

# Late Backup

Staff Motion Sheet  
Item #101  
December 14, 2017

## Staff Motion

### Item #101

#### 1) Add language to clarify development of the property.

Amend Part 5(A) as follows:

- A. Development of the Property is limited to a non-profit retreat center, including meeting facilities, dormitories and sleeping quarters for up to 250 invitees plus visiting faculty, common area dining facilities, administrative offices, recreational facilities, one permanent residence, three docks, parking facilities with 300 onsite spaces, a research and educational facility, and related uses for training public educators. The Property and facilities may be leased by others from time to time, subject to the limitations and use restrictions of the PUD. The facilities may be leased to third parties for up to a maximum of 150 days per year. Any rental of the facilities for all or part of a day for any use other than the non-profit educational retreat center described above shall be counted as one of the 150 days.

#### 2) Heritage trees.

Amend Part 7(E)(1) as follows:

1. The PUD shall preserve 100 percent of the heritage trees on site, as shown in **Exhibit F: Heritage Trees**, unless a tree is dead, diseased, or an imminent hazard to life or property and removal is approved by the City pursuant to Section 25-642(A) (Administrative Variance).

#### 3) Clarify establishment and use of the easement.

Amend Part 8(A) as follows:

- A. At the time of site plan application, an 8-foot wide, non-exclusive public access easement intended to accommodate multi-modal improvements and underground utilities will be dedicated to the City along the RM 2222 frontage. Surface utilities shall be prohibited along the easement.

#### 4) Define "trip."

Amend Part 8(C)(1)(c) as follows:

- c. Mitigation payments if the Landowner exceeds 400 daily vehicle trips. A trip is defined as the one-way direction of a vehicle onto or off the Property.

#### 5) Monitoring of daily trips.

Amend Part 8(C)(2) as follows:

2. Daily vehicular trips to and from the Property for the two events generating the highest number of anticipated trips shall be monitored and reported to the Director of ATD annually (the "traffic counts report"). The traffic counts report shall include an affidavit signed by an officer of the Landowner stating to the best of knowledge that the two events submitted are in fact generating the highest number of trips. The City shall have the right

to audit the Landowner's supporting documents and records upon reasonable notice. ~~Daily trips to and from the PUD for the two anticipated highest attended events shall be monitored and reported to the Director of ATD annually (the "traffic counts report"). The Landowner shall provide a spreadsheet showing all booked events and estimated attendance to determine the two anticipated highest attended events. Means and methodology for conducting traffic counts for the traffic counts report shall be submitted by the Landowner and approved by the Director of ATD as part of the submitted TDM plan. If the Landowner meets the trip cap each year with proof in the traffic counts report for two consecutive years, then annual reporting will no longer be required. ATD may require additional traffic counts reports if complaints are received within the first five years the non-profit retreat center is in operation. No additional reporting shall be required after the fifth year in operation.~~

**6) Require new TDM upon transfer of property.**

Amend Part 8(C)(3) as follows:

3. ATD shall notify the Landowner by certified mail of noncompliance with the TDM program if the PUD exceeds the trip cap of 400 daily trips. The Landowner shall implement measures to ensure compliance with the TDM program and submit a traffic counts report for an event with comparable daily trip demand during the summer within the same calendar year. If the Landowner exceeds the trip cap for a second time within the same calendar year, then the Landowner shall make a mitigation payment to the City in the amount of \$12,000 and be required to submit a traffic counts report for the following year. A mitigation payment and future year traffic counts report shall be required until the landowner is back in compliance, or the mitigation payment total has reached \$60,000, whichever has occurred first. The mitigation payment shall not exceed \$60,000 for the five-year monitoring period, and shall be used to offset the costs to implement additional on-site TDM measures at the direction of ATD. The City shall place the mitigation payments in a fund established by the City. Upon a transfer of the Property to a third-party unaffiliated entity, the new owner shall enter into a new TDM with the City.

**7) Clarify lighting language.**

Amend Part 9 as follows:

The PUD shall implement an outdoor lighting plan to minimize light pollution using "dark sky" design guidelines and techniques. When operated, light fixtures must not produce an intense glare or direct illumination across the property line, except for boat dock lighting, which may be installed across property lines where authorized by applicable City regulations. All lights shall be a LED source and a light beam shall be controlled and not directed across any property line above a height of three feet. All exterior light fixtures must be fully shielded, ~~indirect, down lights, and diffused.~~ All luminaries shall be directed down, diffused, and/or indirectly off an opaque surface. The maximum intensity measured at the property line shall be .5 foot candles.

**8) Add property lines to fence requirements.**

Amend Part 10(A)(4) be amended as follows:

4. Section 25-2-899 (*Fences as Accessory Uses*) is modified to allow a fence to be a maximum height of ten (10) feet along the north, south and east property line lines.

- 9) **Add a new Part 11 requiring an ornamental fence and installation criteria and renumber remaining parts as necessary.**

Add a new Part 11 as follows:

**PART 11. Fences**

- A. Landowner shall install an ornamental fence, as defined in City Code Section 25-2-899(B), for the fence along the RM 2222 right-of-way line.
- B. Landowner shall ensure that construction of the fence along the RM 2222 right-of-way line and the south property line in the critical environmental feature buffer zone minimizes necessary clearing and that the construction of the fence and clearing is done by hand to the extent feasible.

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CM Alter Motion Sheet

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#### 1) Amend Part 8(C)(3) as follows:

3. ATD shall notify the Landowner by certified mail of noncompliance with the TDM program if the PUD exceeds the trip cap of 400 daily trips. The Landowner shall implement measures to ensure compliance with the TDM program and submit a traffic counts report for an event with comparable daily trip demand during the summer within the same calendar year. If the Landowner exceeds the trip cap for a second time within the same calendar year, then the Landowner shall make a mitigation payment to the City in the amount of \$12,000 and be required to submit a traffic counts report for the following year. A mitigation payment and future year traffic counts report shall be required until the landowner is back in compliance, or the mitigation payment total has reached \$60,000, whichever has occurred first. The mitigation payment shall not exceed \$60,000 for the five-year monitoring period, and shall be used to offset the costs to implement additional on-site TDM measures at the direction of ATD. The City shall place the mitigation payments in a fund established by the City. Concurrent with a second event of noncompliance that occurs within the 5-year monitoring period and monitoring periods thereafter, the City reserves the right to issue the Landowner a Notice of Violation.

#### 2) Add a new Part 10 pertaining to sound amplification restrictions and renumber remaining parts as necessary:

##### PART 10. Sound Amplification

- A. The use of sound equipment to amplify sound in an area that is not fully enclosed by permanent, solid walls and a roof may not exceed 30 days per calendar year.
- B. The use of sound equipment that produces sound audible beyond the property line is prohibited between 10 p.m. and 10 a.m.