

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.21 - SENSITIVE LAND OVERLAY ZONE (SLO)
REGULATIONS

Chapter adopted by Ordinance No. 00-51

15-2.21-1. PURPOSE.

The purpose of the Sensitive Land Overlay (SLO) is to:

- (A) require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- (B) encourage preservation of large expanses of Open Space and wildlife habitat;
- (C) cluster Development while allowing a reasonable use of Property;
- (D) prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- (E) protect and preserve environmentally sensitive land.

(Amended by Ord. No. 07-81)

15-2.21-2. OVERLAY REVIEW PROCESS.

The overlay review process has four primary steps:

- (A) **SENSITIVE LAND ANALYSIS.** Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis.
- (B) **APPLICATION OF OVERLAY ZONE REGULATIONS.** Regulatory standards apply to the type of Sensitive Land delineated.
- (C) **SITE DEVELOPMENT SUITABILITY DETERMINATION.** Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land overlay regulations, Section 15-2.21-4 through 15-2.21-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.
- (D) **HARDSHIP RELIEF.** If the Applicant demonstrates that the regulations

would deny all reasonable Use of the Property, the Planning Commission may modify application of these regulations to provide the Applicant reasonable Use of the Property.

(Amended by Ord. No. 07-81)

15-2.21-3. SENSITIVE LAND OVERLAY ZONE - ORDINANCE PROVISIONS.

(A) SENSITIVE LAND ANALYSIS.

Any Applicant for Development must produce a Sensitive Land Analysis performed by a Qualified Professional(s) that identifies and delineates all the following features and conditions:

(1) SLOPE/TOPOGRAPHIC MAP. A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes¹ in the following categories:

- (a) Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);
- (b) Greater than thirty percent (30%) but less than

¹Slope determinations shall be made upon Areas with a rise of at least twenty-five feet (25') vertically and a run of at least fifty feet (50') horizontally.

or equal to forty percent (40%); and

- (c) Very Steep Slopes, greater than forty percent (40%).

(2) RIDGE LINE AREAS. A map depicting all Crests of Hills and Ridge Line Areas.

(3) VEGETATIVE COVER. A detailed map of vegetative cover, depicting the following:

- (a) Deciduous trees;
- (b) Coniferous trees;
- (c) Gamble oak or high shrub; and
- (d) Sage, grassland, and agricultural crops.

The Planning Department may require a more detailed tree/vegetation survey if the Site has unusual or Significant Vegetation, stands of trees, or woodlands.

(4) DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS. Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.

Typical Vantage Points are:

- (a) Osguthorpe/McPolin Barn
- (b) Treasure Mountain Middle School
- (c) Intersection of Main Street and Heber Avenue
- (d) Park City Ski Area Base
- (e) Snow Park Lodge
- (f) Park City Golf Course Clubhouse
- (g) Park Meadows Golf Course Clubhouse
- (h) Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
- (i) Highway 224, 2 mile south of the intersection with Kilby Road

(5) **WETLANDS.** A map delineating all wetlands established by using the 1987 *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, as amended. See Section 15-2.21-6.

(6) **STREAM CORRIDORS, CANALS, AND IRRIGATION DITCHES.** A map delineating all stream corridors, canals, and

irrigation ditches, defined by the Ordinary High-Water Mark.

(7) **WILDLIFE HABITAT AREAS.** A map depicting all wildlife habitat Areas, as defined by the wildlife habitat report shall be provided by the Applicant. The wildlife habitat report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines and describe the following:

- (a) The ecological and wildlife Use characterization of the Property explaining the species of wildlife using the Areas, the times by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;
- (b) The existence of critical wildlife movement corridors;
- (c) The existence of special habitat features, including key nesting Sites, feeding Areas, calving or production Areas, Use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and

Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as threatened or endangered.

(e) The general ecological functions provided by the Site and its features;

(f) Potential impacts on these existing wildlife species that would result from the proposed movement.

(B) **ADDITIONAL INFORMATION AND STUDY REQUIREMENTS.** The Planning Department may require the Applicant to submit the following information, as applicable:

(1) **VISUAL ASSESSMENT.** A visual assessment of the Property from Vantage Points designated by the Planning Department, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

(2) **SOIL INVESTIGATION REPORT.** A soil investigation report, including but not limited to shrink-swell potential water table elevation, general soil classification and suitability for Development, erosion potential, hazardous material analysis, and potential frost action.

The soils report shall indicate whether the Property is within the Prospector Soils Ordinance Area and within a point source water protection zone.

(3) **GEOTECHNICAL REPORT.** A geotechnical report which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential land slide and other high-hazard Areas such as mine shafts and avalanche paths.

(4) **ADDITIONAL SLOPE INFORMATION.** If the size of the proposed Development and visual sensitivity of the Site dictate, the Planning Department may require the Applicant to submit a Slope/topographic map depicting contours at an interval of two feet (2').

(5) **FIRE PROTECTION REPORT.** A fire protection report that identifies potential, wildland urban interface Areas. Analysis must include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the International Wildland Urban Interface Code and the Summit County Wildfire Plan.

(6) **HYDROLOGICAL REPORT.** A hydrological report, including information on groundwater levels, drainage channels and systems, and base elevations in flood plains.

(C) **SENSITIVE LAND DETERMINATION.** The Planning Department shall review the information presented in the Sensitive Land Analysis, as described in Section 15-2.21-3(A) and Section 15-2.21-3(B), and provide a recommendation to the Planning Commission determining and delineating all Sensitive Land on the parcel, including Steep Slope Areas, Ridge Lines Areas, entry corridors, wetlands, Stream Corridors, irrigation ditches, and critical wildlife movement corridors and habitat Areas.

(1) **DENSITY TRANSFER.** Whenever land within the Sensitive Area Overlay Zone is subject to more than one (1) Density transfer provision, the more restrictive provision shall apply.

(Amended by Ord. No. 07-81)

15-2.21-4. SENSITIVE LAND REGULATIONS - SLOPE PROTECTION.

The following Slope protection provisions apply in the Sensitive Land Overlay Zone:

(A) **PROHIBITIONS.** No Development is allowed on or within fifty feet (50'), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically, upslope or downslope, and fifty feet (50') horizontally in any direction to be subject to this prohibition.

The Planning commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability review:

(1) Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points, Section 15-2.21-3(A)(4), or other Vantage Points designated by the Planning staff or Commission, Section 15-2.21-3(B);

(2) Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to Sections 15-2.21-4(B),(C), and (E);

(3) Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios in the Area of the Very Steep Slope setback, may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation/backfill Areas, whichever is greater;

(4) No additional erosion, land subsidence, or avalanche hazard is created;

(5) The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;

(6) The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site suitability determination, and

(7) In no case shall additional disturbance be allowed beyond the maximum Area determined in the Site Development suitability determination, see Section 15-2.21-2(C).

(B) **GRADED OR FILLED SLOPES.** The Applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger Building Sites shall be kept to a minimum and shall be avoided to the maximum extent feasible. Except for ski Slopes, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less. All Graded Slopes shall be recontoured to the natural, varied contour of surrounding terrain.

(C) **BENCHING OR TERRACING.** Benching or terracing to provide additional or larger Building Sites is prohibited.

(D) **STREETS AND ROADS.** Streets and roads, proposed for Steep Slopes may not:

(1) Cross Slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross Slopes greater than thirty percent (30%) if the Planning Director and the City Engineer conclude that such Streets or roads will not have significant adverse visual, environmental, or safety impacts.

(2) Streets and roads proposed to cross Slopes greater than ten percent (10%) are allowed, subject to the following:

(a) Proof that such Street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and

(b) Such Street and road design generally follows contour lines to preserve the natural character of the land, and are Screened with trees or vegetation.

(3) Cutting and filling is minimized and appropriately re-vegetated.

(E) **RETAINING WALLS.** The Use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.

(F) **LANDSCAPING AND REVEGETATION.** An Applicant must

commit to landscaping or re-vegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

(G) **PRIVATE DEVELOPMENT DESIGN STANDARDS.** All Development on Steeps Slopes shall comply with the design standards set forth in LMC Chapter 15-5.

(H) **OPEN SPACE AND DENSITY ON DELINEATED PORTIONS OF SITES WITH STEEP SLOPES GREATER THAN FIFTEEN PERCENT (15%) BUT LESS THAN OR EQUAL TO FORTY PERCENT (40%).** In addition to the specific Development regulations set forth above, the following regulations apply:

(1) **OPEN SPACE.** Seventy-five percent (75%) of the Steep Slope Area must remain as Open Space.

(2) **DEVELOPABLE LAND.** Twenty-five percent (25%) of the Steep Slope Area may be Developed in accordance with the underlying zoning subject to the following conditions:

(a) **MAXIMUM DENSITY.** The maximum Density on Developable Land within a Steep Slope Area is governed by the underlying zoning and proof that the proposed Density will not have a significant adverse

visual or environmental affect on the community.

(b) **LOCATION OF DEVELOPABLE LAND.** The Developable Land in a Steep Slope Area is that Area with the least visual and environmental impacts, as determined by the Sensitive Land determination, see Section 15-2.21(C), including the visual assessment, and considering the visual impact from key Vantage Points, potential for Screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar Site design criteria. Based upon such analysis, the Planning Department may require the Applicant to Site the Developable Land pursuant to one or more of the following techniques:

- (i) Clustered Development, or
- (ii) dispersed Development, or
- (iii) transfer of Density to the least sensitive portions of the Site.²

²Development shall be Sited to preserve the open meadow vistas.

(c) **DENSITY TRANSFER.** Upon proof of a sensitive Site plan, the Applicant may transfer up to twenty-five percent (25%) of the Densities from the Open Space portion of the Site to the Developable Land.

(d) **SUITABILITY DETERMINATION.** The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:

(i) The Density is Compatible with that of adjacent Properties.

(ii) The Architectural Detail, height, building materials, and other design features of the Development are Compatible with adjacent Properties.

(iii) The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to

buffer the adjacent Properties from the Developable Land.

(I) OPEN SPACE AND DENSITY ON VERY STEEP SLOPES.

(1) **REQUIRED OPEN SPACE.** One hundred percent (100%) of the Very Steep Slope Area shall remain in open space. No vegetation within fifty vertical feet (50') in elevation of the Very Steep Slope Area shall be disturbed, except as permitted by the Planning Commission per Section 15-2.21-4.

(2) **TRANSFER OF DENSITY.** Up to ten percent (10%) of the Densities otherwise allowed in the zone may be transferred to Developable Land subject to a Suitability Determination, see Section 15-2.21-4(H)(2)(d).

(J) MASTER PLANNED DEVELOPMENT (MPD) TDR OPEN SPACE REQUIREMENTS. The Planning Commission at the time of Master Planned Development or Subdivision review, may reduce the TDR Open Space requirements upon a determination that:

(1) the Sensitive Land open space set aside is sufficient for the Development,

(2) sufficient neighborhood and TDR Open Space is set aside within the Developable Land to serve residents of the Development, and

- (3) not less than twenty percent (20%) of the Developable Land is set aside for TDR Open Space.

(K) **DENSITY BONUSES.** In addition to the Density transfers permitted pursuant to this Section, the Planning Development Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferable Densities if the Applicant:

- (1) offers to preserve open space to ensure the long-term protection of a significant environmentally or visually sensitive Area in a manner approved by the City; or
- (2) provides public Access as shown on the Trails Master Plan; or
- (3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

(Amended by Ord. Nos. 05-40; 07-81)

**15-2.21-5. SENSITIVE LAND
REGULATIONS - RIDGE LINE AREA
PROTECTION.**

(A) **INTENT.** The intent of these provisions is to ensure that Development near Ridge Line Areas blends with the natural contour of these land forms. Significant Ridge Line Areas should be retained in a natural state, and Development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated Vantage Points.

(B) **MINIMUM SETBACK.** No Structure or other appurtenant device, including mechanical equipment may visually intrude on the Ridge Line Area from any of the designated Vantage Points as depicted herein, or as identified by the Planning Commission during review of an annexation or Master Planned Development.

(C) **OPEN SPACE AND DENSITY.** The following regulations apply to all Ridge Line Areas in the Sensitive Overlay:

(1) **OPEN SPACE.** One hundred percent (100%) of the Ridge Line Area shall remain in open space.

(2) **DENSITY TRANSFER.** The Planning Commission may transfer up to twenty-five percent (25%) of the Densities otherwise allowed in the Ridge Line Area to Developable Land, subject to a suitability determination. See Section 15-2.21-4(H)(2)(d).

(D) **DENSITY BONUSES.** In addition to the Density transfers permitted pursuant to this Section, at MPD or subdivision review. The Planning Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferrable Densities if the Applicant:

- (1) offers to preserve open space to ensure the long-term protection of a significant environmentally or visually sensitive Areas in a manner approved by the City; or

(2) provides public Access for trails, as shown on the Trails Master Plan; or

(3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

(Amended by Ord. No. 07-81)

**15-2.21-6. SENSITIVE AREA
REGULATIONS - WETLANDS AND
STREAM PROTECTION.**

(A) **INTENT**. The following requirements and standards have been developed to promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.

(B) **JURISDICTION**. All Significant Wetlands and Stream Corridors are regulated as provided below.

(C) **PROHIBITED ACTIVITIES**. No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.

(D) **BOUNDARY DELINEATIONS**. The Applicant must provide a wetlands delineation by a qualified professional utilizing the methods of the *1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands*, as amended. The boundary of Stream Corridors and wetlands shall be delineated

at the Ordinary High Water Mark as defined in LMC Chapter 15-15.

(E) **DETERMINATION OF
WETLANDS, STREAMS AND
IRRIGATION DITCHES**.

(1) **WETLAND CRITERIA**. A wetland that meets the criteria of the *1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands* is a wetland.

(2) **STREAM CORRIDOR**. All Stream Corridors which exist within the Property. Irrigation ditches are not Stream Corridors.

(3) **IRRIGATION DITCHES**. An irrigation ditch that meets the Army Corps of Engineers definition for waters of the United States must comply with the regulations of Stream Corridors within this section.

(F) **SETBACKS**. The following Setbacks are required:

(1) Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark.

(2) Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.

(3) Setbacks from irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States shall extend a

minimum of twenty feet (20') from the Ordinary High Water Mark.

(G) **RUNOFF CONTROL**. All projects adjacent to wetlands, Stream Corridors, or irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States, must apply best management practices for both temporary and permanent runoff control to minimize sediment and other contaminants.

(H) **HABITAT RESTORATION PROJECTS**. The Planning Department may approve wetland and Stream Corridor restoration and enhancement projects if the project plan has been reviewed by a Qualified Professional, approved by the appropriate state and federal agencies, and performed under the direct supervision of a Qualified Professional.

(Amended by Ord. No. 07-81)

15-2.21-7. SENSITIVE LAND REGULATIONS - DEVELOPMENT APPROVALS FOR SKI AREA CONSTRUCTION AND EXPANSION.

(A) **CONSULTATION**. The Developer must submit a plan detailing the location, alignment and scope of the undertaking. If the Planning Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No Development shall occur until after the consultation meeting and any required approvals have been granted.

(B) **MITIGATION**. The Planning Director must review the proposed project

and after consultation may request the Developer to prepare alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the Maximum Extent Feasible, the Developer must design the ski facilities to preserve the natural character of the Sensitive Land. The mitigation plan must also address re-vegetation of disturbed Areas and temporary and permanent erosion control measures.

(Amended by Ord. No. 07-81)

15-2.21-8. SENSITIVE LAND REGULATIONS - WILDLIFE AND WILDLIFE HABITAT PROTECTION.

(A) **INTENT**. The following requirements and standards have been developed to promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.

(B) **JURISDICTION**. All Sensitive or Specially Valued Species, including all species identified by state or federal agencies as threatened or endangered are regulated as provided below:

(1) PROTECTION OF WILDLIFE HABITAT AND ECOLOGICAL CHARACTER.

(a) **CONSTRUCTION TIMING**. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued

Species occupying or using on-Site and adjacent natural Areas.

(b) SENSITIVE AND SPECIALLY VALUED SPECIES. If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.

(c) CONNECTIONS. If the Development Site contains existing natural Areas that connect to other Off-Site natural Areas, to the Maximum Extent Feasible the Development plan shall preserve such natural Area connections. If natural Areas lie adjacent to the Development Site, but such natural Areas are not presently connected across the Development Site, then the Development plan shall, to the extent reasonably feasible, provide such connection. Such

connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural Areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

(d) WILDLIFE CONFLICTS. If wildlife that may create conflicts for future occupants of the Development is known to exist in Areas adjacent to or on the Development Site, then the Development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

(Amended by Ord. No. 07-81)