

# MINUTES

## SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING  
THURSDAY, MARCH 8, 2016

Sheldon Richins Building (Library)  
1885 West Ute Boulevard,  
Park City, UT

### COMMISSIONERS PRESENT:

Mike Franklin, *Previous Chair*  
Bea Peck, *Newly elected Chair*  
Julia Collins  
Greg Lawson

Colin DeFord  
Canice Harte  
Chuck Klingenstein

### STAFF PRESENT:

Jamie Brackin- *Deputy County Attorney*  
Amir Caus- *County Planner*  
Sean Lewis- *County Planner*

Patrick Putt- *Community Development Director*  
Tiffanie Northrup-Robinson- *Senior Planner*  
Katy Staley- *Recording Secretary*

The regular meeting of the Snyderville Basin Planning Commission was called to order at 6:05 PM.

### REGULAR ITEMS

#### 1. General Public Input Items

The general public input session was opened.

Chris Hague said he had two things he would like to address the Commission about. The first is that a wildlife study taken in July 2010 at Silver Creek Village found no evidence of deer or elk. This winter he went to the property and took pictures which demonstrate this is a substantial wildlife corridor. He will email the pictures and the study to the Commission.

**Commissioner DeFord** asked who performed the study. Mr. Hague said he is not sure. He added that nothing has been done to protect this wildlife corridor. He believes further studies are needed.

Mr. Hague's second topic was that there have been some recent discussions about helicopters landing in the Snyderville Basin and how to protect the Basin from further encroachments. The Commission may recall about four years ago Rich Sonntag requested to have a provision allowing air flights over the Basin from Promontory. This request was not well received.

He understands they are going to be talking about a provision concerning helicopters. He recommended they include airplanes and flight paths in this discussion. They need to get on the books an ordinance that will protect wildlife from aircraft problems.

## **2. Election of Chair and Vice-Chair**

**Chair Franklin** said he will not be a candidate for Chair this year. He would like to recommend a succession of this position. This will give everybody an opportunity to be Chair at some time. *He nominated Bea Peck to be the Chair for the Snyderville Basin Planning Commission. Commissioner Klingenstein seconded the nomination.*

- **MOTION CARRIED (7 - 0)**

*Bea Peck nominated Canice Harte to be the Vice-Chair for the upcoming 2016 period. Commissioner Klingenstein seconded the nomination.*

- **MOTION CARRIED (7-0)**

The position of Chair was turned over to **Chair Peck**.

**3. Public hearing and possible approval regarding a Plat Amendment to amend the boundaries of Lot 3 & 5 and Lot 4 of the Kimball Junction Subdivision plat; near 5585 N. Grizzly Way, Park City, UT; S-59, PP-62-A-X, PP-63-X, KJS-3-AM3&5, KJS-4-1AM; Rocky Mountain Power, applicant – *Sean Lewis, County Planner***

Planner Sean Lewis introduced Chad Ambrose from Rocky Mountain Power.

Accompanying him were several other Rocky Mountain representatives. He reminded the Commission that in November, Rocky Mountain Power came to them to expand the substation behind Bear Hollow. A conditional use permit was granted with several conditions. One of the conditions was the completion of a land swap between Summit County, the LDS church, Basin Recreation, and Rocky Mountain Power. The land swap has been agreed to by all the involved parties conditioned upon the receipt of the conditional use permit. They are back to complete the land swap.

A slide showed the location of the property. The two pieces of land being swapped were pointed out. Planner Lewis pointed out the first area, which is 0.90 acres. This is the area being expanded for the substation. The second area is 3.25 acres and is currently owned by the LDS church. The land will be used by Basin Recreation to expand their trail system.

Planner Lewis said there are two amendments to the plat. One is the expansion of Lot 4 of the Kimball Junction subdivision plat, the other is the expansion of Lot 3 and Lot 5 which will be combined to create open space. This will take in the 3.25 acres. Staff is recommending this body approve the proposed plat amendment with the findings and conditions as found in the Staff Report.

**APPLICANT'S COMMENTS**

Chad Ambrose of Rocky Mountain Power introduced himself. He is present at the meeting to fulfill one of the conditions of approval. With him is Brad Knowles, who is their real estate property expert. Mr. Knowles has been involved in the exchange

agreement and has been working with Planner Lewis on the plat amendments. Rocky Mountain Power hopes to get things underway this May.

Mr. Knowles said that currently Rocky Mountain Power owns about ½ acre, which is known as Lot 4. They will be expanding to the west and adding 0.90 acres from Lot 3, which is currently a 90 acre parcel. This is essentially a lot line adjustment between the two lots.

*The public hearing was opened. There were no comments made and the public hearing was closed.*

***Vice-Chair Harte made a motion, which was seconded by Commissioner Klingenstein, to approve the proposed amendments to Lot 3 and Lot 4 of the Kimball Junction subdivision based on the following findings of facts, conclusions of law:***

***Findings of Fact:***

- 1. PacificCorp is the listed fee title owner of Parcels S-59 and KJS-4-1AM.***
- 2. Parcel S-59 is approximately 1.30 acres in size.***
- 3. Parcel KJS-4-AM is 0.47 acres in size.***
- 4. Parcels S-59 and KJS-4-1-AM are located in the Rural Residential (RR) Zoning District.***
- 5. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints is the listed fee title owner of Parcel PP-62-A-X.***
- 6. Parcel PP-62-A-X is 9.62 acres in size.***
- 7. Parcel PP-62-A-X is located in the Rural Residential (RR) Zoning District.***
- 8. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints is the listed fee title owner of Parcel PP-63-X.***
- 9. Parcel PP-63-X is 62.67 acres in size.***
- 10. Parcel PP-63-X is located in the Hillside Stewardship (HS) Zoning District.***

- 11. Summit County is the listed fee title owner of Parcel KJS-33-AM3&5.**
- 12. Parcel KJS-33-AM3&5 is 86.24 acres in size.**
- 13. Parcel KJS-33-AM3&5 is located in the Rural Residential (RR) Zoning District.**
- 14. The Kimball Junction Subdivision Plat was originally platted December 31, 2008.**
- 15. An amended Kimball Junction Subdivision plat was recorded on October 28, 2010.**
- 16. An amendment to Lots 3 & 4 of the Kimball Junction Subdivision was recorded on February 10, 2014.**
- 17. The proposed amended plat moves 0.900 acres from Lot 3 to Lot 4; the amendment also moves approximately 3.27 acres from Assessor Parcel PP-62-A-X to Lot 3.**
- 18. The plat amendment represents the terms of a land swap agreement between Summit County, Rocky Mountain Power, and the Snyderville Basin Special Recreation District.**

#### **CONCLUSIONS OF LAW**

- 1. There is good cause for the amendment as the proposed plat amendment allows for the expansion of the Bear Hollow substation which is considered to be critical infrastructure in the Snyderville Basin.**
- 2. No increases in density would occur as a result of this amendment.**

#### **• MOTION CARRIED (7-0)**

- 4. Continued public hearing and possible action regarding a possible Plat Amendment to amend easements including a vacation of a 60 foot access easement located on Lots 2 & 3 of the Brookside Estates subdivision; 3855 and 3951 Brookside Ct.; Richard Scheinberg on behalf of TGC, LLC, applicant – Amir Caus, County Planner**

Planner Amir Caus introduced the applicant, Richard Scheinberg. Mr. Scheinberg introduced Glen Watkins, who is the co-applicant, who is the legal counsel. Planner

Caus distributed a recently received document. This document states why the applicant believes there is good cause to approve the vacation of the easement.

Mr. Watkins questioned if they should proceed this evening. He has been speaking with Joe Wrona, legal counsel for Lots 4 and 5, and with other attorneys involved. There have been some developments that are encouraging in terms of a possible voluntary resolution. KGC was the co-applicant dealing with the Colby School property which is located along Brookside Lots 2 & 3. That potential transaction has been terminated. They have withdrawn as co-applicants.

Mr. Watkins said there are other discussions taking place; therefore, they would like to continue this item to the next agenda. Mr. Wrona has the authority to say that his client does not object to this request.

**Chair Peck** asked Attorney Brackin if the public hearing can be continued a second time. A discussion between Attorney Brackin and **Chair Peck** ensued about the best proper way to proceed. **Chair Peck** said if this is close to being resolved, than they won't have to take up anybody's time. Attorney Brackin said to continue to a date certain makes her a little uncomfortable.

**Commissioner DeFord** recommended they re-notice the public hearing if needed. Attorney Brackin said that is what she would prefer; however, this is an extra cost to the applicant. Mr. Watkins said he is happy to bear the cost. Attorney Brackin said the Commission can take comment tonight if desired. **Chair Peck** closed the public hearing that had been left open from the previous meeting.

***Commissioner DeFord made a motion to continue the item to a date uncertain.***

***Commissioner Harte seconded the motion.***

- **MOTION CARRIED (7-0)**

Mr. Scheinberg said he hopes this facilitates a resolution. He thanked the Commission for their time.

## **WORK SESSION**

### **1. Discussion regarding the proposed Blackhawk Plat Amendment – *Tiffanie Northrup-Robinson, Senior Planner; Patrick Putt, Community Development Director***

Planner Northrup-Robinson said they are looking for direction on the proposed Blackhawk Plat Amendments. The plat amendment involves Lots 84-88. The first amendment is addressing property lines between Lots 85 through 88. There are some minor lot line discrepancies that divide the parcels. These simple lot line adjustments can be handled through an administrative process.

A more complicated issue is dealing with a fence line that encroaches into a dedicated open space area. The Blackhawk Station Subdivision was developed through the Spring Creek Development Agreement. The benefits are very specific. One of the major community benefits was the amount of open space that was being provided. This open space is held by the Blackhawk Station homeowner's association.

Planner Northrup-Robinson said that Mike Barnes was one of the former developers of this property. For some reason, when this subdivision was built in 2000 and 2001 this particular fence line did not follow the platted and surveyed lot lines on the rear portion of the property. When homes were constructed and fences were built, people assumed the fence line was the property line. Improvements have been made in these areas.

**Commissioner Harte** asked what improvements they are talking about. She said there have been outdoor patios built, fire pit areas, and things of that nature. No structures such as garages have been built. There is a hot tub along the property line, but for the most part it is on-grade outdoor improvements.

Planner Northrup-Robinson used an aerial photograph to show the location of the designated open space. She also pointed out the fence line and some of the improvements. The reason this plat amendment originally came to Staff almost two years ago, was because someone wanted to add on to the back of his home to create an accessory dwelling unit for his mother-in-law. When he applied for a building permit, the plans reviewer caught the discrepancy of the property line.

Planner Northrup-Robinson said this will have to go before the County Council because the open space agreement was part of the community benefit of the Spring Creek Development Agreement. Additional density was granted because of that benefit.

The property in question is approximately 0.13 of an acre. A proposal has been made for the landowners to buy the property behind their homes. The money from the sale would be put into the beautification and water management of the Blackhawk Station subdivision. They believe this would be a benefit for the community.

Staff is looking for direction from the Planning Commission if they feel this is an appropriate action to replace the loss of the open space. If not, what would they rather see? Another consideration is if this action would not be appropriate at all. If the Commission feels this is appropriate, the applicants will bring it back to the Commission in a formal manner.

**Commissioner Harte** asked what is behind the fence line. Planner Northrup-Robinson said that area was given to the Swaner Nature Preserve as open space. **Commissioner Harte** asked what the setback is from the centerline of the stream. Planner Northrup-Robinson said this started two years ago. She would have to verify that information.

**Commissioner DeFord** said he didn't read anything in the report on what the good cause would be. **Chair Peck** suggested the good cause might be that they are going to substitute a different kind of benefit. She noted the proposal would be a benefit for the

residents of Blackhawk Station, not necessarily to the Community. Planner Northrup-Robinson said that may not be enough to constitute good cause.

**Commissioner Franklin** said he feels like it is paramount that they answer the stream setback issue. Do they have any non-conforming structures in this area?

**Commissioner DeFord** said he would like to understand better the amount of open space involved. How would it be determined what the HOA would receive? Would the cash going to the HOA be adequate compensation for the loss of open space? Is it in the Commission's jurisdiction to ask that question?

Planner Northrup-Robinson said the Planning Department has received a copy of the CC&Rs and there is a question if this can be done. That is a question that needs to be answered. Staff doesn't want to go down this road to find that the CC&Rs restrict this from occurring.

**Commissioner DeFord** said he would like to understand the impact if this doesn't happen. Would fence lines have to be moved? Would the accessories have to be moved off the property? Planner Northrup-Robinson cited a previous situation where a portion of a structure had to be removed that was built without any permitting.

**Commissioner Harte** said that a key point is to define what a community benefit is. He asked if the property sizes are what they should be. Planner Northrup-Robinson said ownership is shown to the platted property line, not the fence line. **Commissioner Harte** noted if the fence line is moved to its actual location, the property owners have really lost nothing. **Commissioner Harte** said if the open space was a community benefit and it was used to generate density, he believes there should be a benefit given to the community as a whole.

**Chair Peck** welcomed the applicant, David Dowie, to the meeting. Planner Northrup-Robinson summarized for Mr. Dowie the discussion points he missed. Mr. Dowie

apologized for being late. He said some of the issues he faces is that his home is beyond the setback. If he wants to change his deck, it is non-conforming and would not be allowed. As far as the community benefit, this is a very small piece of land, only 0.13 of an acre. There are a lot of trails in this area. One possible use for the money could be in connection with the trails of the area.

**Commissioner Harte** asked if the home setback is based off the fence or the property line. Mr. Dowie said his back deck is two stories. It currently violates the setback. If he wants to remodel the deck, he would not be able to get a permit. He believes this is a hardship issue for his lot and perhaps others. **Commissioner Franklin** said this would go before the Board of Adjustment.

**Commissioner Lawson** verified that the applicant is requesting the plat map to be amended and that the homeowners be allowed to purchase the land. Planner Northrup-Robinson said in this particular case, because this part of the Development Agreement is a legislative issue, Staff feels that it would be appropriate to have some sort of mitigation to offset the loss of a community benefit.

**Commissioner Lawson** asked if the Commission has the authority to make this decision. Planner Northrup-Robinson said because the action would require an amendment to both the Development Agreement and the plat, the County Council would be the final decision maker. The Planning Commission would act as the recommending body.

**Chair Peck** asked if this is considered a major amendment because it changes open space. Planner Northrup-Robinson answered that is correct. **Chair Peck** said the community benefit is not just for the Blackhawk Subdivision, but the community at large. Basically, the community is Summit County.

Mr. Dowie said the reason they asked an appraiser to calculate the value of the land is because it is owned by the Blackhawk HOA. They would like to see what it is worth to the HOA and the community. This gives them a number to work with. They understand that the Community benefit can be directed by Staff.

Planner Northrup-Robinson responded that there are two amendments. The internal lot line adjustment is one. That does not create any kind of problem. **Commissioner Collins** said she would like to understand the detriment this action might bring to the community. Will this set precedence for future projects in losing open space? What is the detriment to the affected lots?

**Commissioner Franklin** recommended an inventory be taken of any structures in the area. **Commissioner Harte** recommended photographs be included when this comes back. **Chair Peck** asked how much further out is the fence line from the property line. Planner Northrup-Robinson referred to the slide to show the fence line and the property line. It varies as much as 25 feet. **Commissioner DeFord** asked Mr. Dowie how he was able to get the deck built. Mr. Dowie said it was there when he purchased the house.

**Commissioner Klingenstein** said his sympathy goes out to the property owners; however, part of the SPA process was the open space corridor and the preservation of East Canyon Creek. Significant density was granted in exchange for these items. It could be precedence setting if they are not careful. There are many parcels all over Snyderville Basin where this could trigger unintentional consequences.

**Commissioner Klingenstein** asked if anyone has contacted the East Canyon Watershed Committee or the Swaner Nature Preserve. He noted this project was approved in 1998. This error was not on the part of the County. It could have been made by the developer, a surveyor, or the fencing company putting the fence in the wrong place.

**Commissioner Klingenstein** said the negative of this action is the precedence. It gives value to the lots that was not really there, but perceived. He needs to have a lot more information on how this wouldn't get out of control.

**Chair Peck** said she likes that the developer is accepting responsibility for the error. One of the owners of the parcel in question, Dave Amidon, said they have consulted with Mike Barnes who was one of the original developers. Mr. Barnes was very careful in advising them how to proceed. They have tried to disclose everything. An error was made that the fence was not built on the rear property line, but where the land dropped down into the creek. The first fence was put in the wrong place and subsequently it was assumed to be the property line.

**Chair Peck** asked if it was a happy happenstance that the other fences were built on the property line. Mr. Amidon said they believe that is correct, but they have not been checked. **Commissioner Collins** asked that these be checked.

Mr. Amidon said all of the land has been improved with sprinklers and landscaping at the homeowner's expense. This has taken place since 1999. Mr. Dowie said that the developer put in the fences. **Commissioner Harte** said the homeowners are not being blamed for the error.

**Commissioner Lawson** referred to the trees between the property lines and the fence line. Were those put in by the property owners? He was told that is the case. The developer did not plant the trees.

**Chair Peck** said Staff will need to figure out the setback issues. Is this even doable? The Commission would like to have specific descriptions of the types of improvements that have occurred. Photographs would be helpful. **Commissioner Lawson** asked if there is some middle ground that solves the physical problem of homes being too close to the setback. He asked that different options be outlined.

**Commissioner Klingenstein** responded that this project allowed reduced setbacks in exchange for density. There was the intent by the developer to make these small, affordable lots. It was not designed to have large decks and play yards. This gets back to precedence setting.

**Commissioner Harte** said if they approve this, the applicants have to articulate what the gain to the community is that is somehow equal in magnitude. If there is a path forward, it has to show how there is a net benefit to the community.

Mr. Dowie said he reached out to Director Putt to come up with a value so that this wouldn't be an arbitrary number. An appraisal was done to help make that determination. **Commissioner Harte** said for him, it isn't so much the monetary value that triggers the community benefit. It is what is done with the money or some other creative solution that shows some sort of benefit the community. He is not sure that there is an option that would meet that standard.

**Commissioner DeFord** said he understands the plat amendment for the lot line adjustments. He stated that obviously the SPA is expired, so nothing with the SPA would be affected. He asked why this is called a major amendment. **Chair Peck** said it has that designation because it has to do with open space. Planner Northrup-Robinson added that even though the SPA has expired, the community benefits don't go away.

**Commissioner Franklin** said a better plat map in relation to the creek would be useful. He would like to know how close the property lines are to the creek and the fence. This may not be insurmountable, but there is a lot of work to do.

**Chair Peck** said she has seen this in other areas. It takes a large amount of time to remove the landscaping. She believes this is an uphill battle because of the open space aspects and the trade-off for density. She said one or two feet here and there may not

be a big problem; however, 25 feet backing up to the stream is not encouraging. She encouraged the applicant to obtain the rest of the information. They will meet again.

A five minute break was declared.

**2. Discussion regarding a proposed Final Site Plan for Skullcandy building on Lot 4 of the Park City Tech Center Subdivision – Amir Caus, County Planner**

Planner Caus said the last time they met, the Commission directed Staff and the applicant to obtain more information on parking, parking lot setbacks and design, and pedestrian circulation conductivity.

Planner Caus described the three items they were directed to discuss.

1. The amount of parking requested is approximately 4.5 parking spaces per 1,000 square feet. The design guidelines require 3 parking spaces per 1,000 square feet. This is allowed to vary to 3.5 per 1,000 square feet, as designated in the Development Code.
2. The design guidelines require a 12-foot setback for the parking lot.
3. Pedestrian circulation includes sidewalks, conductivity, and aspen draws.

These items have been included in the applicant's report. This has been attached as an exhibit to Staff's memo. **Chair Peck** said she will let the applicant, Dave Allen, give a presentation.

Mr. Allen said that sitting next to him is Patrick Grosso from Skullcandy. He is the executive Vice-President and Project Manager from Skullcandy on this project. There are a number of other representatives from Skullcandy. He said that Mr. Grosso will talk about Skullcandy's parking needs.

Mr. Allen said he would like first like to suggest an alternate way of thinking about the parking. He said they are really not asking for an increase in parking. They are

requesting a decrease in building size. The parking ratio of what they are asking is for a 4-story building. If they were to build a 4-story building for this same number of employees, they wouldn't have a parking issue. In the last 20 years, companies have figured out a way to decrease the building size. This is a good thing, but it creates an issue with the parking ratio. Mr. Allen turned the time over to Mr. Grosso.

Mr. Grosso introduced himself. He heads up facilities and is in charge of several other departments. This project is very important to the company. They have a 13-year heritage here. A lot of evaluation has taken place trying to decide the best place for their future home.

Mr. Grosso said that Skullcandy operates in 80 other countries. They have over 300 employees worldwide with \$250,000,000 in revenue. One of the things they are looking for is to make this a global facility. Park City has a lot to offer and helps to attract talent. Parking is critical. They need to make sure that wherever they move, there will be an adequate number of parking spaces for their employees to come and go.

Mr. Grosso said the Commission has their proposed growth rate and what that means for the parking situation. He thinks that after five years, the proposed parking would be insufficient. They need to find a solution that will work within the terms of their lease and for their employees. There are over 160 employees at their present location. They are exceeding the projected growth for the company.

Mr. Grosso said their office hours are 24/7. People come and go all around the clock. At the same time, they want to take care of the environment, so proximity to mass transit is great. They think it will help them in the long run. In the short run, based on their analysis, the current parking proposal will not meet their needs. They are looking for a location that will serve the needs of their workforce.

As part of their workforce culture, the employees can take breaks during the day and take advantage of the things Park City has to offer, such as hitting the ski slopes. To take away the flexibility of that would harm what they are trying to achieve. They have been working with Boyer in coming up with their long-term needs. Parking was one of the most important aspects.

Mr. Grosso said that in addition to their current staffing needs, they have visitors that come to Skullcandy. They have people coming from all over the world to their facility. The parking for just the employees alone is insufficient. He hopes that the discussion will not be limited to only employee needs. The parking ratio expressed is the minimum of what they are looking for. Mr. Grosso said he hopes this information relays how important this is to them. They want to support what is important to Park City.

**Chair Peck** said she would like to know what the general operations are planned to be for this location. Mr. Grosso said Park City is the global headquarters. They are looking for a building that would be suitable to fill these needs. There are a number of departments. Administrative, financing, accounting, facilities, and other departments will be based in this building.

Mr. Grosso said product development, advanced concept engineering, industrial design, and testing will be at this building. All aspects of marketing, the entire IT Department, as well as the entire sales force will be located here. All of this equates to approximately 165 employees.

**Commissioner Collins** asked if they will also have a warranty and retail center at their Park City location. Mr. Grosso said that is correct. Skullcandy products come with a lifetime guarantee. There is a retail store. They have people come and go.

**Commissioner Collins** asked if there are events they plan to have in the future. Will there be an event center located within the building? Mr. Grosso answered in the

affirmative. There are cultural and operational events. There will be a mixed use area between the break room and the event center. Including the outdoor patio, it is about 3,000 square feet.

**Commissioner Collins** asked if the parking study only considered the existing employees. Mr. Grosso said that is correct. **Commissioner Collins** referred to an employee survey that had been taken. Did this survey address if the employees wanted to use transit? Mr. Grosso said the employees at Skullcandy are environmentally aware. He believes if mass transit is available, it will be used.

Carly Geddis from Skullcandy responded that the survey asked the employees if mass transit was offered, if they would use it. If the answer was “no,” they were asked why. Most of the reasons why they may not use it came down to timing, family, and location.

Mr. Allen said it is hoped that will change as the County expands transit options. It is hoped the percent of those using transit would increase. **Commissioner Collins** asked if the proposed parking takes into account the needs of the visitors. Mr. Grosso said it does not. In order to make this number work, they will have to utilize transit options.

**Chair Peck** asked if there are other incentives being offered to use different kinds of transportation. Ms. Geddis said they have full locker rooms, an area to store bikes. They are looking into other options.

**Chair Peck** asked how many Summit County residents are employed at Skullcandy. Mr. Grosso said currently they have about 66 Summit County employees. There are about 55 employees from Salt Lake City. The rest come from cities surrounding the Salt Lake Valley. He stated they understand there are details that need to be worked out. It is great to be able to speak and address some of the items that will help them find a long-term home.

**COMMISSION QUESTIONS AND COMMENTS**

**Commissioner Franklin** said he has heard comments that at the last meeting, they didn't feel they were listened to. He asked Mr. Allen why he thinks that was. Mr. Allen said he hopes the dialogue they are having at this meeting will be the dialogue they hoped to have at the last one. He hopes they can address the three key issues. Mr. Allen said at the end of the last meeting, a good solution was found to have this work session.

**Commissioner Harte** emphasized they are excited that Skullcandy is in Park City; however, the Development Agreement has set some rules that the Commission has to follow. One of the key things was there is a certain amount of parking spots. If that isn't enough it will default to the County standard. As he understands it, they could have plenty of parking, but are unwilling to build a parking structure.

Mr. Allen responded a parking structure for this location has a number of problems. One is the cost. A parking structure is usually shared between two buildings. The second problem is the location that Skullcandy selected. Because of the visibility, there has never been a parking structure anticipated here. They can't build roads that cross the pipeline. This reduces the parking. They don't want to have a Skullcandy building with a big cement structure next to it.

Mr. Allen said his company has had some clients whose parking needs were closer to 2 per 1,000 square feet. He is hopeful that over time, the parking will equal out. With the first building they constructed, the parking was 4 per 1,000 square feet. He said they always thought there would be flexibility.

**Commissioner Harte** asked if they have made progress on the disagreement of the setbacks. Mr. Allen said although they have had good discussions, progress hasn't been forthcoming. They are hoping they can get feedback from the Commission if they feel that it would be a disservice to the community if they don't have 12-foot setbacks.

Mr. Allen said there is a way to change the rules. For them, it is important to have connected parking lots and not have setbacks between them. They hope to get the Commission's feedback from a planning point of view.

**Commissioner Harte** said pedestrian traffic and sidewalks have been among the major concerns. Where has this conversation gone? Mr. Allen said they have been talking about this since September. They have run into impasse. When they are finished with the project there will be three ways to go from one end of the property to the other.

Mr. Allen said they have talked about building the sidewalk along the service road. They are concerned if they do, someone may say they have a sidewalk that goes to nowhere.

**Commissioner Harte** said as he understands it, the setbacks come off the subdivided lines. He sees the parking as a cost issue. They have the means to put the parking in, but they don't want to build a parking structure because of the cost. If they are going to be maxed out on parking in the near future, a parking structure will give them the tool they need as they grow. He would like to hear more about this.

**Commissioner Harte** said at the last meeting it was stated that they don't want to build the sidewalks early on and then tear them out during construction. That makes sense to him. He thinks the connectivity could evolve as they go. He doesn't think it would need to be in place from day one.

Mr. Allen said a parking structure would be for approximately 500 stalls. The cost would be between 4-5 million dollars. If they were proposing that, they would be having a discussion about building 500 parking stalls for one structure.

**Commissioner Lawson** asked Planner Caus if Staff agrees with the assertion there is a maximum of 1.295 million square feet of building space and 3,910 parking spaces for

the entire Tech Park. Planner Caus said he would have to check the Development Agreement on those numbers to ensure their accuracy. **Commissioner Lawson** asked Planner Caus to flesh out for them the idea that the applicant has the flexibility to move beyond the 3 per 1,000 square feet on a temporary basis, but in the long run they have to ultimately comply with the design guidelines. Is Staff amenable to the idea of letting the project catch up to the parking? From Staff's position, would this be acceptable?

Planner Caus said that is something they are here to discuss. Staff is reading what the design guidelines actually state. In this case, it is simply stated that 3 parking spaces is allowed per 1,000 square feet of building space. Mr. Allen said the design guidelines allow flexibility.

**Commissioner Lawson** said he is in agreement with Staff on the setbacks. The 12-foot setbacks make a lot of sense to him. It appears to be within the intent of the Code. This has been portrayed as a campus with lots of green trees. He is expecting the parking lots to be landscaped and appealing. He thinks the setbacks are the way for this to be accomplished. He hopes there is more discussion about the terracing of the parking lot.

**Commissioner Lawson** said he understands phasing the pedestrian circulation so that it makes sense. They should make sure there is a master plan in place. They should make sure the circulation options remain open so they can be expanded over time.

**Commissioner DeFord** said he was the Chair of the Commission when this came to them as a decision in 2014. There was a three member body that determined the use. At that time, they were predicting about 142 fulltime employees, along with a list of what was taking place at Skullcandy. He feels they have gone beyond the scope of what was proposed at that time and what he voted to allow into the Tech Park. He would like to have a determination from Staff if the use is still viable based on what is now intended.

**Commissioner DeFord** said his understanding was that the original use of the Tech Park would not generate a lot of traffic. When he hears this is a 24/7 operation, he thinks this has gone beyond the scope of the original intended use.

**Commissioner DeFord** said he believes there is a site problem; that the building is not sited on the right block. Originally, this was a 72,000 square foot building with terraced parking. A pipeline was going to be moved, but now the decision has been made not to move it. If they get off this block, parking can be accomplished better.

**Commissioner DeFord** said as they fudge the agreed-upon design guidelines, he believes this will begin a domino effect on the rest of the properties in the Tech Park. He believes there were mistakes made with building #1. There was a negative recommendation by the Commission concerning the 4 parking spaces per 1,000 square feet. The intent of the Commission was to follow the design guidelines.

Since the design guidelines and uses of the Tech Park were developed and sold to the County, the company uses have changed. If there are so many obstacles, perhaps the Tech Park should go back to the drawing board. They could create something that Boyer can start to sell. It has been about eight years since the visitor's center was built.

**Commissioner DeFord** said he thinks their parking proposal comes with flawed reasoning. He agrees that a parking structure would not be appropriate for this property. The developers have compared the parking to that of the Redstone area. That is like comparing apples to oranges. This is not a condominiumized project.

**Commissioner DeFord** asked Planner Caus if Staff has been able to create an overview of the Skullcandy project to scale. This would be helpful so they can actually understand the setbacks. Planner Caus said they did a preliminary scale of the master plan. He believes the design included the setbacks because there were landscaping

buffers. The parking areas are clearly separated. **Commissioner DeFord** said when he looks at the master plan it appears to him that the setbacks were included.

**Commissioner DeFord** referred to exhibit b.5 of the latest memorandum that the visitor's center building set a precedence for parking. He was a Commissioner at the time that came through. That mistake was approved. He doesn't think they should continue to carry on the same mistakes to the next block. He thinks it is important to stick to the design guidelines.

**Commissioner DeFord** said at the current development rate, it would take 50 – 70 years for the sidewalk circulation project to be completed. He is not a fan of waiting. If they have to fix things later on, that is the burden of development. There should be sidewalks to the affordable housing at the minimum that was built as part of the project. He wants to stick to the design guidelines. Phased parking may be a solution.

**Commissioner Klingenstein** asked Mr. Allen if the parking is dedicated to Skullcandy. Was it intended to be serviceable to all of the adjacent buildings? He can understand front-loading the parking, if it is going to be shared. Mr. Allen responded that being one of the first buildings on this side, there is no spillover ability. As they get down the road, they will have the ability to share parking.

**Commissioner Klingenstein** asked Attorney Brackin if the use determination letter had a sunset clause or was it open ended. Attorney Brackin answered this was discussed in their office. Attorney Dave Thomas is of the opinion that it does not have a sunset clause; that it is open ended. She will take to him some of the changes that have been brought up by **Commissioner DeFord**.

**Commissioner Klingenstein** replied that many things have changed since May 27, 2014. The projected number of employees has exceeded their expectations. He went back and read the Staff Report of July 26, 2011 of the Lot 5 approval. On page 3 or 28,

he read *“Due to the smaller size of Lot 5, in this case the developers wish to keep all three buildings on one site under a common ownership, while subdividing them individually. At a later date, they may condominiumize the parcel to allow multiple owners.”*

**Commissioner Klingenstein** said it was not the intent to separate Lot 5 into smaller lots. On March 27, 2014 a minor subdivision was created. If the County had known the subdivision was going to be an issue in the future, they would have gone back to the original approval of Lot 5 of 2011. That is why they are saying the setbacks make sense. That is also why he feels it is important to tie subdivisions together of any large-scale project in the future.

**Commissioner Klingenstein** asked how Summit County allowed Tech Drive to be built under an excavation permit. It is not finished. If it was going to be built, it should have been built to all of the standards with sidewalks, trees, and vegetation. He said a lot of the present Staff was not employed at the time, but shame on the County for allowing this to occur.

Referring to the plat and the master plan, **Commissioner Klingenstein** asked how it was that Liberty Peaks Apartments was built in the wrong place. This had been identified as a wetlands area in the original master plan. They need to learn from their mistakes.

**Commissioner Klingenstein** said when he left the February 9, 2016 meeting, he was under the impression that they would deal with some of these big issues. He thought they would start getting the information from Staff to fill in the blanks that were missing from the original document. They have a letter from the applicant dealing with the three main issues, but not the information that would give a complete picture.

The original design committee granted a conditional approval. It was conditioned upon providing any needed additional information. Right now, there are a lot of holes in the

application that need to be filled before the next meeting. He agrees with **Commissioner DeFord**, that the sketch plan shows an erosion of the original master plan. The master plan has certain philosophical big-picture items that need to stay.

**Commissioner Klingenstein** said at the last meeting, he was so focused on the incomplete application, that he didn't spend a lot of time looking at the exhibits. When he started digging into the sketch plan, he noticed that at the February 9<sup>th</sup> meeting the service road had disappeared. The aspen draw was converted to a shared vehicle/pedestrian pathway. The aspen draw was a vision about creating green space and a nice public gathering area. What he sees is a slow erosion of the master plan.

**Commissioner Klingenstein** said they are taking a road and essentially making it into a parking lot. The design guideline states there will be no angled parking; however, they have angled parking with the conceptual plan. Mr. Allen said he isn't sure where this is headed. They came to this meeting with an agreement that they would focus on three main issues.

**Commissioner Klingenstein** said they state in their letter that it is impossible to relocate the pipeline. He said the pipelines can be relocated; however, it may be cost prohibitive. At one time, they proposed to move the pipeline, so they must have figured out a way that this could be done. Now they don't want to move the pipeline and this is impacting the entire project.

The letter states that the net effect of the smaller size building is a significant reduction in density. **Commissioner Klingenstein** said he doesn't see this as a reduction in density. The overall 1.3 million square feet can be moved around wherever it needs to be built. In the letter, they use the word "if" a parking structure is built. The design guidelines say they "will" build a parking structure.

**Commissioner Klingenstein** said he feels they cherry picked the language. The letter says the ratio can vary from block to block should the development scenario warrant it. They seem to question if they are subject to Snyderville Basin regulatory Code. To him it is clear; they are subject to the Code. If they go through the Development Agreement, sections of the Snyderville Basin Development Code are included.

**Commissioner Collins** said that she is glad that Skullcandy has chosen to make Park City their home. She hopes they can come to an agreement. She appreciates the jobs and the value that it adds to the area. She believes they can reach a solution. She has a lot of friends that work for Skullcandy. They say it is an excellent place to work and they want to continue working there.

**Commissioner Collins** said as she was reading through the design guidelines, she had to ask herself why this project has so many holes. She thinks this is because what they are attempting to accomplish is not the same as the design guidelines. There are things that haven't been addressed that need to be.

**Commissioner Collins** said that parking is a big issue for her. This business deals with the millennial-hipster culture. They will be located near a transit center. In general, she thinks that most of this culture wants to ride transit. The design guidelines say 3 spaces per 1,000 square feet. The Snyderville Basin Code allows 3.5 spaces per 1,000. What they are requesting even exceeds that limitation.

Circulation would be very difficult to phase. Her interpretation is that this should not only serve the employees, but it is to also supply the connectivity for the residents. She doesn't think that can be phased. The setbacks in their memo make it very gray, but in the design guidelines, it is very black and white.

**Chair Peck** said the Commission has a hard job trying to meet the needs of a great tenant and trying to keep the community happy. To her, the parking is a symptom of an

overall bigger problem. How are they going to incentivize people to use the transit center? How are they going to incentivize the employees to take advantage of it? How do they create more than adequate parking? If more parking is created, does that take away the incentive to use mass transit?

She said that trying to accommodate the needs of this and other tenants with similar needs is a different use than was originally thought of for this project. This is beginning to drift away from the research or tech center originally envisioned. Perhaps that isn't a bad thing. Maybe the entire project needs to be reworked.

**Chair Peck** said at this time, they need to figure out how to accommodate a good tenant and meet their requirements while having a critical analysis of what these are. This area already has a lot of transportation issues. She would like to find a conciliatory way to do this and be respectful of each other's needs.

She believes this erodes or chips away at the development agreement, the master plan, and the design guidelines. She doesn't know what affect this piece will have on Lot 5, Lot 8 and so on. Pretty soon it will not be predictable and will be hard to plan. She would like to see this happen, but they have to figure out a way to make it happen.

#### **APPLICANTS COMMENTS**

Mr. Allen said they can look at history in two different ways. One is the County has a history of being flexible and solving problems. There has also been a history of making some mistakes. He agreed there have been changes made. When they look at the original drawing, the transit center is off the Olympic Parkway. The Planning Commission is okay with that change. The County came to them and asked if they would consider changing the location so the traffic wouldn't back up onto Highway 224. They willingly agreed. They believed then and continue to believe that the master plan allows for flexibility.

Mr. Allen said there were two mitigating factors they worked with on the affordable housing. They were unable to build the units at the planned site because of the location of a high transmission power line. After public hearings were held, it was agreed to move the affordable housing from the hillside to a less visible location. The hillside was then dedicated as perpetual open space.

Mr. Allen agreed there are some things that have changed. They can call it erosion if they like. He outlined some of the changes that have been made, such as an angled road that was originally planned. They decided that wouldn't work. They are very committed to the master plan, but they think there needs to be flexibility.

He thinks if he were there to amend the plan and put a parking structure in, the same kind of feedback would be received. If they want Skullcandy to stay, their needs have to be met. The Boyer Company has had other potential tenants that have expressed the desire to come to the Tech Center, but want to be able to improve their parking situation.

Mr. Grosso said he feels there needs to be some accommodation. He said as **Commissioner Harte** alluded to earlier, they also have to run their business. He said when making a business decision they have to have some level of certainty, at least in the short run. The 3-to-1 parking doesn't give them any kind of certainty. From the moment they move into the building, they will have insufficient parking. Even looking at the terms of the lease, there is insufficient parking. They are taking a leap of faith that mass transit will help with the work force coming in. It doesn't make good business sense to say we are moving the business and the employees will have to find some way to come to work. He would like to find a way to make sure his workforce has the access they need to come to the building.

Mr. Grosso said the terms of their lease were for ten years. They need to have mass transit. He is hopeful this will happen; however, he can't make a business decision

saying that from year one, they are going to have challenges and that he hopes the County will create the facilities to make sure his employees can get to work. They need some level of certainty from the beginning. He hopes the Planning Commission and the County will come around to facilitate the needed access.

**Chair Peck** said that **Commissioner DeFord** brought up the subject of phased parking. She asked if phased parking would allow them to stay within the guideline, but have overflow in the meantime. Has this been discussed with Staff? Mr. Allen said they have talked internally if that could work. The number is already short. **Chair Peck** asked if they are short within the first year. Mr. Allen said if the parking is 3 per 1,000 that would be the case. Planner Caus said that 3 per 1,000 is 146 space and 3.5 per 1,000 is 169 spaces.

**Chair Peck** said if the employees can come and go as they wish, would there be a time when every employee will be in the building. Would 169 stalls be enough for their first year? Later they could look to see where they can have overflow parking. She asked if this is something that could be contemplated.

Mr. Grosso said he doesn't think that will work. Based on the timeline, they project they will have 212 employees in early 2017. They have to look at the bulk of the workforce driving in. That number is taking into account a 7% absentee rate along with the people who are coming and going. **Commissioner Collins** said they stated that 10% already use transit. Mr. Grosso responded the survey showed 90% drive to work.

Mr. Grosso said the reason they are able to accommodate the parking needs at their current location is because there is additional parking available. That option is not there being the first tenant to come into the Tech Center. Community parking is not available. He understands the County has to make important decisions too, but from a business perspective, they can't tell their Staff to park in Redstone or other areas.

**Chair Peck** asked if there is a temporary solution they could come up with between Lots 5 and 6. They would still structure these lots within the guidelines, but could they use the other lot to take some of the overflow while transit is being worked on? Is there something that would not be hamstringing them, but at the same time not eroding the Development Agreement? Mr. Allen said the guidelines allow 340 surface parking stalls designated on Lots 5 and 6. **Commissioner Harte** asked if that is full capacity. Mr. Allen answered in the affirmative. It would be if the building is at full size.

**Commissioner Harte** asked **Chair Peck** to clarify what she is proposing. **Chair Peck** said if they stay within the guidelines of 3.5 parking spaces for Lot 6, that would equate to 169 parking spaces. Since nothing else is built yet, is there something temporary that could be done between Lot 5 or Lot 8? Mr. Allen said he isn't sure how that would be temporary. **Commissioner Harte** asked her to define temporary. What does that mean to her? **Chair Peck** said she doesn't know if it would be asphalt or road base, but it would be something that is easy to put in and easy to remove once they start progressing down the road.

**Commissioner DeFord** said he thinks they are having this issue because this was intended to be a tech/research park. A tech park has a lower density than what is found in administrative, marketing, and sales and the other operations that Skullcandy wants to bring in. Mr. Allen asked **Commissioner DeFord** if he has looked at other research parks, like the one at the University of Utah or Adobe. Does he believe they have 3 per 1,000 for their parking?

**Commissioner DeFord** said he is comfortable with the agreement that Boyer made with the County Commission based on the definition of this Tech Park. He thinks Skullcandy is a victim of that. Skullcandy may have a research tech use that may fit, but they are putting all of their operations in this. That is why they are having trouble with density. It is probably going beyond the original scope and intent of the designated use.

**Commissioner DeFord** said it goes back to the bigger picture that he would like Staff and the Legal Department to provide input on. Is the original use the same that the three member body agreed upon? To him, that question needs to be answered before they can do anything else.

He thinks there are so many issues with this application, this needs to be moved to another block where it can be done a little bit easier. Another alternative is for Boyer to go back and make the Tech Park something that they can sell. They are obviously having a hard time selling the property here. Make it something the County can approve and agree upon. He thinks it would be wise to go back and start over.

Mr. Allen said he will address the broader discussion of amending the overall project. That has started and stopped five or six times. Part of where they get into is how do they create a master plan that allows flexibility and yet be held strictly to certain items. They are in the process of discussing a redo, but that won't solve this problem.

**Commissioner DeFord** said this is complicated. They are in a hard spot. He doesn't know how they get out of it. **Chair Peck** said they need to have an overall discussion about the concept of the master plan and the concept of a research park. Is this really viable at this point?

**Chair Peck** said she thinks the setbacks can probably get worked out with Staff. She would like to see some form of connection with the affordable housing. She asked Mr. Grosso how many of their employees live at the affordable housing. Mr. Grosso said he doesn't have that answer off hand. Mr. Allen said his guess would be the number would be very small, if any at all.

**Chair Peck** asked the Commission to comment if they believe there is something that could be done with some temporary parking to take the heat off this issue.

**Commissioner Harte** responded there seems to be agreement between the

Commission on some items and a split on some. He would like to see them address these three issues and then move forward. As **Commissioner DeFord** addressed, there also seems to be concern with the overall Tech Park picture.

**Commissioner Harte** said if they go the route of solving the three issues and then move forward, he heard several Commissioners say they want to have connectivity put in first. When they get to parking, they have talked about a number of ways to have this resolved. He thinks that **Chair Peck**'s approach was the most creative. It seems to him that if this was something they agreed upon and if it worked for the employees, it would help them not start from day one being underserved.

Mr. Allen asked if they had any ideas of what would trigger the temporary parking to go away. Would it stay forever? **Chair Peck** answered if there is a tenant that wants to come in, they work something out at that point. Director Putt said they are more than happy to sit down with Mr. Allen and the design team to discuss what some of these alternatives might be.

Director Putt asked Administrator Barnes to explain an idea that Staff has had.

Administrator Barnes said one of the questions that the design review board will ask is what the difference is between what they are proposing and what already exists in the master plan. The County is open to discuss changes, but what they are seeing are significant changes and significant losses. Significant changes have consequences. He used a projected illustration to discuss some possible changes; especially with the possibility of future expansion. He outlined some solutions that would give more of what they want and more closely follows the intent of the design guidelines. He added, the lots would need to be divided appropriately.

Mr. Allen replied that no matter where they put the parking stalls, they would still be associated with a building. He asked if they combined Lots 5 and 6 and created one lot, would he then be able to have 340 parking stalls?

**Commissioner Klingenstein** said Lot 5 would be shared and he assumed Lot 6 would be dedicated to Skullcandy. He feels that Administrator Barnes is offering a solution. Skullcandy may have triggered the parking, but the intent of the master plan is that there would be shared parking areas.

Mr. Allen asked if they go with this idea, how that would adjust the allowed parking ratio. What he hears being suggested is that they don't have to use the parking ratio formula. How does that make the language go away? **Commissioner Harte** answered that it doesn't. They would be frontloading the parking for future buildings. **Chair Peck** said there would be some assumptions made. They would be assuming they could stay within the allowed ratio. They would be building the parking before they would be building the building.

Mr. Allen said what he hears the Commission saying is they are okay with them building 340 parking stalls. He said they are only asking to build 230. **Chair Peck** they are asking to put all of the parking on one lot instead of two. **Commissioner Harte** said if they use Administrator Barnes' plan they would get more stalls; however, that is not in keeping with the proposed configuration.

**Commissioner DeFord** said one problem they would face is that they can't put a 72,000 square foot building on top of a pipeline. They would be calculating the parking on the size of a building that would not fit there because of the pipeline.

Mr. Allen asked if down the road, they wanted to build a structure that is less than what is allowed, would they lose the parking. **Chair Peck** said they wouldn't. If they use Lot 8 as a temporary parking area and a building comes in that allows 300 parking stalls, the first of that number would have already been built.

**Commissioner Harte** said they really want this to work for Skullcandy. That is their goal. Right now, there is a general disconnect as it relates to the master plan. They

want to work together to find a solution. **Commissioner DeFord** said that Administrator Barnes has opened the door. They need to go back and work with Staff. **Chair Peck** asked when they want to come back. Planner Caus said the public hearing has been continued to March 22, 2016.

**Commissioner Harte** asked if this is something they are willing to work through. Mr. Allen said they are, although he doesn't follow how this helps to make the ratio requirement disappear. If they are okay with it, than they are. **Commissioner Klingenstein** said they are not saying it is okay. They are just trying to find possible solutions. Mr. Allen expressed concern that they will rework this and then the Commission will say they are not interested. **Chair Peck** said if they come back with Staff's positive recommendation, she doesn't think the Commission will be contrary for the sake of being contrary. **Commissioner Harte** stated they should expect questions and expect the Commission to explore whatever they come back with. **Chair Peck** said they look forward to seeing them back in two weeks.

### **DRC UPDATES**

(None)

### **COMMISSION ITEMS**

**Chair Peck** welcomed **Commissioner Collins**.

### **DIRECTOR ITEMS**

Director Putt said he would like to touch on the General Plan update. One of the important components was to keep the General Plan fresh with an annual review. He said the General plan was done in two bites. The first part was approved in December 2014 and the remainder was approved in the summer of 2015. At the last meeting, there seemed to be a consensus to hold the annual public review during the summer. The Commission agreed.

Director Putt brought up the following additional items:

1. The County Council will be considering a temporary zoning ordinance (TZ0) concerning helicopter landings. He will forward to the Commission the draft copy of the TZ0. The language adds definitions and clarity. It adds specific uses to the land use table. The TZ0 allows an opportunity to explore if they have an issue or a problem. There have been no predetermined decisions where Staff or Council wants to go. With their help, they are certain they can take a recommendation to the County Council in September.
2. On March 29<sup>th</sup>, there will be a ground breaking celebration for the Whole Foods project, including their affordable housing. There is a reception following. Each Commissioner should receive an invitation.
3. Because there is a new Commissioner, Chair, and Vice-Chair, are they interested in holding a retreat? These usually take place in March or April. The Commission answered this would be a good idea. Director Putt said he will send out date options for the retreat. This is a time to set some objectives, goals, and answer some questions.

**ADJOURN**

***At 9:25 p.m. the meeting was adjourned.***

*Beatrice M. Peck*

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**Approval Signature**