



STAFF REPORT

To: Summit County Council (SCC)
Report Date: Thursday August 23, 2012
Meeting Date: Wednesday, August 29, 2012
Authors: Molly Orgill, Assistant Planner
Project Name & Type: Goldman Ridgeline Appeal
Type of Item: Appeal
Future Routing: None

EXECUTIVE SUMMARY: The appellants, Roger Goldman & Rana Tahtinen, are proposing to construct a home on parcel SS-59-7-A-1 located at 374 W. Mountain Top Dr., Summit County, UT (Exhibit A). The house will be a total of 10,326 square feet in size and thirty-two (32) feet in height with an additional 2120 square feet of decks (Exhibit B).

Due to the location of this parcel, the proposed, height and size of the home, along with the proposed driveway alignment, the home development will visually impact the views from within Park City limits, Highway 224, and the Old Ranch Road neighborhood. It is the decision of both Park City and Summit County Planning Divisions that the proposed home be placed at a lower location on the parcel, that was previously approved, (Exhibit C) with a height limit of twenty-six (26') feet which will result in the least visual impact.

Staff recommends that the SCC review the information included in this report with the staff analysis and vote to deny the appeal.

A. Project Description

- **Project Name:** Ridgeline Appeal
- **Appellants:** Roger Goldman & Rana Tahtinen
- **Property Owners:** Roger Goldman & Rana Tahtinen
- **Location:** 374 W. Mountain Top Drive, Summit County, Utah
- **Zone District & Setbacks:** Hillside Stewardship (HS) Setbacks- Front-30', Sides-12', Rear-12'
- **Adjacent Land Uses:** Residential
- **Existing Uses:** Vacant
- **Parcel Number and Size:** SS-59-7-A-1
- **Lot of Record Status:** Yes

B. Background

In July, 2004 the owners of subject parcel SS-59-7-A-1 at that time, (the Hofmann's) petitioned to annex the parcel into Park City Municipal. The annexation of the property

did not occur and in February 2005, the Hofmann's began taking steps through the Summit County Community Development Department to obtain approval to build a residence. Since the property is located on a ridgeline, a Low Impact Permit (LIP) was required to ensure the protection of visual impacts of development.

Due to this parcel being located within the Park City Annexation Declaration Area, staff worked with Park City Planning staff, the Hofmann's and Upwall Design, (the authorized representative) to locate the residence on the least steep, less visible and most accessible portion of the lot. A determination was also made at that time to limit the height of the structure to twenty-two (22') feet with five (5') feet additional for a pitched roof. This was the height that was identified in the preliminary Annexation Agreement between Park City and the Hofmann's (Exhibit D). The applicants were to submit an updated site plan accordingly.

In December, 2005 the parcel changed ownership to Roger Goldman & Rana Tahtinen. They proceeded with the LIP but did not agree with the height limit of twenty-two (22') feet with five (5') feet additional for a pitched roof and appealed this decision to the Summit County Board of Adjustment (BOA). On May 25, 2006 the BOA overturned staff's decision on the height limitation due to the Snyderville Basin Development Code (Code) not addressing a reduced height limit for structures on ridgelines at that time (Exhibit E). Therefore, the structure could be built to the standard thirty-two (32') foot height limit.

The LIP was approved on June 19, 2006 with conditions (Exhibit F). A building permit was obtained in November, 2007 (Exhibit G). In January, 2008 the owners, Roger Goldman & Rana Tahtinen submitted a LIP application to move the residence to a new location on the parcel whereas construction had not begun. A letter was sent on March 7, 2008 denying the proposed access and requesting a revised access. (Exhibit H) This LIP application was closed due to the applicants no longer wanting to go forward with the relocation of the residence. (Exhibit I)

The owners, Roger Goldman & Rana Tahtinen, submitted a new LIP application in December, 2011, due to the building permit and previously approved LIP expiration and to propose a relocation of the home from the previously approved location to a location higher on the parcel. The proposed location and height were reviewed by both Summit County and Park City Planning Departments. A pole test was conducted on the parcel. It was determined by both Planning Departments that the previously approved location would have the least visual impact and that the height should be reduced to twenty-six feet (26') as per the Code in Section 10-4-3-1-A (This language was added to the Code in October, 2006).

A letter dated March 8, 2012 was sent to the applicants requesting submittal of a new site plan and elevations of the residence located in the previously approved location at a height of twenty-six feet (26') or provide a visual analysis depicting both locations, previously approved and proposed. (Exhibit J) Staff met with the applicants with their architect, Michael Upwall, to discuss the two (2) locations and the submission of a visual analysis.

A visual analysis was received on May 8, 2012 (Exhibit K). Both Summit County and Park City Planning Departments reviewed the analysis as well as conducting another pole test (Exhibit L). Staff determined that the previously approved location would have the least visual impact and sent a letter to the applicants on June 25, 2012 accordingly and

requested the submittal of a new site plan and elevations depicting that location as well as a reduced height of twenty-six feet (26'). (Exhibit M).

The applicants submitted an appeal on August 3, 2012 of the decision regarding both the location and the height of the structure. (Exhibit N)

C. **Identification and Analysis of Issues**

This parcel includes slopes of thirty percent (30%) and greater (Exhibit O). The Code states that development on thirty percent (30%) slopes or greater is prohibited. The previously approved location is within the twenty percent (20%) slopes. The proposed location is within the ten percent (10%) to twenty (20%) slopes, however it is located higher on the parcel, not clustered near the existing development and is more visible.

This parcel contains a ridgeline/hillside of which a structure placed on would project into the horizon as viewed from Highway 224, Old Ranch Road Neighborhood as well as from within Park City limits.

Currently there is an existing road/utility easement that goes across this parcel that is used to access the towers located on parcel PP-17-C-2-X which is owned by Summit County. The proposed driveway would require a variance due to the driveway slope requirements per the Summit County Engineering Department.

The appellants would like to relocate the existing road/utility easement to the proposed driveway alignment. However the utility lines within the existing easement would need to remain unless the appellants pay to have them relocated. If the proposed driveway is approved the scarring of this parcel would be increased. The appellants could re-vegetate the existing easement to reduce scarring (Exhibit P).

D. **Consistency with the General Plan**

Policy 3.1 of the Snyderville Basin General Plan (SBGB) encourages development to be clustered and minimize sprawl.

Policy 6.20 states that development permitted on a hillside that is highly visible, should be located at or as near as possible to the toe of the hill.

Policy 6.21 states that hillside development shall be integrated into the site, using topography, vegetation and other reasonable techniques, in a manner that causes it to blend into the hillside.

Policy 6.22 states that development on ridgelines and hilltops that allow a structure to project into the horizon line shall be prohibited.

Policy 6.26 states that all development should be clustered in the least environmentally and visually sensitive areas of the site.

According to the above listed policies of the SBGB, development on parcels that include steep slopes, ridgelines and hilltops are prohibited, however when it is not possible to locate a structure on a parcel out of the sensitive areas, every effort shall be made to place the structure on the least steep, less visible and most accessible portion of the parcel.

Also, every effort shall be made to cluster development rather than sprawling along the hillside or ridgeline (Exhibit Q).

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

Section 10-4-3-C of the Snyderville Basin Development Code (Code) states that development on critical slopes, which are thirty percent (30%) or greater is prohibited.

Section 10-4-3-F of the Code states that development on ridgelines and hilltops which allow a structure to project into the horizon line as viewed from a designated roadway shall be prohibited. The designated roadways include Interstate 80, Highways 224, 248 and 40.

Section 10-4-3-F-1 of the Code states that where it is not possible to locate a structure outside of the critical slopes, or ridgelines, that every effort shall be made to locate the structure on the least visible, most accessible portion on the site and that the height should be limited to twenty-six feet (26') (Exhibit R).

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

Staff recommends that the SCC discuss the application, and vote to **deny** the appeal, with the following findings:

Findings:

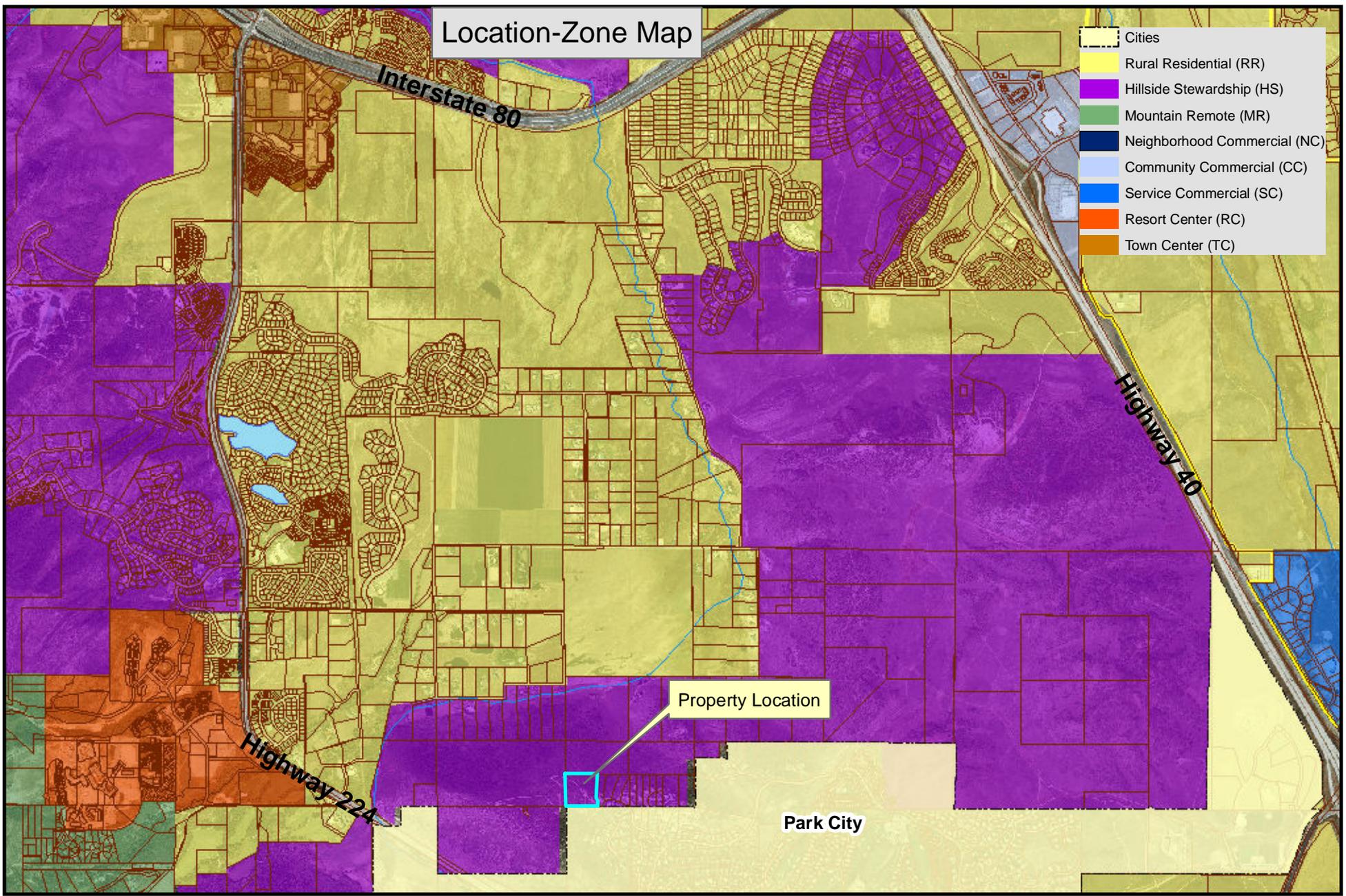
1. The proposed location and height of the structure is not consistent with the goals and policies of the Snyderville Basin General Plan.
2. The proposed location and height of the structure does not meet the criteria and requirements as outlined in the Snyderville Basin Development Code per Section 10-4-3.

Attachment(s)

- Exhibit A – Location and Aerial Map
- Exhibit B – Proposed Site Plan, Elevations
- Exhibit C – Previously Approved Location
- Exhibit D – Copy of 2005 LIP letter dated April 17, 2006
- Exhibit E – Copy of BOA Decision letter dated May 26, 2006
- Exhibit F – Copy of 2005 LIP approval letter dated June 19, 2006
- Exhibit G – Copy of Building Permit issued on November 29, 2007
- Exhibit H – Copy of 2008 LIP letter dated March 7, 2008
- Exhibit I – Copy of 2008 LIP File Closure letter dated July 7, 2007
- Exhibit J – Copy of 2011 LIP letter dated March 8, 2012
- Exhibit K – Visual Analysis submitted by applicant on May 8, 2012
- Exhibit L – Pole test result pictures
- Exhibit M – Copy of 2011 LIP letter dated June 25, 2012
- Exhibit N – Copy of appellant's submittal
- Exhibit O – Slope Analysis of parcel
- Exhibit P – Aerial photo of parcel
- Exhibit Q – Snyderville Basin General Plan References
- Exhibit R – Snyderville Basin Development Code References
- Exhibit S – Review Comment from Park City

Location-Zone Map

- Cities
- Rural Residential (RR)
- Hillside Stewardship (HS)
- Mountain Remote (MR)
- Neighborhood Commercial (NC)
- Community Commercial (CC)
- Service Commercial (SC)
- Resort Center (RC)
- Town Center (TC)



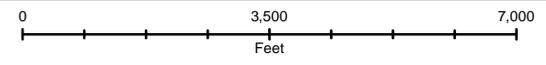
Property Location

Park City

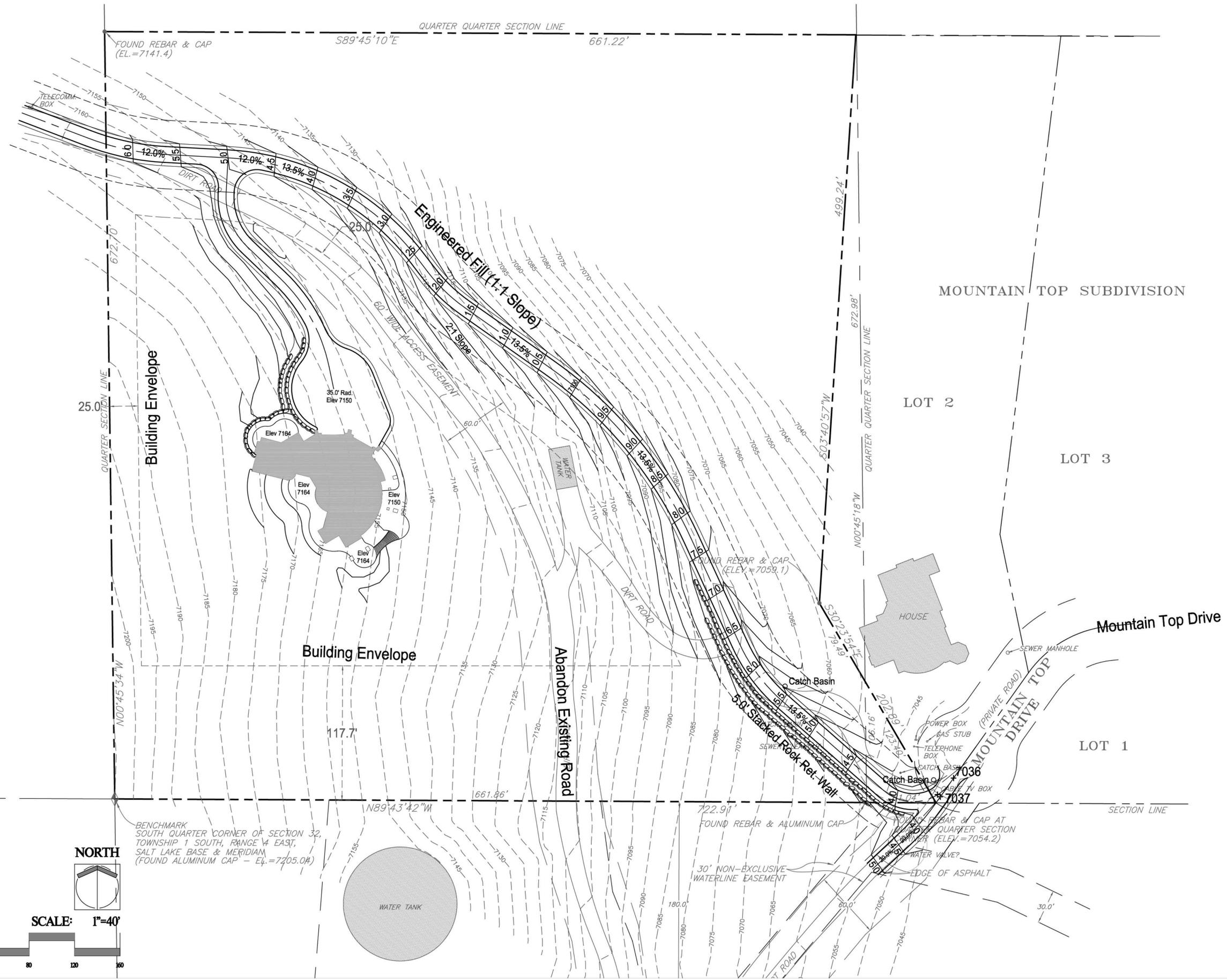


Summit County, Utah Vicinity Map

Prepared by Summit County
Community Development Department



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.



FOUND REBAR & CAP
(EL.=7141.4)

TELECOMM
BOX

Building Envelope

Building Envelope

Abandon Existing Road

MOUNTAIN TOP SUBDIVISION

LOT 2

LOT 3

LOT 1

Mountain Top Drive

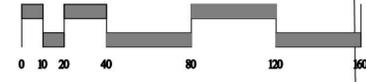
HOUSE

Catch Basin

BENCHMARK
SOUTH QUARTER CORNER OF SECTION 32,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
(FOUND ALUMINUM CAP - EL.=7205.0#)



SCALE: 1"=40'



JACK JOHNSON COMPANY
 Designing World Destinations
 In-Person - 1777 Sun Peak Drive - Park City - Utah 84098
 Telephone - 435.645.9000 - Facsimile - 435.649.1620
 www.jackjohnson.com

DATE:	November 30, 2011
DESIGNED BY:	bej
DRAWN BY:	bej
REVIEWED BY:	
PROJECT:	1237
ISSUE:	

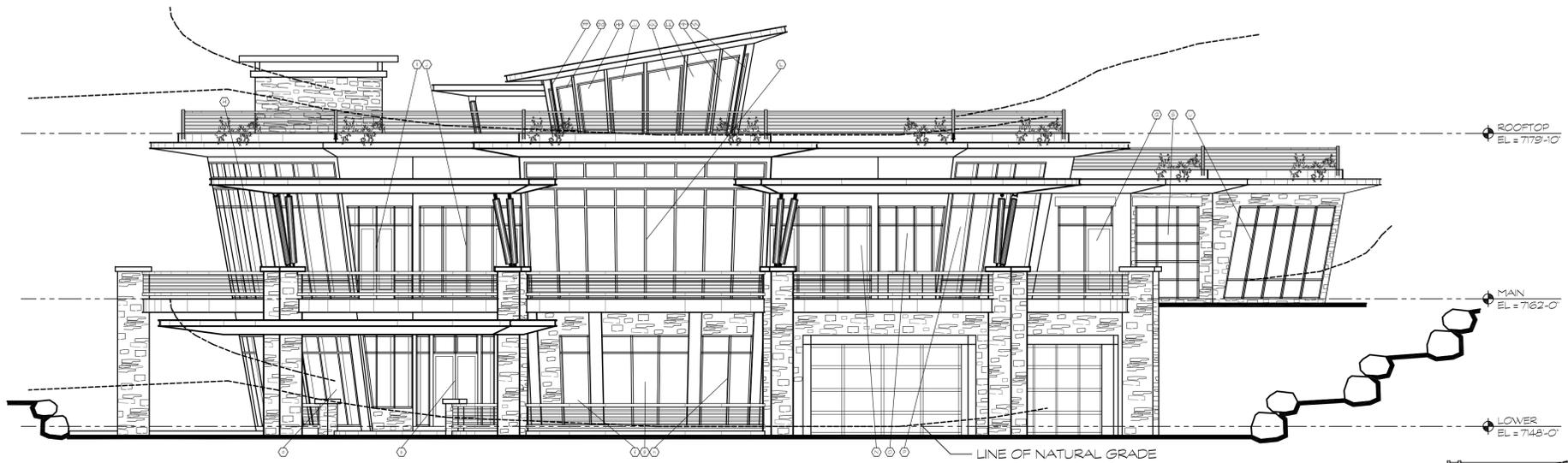
REVISIONS

Goldman/Tahtinen

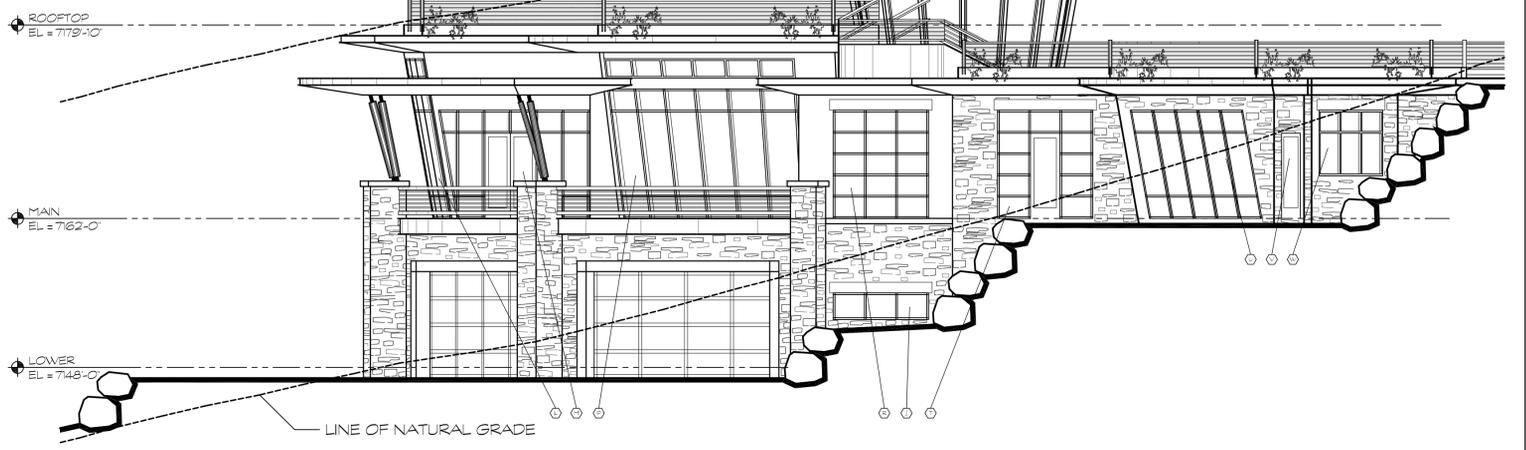
Residence
 Preliminary Road Alignment
 Maximum Grade 13.5%

Preliminary
 Site Plan

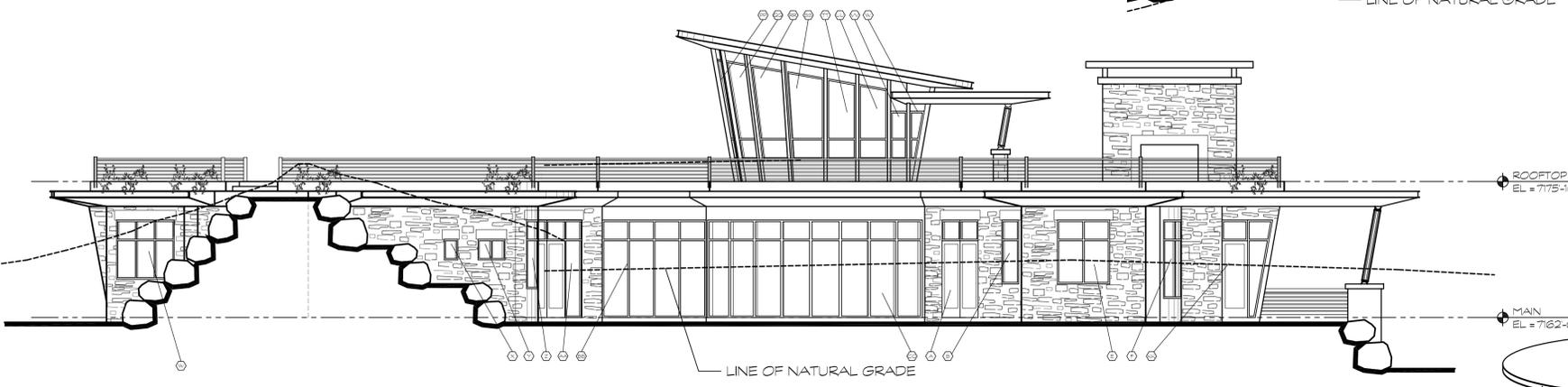
path: E:\1237 Golden Residence\Planning_Engineering\03 Design\Site name: Group 11-23-11.dwg | plot date: November 29, 2011 | plotted by: bjohnson



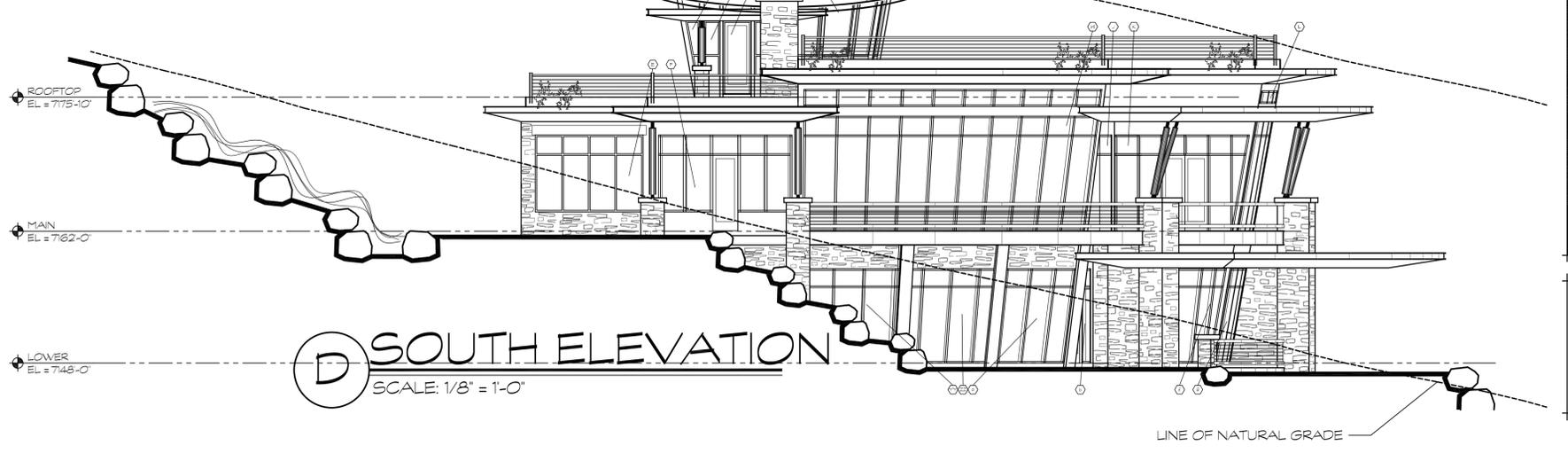
A EAST ELEVATION
SCALE: 1/8" = 1'-0"



B NORTH ELEVATION
SCALE: 1/8" = 1'-0"



C WEST ELEVATION
SCALE: 1/8" = 1'-0"



D SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

31 JULY 2007
REVISIONS

THE ARCHITECT HAS PREPARED THESE ARCHITECTURAL DRAWINGS FOR THE ARCHITECT'S CLIENT AND HAS NOT CONDUCTED A VISUAL QUALITY CONTROL CHECK OF THE DRAWINGS FOR CONFORMANCE WITH THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT. THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT IS LIMITED TO THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT AND DOES NOT EXTEND TO THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT. THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT IS LIMITED TO THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT AND DOES NOT EXTEND TO THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT.

GOLDMAN / TAHTINEN
RESIDENCE
SUMMIT COUNTY, UTAH
374 WEST MOUNTAIN TOP DRIVE

UP WALLIN
DESIGN
1025 EAST HOLLYWOOD AVE. S.L.C. UT (801) 485-4708

A3.1



TO BE
TO THE
TO ALLOW
DRAINAGE.

STABILIZED CONSTRUCTION
ENTRANCE AS PER A1.5

NOTE
SEE SHEET A1.0
FOR PROJECT
NOTES & INFO

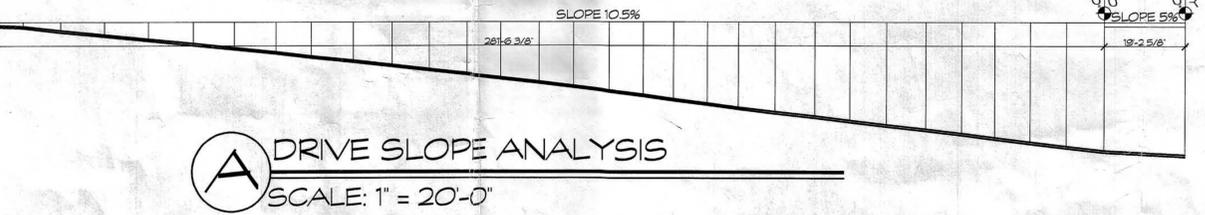
CONTRACTOR TO
FIELD VERIFY
LOCATION OF UTILITY
LINES AS REQUIRED.

CONTRACTOR TO
FIELD VERIFY MIN.
3'-0" SEPARATION
BETWEEN GAS AND
ELECTRIC LINES.

ALL CONCENTRATED
RUNOFF SHALL BE
MITIGATED. FLOW
SHALL BE DIRECTED
DOWN DRIVEWAY
AND TOWARD
STORM WATER
CATCHMENT BASIN
AS SHOWN. NO
CONCENTRATED
RUNOFF SHALL
IMPACT ADJOINING
PROPERTIES.

4 JUNE 2007

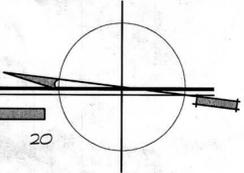
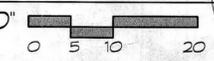
THIS DRAWING IS AVAILABLE FROM BENTON & BOWLES INCORPORATED FOR REVIEW ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF BENTON & BOWLES INCORPORATED. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF BENTON & BOWLES INCORPORATED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF BENTON & BOWLES INCORPORATED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF BENTON & BOWLES INCORPORATED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



A DRIVE SLOPE ANALYSIS
SCALE: 1" = 20'-0"

SITE
PLAN

SCALE: 1" = 20'-0"



GOLDMAN / TAHTINEN
RESIDENCE
SUMMIT COUNTY, UTAH
974 WEST MOUNTAIN TOP DRIVE

UP WALL
DESIGN
1025 EAST HOLLYWOOD AVE. S.L.C. UT (801)485-0708

A1.11



Michele Devaney
Planner I

April 17, 2006

Michael Upwall
Upwall Design
1025 E. Hollywood Ave.
Salt Lake City, UT 84105

Re.: Low Impact Permit for a Dwelling Unit on Parcel SS-59-7-A-1, File No.: 050212

Dear Mr. Upwall:

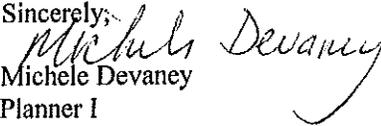
In February 2005, a Low Impact Permit application was submitted to the Community Development Department for a dwelling unit on parcel SS-59-7-A-1, which is located within the Park City Annexation Declaration Area Overlay. When considering development on a parcel within the Park City Annexation Declaration Area Overlay, Summit County strives to ensure that development is compatible with the applicable and appropriate standards and policies of Park City Municipal and the County. In May 2005, Summit County communicated the decision to you that a dwelling unit on parcel SS-59-7-A-1 would be required to comply with the recommendations from Park City Planning Staff.

The recommendations from Park City Planning Staff are as stated in the attached Draft Annexation Agreement, drafted in July 2004, as part of a proposal for the parcel to be annexed into Park City Municipal. The annexation was not completed, but the Draft Annexation Agreement included a Sensitive Lands Review of the property and restrictions to mitigate the visual impacts of a house as viewed from the Park City Land Management Code Vantage Points.

The restrictions Summit County is placing on a dwelling unit on parcel SS-59-7-A-1 come from the Draft Annexation Agreement, and are as follows:

1. The building height shall be 22', with an exception of 5' for a pitched roof.
2. A building envelope shall be located on the least steep, most accessible portion of the lot. This building envelope shall be submitted to and approved by Summit County.
3. All structures on the property shall be placed within the approved building envelope.

If you have any questions, please contact me at (435) 336-3134.

Sincerely,

Michele Devaney
Planner I

encl.
cc: file

Community Development Department
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 336-3134 Fax (435) 336-3046
mdevaney@co.summit.ut.us



Michele Devaney
Planner I

May 26, 2006

Michael Upwall
Upwall Design
1025 E. Hollywood Ave.
Salt Lake City, UT 84105

Re.: Board of Adjustment Decision on Parcel SS-59-7-A-1, File No.: 060524

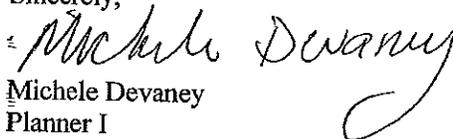
Dear Mr. Upwall:

On May 25, 2006 the Summit County Board of Adjustment granted an appeal and overturned the Community Development Director's determination that the height of structures on parcel SS-59-7-A-1 shall be limited to 22 feet with the exception of 5' for a pitched roof. The decision was based upon the following finding:

1. The property owner has made an effort to place development in the most suitable portion of the lot and made every effort to comply with the Ridgeline Overlay Zone which does not have a specific height restriction.

Please submit a site plan and elevations (including materials) of the proposed dwelling so we may continue the Low Impact process. If you have any questions, please contact me at (435) 336-3134.

Sincerely,


Michele Devaney
Planner I

cc: file

Community Development Department
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 336-3134 Fax (435) 336-3046
mdevaney@co.summit.ut.us
summitcounty.org



**SUMMIT
COUNTY**

Michele Devaney
Planner I

June 19, 2006

Michael Upwall
Upwall Design
1025 E. Hollywood Ave.
Salt Lake City, UT 84105

Re.: Low Impact Permit for the Goldman/Tahtinen Residence, File No.: 050212

Dear Mr. Upwall:

The Summit County Community Development Department has approved your request for a Low Impact Permit for the Goldman/Tahtinen dwelling on parcel SS-59-7-A-1, Summit County, Utah. This approval is based upon materials submitted to the Summit County Community Development Department and compliance with Section 2.13 and 4.3 of the Snyderville Basin Development Code. Approval is subject to the following conditions:

1. The dwelling shall be located as shown on the attached Exhibit A. Future structures are subject to a Low Impact Permit in accordance with the Snyderville Basin Development Code, as amended.
2. The building footprint shall be limited to 6,200 ft².
3. The building height shall be limited to 32 feet.
4. The building colors shall be warm, earthy tones, a muted natural color, and/or light to dark shades of wood.

Failure to meet the aforementioned conditions may result in the revocation of this permit in accordance with Section 9.14 of the Snyderville Basin Development Code. If you have any questions, please contact me at (435) 336-3134

Sincerely,



Michele Devaney
Planner I

encl.
cc: file

Community Development Department
Planning Division
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 336-3134 Fax (435) 336-3046
mdevaney@co.summit.ut.us

SUMMIT COUNTY BUILDING PERMIT APPLICATION

PHONE 435-336-3124 NOTE: 24 hours notice is required for all inspections

Applicant to fill out left side only

OFFICE USE ONLY

Owner of Property Kara Tahtinen + Rodger Goldman	
Phone 435-649-3685	
Mailing Address 83 Thaynes Canyon Dr.	
Building Address 374 W Mountain Top Drive	
Subdivision Name:	
Proposed Use of Structure	Assessors Parcel No. 55-59-7-A-1
Total Property Area in Acres or Sq. Ft.	Total Bldg Site Area used
Dwelling Units Now on Lot?	Accessory Bldgs. Now on Lot?
Architect/Engineer Upwall Design	Phone 801-485-0708
Address 1025 East Hollywood	
General Contractor BIG-D SIGNATURE LLC	Phone 801-415-6000
Address 404 W. 400S. SEC 8/101	State Lic. No. 6677471-5501
Electrical Contractor T.B.D.	Phone
Address	State Lic. No.
Plumbing Contractor T.B.D.	Phone
Address	State Lic. No.
Mechanical Contractor T.B.D.	Phone
Address	State Lic. No.

Utah Permit Number SUM 071129003	Plan Check No. 90
Summit County Permit Number 07878	Date Issued 11-29-07

\$200.00 Application Fee Paid Yes No

Building Fee Schedule

Sq. Ft of Bldg:	Valuation: 7528,000
Main Floor 5110	Building Fee 33166.7
2nd Floor 660	Plan Check Fee 2184.3
Finished Bsmt 2488	Electrical Fee 319.78
Garage 1968	Plumbing Fee 221.45
Decks 2120	Mechanical Fee 221.45
Other	Demolition Fee
Building Description:	
No. of Dwellings 1	Double Fee
No. of Buildings 1	
No. of Stories 2	
Occ. Group R-3/4	
Type of Construction V-B	
Roof Snow Load 90	
No. of Bathrooms	1% Surcharge 41.29
Fire Sprinklers Required:	
Yes No	Total 6359.11

Permit Issuance Approved By: *[Signature]* **5.3.02**
 Building Department's Representative Date

SPECIAL APPROVALS	REQUIRED	RECEIVED
Fire Department	KP	KP
Water or Well Permit	(B)	(B)
Sewer or Septic Tank	(B)	(B)
Road Approach Permit	07E-89	(B)
Recreation District	KP	KP
Other (specify)		

Special Requirements or Comments:

Zoning Approval:

Zone: **#2** Setbacks: Front: **30** Rear: **12**
 Cert of Survey Required Side: **12** Right: **12**
 Cert of Elevation Required Left: **12** Right: **12**

[Signature] **4/24/07**
 Zoning Department's Representative Date

County Engineer:
 Flood Zone: A C
[Signature] **28-March-07**
 County Engineer's Representative Date

NOTICE:
 Construction may require installation of underground utilities. Summit County will not allow open excavation of roadways after October 1st. This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days anytime after work is commenced. I hereby certify that I have read and examined and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

[Signature] **11/27/07**
 Signature of Contractor Date
[Signature] **11/27/07**
 Signature of Owner(s) Date



March 7, 2008

Rana Tahtinen and Roger Goldman
1183 Cottonwood Lane
Park City, UT 84098

Re: Proposed Low Impact Permit for residence to be located on Parcel SS-59-7-A-1

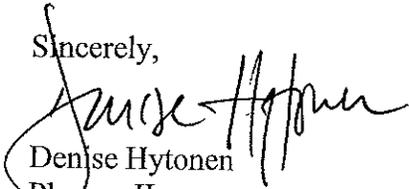
Dear Ms. Tahtinen and Mr. Goldman:

Following our site visit on March 5, 2008, the new proposed location for the proposed residence on Parcel SS-57-A-1 has been approved. This approval is subject to the following:

1. Access to the home shall be through the existing road on the parcel. The driveway currently shown on the site plan is not approved. A driveway from the road to the home is permitted. A new site plan shall be submitted which shows this revised access. Additionally, proof of an easement for use of the road shall be submitted to this office. The access shall also be approved by the Summit County Engineering Office.
2. The building permit for this home shall be modified to reflect the new home location. This includes but is not limited to submittal of a new site plan with the new roof ridge elevations and new elevation pages reflecting the new site topography. If the house does not meet the height in the new location, the design of the house shall be modified so that it meets Summit County height restrictions.
3. All other Summit County Building Department requirements shall be met.

If you have any questions please contact me at (435) 336-3129.

Sincerely,


Denise Hytonen
Planner II

cc: inquiry file

Community Development Department
Planning Division
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 336-3129 Fax (435) 336-3046
dhytonen@co.summit.ut.us



Denise Hytonen
Planner II

July 7, 2008

Rana Tahtinen and Roger Goldman
1183 Cottonwood Lane
Park City, UT 84098

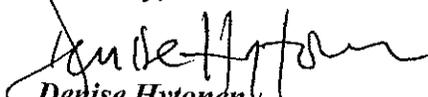
Re: Proposed Low Impact Permit for residence to be located on Parcel SS-59-7-A-1

Dear Ms. Tahtinen and Mr. Goldman:

Per our recent conversation, this letter is being sent to verify that you no longer wish to move forward with your Low Impact Permit application to relocate the approved location of the proposed residence on Parcel SS-59-7-A-1. If you would like your file to remain open, please respond to this letter within 21 days. If I do not hear from you, I will move forward with closing this file.

If you have any questions or concerns, please contact me at (435) 615-3129, or by e-mail, dhytonen@co.summit.ut.us.

Sincerely,


Denise Hytonen
County Planner

Cc: file

Sent Via Certified Mail, Receipt # 7005 1820 0002 5073 3847

Community Development Department
Planning Division
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 615-3129 Fax (435) 615-3046
dhytonen@co.summit.ut.us

Exhibit I



Community Development
Molly Orgill
Assistant Planner

March 8, 2012

Roger Goldman & Rana Tahtinen
1100 Old Rail Lane
Park City, Utah 84098

File #111201

Re.: Low Impact Permit, Parcel SS-59-7-A-1 located at 375 W. Mountain top Dr., Summit County, Utah

Dear Applicants,

This letter is in regards to the Low Impact Permit (LIP) application that you submitted to the Summit County Community Development Department to construct a home on Parcel SS-59-7-A-1 located at 375 W. Mountain Top Dr., Summit County, Utah on December 5, 2011. The LIP that was approved in June, 2006 on this parcel to construct a single family dwelling has expired. The building permit that was issued in November, 2007 has expired as well. The new application has been reviewed by both the Park City Planning Department and the Summit County Planning Department whereas the above listed parcel is within the Annexation Declaration Area Overlay Zone District per Snyderville Basin Development Code in Section 10-2-14, and the Summit County Zone Map.

Due to the location of this parcel, the proposed location and height of the home along with the proposed driveway will visually impact the views from Park City and the Old Ranch Road neighborhood. As determined from a pole test that was conducted on this parcel, it appears that the home will also project into the horizon as view from Highway 224. Park City has requested that a visual analysis be submitted and that the height limit be no more than twenty-two (22') feet.

In Section 10-4-3-1-a of the Snyderville Basin Code it states that structures that will project into the horizon line as viewed from the designated roadways, building height shall be limited to twenty-six (26') feet.

The previously approved location would have the least visual impact. Therefore, if you submit a new site plan and elevations changing the location of the home to the previously approved location with a maximum height limit of twenty-six (26') feet Summit County and Park City have agreed you would not be required to submit a visual analysis or reduce the height to twenty-two (22') feet.

However, if you do not wish to relocate the proposed home to the previously approved location with a maximum structure height of twenty-six (26') feet, please submit a visual analysis depicting both the previously approved location of the proposed dwelling along with the new proposed location of the proposed dwelling for both Summit County and Park City Planning Departments to review.

If you have any questions please feel free to contact me at (435) 336-3153.

Sincerely,

Molly Orgill
Assistant Planner

Community Development Department
Planning Division
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 336-3153 Fax (435) 336-3046
morgill@summitcounty.org



Exhibit K

View from Highway 224 and Payday
Pole at Previously Approved Location



View from Highway 224
and Payday Pole on
upper proposed location



View of pole from Old
Ranch Road in the
Lower previously
approved location



View of pole from
Old Ranch Road of
proposed location



Approximate
Previously
Approved
Location

Approximate
Proposed Location

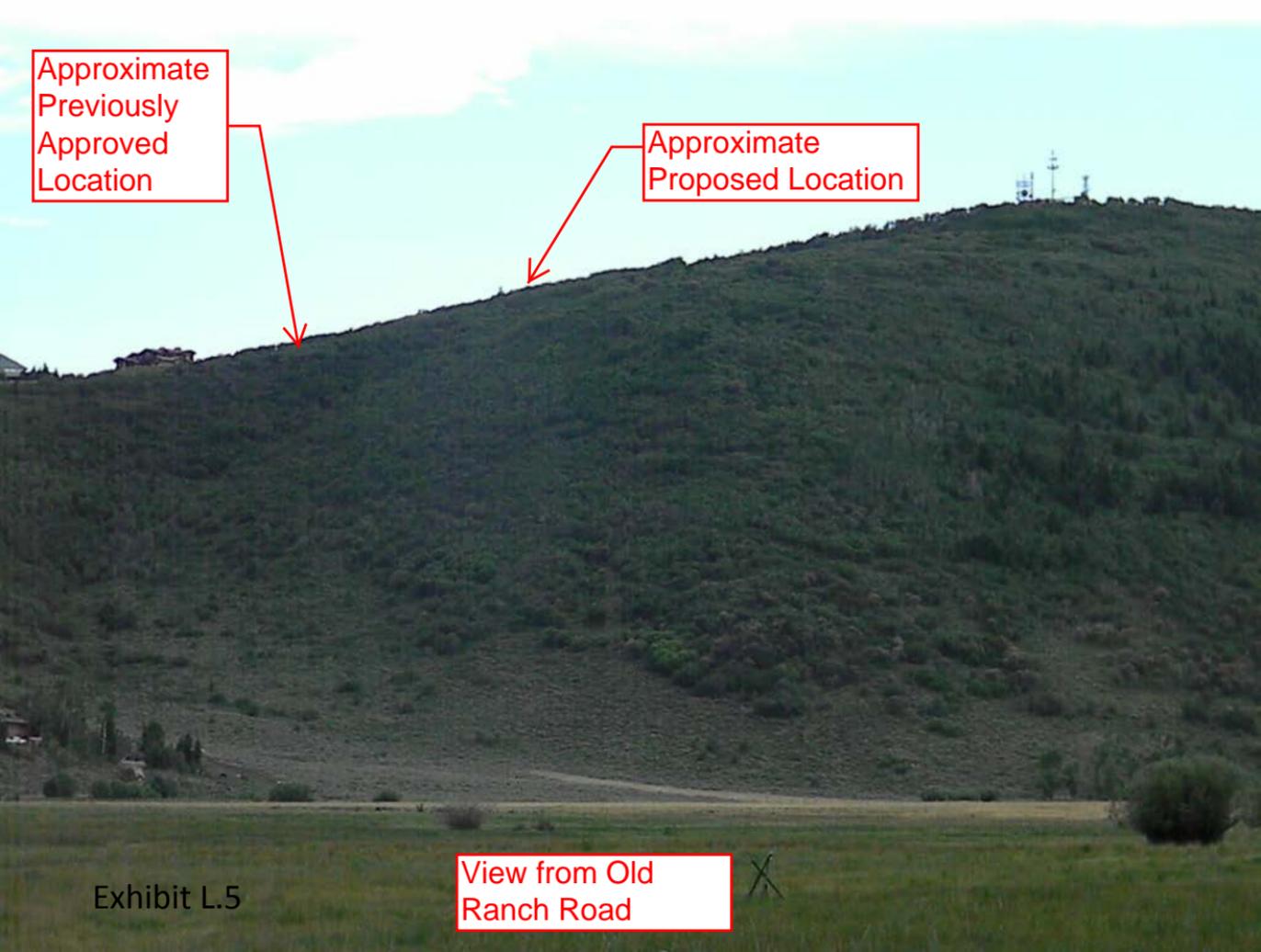


Exhibit L.5

View from Old
Ranch Road





Community Development
Molly Orgill
Assistant Planner

June 25, 2012

Roger Goldman & Rana Tahtinen
1100 Old Rail Lane
Park City, Utah 84098

File #111201

Re.: Low Impact Permit, Parcel SS-59-7-A-1 located at 375 W. Mountain top Dr., Summit County, Utah

Dear Applicants,

This letter is in regards to the Low Impact Permit (LIP) application that you submitted to the Summit County Community Development Department to construct a home on Parcel SS-59-7-A-1 located at 375 W. Mountain Top Dr., Summit County, Utah on December 5, 2011. Whereas the above listed parcel is within the Annexation Declaration Area Overlay Zone District per Snyderville Basin Development Code in Section 10-2-14, and the Summit County Zone Map, the visual analysis that was submitted on May 8, 2012 has been reviewed by both the Park City and Summit County Planning Divisions.

Due to the location of this parcel, the proposed location and height of the home, along with the proposed driveway will visually impact the views from within Park City limits, Highway 224, and the Old Ranch Road neighborhood. It is the decision of both Park City and Summit County Planning Divisions that the previously approved location, which is the lower location on the parcel, would have the least visual impact. Therefore, please submit a new site plan and elevations changing the location of the home to the previously approved location with a maximum height limit of twenty-six (26') feet per Section 10-4-3 of the Snyderville Basin Code.

This decision can be appealed to the Summit County Council within 10 calendar days of the date of this letter per Section 10-9-22 of the Snyderville Basin Development Code.

If you have any questions please feel free to contact me at (435) 336-3153.

Sincerely,

Molly Orgill
Assistant Planner

Community Development Department
Planning Division
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 336-3153 Fax (435) 336-3046
morgill@summitcounty.org

**Summit County Council Request for Appeal of Decision Re:
SS-59-7-A-1 also known as, 374 W. Mountain Top Dr., Park City**

Members of the County Council:

Thank you for considering this appeal. While we appreciate the work put in by staff in considering our low impact permit request, we believe that the decision was incorrect.

We ask you to reconsider the following:

- 1) The location of the building site**
- 2) Driveway/Road placement**
- 3) House Structure height - 32 feet**

REGARDING #1

The current decision would have a significant adverse impact on us; and it does not support the important policy goals reflected in the Development Code. We believe that the location we have proposed would in fact be the most appropriate and would overall “minimize the visual impact of the development” as required by Section 10-4-3 of the Code.

REGARDING #2

Our safety and welfare are not being considered in this decision regarding the driveway/road. The upper site allows for a safer road for everyone, i.e. the large trucks maintaining the utilities and the residents in the neighborhood. By spreading out the grade climb over a longer distance we can have a road with no extreme curves or grade over 13.5% coming as close as humanly possible to the regulations set forth by the county. The driveway is safer for us, and the road is safer for the fire/emergency department, makes less run-off of snow/water/ice/dirt onto the neighbors and will be much closer to the code/rules for grading. The topography is such that the road leading to the cell/utility towers that currently exists is not fully compliant with grading regulations. We have explained that the “old road” on our land would be replanted and put back to a natural state, thus addressing the concern about more “scarring of the mountainside”. [We too are passionate about making the mountain as attractive and natural as possible.]

REGARDING #3

Building height of 32 feet is the norm for homes throughout the Mountaintop ridgeline development, Eagle point, Last Sun, and the Old Meadow Lane Development. We are seeking the ability to proceed with our home as already planned and approved at 32-foot height restriction. We have been extremely sensitive in our design by including a green roof or roof top garden to facilitate blending into the mountain.

Please see drawing A

Background/Description of Lot and Location:

374 Mountaintop is a 10-acre parcel located above Mountaintop Drive on the way to the cell phone towers. We had a building permit in 2007/2008; in those plans, a portion of our home would reach a maximum height of 32 feet. We were preparing to break ground when the economic downturn hit and we chose to pull back rather than commence construction and run the risk that a full blown economic melt down would leave us with a partly completed project and a bankrupt builder.

Things have now stabilized to the point where we are confident that we could complete the project.

In the interim, we have spent a lot of time and money looking at the site to find the most effective development approach for us, our immediate neighbors and for the County. There is a significant utility easement that runs through the property, and there have been issues between the County and the immediate neighborhoods regarding the maintenance and access of that road. Also, our immediate neighbor has been ferociously opposed to our building a house so close to his home. After doing a thorough topographical survey of the property by Francom & Associates, and paying a road engineering firm, Jack Johnson & Associates, to design a safer road/driveway we realized there is a natural "flat" spot and as such have tried to demonstrate that this location is much more suited to

building our home and navigating to it. We concluded that if we were to cut a new road and offer a new utility easement and move the house up the hill to the natural flat spot, we could have a positive impact with respect to all of these considerations with virtually no negative impact in fact on the relevant views. We ran the concept by County Engineering and believe that this approach is not in any way opposed by them.

Discussion in response to 6-25-12 Letter, File # 111201

Our sense from the denial letter and from our meetings with Planning is that the oppositions are based on a combination of inappropriate criteria and misunderstanding.

The letter asserts that the “original, lower” location would have the least visual impact on the relevant views. The reality is that any structure built on this approved lot will have some visual impact. Due to the natural flat spot, the newly proposed location in fact has much less impact from important points along Old Ranch Road and does not have significant additional impact from any point.

[Please see View location photos: C, and 1, 2, 3, 4]

We believe more evenly placing the house on the line of houses from the Old Ranch Road view is more attractive and keeps our home out of the natural dip between mountain peaks (please take note of photo View 3) The higher location allows our home to have a background of mountain, not sky. From the Hwy. 224-view corridor, the upper location keeps the home much more obscured for much more of the length of the drive down 224 and additionally the home appears much smaller and more insignificant from every point on 224.

A follow up email also expresses a concern that the proposed new site would require a variance for the driveway. In our most recent meeting with Engineering we were assured that this is an issue well on the way to being resolved and that Engineering is positive about the road. More importantly, that in of itself would not seem a valid reason

for rejecting the site. Further, as stated before the proposed site in fact would allow a driveway that would have a better slope (allowing emergency equipment to safely reach us – and the towers above) than the driveway in the original location.

The letter and staff indicated that a factor here in making the decision was the perspective of Park City, a neighboring jurisdiction that has at most a potential direct interest based on possible annexation at some undetermined point in the future. While we appreciate the dialogue with County planners, a frustration for us has been that we have never been able to explain our site plan in detail directly to Park City planners, although we have requested the opportunity to do so. It seems unfair for this to be a significant factor when Park City's perspective may well be based on an inadequate understanding of why we are proposing the upper, flatter site. Park City has no knowledge, apparently, that we will indeed "erase" or obscure the current road and they do not appear to be considering citizen safety at all.

Finally, only the economic downturn kept us from moving forward with the completed, fully engineered, plans for our home. Those plans were detailed and expensive, and we would very much like to avoid the expense of re-engineering the home. Given that we were previously approved and all of the other homes in the neighborhood were subject to the 32-foot limit, it would seem only fair to allow us to build to that height. It is our understanding that only a portion of our home reaches 32 feet and we will have a roof garden with plants that will obscure and soften our roof line significantly making the home blend into the mountainside more than any other dwelling currently in existence.

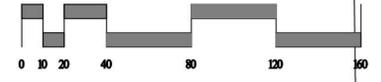
We very much appreciate your consideration of our appeal. We look forward to building our dream home. We are determined to work with Engineering to in fact create a better arrangement for all of the relevant parties including the utility users and believe the proposed site will indeed be the best result.

R. Tahtinen and R. Goldman





SCALE: 1"=40'




JACK JOHNSON COMPANY
 Designing World Destinations
 In-Person - 1777 Sun Peak Drive - Park City - Utah 84098
 Telephone - 435.645.9000 - Facsimile - 435.649.1620
 www.jackjohnson.com

DATE:	December 6, 2011
DESIGNED BY:	bej
DRAWN BY:	bej
REVIEWED BY:	
PROJECT:	1237
ISSUE:	

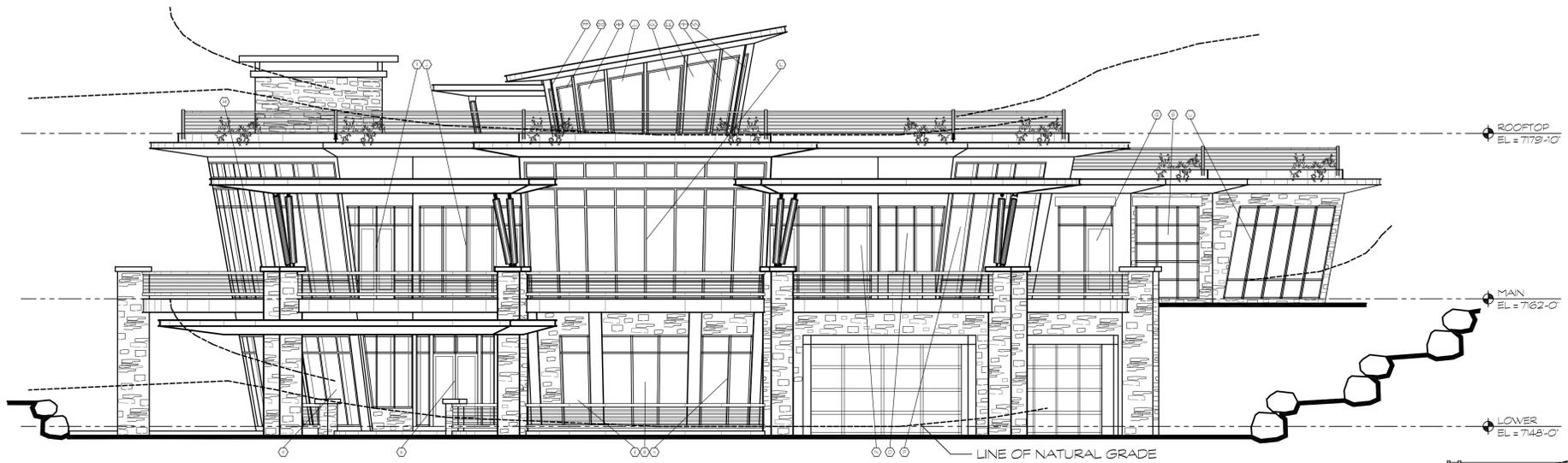
REVISIONS

Goldman/Tahtinen

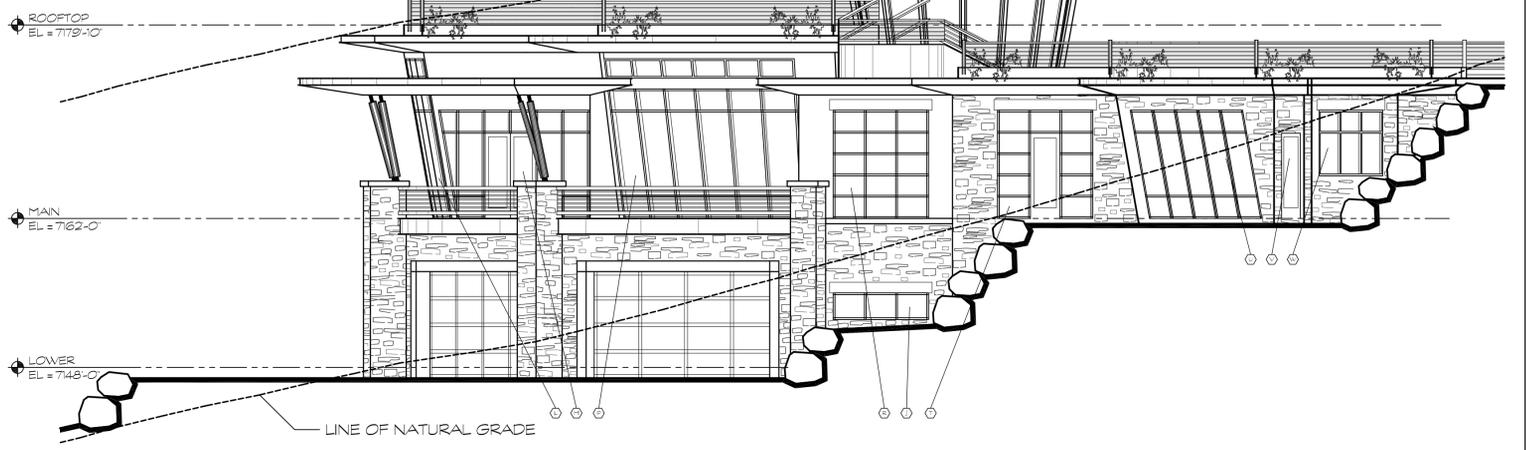
Residence
 Preliminary Road Alignment
 Maximum Grade 13.5%

Preliminary
 Site -
 Grading Plan

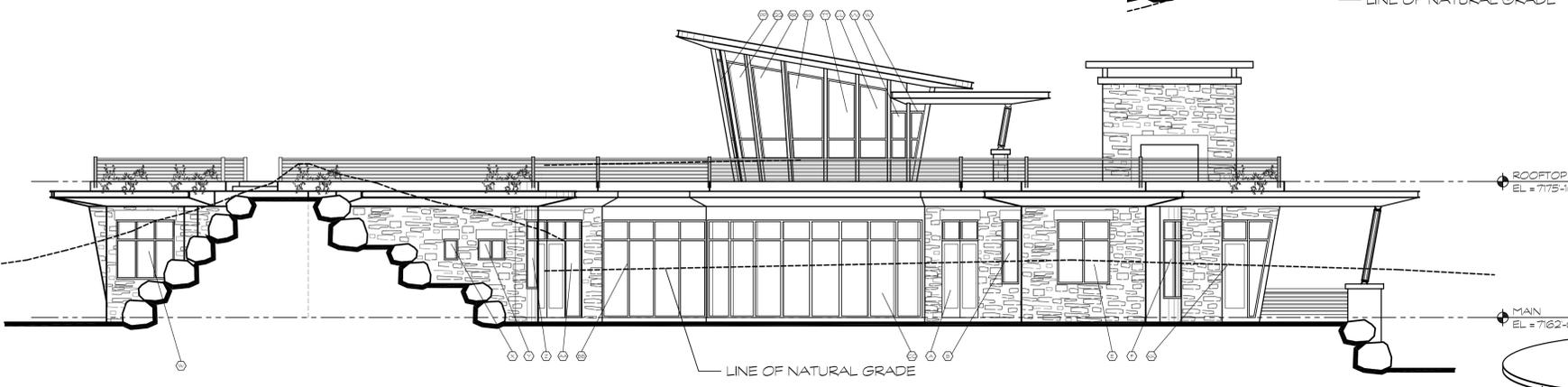
path: E:\1237\Goldman Residential Planning - Engineering\03 - Design\Site name: Grading 12-6-11.dwg | plot date: December 06, 2011 | plotted by: hahman



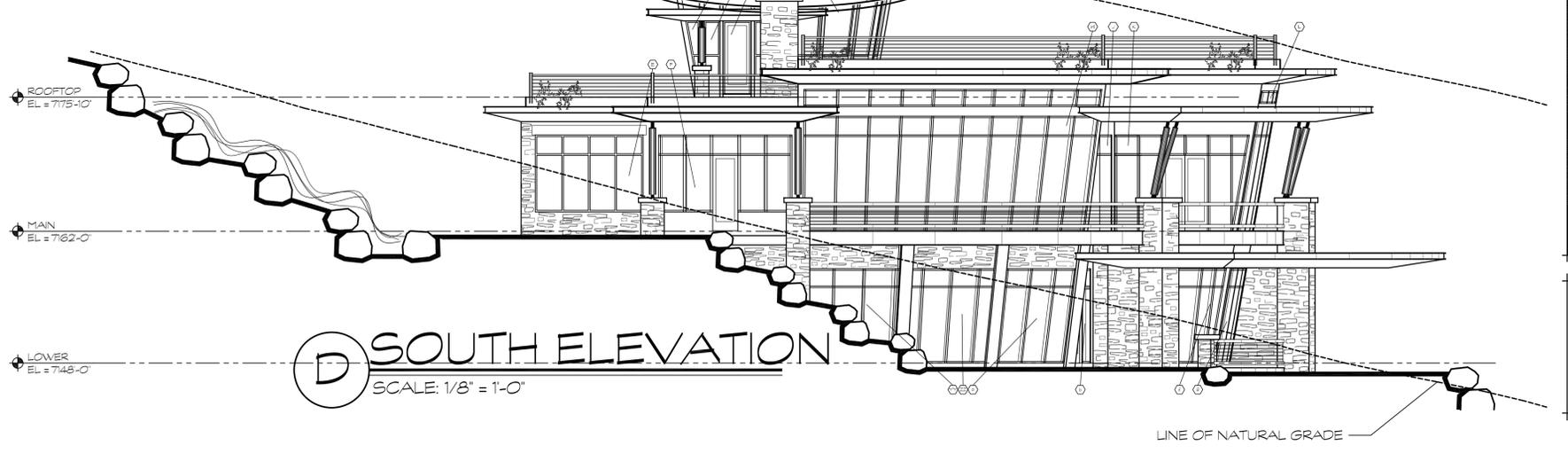
A EAST ELEVATION
SCALE: 1/8" = 1'-0"



B NORTH ELEVATION
SCALE: 1/8" = 1'-0"



C WEST ELEVATION
SCALE: 1/8" = 1'-0"



D SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

31 JULY 2007
REVISIONS

THE ARCHITECT HAS PREPARED THESE ARCHITECTURAL DRAWINGS FOR THE ARCHITECT'S CLIENT AND HAS NOT CONDUCTED A VISUAL QUALITY CONTROL CHECK OF THE DRAWINGS FOR CONFORMANCE WITH THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT. THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT IS LIMITED TO THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT AND DOES NOT EXTEND TO ANY OTHER PARTY. THE ARCHITECT HAS NOT CONDUCTED A VISUAL QUALITY CONTROL CHECK OF THE DRAWINGS FOR CONFORMANCE WITH THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT. THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT IS LIMITED TO THE ARCHITECT'S OBLIGATION TO THE ARCHITECT'S CLIENT AND DOES NOT EXTEND TO ANY OTHER PARTY.

GOLDMAN / TAHTINEN
RESIDENCE
SUMMIT COUNTY, UTAH
374 WEST MOUNTAIN TOP DRIVE

UP WALLIN
DESIGN
1025 EAST HOLLYWOOD AVE. S.L.C. UT (801) 485-4708

A3.1

VIEW LOCATIONS



ORIGINAL PROJECT LOCATION ●
PROPOSED PROJECT LOCATION ●



VIEW LOCATION #1



ORIGINAL LOCATION



PROPOSED LOCATION



VIEW LOCATION #2



PROPOSED LOCATION



ORIGINAL LOCATION



VIEW LOCATION #3



ORIGINAL LOCATION



PROPOSED LOCATION



VIEW LOCATION #4



ORIGINAL LOCATION

PROPOSED LOCATION



MOUNT OLYMPIC
INC.

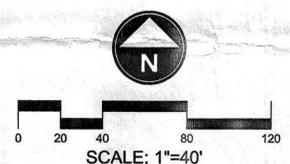
S89°44'05"E 662.48'

MOUNT OLYMPIC
INC.

LEGEND

Color	Beginning	End	Area
□	0.00	10.00%	.10 Ac.
■	10.00%	20.00%	1.54 Ac.
■	20.00%	30.00%	4.48 Ac.
■	30.00%	40.00%	1.49 Ac.
■	40.00%+		2.42 Ac.

MOUNTAINTOP
SUBDIVISION



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In-Person - 1777 Sun Peak Drive - Park City - Utah 84098
Telephone - 435.645.9000 - Facsimile - 435.649.1620
www.jackjohnson.com

DATE:	JULY 30 2003
DESIGNED BY:	PGG
DRAWN BY:	PGG
REVIEWED BY:	
PROJECT:	724.0103.00
ISSUE:	ANNEXATION SUBMITTAL

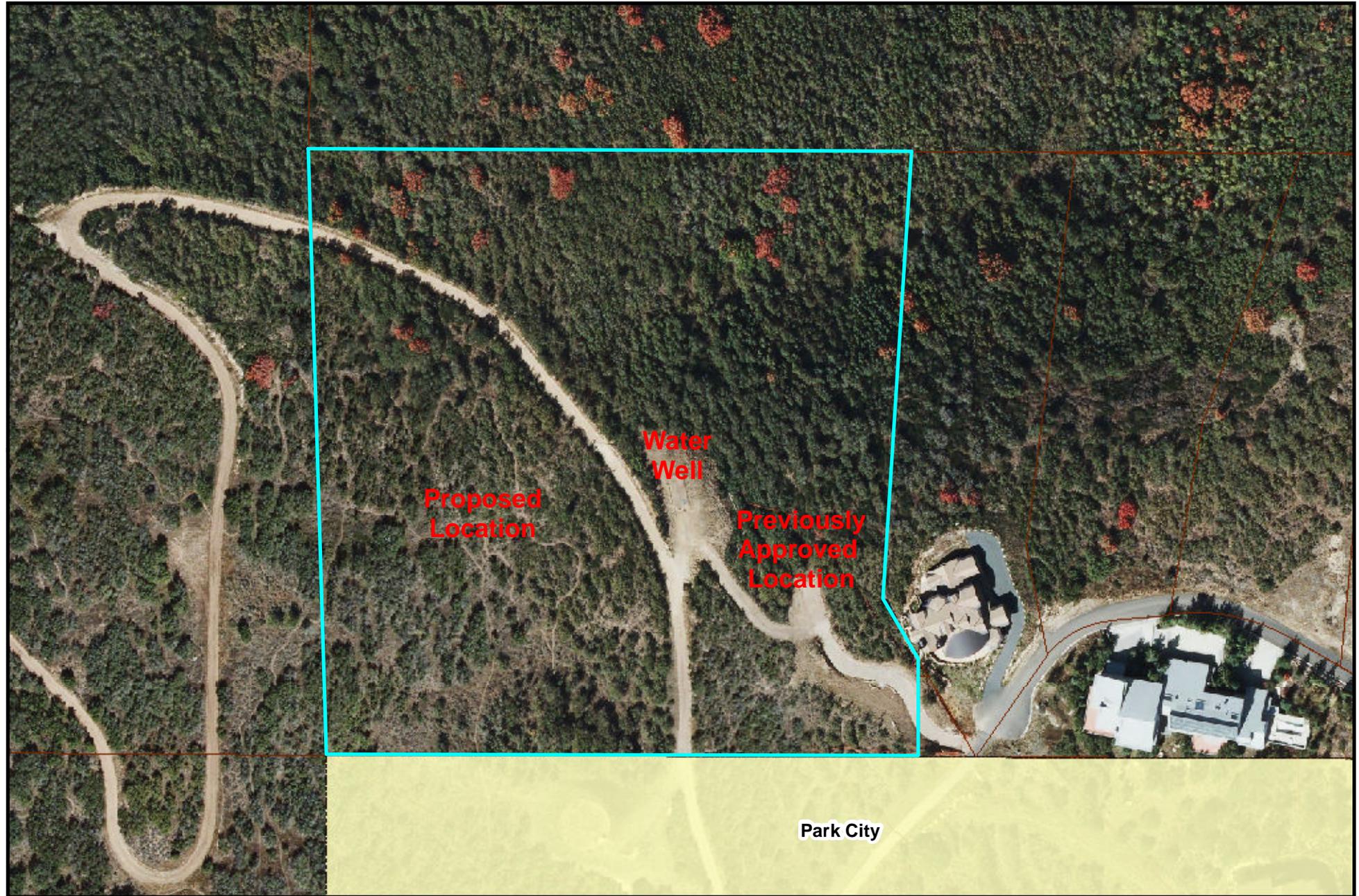
REVISIONS

**HOFMANN
PROPERTIES, LC**

ANNEXATION SUBMITTAL

SLOPE ANALYSIS | SHT 4

path: R:\724 Mt Olym
file name: SLOPE ANALYSIS.dwg | plot date: February 10, 2004 | plotted by: BJC



Proposed Location

Water Well

Previously Approved Location

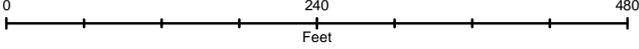
Park City



Summit County, Utah Vicinity Map

Prepared by Summit County
Community Development Department

-  Cities
-  Reservoirs
-  Rivers



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.

OBJECTIVE: Establish sound land use planning practices, regulatory structures, and citizen participation processes to ensure that growth and development are consistent with community desires by establishing allowable base densities and incentivizing, with appropriate density increases, flexibility, and community benefits, the type of growth that produces substantial community value and enhancement; protects the natural environment; is sustainable and efficient in its location and will not spawn inefficient sprawl; and is respectful of neighborhood identities and promotes a sustainable neighborhood character.

DEVELOPMENT PATTERN

3.1 POLICY: All development in the Snyderville Basin shall adhere to *sound land use planning principles*, which shall include: a) avoidance of environmentally "critical" lands; b) through an incentive program the preservation of environmentally "sensitive" lands, environmental features and other key lands within the community, c) consistency with neighborhood character, d) appropriately

clustered or efficient concentrations of development based on location, and e) minimizing sprawl development and the community costs associated with such development practices.

3.2 POLICY: There are generally two development patterns that are appropriate for the Snyderville Basin. These are: 1) the "contained and master planned" Village and Resort Center pattern, and 2) the "clustered" low density or rural subdivision outside of a Village or Resort Center to maximize

meaningful open space and further community goals. There may be a difference in density, types of land use, and actual configuration of land uses within each basic pattern.

3.3 POLICY: The following conventional suburban patterns of development will no longer be allowed.

- A. Housing subdivisions that are comprised of a similar type and style of use, and within a limited range of affordability. Generally, these subdivisions are separated from one
- B. Commercial development that is typically oriented to the automobile and has limited pedestrian accessibility. Buildings are usually one story in height and contain large parking lots at the front entrance.
- C. Civic institutions, such as schools, churches,

another. There may be an internal system of streets, often including cul-de-sacs, but few connections exist between individual subdivisions.

public sewer is deemed not accessible according to the Criteria in the Development Code and are platted in accordance with the base zoned density and when rural infrastructure standards are deemed appropriate and soil conditions are found acceptable by the Summit County Health Department.

6.15 POLICY: To the extent possible under law, wastewater reuse will be strongly encouraged and required on golf courses.

6.16 POLICY: All landscaping is encouraged to reflect the high desert nature of the Snyderville Basin, utilizing drought tolerant plants and water conservation techniques.

AIR QUALITY

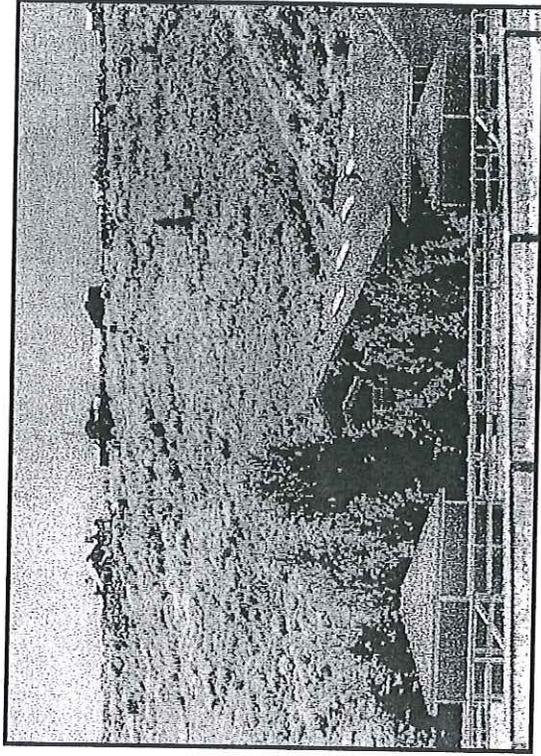
6.17 POLICY: Development shall not contribute significantly to the degradation of air quality. When appropriate, efforts shall be made to

mitigate the impacts of fireplaces and other activities, which can have an impact on air quality. Wood burning fireplaces are not allowed in multi-family developments including hotels and lodging facilities except for one in the lobby.

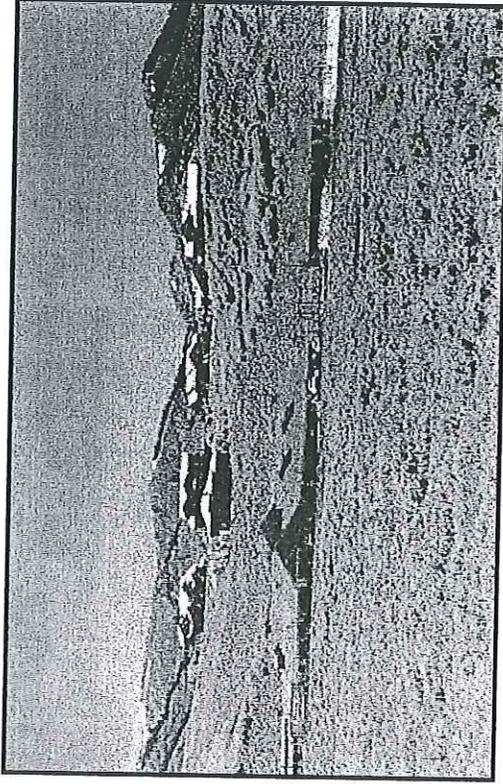
6.18 POLICY: Summit County should work with Park City and others to develop and promote an appropriate regional transportation system to help reduce air pollution in the Snyderville Basin.

REMOTE AND SENSITIVE LANDS VIEW SHED QUALITIES

6.19 POLICY: Visual qualities and the location of open space that should be preserved shall be determined through the



Development on major ridgeline.



Inappropriate development on minor ridgeline with development at the transition between the hillside and meadow.

development review and approval process. It shall be an issue for discussion purposes in the Planning Commission/ developer joint planning meeting. The following visual qualities shall be determined prior to the completion of the sketch plan and joint planning review. Preservation Areas are those environmentally sensitive areas in which only ecological changes, low impact recreation uses, and minor property access when there is no other alternative and which is sensitively designed should be permitted. In order to guide development in the most appropriate manner on an individual parcel, no residential, commercial, institutional, or industrial development shall be located in any area designated as a Preservation Area. The transfer of density from any Preservation Area to a designated Resort of Village Center or other designated receiving areas is encouraged. Retention

Areas are those visually sensitive areas in which development may occur, but such development will not be visible from the major roadways of the Snyderville Basin. The major roadways are Interstate 80, Highway 224, Highway 248 and Highway 40. The use of landscaping, by itself, in an effort to screen otherwise inappropriate development in a Retention Area will not be considered an acceptable means of view shed protection. Existing vegetation may be used to help screen development in a Retention Area, so long as the vegetation is not within the defensible fire protection area of the structure, as defined by the Fire District, and so long as the vegetation used for screening is significant in its extent and density and is highly probable to withstand future threats from fire, disease, and other forms of natural attrition. Rehabilitation Areas are areas in which short-term programmatic

solutions should be used to restore landscapes now containing undesirable visual impacts to the best possible visual quality. Modification Areas are areas where development may be approved, but such areas will not be considered to be a means of protecting the view shed. Special Consideration must be given to form, architecture, color, lighting, and landscaping as they affect the visual qualities of the Modification Area. In the event an entire property is within the view sheds identified on the Snyderville Basin Neighborhood Maps, and appropriate Modification Area will be identified.

6.20 POLICY:

Development shall restrict the highly visible placement of homes and other structures within any designated hillside view shed. Whenever development is permitted within a hillside view shed, it should be located at or as near as possible to the toe

of the hill, with greatest densities in the transitional area between the hillside and flat meadow areas.

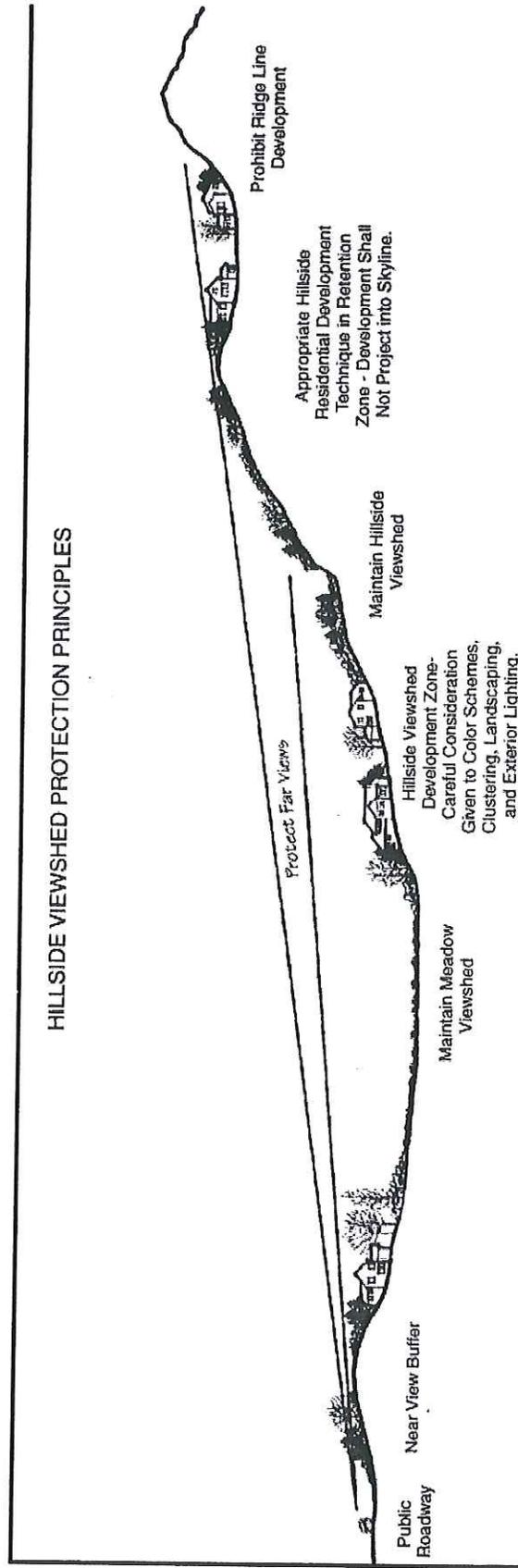
6.21 POLICY: When hillside development is permitted within a view shed, it shall be integrated into the site, using topography, vegetation, and other reasonable techniques, in a manner that causes it to blend into the hillside in a manner that complies with the View Shed Protection Principles set forth here.

6.22 POLICY:

Development on ridgelines and hilltops that allow a structure to project into the horizon line shall be prohibited. Development on ridgelines, even when there is a mountain backdrop but when development will be highly visible or visually dominate the natural environmental features, is not appropriate. Summit County will identify all major and minor ridgelines within a property being considered for development during the

joint planning/sketch plan discussions and work with the developer to determine appropriate building envelopes or appropriate building locations.

HILLSIDE VIEWSHED PROTECTION PRINCIPLES



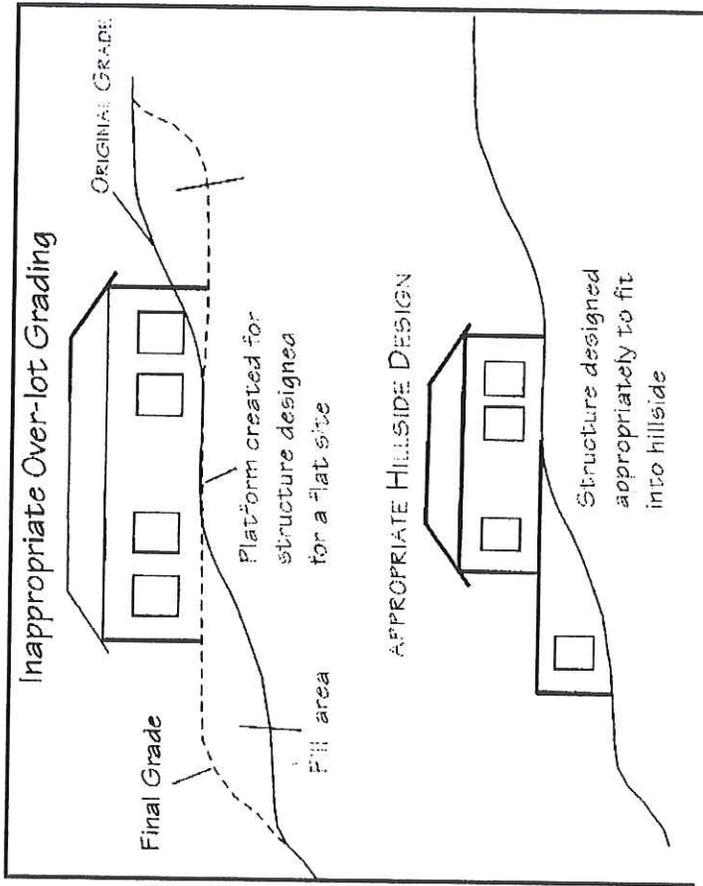
6.23 POLICY: Regulations will be established in the Development Code to ensure that development is not permitted to encroach upon major and minor ridgelines.

6.24 POLICY: When deemed appropriate, development in a designated meadow view shed or hillside view shed area, as shown on the Land Use Map, shall occur in a manner that preserves the scenic foreground and distant views, by placing development in the middle view perspective, at the edge of open meadows, and at the toe of the hillside.

6.25 POLICY: Development at based zoned density, including all development located on Mountain Remote Lands identified in the Land Use Map shall be appropriately clustered to minimize impacts on service efficiencies and the environmentally sensitive nature of the lands in the Snyderville Basin.

DEVELOPMENT DESIGN

6.26 POLICY: All development outside of a designated Village or Resort Center, including development complying with or exceeding base densities, will be clustered in the least environmentally and visually sensitive areas of the site, as set forth in this Chapter. Lighting as viewed from off site shall be minimal.



6.27 POLICY: All development in areas where the vegetation is predominantly shrub, oak, deciduous trees and/or coniferous trees shall retain the maximum amount of existing vegetation on a site. Areas, which shall remain undisturbed, shall be designated before construction on any site containing sensitive lands and vegetation commences. The edge of disturbance areas shall be made to look as natural as possible. Straight-line removal of vegetation is prohibited.

construction. Phased site grading and stabilization or revegetation shall be part of the grading and conservation plan.

4. Buildings shall not be located on soils with severe limitations for any of the proposed uses, unless fully mitigated by appropriate design and construction techniques. Limitations on development may be due to any of a number of factors, including the depth to bedrock or a water table, soil permeability, the soil's propensity to shrink and swell and other factors, as determined by the soil conservation service (USDA).
5. All cut and fill slopes in excess of 3:1 shall be properly stabilized and revegetated, as evidenced in a professionally prepared grading and conservation plan attached to the application for a permit. (Ord. 323, 3-9-1998)
6. Over-lot grading, or the significant removal of soil material on the uphill side of a site and filling on the downhill side, when natural slope conditions exceed ten percent (10%) of the site to create a large, flat development pad is not permitted. All development shall generally conform to the existing contours of the land. (Ord. 323, 3-9-1998; amd. 2004 Code)

F. Wildlife Habitat and Fisheries:

1. Any development which has the potential of adversely affecting critical wildlife habitat, including critical winter range, migration corridors, and birthing areas, or Class 2 fisheries, as evidenced by written testimony of the State Division of Wildlife Resources or other authoritative source, shall take all reasonable steps to minimize such impacts, which may require the clustering of development in the least sensitive parts of the development parcel.
2. Developments shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries. (Ord. 323, 3-9-1998)

10-4-3: CRITICAL AREAS:

Development within "critical areas", as defined in this Section, is prohibited. All structures, buildings, impervious surfaces and other development on a lot or unsubdivided parcel shall be clustered on areas of the lot or parcel that do not contain critical areas. (Ord. 323, 3-9-1998)

- A. Geologic Hazards: The development layout and design shall avoid areas which may be adversely affected by geologic hazards. An exception to this prohibition

may be obtained from the County Manager in cases where the developer demonstrates that the geologic hazard is fully mitigated by appropriate design and construction techniques. Geologic hazards include any kind of slope instability (landslides, rockfall, mudflows) or ground subsidence that may result from natural or manmade conditions and also any kind of seismic activity. (Ord. 323, 3-9-1998; amd. 2004 Code)

- B. **Avalanche Tracks:** The development layout and design shall avoid areas which may be adversely affected by avalanche tracks. All known avalanche tracks are declared to be critical areas because of the high probability that development in such hazardous areas will result in property damage, damage to public utilities and roads serving the development, and, possibly, injury or loss of life to occupants.
- C. **Critical Slopes:** Development layout and design shall be prohibited in areas which include slopes of thirty percent (30%) or greater. Slopes of thirty percent (30%) or more are declared to be critical areas because there is a high probability that on site and downslope property damage, and water quality, fisheries and wildlife habitat deterioration will result from their development. Revegetation difficulties are compounded by the Snyderville Basin's short growing season, making the reclamation of disturbed slopes very costly. Development on slopes over fifteen percent (15%) and less than or equal to thirty percent (30%) shall be regulated as follows:
1. The arrangement and location of structures and impervious surfaces shall minimize the potential of instability, rapidly accelerated storm water runoff, erosion and soil loss.
 2. Submission of a professionally prepared grading and conservation plan which specifies all measures taken to assure slope stability and to prevent accelerated runoff and erosion is required. The design of all structural elements (such as permanent and temporary access roads) included in such a plan shall be certified by a licensed professional with demonstrated experience in slope stabilization.
- D. **Floodplains³:** All areas within a 100-year floodplain, as mapped for the Federal Flood Insurance Program, or as calculated by a qualified engineer, or where the prevailing or potential natural vegetation is riparian, are declared to be critical to the maintenance of the basin's hydrologic systems, fisheries and wildlife habitat. Development of floodplain areas has a significant potential to adversely affect wildlife, water quality, and, if it modifies the floodway, adjoining, upstream and downstream properties, roads and other public facilities. Development in floodplain areas may also be constrained by a high water table which raises the cost of

³See also Title 12 of this Code.

installing and maintaining utilities. Finally, floodplain development adversely affects all taxpayers through public expenditures to prevent or clean up flood damages.

1. Development, other than open use recreation, shall be prohibited in areas which include floodplains. Structures shall not be permitted in a floodplain.
 2. Road and driveway crossings shall bridge over all floodplains. The installation of culverts for such purposes shall be minimized and is generally not appropriate.
 3. Where floodplain areas are modified, any action which may increase flood hazards or adversely affect water quality or fisheries shall be avoided. Such actions may include, but are not limited to, stream channel modifications, the storage of floatable or potentially polluting materials, and the construction of stream crossings.
 4. Plantings or natural stone (as opposed to scrap metal, junked vehicles or concrete slabs) shall be used where stream channels are required to be stabilized.
- E. Wetlands: Development of high and moderate value wetlands has a significant adverse effect on water quality, the rate and volume of storm water discharge, and wildlife. Development layout and design shall be prohibited within all high and moderate value wetlands as identified by the Army Corps of Engineers or other authoritative source. Low value wetlands shall be strictly regulated with regard to development impacts and mitigation. Any development permitted in a low value wetland shall require Army Corps of Engineers review and permit prior to final subdivision plat or final site plan approval. (Ord. 323, 3-9-1998)
- F. **Ridgelines:** Because of the importance of aesthetics to the economic viability of the Snyderville Basin, views from the designated roadways (Interstate 80, Highways 224, 248, and 40) are critical and ridgeline encroachment shall be avoided. New development on ridgelines and hilltops which allow a structure to project into the horizon line as viewed from a designated roadway shall be prohibited. Development shall be prohibited within 100 vertical feet of any ridgeline that is identified by the Ridgeline Overlay Zone District, except for existing lots of records, previously entitled developments, and resort lifts and runs as provided for in this Section.

Applicability to lots of record and previously entitled developments: Development on lots of record or previously entitled developments in the Ridgeline Overlay Zone or on ridgelines and hilltops which allow a structure to project into the horizon line as viewed from a designated roadway are subject to Low impact Permit review and the special development standards in Section 10-4-3 (F.)(1.).

1. Special Development Standards for Development in the Ridgeline Overlay Zone District or Development Affecting Ridgelines:
 - a. **Site Planning and Structure Height.** All new construction and associated disturbance shall occur outside of the ridgeline setback. Where that is not possible due to the size and configuration of the lot, or where to locate a structure outside of the ridgeline setback would result in a building site that is not suitable for development based on other development standards, an analysis will be done to locate new construction in the most suitable location on a site. The Director may: require structures to be built in the most suitable portion of the lot, designate building pads, limit building height, and/or mandate other design standards to minimize the visual impact of the development.

Every effort shall be made to site new construction in such a manner that it will not project into the horizon line or project into a mountain backdrop as viewed from the designated roadways. If this is not possible, and structures will project into the horizon line as viewed from the designated roadways, **building height shall be limited to 26 feet.**
 - b. Architectural Standards. The architectural regulations outlined in Section 10-4-20 will apply. The following special standards will also be applied for any development subject to the Ridgeline Overlay Zone:
 - (1) **Massing and Stepping.** Structures shall be built in stepped levels to conform to the slope of the hill and keep a low profile.
 - (2) **Building Material and Color.** All buildings shall be constructed of material of a muted earth tone color that are compatible with the dominant color of the surrounding vegetation. Reflective materials shall be generally avoided, and where used (flashings roof vents and equipment), shall be painted to match the building.
 - (3) **Windows and Other Glass.** Glass areas shall be reviewed to avoid highly reflective surfaces from designated roadways. Mirrored glazing is prohibited on any building, except that solar absorption glazing is an acceptable material. Walls or excessive expanses of glass are prohibited. The visibility of nighttime lights from designated roadways will be a

consideration in determining the amount of transparency allowed.

- (4) **Roof Pitch, Orientation, and Color.** The pitch of any roof shall be generally parallel to the slope upon which the building is located. Roofs shall be of a dark, muted earth tone color in a shade of gray or brown that reflects the dominant color of the surrounding vegetation. In some cases, larger roof overhangs may be an effective tool for deepening the shadow effect and minimizing the apparent mass of a building.
- c. **Grading Limitations.** Site grading shall be designed to create visual interest by combining terraced retaining walls, landscape pockets with screen plantings, landscaping and variations in the texture and pattern of wall materials. The Director may alter standards to ensure adequate fire protection.
- (1) Site grading shall be minimized and shall not exceed the following limit of disturbance area (including all portions of the driveway and construction activity):
 - (a) Lots less than one (1) acre: The limit of disturbance area shall be determined by the Director
 - (b) Lots between one (1) acre and five (5) acres: the limit of disturbance area shall not exceed 15,000 square feet.
 - (c) Lots greater than five (5) acres: the limit of disturbance area shall not exceed 20,000 square feet.
 - (2) Terraced retaining walls shall be constructed when the vertical height of any cut or fill required for the construction of driveways or structures exceeds six (6) vertical feet. Each terrace of the retaining walls shall not exceed four feet in height and shall be stepped back at four (4) foot intervals.
- d. **Landscape Requirements.** Removal of and disturbance of existing vegetation shall be minimized. Native vegetation shall be used to reduce the impact of development on steep slopes and ridgelines. The Director may alter standards to ensure adequate fire protection.

- (1) A limit of disturbance area no greater than twenty (20) feet from the building footprint shall be shown on site plans submitted for building permit review. All construction shall be contained within the limit of disturbance area. If decks are incorporated into the structure, the limit of disturbance area shall be twenty (20) feet from the deck in that location only. A fence (separate from an erosion control fence) clearly demarking the limit of disturbance area shall be erected before any grading or construction begins and shall remain in place until construction is complete. The fence shall be at least five feet in height above grade and shall be a substantially built protective fence which prohibits vehicular and pedestrian access. Existing vegetation to be saved shall be unmistakably delineated from the vegetation to be removed.
 - (2) Landscape elements incorporated into development shall maintain a vegetative backdrop and be indigenous to the particular environment. The vegetation at maturity shall screen structures to the maximum extent possible and preserve the appearance of the natural skyline. To minimize grading of large flat areas and encourage water conservation techniques, large expanses of turf and low growing grass is prohibited.
2. Special Development Standards for Resort Lifts and Resort Runs in the Ridgeline Overlay Zone:
- a. Site Planning. New construction and associated disturbance shall occur outside of the ridgeline setback. Where that is not possible due to the required alignment of a lift or run, an analysis will be done to locate development in the most suitable location. Every effort shall be made to site new lift towers and terminals in such a manner that it will not project into the horizon line as viewed from the designated roadways.
 - b. Architectural Standards. Lift towers and terminals shall be designed to mimic natural visual conditions and blend into the surrounding landscape.
 - (1) Non-reflective materials shall be used and shall be painted or treated to minimize visibility from designated roadways.
 - (2) Glass on lift towers is prohibited. Glass on lift terminals is only permitted as required by the lift manufacturer for safety.

Mirrored glazing is prohibited, except for solar absorption glazing.

- c. Grading Limitations and Re-Vegetation. Runs as viewed from designated roadways shall blend into the existing vegetation. Run edges, terrain, and lift lines shall be designed to minimize a linear appearance and shall be varied to blend with the natural terrain through the use of tree thinning to feather the linear effect. Widespread clear cutting of timber is prohibited. New roads are only permitted for the installation and maintenance of lift terminals. Disturbed areas shall be re-vegetated with native vegetation as soon as weather permits.
3. New Development in the Ridgeline Overlay Zone District or Development Affecting Identified Ridgelines:
 - a. Any development subject to the Minor Development review process in which any portion of the subject property falls within the Ridgeline Overlay Zone is required to conduct a visual analysis from the designated roadways. No structure will be permitted to break the ridgeline from the designated roadways. In order to keep all proposed development from breaking the ridgeline from a designated roadway, the project may be required to designate specific building pads, limit building height to twenty-six (26) feet, and mandate other design standards to minimize the visual impact of the project.
 - b. Any development subject to the Major Development review process in which the property is located within 5 miles of designated roadways is required to conduct a visual analysis from the designated roadways. No structure will be permitted to break the ridgeline from the designated roadways. The project will be designed to keep development out of all ridgeline setback areas. In order to keep all proposed development from breaking the ridgeline from a designated roadway, the project may be required to designate specific building pads, limit building height to twenty-six (26) feet, and mandate other design standards to minimize the visual impact of the project.

Molly Orgill

From: Kirsten Whetstone <kirsten@parkcity.org>
Sent: Thursday, August 02, 2012 1:25 PM
To: Molly Orgill
Cc: Thomas Eddington
Subject: RE: Parcel SS-59-7-A-1

Hi Molly,

Park City still maintains that the upper location violates the City's and County's sensitive ridge line ordinances.

Ideally, the lower location with a lower building height, is our preference.

As we stated previously, the lower location with the County's height restriction, as mentioned in the previous emails, would be acceptable.

There is less visual disturbance by clustering the new building with the existing buildings than by having a new structure ½ way up the slope.

We are confident that with good roof design, a well thought out landscape plan, materials and colors that blend into the existing area, and the lower height, as proposed by the County, the house can be made to blend in to the hillside and existing buildings.

Thanks for the opportunity to comment.

Sincerely,

Kirsten

Kirsten A Whetstone, MS, AICP
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060
435-615-5066



From: Molly Orgill [<mailto:morgill@summitcounty.org>]
Sent: Thursday, July 05, 2012 8:57 AM
To: Kirsten Whetstone
Subject: FW: Parcel SS-59-7-A-1

Kirsten,

The owners of parcel SS-59-7-A-1 located at 374 Mountain Top have submitted an appeal to the County's decision regarding the location and height of the proposed home on this parcel. I have attached all of the information that they submitted. Would you please look over the attached information and get back to me by Friday, July 13, 2011 with any

questions, comments or concerns that you may have. I will be doing another pole test next week and will be trying to schedule them with the County Council on Wednesday, July 25, 2012.

Thank you,

Molly J. Orgile

Assistant Planner

Summit County Planning

(435) 336-3153

www.summitcounty.org/planning

