conditions). And then the planning staff told you only that the Planning Commission had made a positive recommendation, with no mention of the fact that the Planning Commission actually opposed the project. Please allow the public to respond to any further advice from the County Attorney that would restrict your deliberative process.

Please make this email part of the public record for this application.

I apologize for the length of this email. I appreciate your service and I am very grateful for the opportunity you gave the public to participate in the last work session.

Thank you again.

Bill Hickey
5575 Fairview Drive
Park City, UT 84098
435-659-1788

From: Jason Travis [mailto:jasontravis00@gmail.com]
Sent: Monday, February 06, 2012 9:18 PM
To: David Ure; Sally Elliott; Claudia McMullin; Chris Robinson; John Hanrahan
Cc: 'Thomas Cook'; 'Jasonn Potter'; 'John Dainton'; kppc@quest.net; kppc@qwest.net; 'Pete Iacobelli'; pcquinlan@gmail.com; 'John Nichols'; 'DIckWest'; 'Inge Travis'; Randall@aerospacetooling.com
Subject: Proposed Stoneridge Development

Dear Summit County Council,

I appreciate the hard work and effort each of you give in the best interest of our citizens. I am writing to you about the proposed Stoneridge Development as a concerned citizen of Snyderville Basin.

I understand you are still in the process of setting a date for a public hearing on this project.

I would be grateful if, in the interim, I could briefly express my reasons for a negative recommendation to this application.

1. I have children attending Trailside Elementary and am concerned with how the school will handle the immense influx of new students.
2. I am concerned as a taxpayer how the expansion of the Trailside Elementary School will be paid for.
3. I am wondering if the additional safety risks to the children attending Trailside Elementary are acceptable and warranted.
4. How will the traffic impacts along Old Ranch Road and Trailside be managed and paid for? Is it even viable?
5. How will the corridor multi-users such as hikers, horseback riders, bikers, runners, etc, etc be protected and accommodated for? Not to mention paid for?
6. Is the daily migration of resident elk herds being considered? What are the plans?
7. Are the degradation of view sheds being considered and are the precedents being upheld?
8. What is the long-term impact on the Swaner Preserve?
9. Are long-term watershed and erosion issues being considered?
10. Is more affordable housing necessary? In a down real-estate market, it seems we have more affordable housing in Park City than ever before.
11. What affordable housing study are you planning to use to justify this project? Is it up to date and still viable?
12. Is this project in accordance with the General Plan and Neighborhood Plans?

Again, thank you for your due diligence and thorough consideration on this project. Thank you for listening. It will have a tremendous impact on us all.

Best Regards,

Jason Travis

Jason Travis
Depuy Spine
435-655-5588
jasontravis00@gmail.com

TO: **SUMMIT COUNTY COUNCIL**

FROM: **SCOTT LOOMIS, EXECUTIVE DIRECTOR**
MOUNTAINLANDS COMMUNITY HOUSING TRUST

DATE: **MARCH 16, 2012**

RE: **STONE RIDGE CORE REZONING**

The Housing Element of the General Plan for the Snyderville Basin, adopted in 2006, had as its first goal the desire to "ensure an adequate supply of housing to meet the needs of all income groups". Its first objective was to add at least 250 new units of moderate income housing by 2011. It specifies several policies and strategies to reach this goal. To comply with state law, and after a lawsuit was filed, a needs assessment was completed at the end of 2006. As a result of this needs assessment revisions to the Land Management Code providing for the mandatory 20% inclusionary zoning and controversial CORE incentive zone were adopted. Although not reduced to writing, the stated objective of CORE was to fulfill the goal of the General Plan to create 250 units by 2011.

Since the adoption of the code changes no units have been constructed under CORE and the CORE zone has been repealed. Only 52.5 Workforce Housing Equivalents (WUEs), which equates to 30-35 actual units, have been approved in the Discovery CORE rezone. Depending upon ones interpretation, the Silver Creek Village approval added either 110 "incentive" units using the CORE formula or a total of approximately 230 affordable units that were not required under the old "Matrix" system. Again, none have been built.

Approvals under the mandatory portion of the code have resulted in one affordable unit for a storage development and 150 rental apartments presently partially completed under the research park approval for a total of 151 units. Additionally 34 studio and one bedroom apartments recently received preliminary approved for the Village of Kimball Junction expansion.

Regardless of ones interpretation of the 2006 needs assessment, prior approvals or the current market, it is my opinion the proposed Stone Ridge CORE rezone offers an opportunity to meet a need that presently exists. The applicant has proposed 72 affordable units. As set forth below there is a current need for at least some of the proposed units.

1960 Sidewinder Drive, Suite 107, Park City, UT 84060
Ph: 435.647.9719 Fax: 435.658.3890
www.housinghelp.org

1. The Stone Ridge proposal is taking advantage of a CORE provision that allows for 1.5 market rate units for each WUE built if the total WUEs target 50% Area Median Income (AMI) or below. Although this provision reduces the amount of actual units, it lowers rents or sales prices to a level that target housing needs currently not being met.

The applicant has proposed 15 townhouse units of 1000 square feet at 30% AMI and 15 1200 square foot single family homes on 6000 square feet lots at 30% AMI. To reach 30% AMI the code requires that they be priced between 20% and 40% AMI so 30 of the 72 proposed actual units will be priced for households earning between $20,000 and $40,000 at current AMI. The prices for these townhomes and single family houses will average approximately $135,000.

There are also 8 1000 square foot townhomes and 15 1400 square foot single family residences on 10,000 square foot lots targeting 50% AMI or about $50,000 per household. These homes will average a maximum sales price of approximately $225,000. Another 19 homes will target households earning 80% AMI or approximately $80,000. They can be priced as high as $362,000 which, in my opinion, is not an obtainable price in this market so they will likely be priced substantially lower.

There are no other homes available at these proposed prices for any income levels. The homes priced at 30% and 50% AMI will make homeownership available to households presently unable to own a home. With price restrictions, these homes will be affordable for years to come.

2. There is an existing need or demand for these homes because of their location and the fact they are in the Park City School District. (Silver Creek Village is located in South Summit School District). Most potential buyers of affordable homes prefer a free standing home like many of the proposed homes where they can have a garage and a back yard for family and pets. Townhomes, if approved, are much more desirable than multifamily structures typically represented by restricted for sale affordable housing.

3. It is my opinion that, based upon the proposed pricing, there is a current need for most of the 53 homes targeting 30% and 50% AMI. If produced in the next 2-3 years there would be a market for 10-15 homes per year based upon potential programs available and the amount of households in these income categories who constantly express interest in homeownership. There is probably a market for the 19 homes targeting 80% AMI if they are priced between $225,000-$260,000 rather than the permitted price of over $360,000. If the applicant is planning on pricing the 80% AMI homes at the higher levels to subsidize the lower priced units, this approach could be flawed.

4. Usually it is recommended to a developer that the approval not be specific as to how many units will target certain AMI's, exactly where affordable units will be located within the proposed subdivision or whether they are rental or for sale units. This provides flexibility in making choices at the time of development which will reflect the market at that time. As an example, an alternative to a developer building homes is to donate improved lots to a nonprofit organization such as Habitat for Humanity or Mountainlands Community Housing Trust. These organizations have programs that target 30-50% AMI and others that reach 60% AMI or below so it would be possible to average below 50% AMI for all homes utilizing this alternative. By setting the targeted AMI now at the proposed levels, the developer may be removing this alternative since it is likely these organizations can not produce the proposed amount of affordable housing at the extremely low prices.

As we have learned, approvals don't necessarily result in actual units. My belief that there is a demand for at least a substantial portion of the proposed units is based upon the current market. If development is delayed beyond a year, it is possible that other approved units could influence the sale of these units, although I am unaware of any approved units that would be priced as low as the proposed or target households as low as these. Also, an alternative to selling units at these prices would be rentals, which based upon the size, location, school district and lower targeted income would be highly desirable as well.