

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
October 8, 2014**



AGENDA

4:45 PM SITE VISIT- Alice Claim

PL-08-00371

Planner Alexander

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF August 23, 2014

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

1825 Three Kings Drive

Conditional Use Permit for Office Building

Public hearing and continued to October 22, 2014

PL-14-02329

Planner

Whetstone

WORK SESSION – *Discussion items only, no action taken*

Alice Claim aka Alice Lode

Subdivision & Plat Amendment

PL-08-00371

Planner Alexander

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

900 Round Valley Drive – Park City Medical Center/IHC

Master Plan Development

Public hearing and possible action

PL-13-01932

166

Planner

Whetstone

900 Round Valley – Park City Medical Center

Conditional Use Permit for Phase II

Public hearing and possible action

PL-14-02424

295

Planner

Whetstone

Bonanza Park and Form Based Code – Review of draft code and receive further policy direction

Discussion, public hearing and further discussion at a later date.

PL-13-01903

354

Planner

Alexander

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 24, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean,
Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

August 27, 2014

Commissioner Strachan referred to page 5, paragraphs 3 and 5, and noted that the “L” was missing from Chair Worel’s name and it should be corrected.

MOTION: Commissioner Phillips moved to APPROVE the minutes of August 27, 2014 as corrected. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington stated that the Planning Commission typically appoints a liaison to attend Board of Adjustment meetings. He noted that Commissioner Stuard had volunteered to be the liaison, but since he was no longer on the Planning Commission they needed to appoint another Commissioner. Commissioner Band volunteered to be the liaison.

Chair Worel commented on the change for how the Planning Commission is paid for their time on the Planning Commission. She understood that someone from the HR Department was going to provide an explanation this evening. Director Eddington was unaware that the Commissioners were expecting to hear from the HR Department; however, he explained that in order to comply with the State Accounting Rules, the Finance Department has required that the Commissioners be treated as City employees for financing purposes. They would be paid for the actual hours they spend on Planning Commission business. Director Eddington believed the pay would stay the same or could possibly be higher.

Commissioner Strachan noted that the Commissioners were given notice that they had to fill out a W-4 in the HR office. He believed they could ask specific questions at that time rather than have someone from the HR Department attend a meeting. There was some confusion as to whether the Commissioners would receive a 1099 or a W-2 at the end of the year. Director Eddington offered to have Brooke Moss or another representative from the HR Department attend the next meeting.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 900 Round Valley – Park City Medical Center/IHC Master Planned Development
(Application PL-13-01932)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 900 Round Valley – Park City Medical Center/IHC MPD to October 8, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 900 Round Valley drive – Park City Medical Center CUP for Phase II
(Application PL-14-02427)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 900 Round Valley Drive – Park City Medical Center/IHC CUP for Phase 2 to October 8th, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. 1825 Three Kings Drive – Conditional Use Permit for Office Building
(Application PL-14-02329)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

VOTE: Commissioner Strachan moved to CONTINUE the public hearing for 1825 Three Kings Drive CUP to October 8th, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1103 and 1105 Lowell Avenue – An ordinance considering Barbara’s Subdivision Plat Amendment. (Application PL-14-02448)

Planner Francisco Astorga was the project planner. Planner Astorga was unable to attend the meeting this evening and Director Eddington reviewed the application in his absence.

Director Eddington reported that the applicant was proposing to replat six partial lots into two lots. An existing structure on the property would be demolished as part of the recordation of the plat. The plat would propose Lot 1 at 1118 square feet. Lot two, which is a flag lot, would be 2163 square feet. Director Eddington noted that the flag pole section of the lot is a typical Old Town lot width of 25’ wide. It would move to the back and widen to approximately 62 feet in the rear.

The applicant was proposing to demolish the structure on the front lot and propose a new development for that site. A new house would be built on the back portion of the proposed flag pole lot, Lot 2.

Craig Elliott, representing the applicant, requested a two year approval process because of the existing building structure and the amount of time required for approval of the design process. With the building season ending, he thought it made logical sense to have more than a year. Assistant City Attorney McLean was unclear as to why Mr. Elliott was requesting longer than a year because a building permit does not need to be pulled within year on a plat amendment. Mr. Elliott explained that there is an existing structure where the property line goes through and it needs to be moved forward with the plat amendment. He was requesting that they extend the time frame for demolishing the structure to two

years versus one year based on the process and cycle for approvals, as well as the construction season.

Commissioner Strachan asked if the applicant was requesting the plat amendment to be able to access the house in the back. Mr. Elliott replied that it makes a better condition for a house in the rear and it creates a more appropriate relationship for a house in the front. The existing structure is dated and unattractive. In doing the plat amendment they would have to move the property line into where the existing duplex structure is located. Mr. Elliott stated that in a previous meeting this was talked about as an option. After looking closer at the site and their plans, the applicants chose to take that option.

Director Eddington referred to a typo in the table on page 43 of the Staff report for setbacks. He noted that Planner Astorga had inadvertently switched the front yard setbacks for the two proposed lots. To be correct, Proposed Lot 1 would have a front yard of 10' and a rear yard of 10'. Proposed Lot 2, which is the deeper lot, would have a front yard setback of 15 feet and a rear yard of 10'.

Chair Worel opened the public hearing.

Brett Adams, the resident and owner of 1109 Lowell Avenue right next door, recalled that the Planning Commission had done a site visit last year. During one of the meetings he had commented that he would like the applicants to have the home of their dreams and suggested at the time that they tear down the existing structure. He was pleased that they were contemplating demolishing the structure. Mr. Adams had concerns with the design for the back lot based on the plans he had seen last year. He had not seen the current plans, but he still had concerns about the size of the back structure off the flag lot. He had no idea what was being proposed on the smaller lot. Mr. Adams was opposed to the large behemoth structure that was originally proposed on the back lot last year. He was very interested in knowing their plans for the flag lot shape.

Mr. Adams asked how the 10' setback would work with a 27' height. Director Eddington explained that Lot 1 would sit 10' back from the right-of-way. Mr. Adams clarified that he was less concerned about the size. His concern was having a hulking behemoth structure with a very vertical façade. He pointed out that the existing structure built in 1978 has that feel and he would be happy to see it demolished. Mr. Adams understood that there was a possibility to create a duplex in the future on the flag lot, which would create three units on the site. He had questions and concerns regarding the density. He pointed out that until he sees the actual plans it is difficult as a neighbor to understand exactly how he feels or how he would be impacted.

Chair Worel closed the public hearing.

Commissioner Joyce had looked through Google maps trying to find examples of a house behind a house in this area. He asked if that situation was addressed in the Design Guidelines. Director Eddington stated that there are one or two examples in the Empire/Lowell area. Regarding the Historic District Design Review, Director Eddington stated that historically some of the houses were oddly offset and placed in odd locations. He believed it was a typical characteristic. However, many of those houses are gone because they were in ski slope and open space areas. Director Eddington stated that the Historic District Design Guidelines address the impacts of a structure that sits behind a front structure on a right-of-way. The guidelines work to keep the impact of the mass of the rear structure down so it does not impose the front structure. Director Eddington noted that those issues are addressed in the guidelines, as well as the setbacks that are typical for historic residential homes.

Commissioner Thimm noted that the Staff report states that no structure shall be erected to a height greater than 27' from existing grade. He asked if that was an end point. Director Eddington stated that as part of the proposal for a Steep Slope CUP, the applicant would submit a survey of the property with the existing topo lines, and that is what the Staff would consider to be existing grade. If the existing structure is demolished and the front lot has a basement and creates a cavernous area, the grade is interpolated to run natural to the slope of the existing grade. The contours would not be altered. Commissioner Thimm asked if it would be measured from the very lowest point of that existing grade. Director Eddington replied that it is measured at the contour.

Assistant City Attorney McLean remarked that even though State Code does not specify a timeframe for a plat, the Park City LMC requires it to be within one year of approval. The Code also codifies a way for an applicant to apply for an extension that would go straight to the City Council to streamline the process. Commissioner Strachan asked if the requirement is one year to record or one year to commence work. Assistant City Attorney McLean replied that it is one year to record. The applicant would not have to commence work; however, they would have to demolish the structure before they could record the plat. If the applicant needed an additional year, they could submit an application for a one-year extension prior to expiration of the first year. Ms. McLean pointed out that a one-year extension is typically granted unless the Code has changed.

Commissioner Strachan asked if the extension had to be approved by the City Council or whether the Planning Commission could grant a two-year time frame. Assistant City Attorney McLean stated that the Planning Commission could recommend a two-year time frame in their recommendation to the City Council, but they would not be able to grant it because the LMC requires that the final plat shall be signed and recorded within one year of approval.

Mr. Elliott was comfortable with sending that recommendation to the City Council.

Director Eddington referred to page 50 of the Staff report and noted that the proposed plat said 1103 Lowell Avenue Subdivision. He clarified that the actual name is Barbara's Subdivision, which is stated throughout the Staff report; but that correction had not been made by Alliance Engineering on their drawing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 1103 and 1105 Lowell Avenue, Barbara's subdivision, according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report, with a recommendation to the City Council that they extend the one-year plat recordation requirement to two years. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Barbara's Subdivision

1. The property is located at 1103 and 1105 Lowell Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 1 & Lot 2, southern portions of Lot 3 and 30, Lot 31 and Lot 32 (minus the east ten feet of lots 30, 31, & 32) of Block 34 of Snyder's Addition Survey.
4. The site currently contains a duplex that was built in 1978.
5. When the structure was built a two-family building (duplex) was an allowed use in the district. Should this application be approved, the applicant would demolish the existing duplex prior to plat recordation as a condition of approval.
6. The entire area is recognized by the County as Parcel no./Tax id no.: SA-321-A.
7. The proposed plat amendment creates two (2) lots of record from the existing area consisting of 8,680 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.

10. Lot 1 is proposed to be 2,581.10 square feet.
11. Lot 2 is proposed to be 6,094.03 square feet.
12. The proposed lots meet the minimum lot area for a single-family dwelling.
13. A duplex is a conditional use in the Historic Residential (HR-1) District.
14. The minimum lot area for a duplex is 3,750 square feet.
15. Lot 1 does not have enough area to qualify for a duplex dwelling.
16. Lot 2 meets the minimum lot area for a duplex.
17. The minimum lot width allowed in the district is twenty-five feet (25').
18. Lot 1 is proposed to have a lot width of thirty seven feet (37').
19. Lot 2 is proposed to have a lot width of twenty five feet (25').
20. The proposed lots meet the minimum lot width requirement.
21. Lot 1 is proposed to have a building footprint of 1,118.5 square feet.
22. Lot 2 is proposed to have a building footprint of 2,163.5 square feet.
23. Land Management Code § 15-4-7 indicates that all lots shall have a front, two (2) sides, and a rear setback.
24. Land Management Code § 15-4-7 indicates that there are four (4) exceptions to setback standard. Furthermore sub-section E indicates that any lots, which are not specified in this section, shall have setbacks determined by the Planning Director.
25. The Planning Director has conducted an analysis of proposed lot 2 and have determined that this proposed lot does not fall under the four (4) specified exceptions listed under sub-sections A-D due to its unusual flag lot shape and have determined the following setbacks:
 - a. The front yard setback shall be limited to a fifteen feet (15'), minimum.
 - b. The rear yard setback shall be limited to ten feet (10'), minimum.
 - c. Where the lot is twenty five feet (25') wide, the side yard setbacks shall be

three feet (3'), minimum.

d. Where the lot is sixty two feet wide, the side yard setbacks shall be five feet (5'), minimum, and fourteen feet (14'), total.

26.The Planning Commission agrees with the Planning Director's setback determination.

27.Development shall comply with Building Height parameters including the following height provisions: Maximum Height, Final Grade, Lowest Finish Floor Plane to Highest Wall Top Plate, Vertical Articulation, Roof Pitch, etc.

28.Each structure shall meet applicable parking standards.

29.Staff has identified that the duplex does not meet current LMC standards outlined above such as the side setbacks and height including vertical articulation.

30.The current building on the site is considered legal non-complying.

31.The LMC indicates that a non-complying structure may continue to be used and maintained subject to the standards and limitation of LMC Chapter §15-9.

32.The existing remnant parcels will become part of a legal lot of record.

33.This plat amendment is consistent with the Park City LMC and applicable State law Planning Commission - September 24, 2014 Page 47 of 338 regarding subdivision plats.

34.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

35.The applicant stipulates to the conditions of approval.

Conclusions of Law – Barbara's Subdivision

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Barbara’s Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) year’s time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction will require modified 13-D sprinklers.
4. A ten feet (10’) wide public snow storage easement will be required along the front of the property.
5. The existing duplex shall be demolished prior to plat recordation.

**2. Ratification of Amended Park City Heights Development Agreement.
(Application #PL-13-02009)**

Planner Whetstone stated that this item was a ratification of an amended development agreement. She explained that once an application for a master planned development is approved by the Planning Commission, the applicant has six month to provide a development agreement to the City. Typically, the City and the applicant draft the agreement together. Planner Whetstone remarked that the amendments to the Park City Heights master plan development were required based on soils issues and the need to create an on-site repository. The concept plan had to be modified and some units were relocated to accommodate the repository. The modified concept plan came before the Planning Commission during a work session in November 2013, at which time the Commissioners agreed to amend the MPD. Planner Whetstone noted that the revised application was submitted on July 30th, prior to the initial expiration. The amendments were approved and the applicant met the six month timeline to submit the development agreement.

Planner Whetstone stated that this had not come back to the Planning Commission for ratification sooner because the water agreement was one of the items being amended. The original development agreement was drafted when the City was actually a property owner in the project, and the agreement was between the City and the previous developer. Due to the change in ownership, as well as other issues, the Staff Determined that the development agreement needed to be amended. Planner Whetstone referred to the

Amended Development Agreement on page 247 of the Staff report and noted that Boyer Company and Park City Municipal were removed as the developers. Ivory Development was inserted as the new developer in the Amended MPD action letter from the November 6, 2013 approval.

Planner Whetstone clarified that the Staff discovered that the expiration date in the action letter was incorrect. The letter indicates that the MPD expires two years after approval. However, the Code states that the MPD expires two years after execution of a development agreement or an amended development agreement. Condition of Approval #36 was amended to reflect the correct expiration; although it was not an issue because the site work had already begun. The Condition was amended to make sure the document reflected the intent of the Code.

Planner Whetstone pointed out that the primary changes to the Development Agreement were to address the amended site plan, the change from two developers to one developer, and a new phasing plan that was discussed at the time of the amended MPD and the subdivision plat. Planner Whetstone noted that the design guidelines were also amended, and those amendments were attached to the Staff report.

Planner Whetstone reported that neither a public hearing nor noticing to property owners within 300 feet is required for a ratification item. However, published noticing was provided.

Chris Gamvroulas, President of Ivory Development and the project representative was available to answer questions

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan was pleased to hear that the amendment to the deadline was academic and that the deadline was one year. In looking through the minutes of the November 6, 2013 and the October 9, 2013 meeting, it was clear that the MPD would expire in November of 2014. He was comfortable if that no longer mattered. However, if it was an issue, he believed the developer needed to apply for an extension.

Assistant City Attorney McLean understood that the trigger to avoid the expiration is to pull a building permit. She noted that the developer had pulled a permit prior to the November expiration date. Mr. Gamvroulas replied that this was correct. Commissioner Strachan

was uncomfortable amending the development agreement if the expiration date was a moot point. He believed it was written correctly the first time. Assistant City Attorney McLean stated that the Development Agreement is dated today, September 24, or from the date the Mayor signs it. She suggested that the Planning Commission could add language reflecting the reality of where it stands today.

Planner Whetstone asked Commissioner Strachan to clarify why he believed it was a one year expiration when the Code clearly states two years after ratification of the development agreement. She asked if Commissioner Strachan was saying that the Planning Commission had added a special condition for an earlier expiration. Planner Strachan read from the November 6th minutes, "It was noted that Condition #36 had October 26, 2014 as the expiration date of the extension, and that needed to be changed to reflect one year from the date of approval, which would be November 6, 2014. Assistant Attorney McLean recommended that the Planning Commission make an amended motion to change the date in Condition #36." Motion was by Commissioner Thomas, now Mayor, regarding the extension. It passed unanimously.

Planner Whetstone believed the language referred to the extension of the subdivision plat, which had not been recorded. She agreed that subdivision plats expire after one year. Commissioner Strachan pointed out that it was the MPD and not the subdivision, because the subdivision was not addressed on November 6th. Condition of Approval #36 that they were being asked to amend this evening was the same Condition in the November 6th minutes.

Mr. Gamvroulas noted that a permit was pulled to begin the soils work in February, and a building permit for development construction was pulled in July. They were just weeks away from paving the roads. The developer had posted a \$3.5 million bond with the City and the project was well underway. Mr. Gamvroulas did not have a strong opinion either way on whether or not to amend the Condition. Commissioner Strachan stated that as long as the developer was in compliance, he preferred not to amend the condition. He commented on the 18 amendments they have seen with the Deer Valley MPD and he expected that Park City Heights would be amended several times before the project is completed. He preferred to have as few amendments as possible to keep future Planning Commissioners from having to read through all the different amendments. He could see no reason to amend the expiration date since the developer had already moved beyond that point.

Director Eddington clarified that the developer had pulled the permits and if they did not continue with construction they would be in violation of the 180 day building permit review.

Planner Whetstone asked if there was actual language in the development agreement that talks about expiration. Commissioner Strachan noted that expiration dates were addressed in Sections 1.2 and 1.4. As far as he could tell, all the redlined dates were changed to November 6, 2013. Since November 6, 2013 was the date the Commissioners had met, he could not understand why they would amend the condition to give an extension from the present date.

Mr. Gamvroulas stated that one reason for delaying ratification of the Amended Development Agreement was the water agreement and working on the details of the tank size and the type of equipment to install on the tank. They were still negotiating with Public Works as late as last week. Planner Whetstone explained that it was initially thought that the water agreement was part of the development agreement; however, they found that it was actually an attachment to the annexation agreement which is reviewed by the City Council. The water agreement is still part of the Development Agreement but it needs to be approved by the City Council. A date would be set within the next couple of weeks for the City Council to review the water agreement.

Commissioner Strachan could find nothing in the Development Agreement that requires the Planning Commission to note the extension. He believed the Condition could stand as written and the Planning Commission could move forward with approval.

Commissioner Strachan referred to page 250 of the Staff report, Sections 6.1 of the Amended Development Agreement. He noted that the language, "Project platting and construction may occur in phases based upon market conditions. The final plat for the last phase of the Project shall be recorded no later than 10 years from the date of this Agreement", had been stricken. He could not recall discussing that language.

Mr. Gamvroulas explained that one of the reasons why they had looked at extending the date from the original development agreement was due to the two year delay to mitigate the soils. He recalled from the discussion that the reason was to make sure that the ten years was from the date they commenced construction and not the 2011 date of approval.

Director Eddington noted that the first part of the stricken language was duplicative of what was written in the section above. The ten years was still part of the agreement but since it was already mentioned, the duplicate language was stricken.

Commissioner Band referred to page 272 of the Staff report, and read from Condition of Approval #47, "The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel." She asked if that had been done. Mr. Gamvroulas replied that it had not yet occurred. One of the reasons for the condition related to a discussion during the original planning stage to potentially stub a

road into that property. The condition was added to at least have a discussion with the adjacent property owner. Mr. Gamvroulas stated that they have been so focused on the remediation and development work that they have not approached the property owner. He anticipated contacting the property owner when they were ready to move forward.

MOTION: Commissioner Phillips moved to RATIFY the Amended Development Agreement for Park City Heights as redlined, including the amendment to Condition #56 as redlined in the Amended Action letter. Commissioner Joyce seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan voted against the motion.

3. **Round Valley Park City Annexation and Zoning Map Amendment – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3. T2SR4E East of US 40 and North of SR248. Park City Municipal is the applicant. The proposed zoning is Recreation Open Space. The property is primarily City-owned open space encumbered with conservation easements with the exception of two 1 acre City-owned, non-encumbered parcels, and includes the 120 acres Osguthorpe conservation easement area.**
(Application PL-13-01857)

Heinrich Deters thanked the Planning Commission and the Planning Staff for agreeing to continue this item at the last meeting. The delay in forwarding a recommendation allowed him and other parties the opportunity to review the annexation agreement. Mr. Deters stated that during the delay he was also able to reach out to UDOT, one of the sponsors, and he had met with Steve Osguthorpe as well. Mr. Osguthorpe and UDOT were very supportive of the Planning Commission's recommendations. He had wanted to make sure there was clarity from a legal standpoint and from the sponsors.

Planner Whetstone noted that on August 27th the Planning Commission discussed the Round Valley Annexation, which is approximately 1300 acres of primarily City owned property. UDOT owns a small portion and the Osguthorpe owned property has a conservation easement on it. The Planning Commission had visited the site and held work sessions. At the August 27th meeting the applicant agreed that Recreation Open Space zoning was appropriate for the entire annexation property, including the parcels known as the Gordo Parcels. The Planning Commission had closed the public hearing and was prepared to forward a recommendation to the City Council. However, the applicant requested a continuation to review the annexation agreement and the Planning Commission continued the item.

Planner Whetstone explained that the proposed annexation would bring City-owned property into the City limits.

Commissioner Thimm referred to page 159 of the Staff report which stated that the City was requesting additional language through the annexation agreement provided by Staff. Mr. Deters had asked the Planning Commission to allow time for the Legal Department to review the language before it was adopted. Commissioner Thimm asked if that legal review had taken place.

Mr. Deters answered yes. He explained that as the applicant's representative he had just seen the new language prior to the start of the August 27th meeting, and wanted to make sure that the Legal Department and the City Manager had the opportunity to review the language before it was forwarded to the City Council. The review had taken place and he appreciated the additional time.

Commissioner Thimm noted that page 159 of the Staff report also talks about the Gordo parcel. He asked if the relocation of the Recycling Center was still under discussion. Mr. Deters stated that he was not prepared to answer the question because he was not part of that discussion. His understanding was that the discussions were ongoing. Mr. Deters remarked that when the City initially purchased the Gordo parcels there was a possibility that the Recycle Center could be relocated in that location, which is why it was mentioned in the Staff report.

Director Eddington clarified that there have been discussions in the past relative to whether or not the Gordo parcels would be a good location. At this point, it was still in the early phases and nothing has been finalized. Assistant City Attorney remarked that any programming for that location would go through some type of public process. She understood that the City, as the applicant, has tried to be very clear that there are ideas of using it for Municipal function type uses. To her knowledge nothing definitive has been discussed or applied for.

Commissioner Thimm asked if the public process would be to come before the Planning Commission. Assistant City Attorney McLean replied that it would be to the City Council as the owner. Director Eddington pointed out that if the use involved a CUP, it would come to the Planning Commission.

Commissioner Joyce stated that one of the benefits of zoning the property ROS is that many uses that would be allowed under the LI zone are conditional uses in the ROS zone and would require Planning Commission review and approval.

Commissioner Band stated that she was in the audience during the August 27th meeting, and she recalled that Commissioner Joyce had raised a question about the adjacent property and why it was zoned RD. The Staff had offered to come back with an update

and she asked if they had that information. Planner Whetstone replied that the Staff report included language from a letter written by Former City Manager, Tom Bakaly, indicating that the property had been subdivided into lots. However, when she researched the parcels with the County, there was not a subdivision plat. Planner Whetstone believed the property may have been zoned RD with the idea of a residential use.

Mr. Deters stated that the adjacent property in question was part of the Bango-Wardley annexation, and a housing development was actually proposed. One parcel was an open space purchase for a park that was annexed by the City and brought in. The other property was purchased to be developed with the thought that it may be an appropriate location for affordable housing. Since then the property has sat vacant and nothing has been done. Director Eddington believed Mr. Deters was correct in his explanation of the background. There were plans and ideas for the property that never came to fruition.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation for the Round Valley Park City annexation zoning to the City Council in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Round Valley Park City Annexation and Zoning

1. The annexation petition is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the property in the Recreation Open Space (ROS) zoning district.
2. The Round Valley Park City annexation area is currently located in unincorporated Summit County.
3. The non-deed restricted “Gordo” parcels, both UDOT and City owned, are within the Quinn’s Junction neighborhood and along the main 248 entry corridor to Park City.

4. The proposed land uses are consistent with the purpose statements of the ROS zoning district and the Planning Staff recommends that the entire annexation area be zoned ROS.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City.
6. The annexation will bring City owned open space land into the Park City Municipal boundary and enable services to be provided to the Property, such as police and community development services, which are more easily accessible from the City than the County.
7. The annexation does not change or remove any existing deed restrictions or conservation easements from the Property and only the four lower "Gordo" parcels are not restricted from development due to deed restrictions and conservation easements.
8. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
9. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
10. Provision of municipal services, such as police, water, and community development, for this property is more efficiently provided by Park City than by Summit County, in particular for non-deed restricted "Gordo" parcels.
11. The annexation petition has been reviewed pursuant to Utah Code Annotated (UCA) Sections 10-2-401, 402, and 403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
12. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and will protect the general interests and

character of the community, assure orderly growth and development of the Park City community in terms of utilities and public services; will preserve open space and ensure environmental quality, will protect a prominent entry corridor, view sheds, and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety, and welfare.

13. The City Staff and Review Team have reviewed the proposed annexation against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of the August 27, 2014 Planning Commission Staff Report.

14. No development or subdivision of the land is proposed at this time.

Conclusions of Law - Round Valley Park City Annexation and Zoning

1. The Annexation and Zoning Map amendment are consistent with Annexation Policy Plan and the Park City General Plan.

2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - Round Valley Park City Annexation and Zoning

1. The Official Zoning Map shall be amended to include the Round Valley Park City Annexation parcels with the Recreation Open Space (ROS) Zone with the Frontage Protection Zone for properties having frontage on State Road 248.

2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.

3. All current ROWs will remain under their respective jurisdiction.

4. **510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)**

Planner Whetstone handed out copies of the revised plat and a revised ordinance amending the findings and conditions.

Planner Whetstone reviewed the subdivision plat application for three single family lots and a parcel for a recreation center in the Thaynes Creek area. The title of the plat is the Thayne's Creek Ranch Estates Phase II. The Phase I plat was approved last year. Planner Whetstone noted that the Richards/PCMC Annexation annexed this area of County land that included the Park City open space along SR224, and 12 acres of property that was privately owned by the Frank Richards Trust. A preliminary plat included seven lots for single family development and an additional parcel for the riding arena.

Planner Whetstone reported that this application was the second phase of that development for Lots 5, 6 and 7. Parcel 8 is a non-residential lot and Lot 5 is the existing farm with an existing family house, a shed with a studio apartment, a guest house with a garage and two barns. Planner Whetstone stated that the lots are single-family lots large enough to be equestrian property and allows two horses per acre.

Planner Whetstone stated that the maximum building footprints for lots 5, 6 and 7 were allowed at 4900 square feet on the preliminary plat. She had inadvertently showed them as the same size as Lots 1 and 2, which is 4,150. That change was redlined in the ordinance. The staff report outlined the discussions at the time of the preliminary plat and Phase I.

Planner Whetstone noted that a fencing plan was approved at the time of the preliminary plat. The Planning Commission indicated that white fencing similar to the existing fence could be installed around the lots. However, for Lot 7 the fence was identified as being a wood post fence to protect the visual appearance of the open space.

Planner Whetstone pointed to the barn sizes that were redlined in Finding #12 of the ordinance. The existing hay barn on Lot 6 may remain in addition to a new 1300 square foot barn that must be outside the building zone. Lots 5 and 6 were allowed six horses which is why the barns were allowed to be larger in the preliminary plat. The Planning Commission was being asked to allow an 1800 square foot barn on Lot 7.

Planner Whetstone stated that Condition #23 was redlined for the 4900 square foot maximum building footprint. She noted that the preliminary plat restricts the height of the house on Lot 7 to 28'. It is a building height of 23' with an allowance for a pitched roof of 5' for a total of 28'. A condition of approval was added to indicate that the building height on Lot 7 shall be restricted to 23' with an additional 5' feet for a pitched roof with a roof pitch of at least 4/12. Planner Whetstone remarked that typically in this zone 28' is allowed with 5' for a pitch roof for a total of 33'. Lot 7 was restricted to a maximum height of 28' because of the view corridor.

Planner Whetstone noted that the revised plat showed the no-build areas, which is a 50' buffer from the wetlands, as well as the no-build area on the east property line for Lot 6 and on the north property line for Lot 7, as discussed by the Planning Commission at the time of the annexation and preliminary plat.

The Staff recommended that the Planning Commission conduct a public hearing, consider input and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance as redlined. Planner Whetstone stated that the Staff had only met with the applicant the day before to review some of the requested changes. If the Planning Commission needed additional information, they could continue the item to the next meeting.

Steve Schueler with Alliance Engineer and Frank Richards, the property owner were present to answer questions.

Mr. Richards stated that an item he had discussed with Planner Whetstone was the possibility of an option on Lot 7 for a larger footprint of 5500 square feet in exchange for lowering the roof line by 5 feet. Planner Whetstone noted that the preliminary plat identified the building footprint on Lot 7 as 4900 square feet with the reduced height. Mr. Richards understood that it was 4900 square feet with the 28' height. Planner Whetstone replied that it was 4900 square feet with the already reduced height. She requested input from the Planning Commission regarding the requested option since Mr. Richards has only presented the idea the day before.

Mr. Richards explained that he had a prospective buyer for the property and the buyer would like to spread out the home in a ranch-style design as opposed to building higher. He believed lowering the height to gain a larger home was a reasonable exchange.

Mr. Schueler explained that another item mentioned by the potential buyer was the fact that they were having a hard time fitting the house and the barn on the property and still adhere to the Code requirement for the barn to be located 75' from the residence. Another item they would like the Planning Commission to consider is changing the no-build zone on Lot 7. Currently the no-build zone is 336 feet from the property line. Mr. Schueler believed 336 feet was an arbitrary number at the time it was determined and it was not based on any specific criteria. The potential buyers would like the no-build zone reduced by 36 feet, making it 300-feet from the northern property line. The reduction would allow room to set the house back from the cul-de-sac and still leave the 75' space between the barn and the house as required by Code.

Mr. Richards pointed out that the house, even at 5500 square feet, would occupy less than 5% of the total property area. Under the current requirements, the setback, and the 75 feet of space from the barn, there is only approximately 150' from north to south to locate the home. An additional 36' would help relieve the limited space.

Director Eddington clarified that the request was to reduce the height from the zone height of 28' down to a maximum height of 23'.

Planner Whetstone stated that the revised plat showed the 336 feet of no-build area. The applicant was requesting that it be reduced to 300 feet. Mr. Richards reiterated that the 336' no-build zone plus the wetlands and the wetlands buffer of 50', leaves an unreasonably small area to locate a home on the lot. Mr. Schueler stated that in addition to the no-build area and the wetlands, there is also an easement that was set up for Snyderville Basin. Everything combined results in a small developable lot area. Some flexibility would help a future buyer develop the site.

Commissioner Phillips asked for the purpose of the no-build zone. Director Eddington stated that it was implemented to protect some of the open space view sheds in the area and to keep the development somewhat clustered in a ranch setting near the existing infrastructure.

Commissioner Strachan stated that there was also a concern about fencing when Phase 1 was initially done. The Planning Commission did not want white picket fences running the lot lines. The no-build zone was an effort to make sure that nothing could occur in that area because it is an important view shed.

Commissioner Thimm referred to the comment that 336 feet was an arbitrary number. He asked if there was history on why or how that number was derived. In his opinion, 336 appeared to be a specific number. Director Eddington believed the calculation started with the estimated building size and setback from the cul-de-sac, then a 75' separation for barn to building, and a small barn on the back and a setback behind the small barn. Commissioner Strachan stated that the number was not arbitrary and resulted from an extensive discussion. He thought it was unfortunate that the minutes from that meeting were not included in the Staff report.

Mr. Richards stated that they were utilizing less than 4% of the lot for the house itself. He reiterated his request for some flexibility to locate the house more in line with the buyer's wishes.

Commissioner Thimm asked for more information on the idea of the 23' plus 5' for the roof height. He understood that the discussion only occurred late yesterday. Planner

Whetstone remarked that during the preliminary plat discussion, the Planning Commissioner placed a height restriction on Lot 7 because it was more visible than the other lots in the subdivision. The height restriction was 23' plus 5' for the pitch, for a maximum height of 28-feet. At that time the building footprint was 4900 square feet. It was not until yesterday that the flexibility options were requested because of the prospective buyer.

Jeff Petersen, representing the applicant, explained that currently the height is 28' plus 5'. Planner Whetstone clarified that for Lot 7 the maximum height was actually 23' plus 5' based on the preliminary plat. Mr. Petersen stated that the applicant was proposing a reduction in height down to 23' in exchange for additional square footage. Planner Whetstone noted that the five foot reduction was already specified in the preliminary plat for Lot 7, reducing the height to 23'. Lot 7 had the same footprint as Lots 5 and 6.

Chair Worel stated that there was a tremendous amount of discussion when the preliminary plat was approved. She agreed that it was unfortunate that the minutes were not included in the Staff report. Since she and Commission Strachan were the only Commissioners who were involved in that discussion, it would have benefitted the new Commissioners to have that background.

Mr. Richards stated that the neighbor behind Lot 7 was one reason why consideration was given to reducing the height. The neighbor has since sold his house and the new owner has not made any comments regarding the property. The new owner was aware that a new home would be built on the lot.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan stated that because this was an important property on an entry corridor, it was worthwhile giving the new Commissioners time to get updated on the previous discussions. In addition, he believed the Commissioners needed time to consider the impacts of the redlines that were handed out this evening and the wetland delineation report related to the no-build zone. Commissioner Strachan noted that the lots have been approved, but he did not think the Planning Commission was prepared to make a decision on the applicant's request because they needed to understand it. Commissioner Strachan recommended a continuance and he suggested the possibility of a work session to address the issues. He understood the history and what Mr. Richards was talking about, but it was

unfair to expect the new Commissioners to have that same understanding without knowing the background.

Commissioner Strachan had a different view of the no-build zone and the history. He did not believe it was arrived at arbitrarily, but he was willing to look at it again.

Planner Whetstone requested feedback on the fencing plan, on Lot 7 in terms of the height, the building and the barn size, and whether they had comments on the hay barn and building an additional horse barn. Chair Worel requested the minutes from the previous meeting before providing feedback.

Commissioner Band wanted to see the minutes and to understand how the 336' no-build number came about, as well as the height issue. In theory the numbers seem fine, but she would like to visualize it on the site and understand the history.

Commissioner Phillips agreed that the new Commissioners needed to understand how some of the decisions were made before making further comments. Aside from being new Commissioners, it was important to read the minutes to see how the determining factors were implemented before entertaining the request to make changes.

Commissioner Joyce stated that when he read through the Staff report it was mostly about what had been approved. Clearly that was not the case since they were given redlined documents this evening with corrections and requested changes. When this comes back to the Planning Commission he would like the reason for the changes to be more clearly identified.

Commissioner Thimm concurred. He wanted to see the minutes and have another opportunity to visit the site and visualize the massing proposed.

Planner Whetstone asked if it would be helpful to have the applicant prepare an exhibit showing the difference in heights. Commissioner Phillips thought an exhibit would be helpful. Commissioner Strachan asked if the lots in Phase 2 had been staked. Mr. Richards replied that the perimeter of all the lots were staked out and he had put in steel posts to preserve the corners.

Mr. Richards stated that the no-build zone does not protect the wetlands because they are already protected by a 50' buffer around them. When the Commissioners visit the site he suggested that they look at the home to the west and notice how high up it sits. Regarding the fencing, Mr. Richards read from the Staff report, "The proposed fencing plan is consistent with the preliminary plat and annexation agreement. White fencing consistent with the existing perimeter fence will be installed to delineate the property line for each of

the lots as well as within Lots 5, 6 and 7 to create secure areas for horses if desired.” Mr. Richards believed the language in the staff report contradicts the earlier discussions regarding the wire fence. He was not opposed to wire fencing on Lot 7, and he was willing to do whatever the Planning Commission required. Mr. Richards stated that he sold the acres to the east to the City and he leases it from the City. He needs to have some type of fence because he uses the property to graze some of his horses. A fence would delineate the perimeter of this particular lot.

Commissioner Campbell stated that typically he is the one who tries to move things forward for the applicant. He also understands that this Planning Commission is not allowed to bind the hands of a future Commission, as previous Commissions were not allowed to bind their hands. However, he was hesitant to overturn what the previous Planning Commission had done without understanding their reasons for doing it. He was not opposed to a continuation as long as the process was not prolonged.

Commissioner Strachan suggested that the Commissioners also read the past Staff reports in addition to the minutes. Commissioner Strachan agreed that the process should not be delayed. Rather than trying to schedule a site visit that meets the schedules of all the Commissioners, he thought it was better for individual Commissioners to visit the site on their own time. If four or more of the Commissioners visited the site at one time, it would have to be publicly noticed. Mr. Richards offered to meet any of the Commissioners on site to show them around. Planner Whetstone would email the Commissioners with two or three dates that Mr. Richards would be available to meet on site.

Mr. Richards would be out of town for the next meeting on October 8th and requested a continuation to October 22nd.

MOTION: Commissioner Strachan moved to CONTINUE the Subdivision Plan public hearing on 510 Payday Drive to October 22nd, 2014. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:15 p.m.

Approved by Planning Commission: _____



Planning Commission Staff Report

PLANNING
DEPARTMENT

Project #: PL-14-02329
Author: Kirsten A. Whetstone
Subject: 1825 Three Kings Drive
(Conditional Use Permit for Office Building)
Date: October 8, 2014
Type of Item: Administrative

Summary Recommendations:

The Planning Department recommends the Planning Commission conduct a public hearing and continue this item to the October 22, 2014 meeting so Staff can properly send out courtesy notices to all property owners within 300 feet of the project.

Topic

Applicant: John Shirley, Think Architecture, owner representative
Location: 1825 Three Kings Drive, north of Crescent Road and west of the Spiro Water Treatment Facility
Zoning: Residential Medium Density (RDM)
Adjacent Land Uses: Park City Mountain Resort, Crescent Condominiums, Pay Day Condominiums, Three Kings Condominiums, Park City Municipal Golf Course, Park City Spiro Water Treatment Facility, and Thaynes Canyon single-family residential subdivision.

**Planning Commission
Staff Report**



Subject: Alice Claim aka Alice Lode
Subdivision & Plat
Amendment

Project #: PL-08-00371

Author: Christy Alexander, AICP, Planner II

Date: October 8, 2014

Type of Item: Work Session (Administrative – Subdivision & Plat Amendment)

Summary Recommendations

This is a Work Session item. Staff recommends that the Planning Commission review the project history and provide staff with input and direction regarding any additional information the Commission would like to see before it is placed on the Regular Agenda at a future date.

Topic

Applicant: King Development Group, LLC (“Applicant” or “King Development”)

Location: Alice Claim south of intersection of King Road and Ridge Avenue

Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)

Adjacent Land Uses: Open Space and Residential (developed and undeveloped)

Proposal

The Applicant is proposing that the Planning Commission consider the approval of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City’s Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). This will be discussed as a Work Session item only at this time until brought forth on the Regular Agenda at a future date.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as “Alice Lode”). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road and Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a “metes and bounds” parcel. Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. Two (2) of these contiguous properties are Lots 1 and 2 of the Ridge Avenue Subdivision. Lot 1 is improved with a contemporary house, Lot 2 is vacant. The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are partially encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable as they exist currently. The Applicant is

requesting the Planning Commission consider the proposed subdivision for the nine (9) proposed lots and a plat amendment for the existing encumbered Lots 1-7 and 36-40, Block 77 in order to provide an easement for King Road and Sampson Avenue.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. The City owns an adjacent parcel of land where a City-owned potable water tank and water lines are located. The City-owned parcel includes a 30 foot wide strip of land extending from the water tank site to the existing Ridge Avenue Subdivision bisecting the Applicant's proposed subdivision property. The City-owned strip of property contains a raw water pipeline and a potable water transmission line which extends from the water tank to the Ridge Avenue Subdivision. The raw water line and the potable water line continue through the Ridge Avenue Subdivision to King Road within an existing driveway and a public utility easement. A second existing potable water transmission line, which is scheduled to be abandoned upon completion of the new potable water line on City-owned property, extends through the subject property. Additionally, access to the existing water tank and pump station is via an existing unpaved access roadway across the subject property. The access is provided by a recorded grant of easement (see Subdivision Layout within Exhibit A).

Brief Subdivision Timeline:

- May 23, 2005 - Complete Application for the Plat Amendment received.
- July 27, 2005 - Planning Commission work session and introduction of project.
- January 11, 2006 - Planning Commission work session on revised site plan reflecting comments from July 2005 Planning Commission work session.
- October 25, 2006 - Planning Commission public hearing on further revised site plans. Applicant requested the hearing to be continued to a date uncertain.
- August 27, 2008 - Planning Commission site visit and work session on specific site issues and the voluntary remediation of the regulated soils on the site.
- September 10, 2008 – Update to Planning Commission by Planning Director Eddington regarding the Voluntary Cleanup Plan and the need for grubbing of certain areas. Mr. Tesch was present on behalf of King Development. At this meeting, Director Eddington handed out an email from Jeff Schoenbacher outlining the history and process of the VCP.
- October 22, 2008 - Binder of revised proposals received from Applicant. Access is proposed from platted Sampson Avenue to the property. Binders provided to each Planning Commission member.
- November 12, 2008 - Planning Commission work session discussion scheduled. Prior to the meeting Applicant requested the discussion be continued.
- January 28, 2009 - Planning Commission site visit, work session meeting and regular meeting with a public hearing with a revised site plan. It is this site plan that the Applicant would like the Commission to review (see Exhibit A). The item was continued to the February 25, 2009 meeting and asked to be scheduled for a full hour work session.

- February 25, 2009 – Work Session cancelled and Planning Commission opened a public hearing for purposes of continuing the item, No presentation or discussion took place and no public comment was given and the item was continued to a date uncertain.
- March 11, 2009 – Planning Commission work session, Commissioners review Plan A, Plan B, and Plan C. They note a preference for Plan B – the plan illustrating clustering of housing low in the valley.
- June 10, 2009- Site visit and work session discussing the location of the Lots. Planning Commission expressed a preference for the revised March plan as opposed to the original plan presented in January.
- December 17, 2010 – Applicant submitted a new binder containing Preliminary Plat documents to Planning Director Thomas Eddington with a similar design as the plan presented at the January 28, 2009 Planning Commission work session. Submittal includes the original Site Plan C, but not Site Plan B – the one presented at the March 11, 2010 Planning Commission work session meeting and generally favored by the Planning Commissioners. Follow up by Planning Director Eddington to determine when receipt of Site Plan B option will be received.
- February 9, 2011 – Planning Commission meeting to discuss whether to appoint a subcommittee regarding project at the request of Applicant. Planning Commission decides not to appoint a subcommittee.
- November 20, 2012 - Application is closed due to inactivity by the Applicant.
- November 30, 2012 - An appeal of the closing of the file for the Alice Claim Subdivision is filed by the Applicant's attorney.
- January 2, 2013 - Planning Director, Thomas Eddington rescinds the closing of the file with the provision that the Applicant specify which site plan they wanted to move forward with (the last submitted plan or a revised plan per discussions) and agree to proceed before the Planning Commission by March 13, 2013. The Applicant decided to proceed with the last submitted plan and both parties mutually agreed to proceed before the Planning Commission by March 13, 2013.
- February 14, 2013 – Planning Director Eddington, City Attorney Harrington, and Applicant, through its attorney Joe Tesch, mutually agree to continue the March 13, 2013 meeting with the Planning Commission and to meet on February 26, 2013.
- February 26, 2013 – Representatives of Applicant and City Planning and Legal Departments meet to resolve outstanding issues.
- June 23, 2014 – Representatives of Applicant and City Planning and Legal Departments meet. Applicant through one of the Applicant's attorneys (Brad Cahoon) emailed Thomas Eddington the same day with their desire to proceed with their January 2009 nine (9) home subdivision plan. After several emails, a Planning Commission Work Session date was agreed upon of October 8, 2014.

The Applicant has previously performed soil remediation under the Utah Voluntary Clean-Up Program (VCP) on mine-waste contaminated soils in both the Applicant's property and on the adjoining City property. The Applicant submitted a report on clean-up activities to the UDEQ June 5, 2013. The VCP is still active and the site has not been

given a completion letter from the UDEQ. A brief timeline of events related to the Alice Claim property VCP:

- April 1, 2003 – Owner submits field sampling plan for targeted “Brownfields” assessment.
- September 1, 2003 – Grant Submittal for Brownfields Clean-up Grant by Park City Municipal Corporation.
- September 23, 2003 – Memo from Environmental Coordinator Jeff Schoenbacher to Planning Director Patrick Putt, Planner Ray Millner, Chief Building Official Ron Ivie, and City Engineer Eric Dehaan conveying the results of the Brownfields Assessment Phase II Report.
- February 10, 2004 – final Phase II Environmental Site Assessment (ESA) (by URS operating Services).
- May 10, 2005 – Memorandum of Understanding (MOU) signed by Park City and United Park City Mines regarding disposal of Mine Waste within the Richardson Flats Repository – a list of City Projects anticipated to generate soils to enter the Repository include Alice Claim.
- July 7, 2005 – Original VCP Application (King Development Group)
- July 13, 2005 – Initial ESA by King Development (submitted with the VCP Application).
- July 14, 2005 – King Development request to be included in Soils Ordinance Boundary which was not accepted, property was entered into the VCP instead.
- September 9, 2005 – Sampling Analytical Plan and Quality Assurance Project Plan for Additional Site Characterization.
- March 31, 2006 – Sampling and Analysis Report.
- August 3, 2006 – Mitigation Work Plan Accepted by DEQ
- August 10, 2006 – Letter from Park City to UDEQ requesting Park City property be included in the Alice Lode VCP
- April 28, 2008 – Letter to DEQ from King Development authorizing PCMC to be included in VCP.
- July 18, 2008 – Acceptance of Park City as co-Applicant into VCP.
- October 16, 2013 – Park City provides UDEQ final legal description for the City owned property to be withdrawn from the VCP.

By the City signing on as a co-Applicant to the VCP, King Development remediated the soils of the City owned property, in exchange the City was able to assist in making disposal arrangements for the contaminated soil to be deposited in Richardson’s Flats instead of to Tooele. Being able to take the contaminated soil to Richardson Flats instead of Clean Harbors Grassy Mountain Landfill (located in Tooele County) reduced the cost for each truck load of soil.

Additionally, with the City as a co-applicant, the remediation work was able to use the City’s access easement to the property. Chief Building Official Ron Ivie correctly estimated that Richardson Flats would soon be closed to third party access, and worked with the applicant to finalize the VCP with City property. CBO Ivie and Planning Director Pat Putt provided the applicant feedback regarding progress on the site planning, but at

no time agreed to “approve” or otherwise support the draft site plan accompanying the City’s application to join the VCP. CBO Ivie indicated the Building Department would support retaining the access in its current location as a private drive to minimize site disturbance that would accompany re-grading the site if a public right of way at City standards was required (14% v 10% grade). The City and the Applicant dispute the nature of CBO Ivie’s input to the Applicant regarding their site plan. Mr. Ivie will be present at the work session. The Planning Commission attempted to get the Applicant to cease work in this area after the August 27, 2008 site visit but CBO Ivie clarified the Planning Commission had no such authority.

The Applicant now asserts that the City is estopped from denying their 1/29/09 site plan. For the record, the staff disagrees with this assertion and many of the facts and/or characterizations included in the Applicant’s “Alice Load Factual Background.” In particular, the whole premise of estoppel seems expressly contradicted by Mr. Fiat’s comments at the January 28, 2009 Planning Commission meeting. However, the estoppel claim is beyond the jurisdiction of the Planning Commission. The Commission may only consider the application in accordance with the applicable LMC and state code provisions. Therefore, while both City staff and the Applicant have and will reserve the right to submit information regarding the estoppel claim for purposes of preserving a complete record, the Planning Commission must limit its review the applicable code criteria. The Applicant disagrees and pursuant to their letter dated 10/3/14 will address the issue before the Commission. Staff also formerly objects to the inclusion of certain confidential information and/or alleged statements provided in Applicant’s Factual Background Exhibit 37 (emails on pages 073-077 as marked on bottom right) and all of Paragraph 17 of Kagan’s affidavit, attached as Applicant’s Factual Background Exhibit 13, except the first phrase “The meeting occurred February 2013.” The communications are regarding the confidential agenda and the meeting discussion itself were initially requested and agreed to be confidential by the Applicant’s attorney.

The Applicant has confirmed that they are proceeding with the plan dated January 28, 2009, as depicted in the copies attached hereto as Exhibit A. The Applicant has provided Staff with several binders of information dating from 2006-2010 as well as other documentation dating from 2003-2013. The binders are available at the Planning Department for the public to review. Staff has also provided minutes from the 2005 (Exhibit B), 2006 (Exhibits C & D) 2008 (Exhibits E, F & G), 2009 (Exhibits H, J, K, & L), and 2011 (Exhibit M) Planning Commission meetings. Staff suggests the Commission focus particularly on the minutes from January 28, 2009, March 11, 2009 and June 10, 2009. During these meetings, the Planning Commission discussed the January plan generally and in comparison to alternative plans submitted by Applicant. These meetings were the last discussions the Planning Commission had concerning the Application itself.

Below is a summary of discussions by the Planning Commission regarding the Alice Claim Subdivision during the January 2009 site visit and work session which was the last discussion the Planning Commission had concerning the project itself. The plan that

is currently being proposed is the same as was reviewed in January 2009. Staff recommends the Planning Commissioners read the actual minutes in full. Former Principal Planner, Brooks Robinson (now the Transportation Planner) and the Planning Commission made several comments and observations regarding the proposals which are listed below:

- The lot within the Estate District (Lot 1) is also within the Sensitive Lands Overlay and must meet criteria for steep slopes and wetlands. The Applicant would need to provide that analysis for Staff review and report back to the Planning Commission.
- The HR-1 is not within the Sensitive Lands Overlay district, but some of the criteria are applicable within the subdivision application, particularly the restrictions due to the character of the land. The Planning Commission may find some land unsuitable for a subdivision or development unless the impacts could be mitigated and the Applicant can demonstrate that the listed hazards would not carry forward into the future for residents or neighbors of this development.
- Within the general subdivision requirements of the LMC, there is an element on clustering and open space. The language states that units must be clustered within the most developable and least visually sensitive portions of the site. This applies to multi-family and single-family projects.
- The Applicant's representative (Jerry Fiat) commented that the new design moved the structures down the slope as much as possible and clustered them further south to preserve the evergreen trees, and that it would be necessary to remove only three (3) of the large evergreen trees.
- The Applicant's representative noted that 27% of the Estate Zone is designated as open space. The remaining land would be the three (3) acre Estate zoned lot. In the HR-1 zone, 22% of that site would be designated as open space.
- The design shows how it would allow the individual homes to step up the slope and still stay within/under the twenty-seven foot (27') height requirement. It was brought up that the stepping increases the building footprint but it would help to limit the apparent height and mass. The Applicant indicated that stepping the foundation will help minimize the amount of excavation, and that because the site is large, most of the excavated material can be left on site.
- It was indicated that the grading plan noted that the actual building footprint was 6% of the total site. The Applicant's representative indicated that approximately 3-5% of the site would be disturbed beyond what was disturbed during remediation. It was reiterated that a cut into the toe of the hill is required for the access into the project. A retaining wall would be required at a height over 20 feet tall, and the Applicant proposed "heavy landscaping" at the entrance to soften the look of the wall.
- The Applicant demonstrated how the Alice Claim project could merge with the Ridge Avenue project. The Alice Claim project has been designed to allow a possible loop between the two (2) projects if the City finds this desirable.
- A question was asked regarding the use prohibition of development on identified ridgelines. Since then the ridgelines have been re-assessed and this development will not occur on any identified ridgelines.

- It was noted that the previous General Plan, page 148, states: “encourage future hillside development that is clustered at the base of the hills and off of ridgelines, compatible with the Historic District.”
- It was reiterated that the entrance road could not utilize the existing easement from the owner of 135 King Road and the entrance would come off the public right-of-way with a new access drive and retaining wall. That proposed access has not changed with the current submission package.
- It was mentioned that the Planning Commission had discussed location and reconfiguration of the proposed lots, but they had not talked about lot sizes and how they compare with the historic district. They have also not addressed the square footage that would be associated with the proposed lot sizes. It was mentioned that the Applicant should consider reducing the footprint to be more compatible with the historic district.
- The Planning Commission commented that, regardless of existing development in either zone, the purpose statement for both zones says to build to the toe of the hill and historically compatible structures, which are traditionally smaller tightly compact houses. The Planning Commission commented that they were disappointed with a development that was not consistent with “Old Town.” It was noted that both the General Plan and the LMC give the direction to stay off the ridgelines and build at the bottom of the hill.
- All Commissioners commented that they were not supportive of having the homes further (Lots 1 through 4) up towards the ridge, and would like to see the homes clustered toward the middle of the canyon rather than “pushed to the sides.”
- It was also noted that during the Conditional Use Permit process, the Planning Commission would have the opportunity to restrict or reduce height.
- The Applicant noted that most of the homes in Old Town are very vertical with a lot of stairways and bedrooms are separated on different levels. The Applicant believes this site provides the opportunity to create more horizontal living and concurred with the idea of keeping the ridgelines low and he supported and agreed with a lower roof height. The Applicant asked the Planning Commission to consider the idea of more horizontal living as a way to create a more comfortable home.
- The Applicant pointed out that the Historic District Design Guidelines discourage garages off the front of houses and encourage side-entry garages. The Applicant noted that a side garage is not possible on a 25 foot lot and if the lots are narrowed, the only choice would be to put the garage in front.
- The Applicant stated that the placement of proposed Lots 6 and 7 as shown on the plan resulted from a conversation with former Planning Director, Patrick Putt, who indicated that it was not a significant ridge. The Applicant remarked that a rendering showing a cross-canyon view of the homes on all the ridges could be provided (the cross section is provided within Exhibit O).
- The Planning Commission suggested that the Applicant provide an overlay of the old plan and a new plan showing revised Lots 6 and 7 and noted that a cross section through that area perpendicular to the ridgeline would be helpful. The Planning Commission commented that they appreciated the Applicant’s desire to

make the homes more horizontal, but that they did not believe it was consistent with the purpose statement of the zoning in that area.

Analysis

Purpose of “HR-1” and “E” Zoning Districts

The purpose of the Historic Residential HR-I District is to:

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

The purpose of the Estate (E) District is to:

- (A) Allow very low density, environmentally sensitive residential Development which:
 - (1) Preserves ridge tops, meadows, and visible hillsides,
 - (2) Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - (3) Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - (4) Mitigates geologic and flood hazards,
 - (5) Protects views along the City’s entry corridors, and
 - (6) Decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- (B) Incorporate pedestrian trail linkages between and through neighborhoods; and
- (C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

The proposed subdivision creates a nine (9) lot subdivision on 8.65 acres. One lot is within the Estate (E) District and is three (3) acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 0.20 acres (8,712 square feet) to 0.48 acres (20,909 square feet). Because there are less than ten (10) lots being proposed, the Master Planned Development criteria don’t apply.

The current plan will also include a plat amendment that will eliminate other contiguous platted lots encumbered by the existing King Road and Sampson Avenue. If approved, the existing lot lines will be removed and the property will be included in the open space for the Alice Claim Subdivision and/or as an easement for those public streets.

Estate Lot

The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is thus subject to the regulations of LMC 15-2.21. The lot has Steep Slopes (15%-40%), Very Steep Slopes (greater than 40%) and a Stream Corridor. A Slope Analysis map was provided by the Applicant (See Exhibit O: Sensitive Lands Analysis) showing the various slope categories. The following steps need to be completed:

LMC 15-2.21-2(A) **SENSITIVE LANDS 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.

LMC 15-2.21-2(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION**. Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay (SLO) Regulations, Sections 15-2.21-4 through 15-2.1-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.

The proposed location of the house on Lot 1 is on Steep (15% - 40%) and Very Slopes (greater than 40%). Within the SLO, 100% of the Very Steep Slopes shall remain as Open Space (LMC 15-2.21-4(I), no vegetation can be disturbed within fifty (50) vertical feet in elevation of Very Steep Slopes, and no Development can occur within fifty (50) feet, map distance, of Very Steep Slopes unless the Planning Commission makes findings as listed in LMC 15-2.21-4(A):

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 of Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points (15-2-2.1(A)(4) or other Vantage Points designated by the Planning staff or Commission (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 or backfill Area, 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 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).

The stream corridor is also protected within the Sensitive Lands Overlay as provided in the LMC:

LMC 15-2.21-6(C) "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."

The setbacks required per LMC 15-2.21-6(F) for stream corridors are a minimum of fifty feet (50') outward from the Ordinary High Water Mark. There is no exception to this 50' setback in the LMC other than Hardship Relief under LMC 15-2.21-2(D).

The proposed subdivision creates a driveway for lot 1 and lot 7 within the fifty foot (50') setback area from the stream corridor within the Estate zone with Sensitive Lands Overlay. Any change to the stream will require a Stream Alteration Permit from the Army Corp of Engineers (regardless if it is navigable water) and may require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.

Historic Residential Zone

The zoning for the subdivision is HR-1 subject to the following criteria:

Regulation	Permitted	Proposed
Height	27'	Maximum height is twenty seven feet (27') and no home can exceed this requirement
Lot sizes: Lot 1: 3.0 acres Lot 2: 0.48 acres Lot 3: 0.44 acres	Footprint based on lot area based on LMC requirements at time of application. Lot 1 (Estate): No restriction except as applied during subdivision. Lot 2: 3228.8 Lot 3: 3264.2 Lot 4: 3221.8 Lot 5: 2669.8 Lot 6: 2735.5	Proposed maximum gross floor area of each home is 5,000 square feet. Proposed maximum footprint area (square feet) by the Applicant: Lot 1 (Estate): 2540 Lot 2: 2760 Lot 3: 3000

Lot 4: 0.34 acres Lot 5: 0.20 acres Lot 6: 0.21 acres Lot 7: 0.31 acres Lot 8: 0.25 acres Lot 9: 0.26 acres	Lot 7: 3161.4 Lot 8: 2952.8 Lot 9: 2996.7	Lot 4: 3000 Lot 5: 2270 Lot 6: 2740 Lot 7: 2400 Lot 8: 2270 Lot 9: 2060
Front setback	Depends on lot depth; ranging from a minimum 10' to 15'	
Rear setback	Depends on lot depth; ranging from a minimum 10' to 15'	
Side setbacks	Depends on lot width; ranging from a minimum 3' to 10' and 6' to 30' total	
Parking	Two (2) spaces required for each house	

Based on the analysis above, the average lot size (excluding the Estate Lot) is 0.31 acres (13,501 square feet); the average proposed footprint is 3,029 square feet. Based on previous analysis for other nearby developments, the proposed lot size and footprints would far exceed the vast majority of those within the nearby developed areas (King Road, Sampson Avenue and Ridge Avenue). For example the average lots size on nearby Sampson Avenue is 0.13 acres and the average footprint is 1,314 square feet. In addition, the proposed maximum footprint for Lot 6 exceeds what is permitted by the Land Management Code.

Access

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, although legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant estimates that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require retaining walls (upwards of 20 feet in height) on the western side as the road would cut into the toe of the slope. Without access over the private property at 135 Ridge Avenue, the Applicant's only access is using the platted King Road right-of-way. Based on Staff's initial research, the Code in place at time of initial application, would require a Conditional Use Permit from the Planning Commission concurrently with Subdivision approval for any retaining walls over 6 feet in height. This is subject to further Staff research into the applicable code requirements at time of application in 2005.

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially three roadways meet, King Road, Sampson Avenue, and Ridge Avenue.

The Applicant is proposing to use “platted” King Road, which does not match where the road known as “Woodside Gulch driveway” is actually built. The proposed roadway is off-set from the King Road/Ridge Avenue intersection by about fifty (50) feet. Offset intersections are not ideal for traffic stacking and turning, and additional analysis by the City Engineer is necessary to determine if the proposed roadway would violate any City street standards. The City Engineer would require the developer, once a layout is developed, to have a traffic engineer evaluate the intersection layout to determine critical failures. Minor issues with the intersection will need to be mitigated by the developer. According to the City Engineer, the traffic report that was issued in 2006 for this area addresses volume only and does not address the uniqueness of the proposed intersection. There will need to be more analysis done to evaluate the proposed intersection, poor site triangle, and recommend adjustments/mitigations to King Road, Ridge Avenue, or the main Alice Court entrance drive.

The Applicant does not propose to dedicate streets within the proposed development to the City but will complete the proposed Alice Court to meet City Standards. If the Applicant decides to dedicate the streets at a later date, all of the streets will need to meet City Standards, including right-of-way widths, minimum street widths, cul-de-sac standards, stubbed street standards, etc. Again, additional analysis by the City Engineer will be necessary to determine if the streets, as proposed, will meet the adopted City Standards. The developer will need to submit a plan showing how they will meet City Standards, if intended to be. All of the roads within the proposed subdivision are proposed to be private drives at this time. Private drives shall not exceed 14% gradients and the Applicant will need to show the drives meeting this requirement. If 14% gradients are not met by the Applicant and they propose anything higher than 14%, they must first receive a variance to the gradient requirement from the Board of Adjustment before requesting subdivision approval from the Planning Commission.

Emergency access has been a continual concern with the Building and Fire Departments. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 of the 2012 International Fire Code (IFC). The Fire Code Official is authorized to make exceptions to these codes as noted and will make a determination based on an updated preliminary plat submittal from the Applicant.

The recent review comments from the Assistant Fire Chief are that:

- The road/driveway from King Road to Alice Court to lots 2-3-4 will need to be a minimum of 20-foot clear width as required by the IFC, along with the turn-around hammer head as shown on the marked up drawing.
- Lots 1 and 7, Private Road ROW, is acceptable as a driveway, however, if any additional lots are added or developed, then this driveways will then need to be upgraded to meet the requirements of 20-foot wide for the fire department access road, based on the road now serving more than two structures.

- Also, even though it is not required, the Assistant Fire Chief strongly encourages the Applicant to provide turn-outs and turn-around for lots 1 and 7 where the length of the driveway are in excess of 200 feet.

The recent review comments from the Chief Building Official are that:

- The road to homes 1 and 7 shall be 20 ft. wide and there must be an area at the end of the road past the hammerhead that is a snow storage area so they do not fill the hammerhead with piles of snow. This shall be signed as a snow storage area with a 10 ft. sign at end of hammer head.
- The drive to home 7 will be considered a private driveway to a single family residence.
- The roads shall be able to support an imposed load of a fire apparatus weighing 75,000 pounds.
- The grade of the roads and drives may exceed 10% and shall not go over 14% for only 100 ft. The International Fire Code states max grade is 10% per appendix D for access road per section 503.2.7 IFC.
- Roads less than 26 ft. wide shall be marked NO Parking on both sides of the road. With Parking there shall be at least 20 ft. minimum of driveway width from the parked cars to the other side of the road.
- The plan does not show any traffic calming devices or gates. Per the 2012 International Fire Code, traffic calming is not permitted unless specifically approved by the Chief Building Official and Fire Marshall or Fire Chief.
- Cannot tell where Fire Hydrants are located, These Hydrants must be approved by the Fire Code Official. Map provided with Hydrant location which there shall be 5 hydrants so that no point shall the hydrant be farther than 600 ft. from the farthest home per section 507.5.1 of the 2012 IFC

Slope

According to the Slope Analysis provided by the Applicant (Exhibit O: Sensitive Lands Analysis), 2.7% of the land located in the HR-1 zone is under 15% slope, 21.7% is 15-40% slope (defined as a Steep Slope), and 75.6% is over 40% slope (defined as a Very Steep Slope). These lots are not located in the SLO, however the following Subdivision regulations (LMC 15-7.3-1(D)) should be discussed by the Planning Commission:

“Restrictions Due to Character of the Land: Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridgelines, which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”

The proposed building pad areas on proposed Lots 1-4 and 6-8 are all on Very Steep Slopes. Only the proposed building pad area on Lots 5 and 9 are on slopes less than 30%. Currently the Applicant has not provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes. Staff has concerns on

developments over 40% slopes and will research further to find whether there is a provision allowing Planning Commission to review Steep Slope CUPs concurrent with subdivision review.

Clustering

The General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space reads:

“Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state.”

The Applicant has provided an existing vegetation plan with the larger conifers to remain or be removed (Exhibit O: Vegetation Cover). Outside of the stream channel and the disturbance from previous mining activities and the recent remediation, most of the rest of the site has stands of oak, maple and aspen in addition to areas of smaller shrubs and grasses. The Applicant has provided a Visual Analysis Study (Exhibit O). No changes have been proposed in response to the Planning Commission's prior feedback that the most developable portion of the site is at the bottom of the canyon where utilities, emergency vehicle access, and the least amount of disturbance of the land is best achieved. The Applicant proposes that the homes will be no more than two (2) stories and up to 5,000 sq. ft. (gross floor area) in size.

Water Delivery Issue

Staff was informed by the Park City Water Department, that much of the Alice Claim property proposed for development may not be serviceable by the current City water system. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. It is up to the Applicant to model the water service to the development and if it is insufficient in any way they will need to provide a remedy. The Applicant will need to prepare a water study addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 7-8 as shown on the 2009 Plan are likely the lots most affected. The Applicant should confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department has not received confirmation that the Applicant has demonstrated that these requirements can be met. The Applicant has communicated that their consultant has confirmed that the water requirements and pressure can be met, and they will be following up with our Water Department.

Good Cause

Planning Staff is still determining if there is good cause for this subdivision. There may be future fiscal and or geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas.

Department Review

Due to the length of time since the previous Development Review, Staff took the project back before the Development Review Committee on September 9, 2014. Engineering expressed concern with the above 14% private drive gradients, site access, and height of retaining walls, Building expressed concern with the emergency access and turn-arounds on steep slopes, and Water expressed concern with ability to service due to lack of water pressure.

Notice

The property was courtesy posted but no notice was mailed to property owners within 300 feet due to this item being a Work Session only. Legal notice will be published in the Park Record when it comes back before the Planning Commission on the Regular Agenda.

Process

This application is for a major subdivision as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. The approval of this subdivision application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The applicant may request this item be placed on the next appropriate regular Planning Commission agenda.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A draft geotechnical report has been previously submitted and reviewed. Six of the lots in the HR-1 zone will require a Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, will require a Historic District Design Review prior to home design and construction.

Recommendation

This is a Work Session item. Staff recommends that the Planning Commission review the project history and provide staff with input and direction regarding any additional information the Commission would like to see before it is placed on the Regular Agenda at a future date.

Exhibits

Exhibit A – January 28, 2009 Site Plan

Exhibit B – Minutes from July 27, 2005 Planning Commission Work Session

Exhibit C – Minutes from January 11, 2006 Planning Commission Work Session

Exhibit D – Minutes from October 25, 2006 Planning Commission Meeting

Exhibit E – Minutes from August 27, 2008 Planning Commission Work Session

Exhibit F - Minutes from September 10, 2008 – Update to Planning Commission and email from Jeff Schoenbacher

Exhibit G – Minutes from November 12, 2008 Planning Commission Work Session

Exhibit H – Minutes from January 28, 2009 Planning Commission Work Session and Regular Meeting

Exhibit J – Minutes from February 25, 2009 Planning Commission Meeting

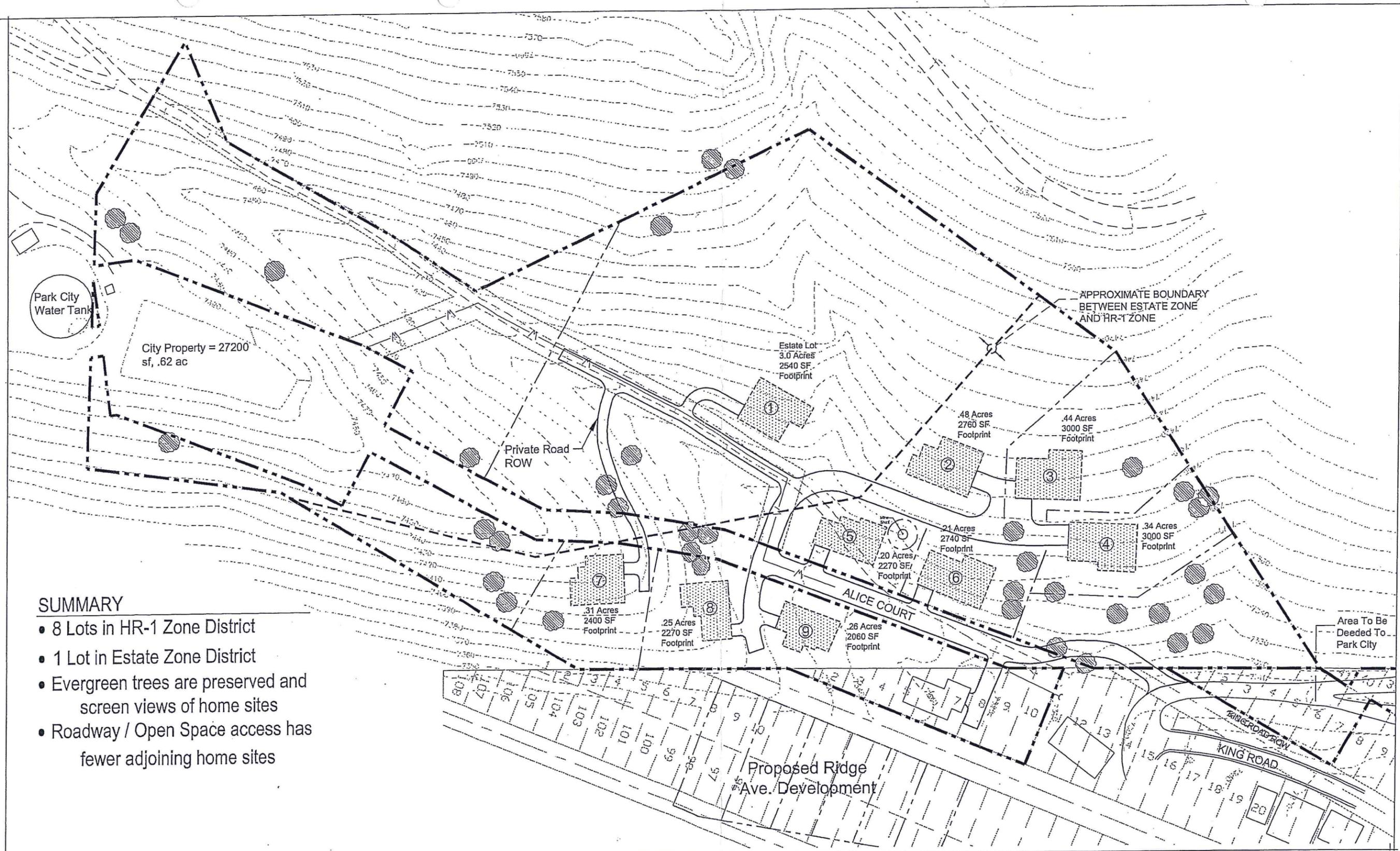
Exhibit K – Minutes from March 11, 2009 Planning Commission Work Session

Exhibit L – Minutes from June 10, 2009 Planning Commission Site visit and Work session

Exhibit M – Minutes from February 9, 2011 Planning Commission Meeting

Exhibit N – Letter from Mark Harrington to Joe Tesch dated October 29, 2010

Exhibit O – 2010 Submittals (which refer to: Canyon Cross Section, Sensitive Lands Analysis, Slope, Clustering & Vegetation Cover and Visual Analysis Study. **NOTE: not updated for Applicant's preferred submittal**)



SUMMARY

- 8 Lots in HR-1 Zone District
- 1 Lot in Estate Zone District
- Evergreen trees are preserved and screen views of home sites
- Roadway / Open Space access has fewer adjoining home sites

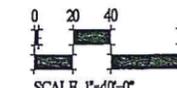
ALICE CLAIM

SITE PLAN JAN 28, 2009

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



NORTH



SCALE 1"=40'-0"

DATE: MARCH 11, 2009



LANDSCAPE ARCHITECTURE
LAND PLANNING
URBAN DESIGN

PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JULY 27, 2005

PRESENT: Jim Barth, Bruce Erickson, Michael O'Hara, Diane Zimney, Patrick Putt, Brooks Robinson, Ray Milliner

WORK SESSION ITEMS

234 Daly Avenue - Conditional Use Permit for Construction on a slope greater than 30%

Planner Robinson noted that the Planning Commission had reviewed this application at previous meetings and visited the site prior to the last meeting. The lot is 7840 square feet with a maximum allowed footprint of 2274 square feet based on the lot size. The proposed footprint is 1,162 square feet with a floor area of 3,185 square feet. If the floor area ratio was being used this would be a 0.41, however they are not using the floor area ratio. Planner Robinson reported on the size of various surrounding properties in comparison to the proposed structure. He noted that the duplex at 210/212 Daly Avenue is nearly double the size being proposed for the structure at 234 Daly Avenue.

Planner Robinson remarked that during the site visit the Planning Commission expressed concern with additional development along Ridge Avenue. Looking at the tax maps, it appears that development would not be allowed on the uphill side of ridge for approximately 400 feet and 500 feet on the downhill side of Ridge Avenue. Planner Robinson addressed snow storage and noted that approximately 700 squarefeet of property across Ridge Avenue belongs to the applicant and it is deeded as snow storage. The applicant has the ability to clear snow off the driveway and store it on his property. Planner Robinson referred to a concern raised by Commissioner Thomas regarding lots on steep slopes and how the front of the building gets closer to the road as the slope gets steeper. Planner Robinson stated that the trade off is that pushing the building further back increases the amount of excavation, the number of trucks, and the amount of disturbance.

Planner Robinson noted that the building has four stories. At 234 Daly there is a bay window and stepping at the second story and the next two stories go back 6 feet up to the top gable which is where they are requesting the height exception. Planner Robinson noted that the ridge continues straight back and the back side of the building is only 14 feet above existing grade.

Planner Robinson noted that this item is scheduled for public hearing this evening. Criteria addressing size, location, and other issues was outlined in the Staff report. Planner Robinson remarked that one additional parking space was required and that the parking space is not in tandem with the garage. It is south of the garage and can be accessed without interfering with the parking space for the accessory apartment.

believe the Staff has the latitude to make that determination. Any finding they make can only be done in accordance with the Code.

80 King Road - Conditional Use Permit for construction on a slope greater than 30%

Planner Milliner noted that the Planning Commission has reviewed this item at previous meetings. At the last meeting the application was continued based on direction from the Planning Commission. The applicant and Staff met with Commissioner Thomas to discuss the issues raised by the Planning Commission and the public. These issues include the massing, front yard setbacks, snow storage, side yard setbacks, and easement for the sewer, as well as the tower element that is situated in the middle of the structure. Planner Milliner stated that based on the direction from the last meeting and from the meeting with Commissioner Thomas, the applicant has returned with a modified plan. Planner Milliner distributed copies of the plans along with a letter from the applicant. He hoped to hear comments from the Planning Commission regarding these changes and whether or not they are sufficient to address the concerns. Planner Milliner requested further direction on where to proceed from this point.

Chair Barth felt the Planning Commission would need time to review the packet. Director Putt clarified that when the Staff met with the applicant late last week they were all aware that given the late timing of the changes they would not have an opportunity to modify the Staff report. He explained that this item remained on the agenda because it was legally advertised and the courtesy noticing had been sent. They wanted to make sure that anyone interested in this project would have the opportunity to review the changes and make comment. In addition, this gave the Planning Commission the opportunity to review the work in progress and to provide direction. Director Putt stated that the Staff will request a formal continuance to the next meeting following public comment.

King Development (Alice Lode) Plat Amendment

Planner Milliner reported that this item is an introduction to the Alice Lode Development located at the base of Woodside Gulch at the intersection of Ridge Avenue and King Road.

The property is a cluster of zoning regulations. It is located in the HR-1 zone and has platted HR-1 lots and areas of unplatted HR1 zoning. Aside from the HR-1 lots, the majority of property is located within the Estate Zone. Additionally, there are HRL sections of the property. Planner Milliner stated that the zone lines are not exact and some surveys show the HRL zone line being outside of the property and the HRL sections being HR-1. For the purpose of discussion this evening, not having that exact information should not be a problem.

Planner Milliner stated that the property is also bisected by City-owned property which has an existing abandoned water tank as well as an in-use City-owned water tank. A narrow

strip of land owned by the City leads down through the property which houses an in-use water line. Planner Milliner remarked that key to the property is the fact that it used to be the home of the Alice Lode mining claim and a significant amount of mine and mine waste was deposited on the site. That site has been declared a hazardous site, primarily in the gully portion of the property.

Planner Milliner reported that the applicant has come to the Planning Commission with a proposal for nine units on the property which would be accessed from a driveway located near the intersection of King Road and Sampson Avenue. However, at this point that access is not available to the applicant. Planner Milliner explained that the applicant is proposing that the driveway come in from the intersection of Sampson and King Road and that it traverse back to the south. All the lots would be accessed off this driveway; six lots on the west side or uphill side in the HR-1 zone, one Estate lot that would be further back, and 2 HRL lots which would be across on the east side of the property. Planner Milliner stated that with the exception of the base where the mine waste is, the majority of the property exceeds 40% slope. The entire property is a very steep slope as defined by the LMC. Six lots in the HR-1 zone would be larger than what is allowed by that zone. It is also in a heavily vegetated area and a significant amount of grading and vegetation disruption would be required to build the houses.

The Staff requested that the Planning Commission discuss the appropriateness of putting 9 lots on this property and whether the property is a good site for the requested density. Planner Milliner noted that whoever develops the property will be required to remediate the property and the City is required to be a partner in that remediation. Planner Milliner asked the Planning Commission for discussion on the proposed layout and which sections of the property they would consider most important for vegetation preservation and slope protection.

Jerry Fiat, the applicant, reviewed visuals of the property to help orient the Planning Commission to the site. Mr. Fiat indicated the proposed road that would traverse the hillside with a cul-de-sac at the end and six lots off the road on the uphill side with one Estate lots and two lots in either the HRL or HR-1 zone. The lots in the HR-1 zone would be approximately 10,000 square feet in size. The lot in the Estate zone would be over 3 acres in size, The remaining two lots would be over 15,000 square feet. Mr. Fiat noted that a considerable amount of land is set aside as open space or vegetated land. He is also proposing to put in bike and walking trails. Mr. Fiat indicated the area where most of the contamination occurs.

Mr. Fiat remarked that the current underlying zoning allows greater than 15 lots and he is asking for 9 lots. He noted that the contamination goes through the City-owned area and this proposal will clean up his land and the City's land.

Commissioner O'Hara asked if any of the lots have sufficient access to permit building as they exist. Planner Milliner replied that there are four fully platted and eight partially platted lots that are bisected by Sampson and King Road. At this point not one lot would be buildable under a steep slope CUP. Commissioner O'Hara deferred to recommendations from Staff on vegetation preservation and slope protection. He asked if anything was worth saving considering the environmental impacts. Planner Robinson replied that there are significant conifers in the area of the 6 smaller lots and the lots above.

Chief Building Official, Ron Ivy, remarked that one opportunity would be to pull the development towards the gravel road and off the hill to save some of the on-hill disturbance. Mr. Ivy commented on survey issues that need to be cleaned up and he sees this as an opportunity to trade land for more desirable open space on the site. Mr. Ivy stated that regardless of the development, this site will be cleaned. His company is scheduled to do the upgradient clean up next year and he felt it would be beneficial to package it all together. Mr. Ivy pointed out that the City and the applicant need to cooperate on the clean up because they cannot divide the clean up sections. He felt that it made sense to look at the entire site and find ways to put the development in a better area and save some of the vegetation. Mr. Ivy believed that the road should be in the location of the gravel road but it is only partially on the applicant's property.

Mr. Fiat reiterated his proposal to clean up his property and the City's property and that it be done now. He noted that the gravel road dates back to 1894 and it is a public road that services the Alice claim and a variety of mining claims up the road.

Chair Barth saw a tremendous amount of complexity on what is being proposed in terms of the steep slope, vegetation, access dispute, contaminated soils, etc. As presented, he believes this will be a fairly arduous process based on the Land Management Code. Chair Barth believed Mr. Ivy raised some interesting points and he requested that they be explored further.

Commissioner Erickson noted that only a portion of the site is within the Sensitive Lands Overlay Zone and he asked Planner Milliner to illustrate the 50 foot setback from the 40% slope line for the next meeting. Commissioner Erickson felt that Mr. Ivy's suggestion to look at the entire parcel is a good idea and would result in less impacts on this project. He remarked that road expansion in this location should not promote the ability to develop uphill land either off King Road or up Woodside Gulch. In summary, he did not want to see access of off King Road or additional development beyond this property. In terms of changing the intersection location, Commissioner Erickson felt they should determine how that would impact the existing residents.

Planner Milliner stated that the Staff will meet with the applicant to discuss Mr. Ivy's

comments and recommendations.

Director Putt asked if the Planning Commission would like the setback line clarified only on the Estate zones portions of the property or on both the Estate and the other HRL areas of the site. Commissioner Erickson believed it would be useful to have it on both when trying to correctly locate the lots.

EXHIBIT C

PARK CITY PLANNING COMMISSION WORK SESSION NOTES January 11, 2006

PRESENT: Michael O'Hara, Mark Sletten, Jack Thomas, Andrew Volkman, Charlie Wintzer, Diane Zimney, Patrick Putt, Ray Milliner; Eric DeHaan

WORK SESSION ITEMS

130 Sandridge Avenue - plat amendment

Planner Ray Milliner reviewed the application for a plat amendment at 130 Sandridge Avenue. The applicant owns an historic home and a detached garage on the property which encroaches onto platted Chambers Street. He noted that 130 Sandridge Avenue is platted as a portion of lots 27 and all of lots 28, 29 and 30 of Block 72 of the Park City Survey. Using a site map, he indicated a small piece of land that was forgotten when the lots were platted and the quit claim shows no ownership of that property.

Planner Milliner reported that the applicant is requesting that the City vacate the portion of platted Chamber Street where the existing house encroaches in exchange for a road and utility easement dedication through the property at existing Sandridge Avenue. The Staff has reviewed this with the applicant and they would like direction from the Planning Commission regarding that particular section of the street. He referred to Criteria #3 contained in the Staff report which addresses compensation to the City for loss of a right of way either financially; by way of open space dedication above and beyond normal subdivision requirements, trail or public access dedication above and beyond normal subdivision requirements, replacement of right-of-way dedication; or any public amenity deemed in the best interest of Park City citizens. The applicant has discussed with the applicant the possibility of exchanging this section of property for dedication of another section as a permanent right-of-way. The applicant feels that preservation of the historic structure and mitigation of the access is sufficient to meet Criteria 3. Planner Milliner requested direction from the Planning Commission on the appropriate method of transfer to meet Criteria 3.

Commissioner Volkman wanted to know the approximate square footage comparison in terms of what the Staff is proposing as dedication of the upper parcel for the lower parcel. Planner Milliner was unsure of the exact number but he felt it would be an approximate quid pro. He noted that the City would also grant a maintenance easement for as long as the garage exists.

Linda McReynolds, representing the applicant, remarked that Julie Christians has lived in this house for 35 years. Her house is sitting on City owned property but the reality is that the City probably did not own that property when the house was built. Ms. McReynolds urged the Planning Commission to be fair to a long time citizen and give her the property that her house has been sitting on for 100 years without taking away something that would mitigate the value of her home. Ms. McReynolds pointed out that the easement in front of

the house is not needed because there is no access.

Commissioner Wintzer asked if Ms. Christian is willing to put a facade easement on the house to help with preservation. Ms. McReynolds was unsure of Ms. Christian's intent but noted that the home is historic. Commissioner Wintzer wanted to know if they would encounter this same problem with the houses on the rest of the street. Ms. McReynolds stated that the Planning Commission has dealt with the houses to the north but not to the south. She believed this was the only house that actually encroaches into the street. Planner Milliner stated that the Planning Commission will eventually need to discuss issues regarding the sheds that encroach into the right-of-way.

Commissioner Volkman assumed that if they accept the dedication, there would be no potential to increase the allowable building footprint because the square footage would remain the same. Commissioner Sletten believed the footprint could be limited through a plat note.

Commissioner Wintzer assumed this request would not affect any of the neighbors. Planner Milliner stated that he has not received any comments to date, however this is only a work session item and it did not require noticing. The neighbors will be notified when it is scheduled for a public hearing.

Commissioner Volkman felt that Criteria #3 was clear about what should occur and he was reluctant to go against that precedent. Vice-Chair Thomas agreed.

Commissioner O'Hara was comfortable with either option as long as it works for everyone involved. Commissioner Wintzer agreed. He remarked that since the house has always been in that location, it made more sense to find a way to transfer that portion of land to the owner rather than argue the point. Vice-Chair Thomas agreed that this was an opportunity to clean things up.

King Development (Alice Lode) Plat Amendment

Planner Milliner reported that the applicant, Jerry Fiat, came before the Planning Commission a few months ago to discuss potential development on the Alice claim, located at the bottom of Woodside Gulch above the intersection of Ridge Avenue and King Road. The applicant is requesting a 9 lot subdivision. Access to the property would be at the horseshoe. He reviewed a site plan showing where the access was originally proposed off of the intersection at Sampson and King Road. Planner Milliner stated that due to the excessive road cuts that would be required and the visual impacts on the neighborhood, the Planning Commission had directed the applicant to consider an alternative access.

Planner Milliner reviewed the site plan showing the location of the lots. Six lots are proposed in the HR-1 zone, 2 in the HRL zone, and 1 in the Estate zone. He indicated a parking/access area that would access the City water tank. He noted that the majority of the impact is in the HR1 Section where 5 or 6 lots are proposed.

Planner Milliner stated that the Staff is primarily concerned about the significant stepping and grading that would occur and requested that the Planning Commission provide direction on these issues. Based on the Sensitive Lands Ordinance, the slopes are as steep as 40%. Another prominent issue is soils since much of the area is considered hazardous. He noted that the applicant has gone through a contamination process with both the Federal and State government.

Planner Milliner remarked that another issue is that the City owns a section of the property that was the old water facility. The water tank sits on that property, however the water line is not on City property. He stated that the applicant is willing to clean up the site at his own expense to meet government standards, including the portion of the site owned by the City.

Planner Milliner remarked that the primary issues for discussion are lot layout, density, house size, cuts, and slopes.

Jerry Fiat, the applicant, explained that they are on a tight time frame because what makes this project financially viable is an agreement with Talisker to take the contaminated soil to Richardson Flats. This project needs to commence this summer in order to work with Talisker. Mr. Fiat noted that this is a voluntary clean up program and he needs to finalize the work.

Mr. Fiat reviewed the site plan, showing the road, the access, and the proposed road cuts. He commented on the retaining walls and presented a computer generated model of the site showing clustering and open space. He noted that approximately 80% of the land would become open space. Two trails that currently run through the property would need to be improved because they are contaminated. Mr. Fiat stated that they tried to set up a layout that created the least amount of disturbance and to save as many trees as possible. A total of seven trees need to be removed and of the seven, four need to be removed due to contamination.

Planner Milliner clarified that the Staff is looking for initial reaction from the Planning Commission on the site layout and site plan, and whether or not the applicant is headed in the right direction on density, cuts, and access.

Commissioner Sletten was concerned about the ingress and egress for emergency vehicles with respect to the 90 degree right turn on to the site and as it goes up to the four

units up above. He asked about the road width at that turn. Mr. Fiat replied that the road is 16 feet at that point and 20 feet prior to that. He noted that it could be pulled to the cul-de-sac. Mr. Fiat explained that this was done as one driveway to minimize the disturbance. He noted that they looked at several different scenarios and this particular configuration was a final outcome of reviews by Ron Ivie, the City Engineer, and the Staff. Mr. Fiat expressed a preference for pulling that driveway turn to the cul-de-sac because it would reduce the wall height and result in a better design.

Commissioner Wintzer asked if the road is at 15% grade where it makes the turn. Mr. Fiat replied that the old road which ran vertically up the canyon averages out to be 14%. The driveway itself is at 15%. A flatter portion transitions between the two roads and the road levels off again at the top. There is a hammerhead turnaround for emergency vehicles where the three houses are clustered.

Commissioner Volkman referred to the Staff analysis and the comment that a significant amount of natural vegetation will be removed as a result of this development, including many of the large evergreen trees on site. He felt this was different from what the applicant has said. Commissioner Volkman expected that a landscape plan would be part of the process. He was primarily concerned with grading of the property and steepness of the access in terms of health and safety for the residents who will be living there. He was also reluctant to put more density at the top of King Road. Commissioner Volkman definitely wanted this project reviewed under the steep slope criteria and the Sensitive Lands Ordinance. Commissioner Volkman clarified that traffic from 9 additional homes is not as big an issue as additional density on King Road which is clearly one of the more dangerous streets in Park City. He requested an analysis of King Road and whether or not it is a safe street.

Mr. Fiat remarked that the vegetation comment came from the original proposal which cut Upper King Road and put six lots on a new road and removed all the trees. He noted that the current plan was specifically designed to address the issue of vegetation.

Commissioner O'Hara asked about the length of the cul-de-sac. Mr. Fiat replied that it is less than 650 feet. Commissioner Volkman wanted to know at what point a secondary access is required. City Engineer, Eric DeHaan, stated that the 650 foot length is typical. He noted that language in the Code speaks directly to public health and safety, as well as convenience issues in terms of deliveries, road repairs, etc. Mr. DeHaan remarked that he and Ron Ivie are fairly comfortable with this layout given the topo of the site, however they would anticipate more specifics if it reaches the approval process.

Commissioner Sletten asked Mr. DeHaan if the 16 foot road width is sufficient for emergency vehicles. Mr. DeHaan replied that the fire code widths are normally 20 feet, however the Fire Marshall does have some flexibility in width determination. They will

want to look at snow removal, parking, staging, fire apparatus, dry fire standpipe, staging locations, etc. These types of additional consideration can allow the City to approve a 16 foot width in limited locations, given the hammerhead turnarounds at the end. Mr. DeHaan was nervous about the road width but believed the issue could be properly resolved.

Vice-Chair Thomas asked for the slope of King Road. Mr. DeHaan replied that King Road approaches 12% at the paved part in front of Steve Elrick's house. Vice-Chair Thomas noted that the 15% slope is significantly higher. Mr. DeHaan replied that there are trade-offs. If they try to flatten it with numerous switchbacks they would create radius concerns that could be worse than the steepness. Vice-Chair Thomas asked if Mr. DeHaan was comfortable with the 15% slope. Mr. DeHaan stated that 15% is not ideal but it is acceptable given the zone densities and the topography. He commented on an annexation application for the top of King Road that the Planning Commission will see in the near future which should help them get a handle on exactly how much density King Road can handle and address the road issues. He stated that the Alice Claim project is a responsible application that addresses all the access issues and it deserves their consideration.

Commissioner O'Hara noted that the Staff report says that the property is a series of claims and metes and bounds parcels. Planner Milliner clarified that there are a number of metes and bounds parcels. Commissioner O'Hara shared Commissioner Volkman's concerns regarding grading and cuts. He felt that a lot of the issues, including traffic on King Road, has to do with the amount of density in that location. Commissioner O'Hara stated that he was still trying to get his hands around the density issue since his idea of base density is the number a developer could pull a building permit for. At the previous work session he was told there was no access to the property and the developer could not pull a building permit. He did not think that was the case. Commissioner O'Hara stated that if there is more than one large metes and bounds parcel, he believed they could pull a building permit for each parcel once they have access. He wanted a better sense of the number of parcels and how they are configured. He thought development was in the right place and he did not disagree about the steepness of the hill considering the alternatives. Commissioner O'Hara was still concerned about the traffic on King Road, safety issues, cuts, and grading and he believes it all begins with density.

Director Putt remarked that the Staff could prepare an exhibit showing existing platted conditions and existing roadways, and identify the properties that meet the necessary underlying zoning lot size requirements and have access and would not require a plat amendment in order to pull a building permit. They will provide that exhibit when they return for a subsequent public hearing, Commissioner O'Hara felt this exhibit would also be beneficial for the neighbors to see.

Vice-Chair Thomas agreed with all the Commissioner's comments. It is a sensitive site and the grading is extremely difficult. He requested more specific information regarding the existing tree locations and a more definable landscape plan.

EXHIBIT D

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 25, 2006

COMMISSIONERS IN ATTENDANCE:

Chair Michael O'Hara, Julia Pettit, Evan Russack, Jack Thomas, Mark Sletten, Charlie Wintzer

EX OFFICIO:

Patrick Putt, Planning Director; Brooks Robinson, Planner; Kirsten Whetstone, Planner; Jonathan Weidenhamer, Planner; Robin Hutcheson, Planner; Mark Harrington, City Attorney

=====
==

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair O'Hara called the meeting to order at 6:30 p.m. and noted that all Commissioners were present except Commissioner Barth who was excused.

II. PUBLIC COMMUNICATIONS

There were no comments.

III STAFF & COMMISSIONERS' COMMUNICATIONS AND DISCLOSURES

Planner Brooks Robinson reported on discussions during the training session last week regarding ex parte communication and having the Planning Commissioners email and contact information on the City web page. He noted that the email address and phone numbers have been removed with the direction that any contact from the public regarding a specific application should go through the Planning Department. Planner Robinson stated that after speaking with Commissioner Pettit, they may add additional language encouraging people to attend the public meeting and express their comments and concerns under the public input portion if the item is not scheduled on the agenda.

Commissioner Thomas disclosed that he had been involved with the MPD approval process for Snow Creek Drive, however he did not believe it would impact his ability to be objective on that matter this evening.

V. REGULAR AGENDA/PUBLIC HEARINGS

1. King Development (Alice Lode) - Plat Amendment

The applicant requested that this item be continued to a date uncertain. Since this is a significant application it will be re-noticed.

MOTION: Commissioner Sletten moved to CONTINUE this item to a date uncertain. Commissioner Thomas seconded the motion.

Commissioner Wintzer asked about the colored map contained in the Staff report. Planner Milliner replied that the map was designed to show the areas that will require soil mitigation. Blue is less than 400 parts per thousand and green and orange are very toxic. Planner Milliner stated that he had a thick packet of information available and he was willing to take the time to discuss this information with the Commissioners if they were interested.

VOTE: The motion passed unanimously.

2. 68 Prospect Street - Plat Amendment

Planner Robin Hutcheson reviewed the application for a plat amendment to consolidate three lots into two lots at 68 Prospect Street. Planner Hutcheson commented on two corrections to the Staff report. The current lot size is 25.7' x 80' and not 37.5' x 80' as indicated in the Staff report, which changes the size of each newly created lot to 38-1/2' x 80'.

Planner Hutcheson presented photographs of the three existing lots, noting that a home on one of the three lots is currently not habited. She reviewed graphics showing the proposal to change from three lots to two lots and the areas as they currently exist and what they would like look if they were combined. Ms. Hutcheson stated that although this is only a plat amendment application, the Staff was requesting that the Planning Commission conduct a public hearing due to future implications if this plat amendment is approved. The intent in the future is to construct two homes. The existing home is historically significant and the applicant would like to move this home to the uphill lot, thereby leaving the downhill lot for a future second home.

Planner Hutcheson recommended that the Planning Commission conduct a public hearing and provide input. No action is being requested this evening. Chair O'Hara opened the public hearing.

Ruth Gezelius, a resident at 51 Prospect, remarked that Prospect Street is unusual because it is steep and because they are not a standard 25' x 75' Old Town template. Of the 19 homes on the street, two historic homes sit on single lots that are 25' wide and four new homes sit on 25' lots. The remaining 13 lots are on wider parcels. Ms. Gezelius believes they would have a much more compatible plat if the three lots were combined into two lots with a 38' frontage. This would allow for much easier ingress into the parking, as well as more adequate parking on this very steep portion of the street. Ms. Gezelius felt this plat amendment would also lend itself to the more historic character of the street since nearly half the homes on Prospect Street are historic homes. This is an opportunity to restore one more historic home and have it maintained to the standard of the Historic District. Ms. Gezelius urged the Planning Commission to approve the plat amendment.

Chair O'Hara closed the public hearing.

Planner Hutcheson requested that Chair O'Hara reopen the public hearing so she could read an email she had received today as public comment.

Chair O'Hara reopened the public hearing.

Planner Hutcheson read an email from Donna and Bill Hummer, residents at 32 Prospect Street and the owners of 28 Prospect Street, who support this request for a plat amendment to consolidate Lots 8,9, and 10 of Block 18 into two equal parcels. They believe the homes built on smaller parcels would provide structures more in keeping with the historic homes in Prospect Avenue and in Old Town. Mr. and Mrs. Hummer requested that the Planning Commission consider their comments in the decision making process.

Chair O'Hara closed the public hearing.

Planner Hutcheson stated that the Staff decided to make this a no action item based on the complexity of this plat amendment with respect to what could happen in the future on Prospect Street. In addition, there has been considerable public comment to date, which was included in the Staff report, and the Staff felt it was important for the Planning Commission to have the opportunity to digest the information, discuss the application, and continue this item for action at the next meeting. The Staff was looking for direction from the Planning Commission on the points outlined in the Staff report.

Chair O'Hara favored this plat amendment in general because it is consistent with their intent to reduce density in Old Town whenever possible. Going from three buildable

lots to two buildable lots accomplishes that intent and it is compatible with the neighborhood. Chair O'Hara asked Planner Hutcheson to walk the Planning Commission through the bullet points so they could provide input on each one.

Planner Hutcheson asked the Planning Commission to keep in mind that this application is only for a plat amendment and not for any future development. She noted that the existing home sits on two lot lines and is considered a valid complying structure. Once improvements are made to the house it would no longer be a valid complying structure. The home will remain as is until a decision is made on the plat amendment. Planner Hutcheson stated that the second bullet point asks the Planning Commission to consider the footprint if this plat amendment was approved. She indicated another correction in the Staff report and changed the 1,744 square foot footprint to 1,295 square feet as the allowed footprint on each of the two lots. Planner Hutcheson noted that the third bullet point speaks to the first bullet point. If the plat amendment is approved and subsequent applications are not approved, the current home would no longer be compliant sitting across lot lines.

Chair O'Hara understood that the applicant wants to move the house. He wanted to know if approval of the plat amendment would allow the house to be moved. Planner Hutcheson replied that moving the house is a separate application process that would trigger a Historic District design review. Chair O'Hara asked if the applicant would need to record the approved plat before submitting that application. Director Putt explained that the Staff would draft a specific condition of approval to address the timing. This situation has occurred in the past and the Staff was successful in drafting appropriate language for the timing. In previous situations, the plat was recorded when the house was lifted off its current location and moved.

Commissioner Pettit clarified that as it currently stands, without the plat amendment, no improvements could be made to the historic home in terms of a new foundation or addition. Planner Hutcheson replied that an addition would not be allowed. A foundation is different because the footprint would not change. Director Putt stated that the reason this particular structure in its current configuration is a legal non-compliant structure is the fact that it crosses a property line. Improvements such as painting, a new roof, new windows, etc. would not trigger a plat amendment. Director Putt stated that anything that would involve an expansion of the square footage or the footprint would require reconciling the fact that the structure crosses a property line. Commissioner Pettit understood that as the house currently sits, any plat amendment that would allow an addition to the structure would be a combination of the three lots, and that the applicant would not be able to carve out an additional lot because the house falls across all three lots. Director Putt replied that this was correct.

Kim Marks, the applicant, clarified that the house crosses all three lot lines on one corner. Mr. Marks noted that the existing house is approximately 400 square feet and does not have a bathroom or kitchen.

Commissioner Pettit asked for clarification on the reference in the Staff report regarding the steep slope CUP process. Planner Hutcheson explained that the downhill lot may be subject to a steep slope conditional use permit if any portion of the future home would be located on that steep slope.

Commissioner Wintzer asked if the retaining wall on the uphill side of the existing house will be removed when the house is moved. Mr. Marks assumed the retaining wall would be removed because it is failing in several places. Mr. Marks stated that he was given a partial demolition permit. He saved several pieces of the house to reuse them again and he would like to save the rock and construct another wall using the same rock. Commissioner Wintzer noted that the retaining wall is a typical historic wall in Park City and he encouraged Mr. Marks to work with that in mind.

Commissioner Thomas was comfortable with the idea of using the stone in the new configuration of the wall.

Commissioner Russack echoed all the comments made by his fellow Commissioners.

MOTION: Commissioner Wintzer moved to CONTINUE this item. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

3. 553 Deer Valley Loop - Condominium Conversion

Planner Hutcheson reviewed the application for a condominium conversion for the construction of two condominiums in a duplex configuration. The Staff analysis focused more on whether a duplex is allowed in this zone. Planner Hutcheson noted that the Planning Department received an application in August, however the application was not considered complete until September 22nd. The property is a metes and bounds parcel that would become a lot of record. Planner Hutcheson noted that the total square footage is approximately 8600 square feet, divided evenly among the two units. The common area is slightly under 4,000 square feet.

Planner Hutcheson stated that the project complies with all of the requirements of the Land Management Code in the RM District. It is an allowed use and meets all setbacks, height, and parking requirements.

The Staff found good cause for this condominium conversion. The lot is currently vacant, the proposal meets all the requirements, and it is compatible with surrounding uses.

This application was discussed at an inter-departmental review and issues were raised. Each issue was addressed or included as a condition of approval.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Chair O'Hara noted that the exhibit shows that each unit has its own separate driveway and curb cuts onto Deer Valley Loop. Planner Hutcheson replied that this was correct. There is no access on Deer Valley Drive.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Mine Cart condominium plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact- 553 Deer Valley Loop

1. The property is located at 553 Deer Valley Loop Road.
2. The zoning is Residential Medium Density Development (RM).
3. A duplex is an allowed use in the RM zone.
4. The proposed lot is 7,933.82 square feet in size.
5. The maximum height of the structure is 33'. Typical height is 28'.
6. The front setback is 15', rear setback 10', and side setbacks 5'.
7. Each unit provides two parking spaces, all of which are off-street.

8. Unit A consists of 4,324.05 square feet of private space, and 439.89 square feet of limited common area.
9. Unit B consists of 4,327.30 square feet of private space, and 437.22 square feet of limited common area.
10. Shared common area consists of 3,947.52 square feet of space.

Conclusions of Law - 553 Deer Valley Loop

1. There is good cause for this Condominium Record of Survey.
2. The Condominium Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Record of Survey.
4. Approval of the Condominium Record of Survey, subject to the conditions sated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 553 Deer Valley Loop

1. The City Attorney and City Engineer will review and approve the final form and content of the Condominium Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Condominium Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All standard project conditions will apply as noted in Exhibit B.
4. A single master water meter must be supplied for both units as well as the common landscaping.
5. A trench for sewer will eliminate the existing retaining wall. Building permit plans must show the construction of a new retaining wall.

6. Covenants, Conditions, and Restrictions (CC&R's) must be amended to include a tie-breaking mechanism.
7. The applicant must consult the Building Department for building sprinkler requirements. Building Department approval of a fire sprinkler plan is required.
4. Crescent Ridge Condominiums - Amendment to Record of Survey

Planner Jonathan Weidenhamer reported that the condominium was built in the early 1970's and over the years many improvements were made that were not consistent with the State Condominium Act. In the mid to late 1990's the Legal Department advised against allowing these improvements. A number of improvements in common areas and underneath decks were filled in and privatized over the years. Planner Weidenhamer stated that this application will reconcile those existing improvements and make them consistent with the Declarations in the State Condominium Act. Planner Weidenhamer noted that this amendment to the record of survey would not trigger the need for additional parking.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council to approve this amended record of survey.

Chair O'Hara asked if this would require a plat amendment. Planner Weidenhamer replied that an amended record of survey is a plat amendment for a condominium.

Commissioner Sletten asked if the Staff had looked at all the non-complying changes that were made over the years. Planner Weidenhamer stated that a number of the older condominiums have had similar problems where the Homeowners Association has allowed a certain type of improvements. The amended condominium plat recognizes all the improvements that were made over the years and allows people who have not made those improvements to do so through a building permit with HOA approval.

Commissioner Pettit commented on a finding of fact that refers to a vote of the HOA membership. She understood that the amendment passed and she wanted to know if there were any negative votes. Planner Weidenhamer replied that the HOA submitted a ballot showing the 60 units and he recalled seeing at least 50 signatures. In 1998, when the declaration was amended, 100% approval from the HOA was required to allow this type of application. Since that time, the Condominium Act was changed by the State and now only 66% approval is required.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the Crescent Ridge Condominium record of survey amendment. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Crescent Ridge Condominium

1. Since the inception of the Crescent Ridge Condominiums in 1972, a number of unit owners have made alterations to their units by converting common areas under roof overhangs and decks into private unit space.
2. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow them.
3. At this time, the applicant proposes modifications to the existing condominium record of survey to bring into compliance existing and any future privatization of these common areas.
4. Through this amendment to the record of survey, these areas, if not already converted, can be subsequently enclosed at the discretion of the individual owner subject to HOA approval.
5. The members of the Homeowners Association received a vote of 66.66% or more for approval of the amendment. A record of the individual ballots confirming this vote has been received by the Planning Department.
6. There are 5 types of buildings and 60 individual units. The typical unit sizes range from 1283 sf to 1743 sf. The proposed additions range from 116 sf - 561 sf. The largest unit size after conversion will not exceed 1952 sf.
7. Type A Upper Units are currently 1290 sf. This proposal allows conversion of an additional 199 sf of common area to be privatized for a total of 1489. Type A Lower units are currently 1339 sf. This proposal allows conversion of an additional 561 sf of common area to be privatized for a total of 1898. Type C lower units are currently 1283 sf. This proposal allows conversion of an additional 250 sf of common area to be privatized for a total of 1533. Type D

units are currently 1185 sf. This proposal allows conversion of an additional 116 sf of common area to be privatized for a total of 1301.

8. The LMC parking requirement for multi-unit dwellings stipulates that any unit between 1,000-2,499 sf requires two parking spaces per dwelling. Adding the convertible space to each unit does not result in a unit size in excess of 2,500 sf and therefore does not trigger the need for additional parking.
9. The condominium association has submitted to the City amended CC&R's. The most recent declarations (Corrected First Supplement to Amended and Restated Condominium Declaration were recorded on June 5, 2000. These updated CC&R's describe and allow conversion of these common areas.
10. The HOA has also provided confirmation of a homeowners' vote exceeding 2/3 majority to support this application. In all cases, a certified survey can be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations. A Condition of Approval will reflect this.
11. Staff finds good cause for this record of survey amendment as it will address a number of non-complying buildings and allow them to be consistent with an updated record of survey.

Conclusions of Law - Crescent Ridge Condominiums

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval - Crescent Ridge Condominiums

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Crescent Ridge Condominiums project continue to apply.
4. In all cases where necessary in the opinion of the Planning Department, a certified survey can be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.

Commissioner Thomas took this time to acknowledge that ReNae Rezac will be leaving the Planning Department and he thanked her for twelve years of service to the Planning Commission. She will be missed.

5. 1243 Empire Avenue - Condominium Conversion

Planner Ray Milliner reviewed the application for a condominium plat for a triplex located at 1243 Empire Avenue. The building is currently under construction. The applicant has submitted an application to condominiumize the building in order to sell each unit separately. The Staff had reviewed this application and found it in compliance with the Land Managements Code requirements.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council according to the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report.

Chair O'Hara asked if there would be other actions regarding this property. Planner Milliner replied that the City Council will rake action on this plat. There is a pending lawsuit with the District Court regarding the height of the building. If the court action is successful and the building is modified, this plat would need to be amended.

Chair O'Hara opened the public hearing.

David Odell, a long time permanent resident in Park City, stated that there has been a lot of emotion surrounding this development. The request was to build a triplex, but instead, they built a single family residence and a duplex. By working around the zoning and obtaining a triplex approval, the applicant was able to get the variance off the 27 feet. Mr. Odell stated that this height impacted his view corridor and it had a greater impact on people down the hill and closer. He asked the Planning Commission to use this matter as a case study for greater attention to details in the

future. He felt they should use this case to identify future cases where people are unduly aggressive in avoiding the Planning Commission requirements and take advantage of an overworked Staff or some loophole for their own financial benefit.

Chair O'Hara closed the public hearing.

Chair O'Hara recalled that the applicant was able to pull a building permit without Planning Commission action. Director Putt explained that it fell under Chapter 1 of the Land Management Code, which is the section that addresses allowed uses. It was reviewed by Staff per that criteria and forwarded to the Building Department for issuance of a building permit.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the condominium plat at 1243 Empire Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the attached ordinance. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1243 Empire Avenue

1. The subject property is located at 1243 Empire Avenue within the Recreation Commercial (RC) zone.
2. A building permit application for a triplex structure on the property was received by the City on May 6, 2005.
3. Triplex structures are allowed uses in the RC zone.
4. The applicant is proposing a 3-unit development on a parcel 50' wide and 150' deep.
5. The entire site is approximately 7,500 square feet in size.
6. The location and design of the proposed structures is consistent with the approved administrative building permit.
7. No additional units are created by this record of survey amendment.
8. The applicant stipulates to the conditions of approval.

Conclusions of Law - 1243 Empire Avenue

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval - 1243 Empire Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions from the July 14, 2005 building permit continue to apply.
6. 1500 Snow Creek Drive - Amendment to MPD relating to signs

Planner Brooks Robinson reported that the Snow Creek Crossing master sign plan was part of the master planned development and any changes in those signs must come before the Planning Commission. The Staff proposed a condition of approval to have the tenant signs approved by the Staff under the Master Sign Plan criteria, rather than coming before the Planning Commission.

Planner Robinson noted that Dan's Foods has changed its name to the Market at Park City and the sign complies with the master sign plan for this particular building. Dan's Foods had some exceptions in letter height and the new sign for the Market meets those exceptions. Planner Robinson remarked that because the monument signs are within the Frontage Protection Zone, the Planning Commission could expect to see an

application requesting a change in the monument signs along Highways 248 and 224. The landlord is still unsure what he wants on those signs, which is why they were not included with this application.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the amendment to the Snow Creek MPD according to the findings of fact, conclusions of law, and conditions of approval as found in the Staff report.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner Pettit noted that a number of the conclusions of law were tied to findings or conclusions about the MPD amendment. She did not have the benefit of prior history on the MPD and the Staff report did not contain a bullet list to support the conclusions of law. Planner Robinson stated that different types of applications have different conclusions and with a sign plan, many of the conclusions are not applicable. Commissioner Pettit asked if those conclusions of law needed to be part of the action item in order for the Planning Commission to approve the amendment.

Mark Harrington, City Attorney, explained that it can be done one of two ways; and this is the longer way. Often times they will be incorporated by reference to the prior approval. In this case, because there have been so many property and leasehold tenants that will continue to have their own approvals, referring to prior approvals gets complicated. He agreed with Planner Robinson that some of the conclusions of law over reference the ones that the Code section requires for a complete amendment action. Mr. Harrington felt that in the future they could do a better job of detailing the applicable conclusions of law.

Commissioner Pettit asked if additional findings of fact are necessary to support the conclusions of law. Mr. Harrington referred to the analysis section in the Staff report and noted that the Planning Commission is being asked to agree on whether the proposed items meet the permitted standards. If the Planning Commission agrees, that analysis is incorporated into the findings by reference.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the Snow Creek Crossing amendment to the MPD for new signage as presented this evening, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1500 Snow Creek Drive

1. The property is located at 1500 Snow Creek Drive.
2. The zoning is Residential Development Medium (RDM) with Regional Commercial Overlay (RCO) within the Frontage Protection Overlay Zone (FPZ).
3. A Master Sign Plan was approved in June 1995 and revised in July 1996 as part of the Snow Creek Crossing master planned development.
4. The Compliance Table in the Analysis Section of this report is adopted herein.

Conclusions of Law - 1500 Snow Creek Drive

1. The MPD, as amended, complies with all the requirements of the Land Management Code.
2. The MPD, as amended, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as amended, is consistent with the Park City General Plan.
4. The MPD, as amended, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as amended, strengthens and enhances the resort character of Park City.
6. The MPD, as amended, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as amended, is compatible in use, scale, and mass with adjacent properties, and promotes neighborhood compatibility.

8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as amended, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
10. The MPD, as amended, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site.
11. The MPD, as amended, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The proposed Market at Park City sign complies with the requirements of the Master Sign Plan for Snow Creek Crossing.

Conditions of Approval - 1500 Snow Creek Drive

1. All conditions of approval of the Snow Creek Crossing Master Planned Development and Master Sign Plan shall continue to apply.
2. All future tenant signs will be reviewed at a Staff level for compliance with the Approved Master Sign Plan, as amended.
3. The monument signs on SR224 and SR248 are located within the Frontage Protection Zone and will require a Conditional Use Permit to change.
7. Land Management Code Amendments to Chapter 2 (Zoning Districts)

Planner Kirsten Whetstone stated that these amendments are the final sections of Chapter 2, with the exception of ROS and SLO. This item is a request to amend the Land Management Code to address the re-organization of the Community Development Department; to replace the Historic District Commission references with the Historic Preservation Board; to make revisions to comport with the revisions to the State Code; and to address specific substantive issues that have been raised in the last year.

Planner Whetstone referred to Chapter 2.11, Single Family Zone; Chapter 2.12, Residential Zone; and Chapter 2.13, Residential Development Medium Density; and noted that language was included to allow the Planning Director to determine lot widths for unusual lot configurations. Language was also added to allow an area of the driveway to extend into a side yard for purposes of backing out. Planner Whetstone stated that this would allow someone to come out of a garage into an area that is not big enough for parking but could be used to turn a vehicle around.

Commissioner Sletten referred to language regarding the Planning Director's determination and asked if he determines compliance of the given lot width or the measurement of the lot width. Planner Whetstone replied that it is the measurement of the lot width.

Planner Whetstone noted that the HR 1 language regarding the maximum footprint was added to Chapter 2.15, Residential Medium Density; and Chapter 2.16 Recreation Commercial. She referred to the North Star Subdivision exception, for maximum footprint and stated that the RC zone has always referenced the HR1 District for the Old Town lots located in the RC District. This amendment makes the RC zone consistent with the HR-1 zone for single family and duplex lots. Language was also added to these sections to allow the Planning Director to determine the lot widths.

Planner Whetstone noted that there were no substantive changes to Chapter 2.17, Regional Commercial Overlay; Chapter 2.18, General Commercial; Chapter 2.19, Light Industrial. In Chapter 2.20, the Frontage Protection Zone; language was added to allow sidewalks and trails within the setback areas. There were no substantive changes to Chapter 2.22, Public Use Transition.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council on the amendments as outlined in the Staff report.

Chair O'Hara understood that sidewalks and trails are an allowed use in the Frontage Protection Zone. Planner Whetstone replied that this was correct. Chair O'Hara asked if there is any restriction on the width of the sidewalk or trail. Planner Whetstone did not believe there were restrictions. She noted that trails are a conditional use permit, however this amendment would allow them to occur within a setback area. Director Putt clarified that technically a sidewalk can be considered a structure under the Land Management Code because it meets the definition of a structure as an impervious improvement on the ground. The Staff wanted to make sure that these types of amenities could be built within the front yard setbacks of the Frontage Protection Zone.

Chair O'Hara clarified that a 10 or 12 foot wide asphalt trail could be allowed. Director Putt replied that it possibly could, however it would first go through a master planned development process or a conditional use permit. The trail would be reviewed and action would be taken by the Planning Commission. Chair O'Hara stated that he wanted to make sure the trail was not an allowed use that could be constructed by pulling a building permit.

Commissioner Wintzer noted that the zoning map did not reference a date and it was hard to tell which is the most current map. Planner Robinson noted that the date was printed very small in the bottom right hand corner. The Staff will make sure the date is easier to read.

Commissioner Russack wanted to know when the Planning Commission could expect to receive their large maps. Planner Robinson stated that the maps are not printing out well but he is still trying to get them. Commissioner Russack suggested that they email a copy that he can access. Planner Robinson noted that a map is posted on the City website and that map was updated today.

Commissioner Russack asked for further clarification on allowing an area of the driveway to extend into the side yard setback. Director Putt stated that over the course of the last year, they have run into a plague of circumstances where a driveway turn around apron was constructed after the original home was built and when the owner realized how busy the street was to back out on. A number of them resulted in a rash of complaints that were filed with the Building Department either by HOA's or other private homeowners. In some situations, they are back up turnaround aprons and in other situations it is additional parking area for additional cars or an RV. In discussions with the Building Department and with Michele, who does Code Enforcement, they determined that there was a need to consider these and to attach reasonable standards so they do not become large paved areas for uses other than turning around. The Staff brought this to the Planning Commission in written form to hear their comments and comments from the public.

Planner Whetstone remarked that the current language in the side yard exceptions says "driveways leading to an approved garage or parking area are allowed as an exception in the setback." She noted that they are allowed to go to three feet on the property line as long as that setback area is landscaped." Planner Whetstone clarified that they are talking about adding language that says, "A paved turn out area to aid in backing a vehicle out of a garage or parking area is allowed but may not be used for parking and must maintain a one foot landscaped setback from the side lot line." She explained that the zones this is proposed for have varying setback exceptions for driveways. Planner Whetstone remarked that the impetus is to address some of the

issues and still require a landscaped setback. She noted that dimensions are not specified, however the Planning Staff will review every building permit.

Commissioner Thomas did not think the distance was significant and he felt it allowed for more flexibility and public safety in terms of ingress and egress. He trusted the Staff to make sure that the plan addresses landscaping in front of the turnaround.

Commissioner Wintzer asked that the Staff to consider snow removal in their reviews and the issue of pushing snow on to another property.

Commissioner Pettit asked if the language, "may not be used for parking" addresses the parking of vehicles or whether Rvs and boats are allowed. Planner Whetstone replied that all parking is prohibited. Director Putt stated that they could specify "automobiles or other boats and other recreational vehicles." Mr. Harrington noted that the parking section would incorporate those definitions.

Planner Whetstone clarified that the driveway extension would be allowed in the SF, R1, RDM, and RD zones.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council regarding the amendments to the Land Management Code for Chapters 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20 and 2.22. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:35 p.m.

Approved by Planning Commission_____

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
August 27, 2008**

PRESENT: Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Charlie Wintzer, Brooks Robinson, Katie Cattan, Jeff Davis, Polly Samuels McLean

WORK SESSION ITEMS

Alice Claim - Update

The Planning Commission visited the Alice Claim site prior to the work session.

Planner Robinson announced that the Planning Commission, the Staff and others who went up to the Alice Claim saw a substantial amount of remediation work going on at the intersection of King Road and Ridge Avenue. Regulated materials are being removed under the Utah Department of Environmental Quality permit. He noted that the City is also keeping an eye on the process.

Planner Robinson stated that the intent this evening was to update the Planning Commission on the subdivision application for the Alice Claim. The applicant is still working out access issues and when those are resolved this application will come before the Planning Commission.

Gregg Brown with HM Design, provided a brief overview of the project. He reviewed a power point presentation showing an aerial photo of the site and pictures of the existing house and the stream running through the site. Another slide from further up on the site showed what the tailing piles used to look like. Mr. Brown pointed out that a lot of the pollution area went up on to the site and on to the slope, and that relates to the remediation they saw today. Mr. Brown commented on the watering that has been going on to keep the dust down. He presented another slide working up the stream channel heading south. Top soil was brought in and will be spread once the contaminates are removed. Mr. Brown reviewed a color coded map showing the contamination levels. Purple and red were the higher contamination levels, followed by orange and blue. The blue areas were high enough contamination levels to require some remediation.

Mr. Brown outlined the public benefits from this project which include the removal of mine tailings, closure of the mine shaft, significant improvement of air and water quality. It also avoids having the site listed on the surplus data base.

Mr. Brown remarked that trails will be improved and those improvements would benefit the public. Tomorrow they are meeting with a designer for the stream channel to discuss the possibility of putting a trail along the stream once the stream is reconstructed.

Mr. Brown reviewed the proposed site plan, which he called Alternate A. They are proposing nine units total; eight units in the HR-1 zone and one in the Estate zone. He indicated the proposed open space, which is approximately 27% of the site. Mr. Brown commented on the primary design goals for this project. The home sites have been positioned to save the large evergreen trees. The homes were moved down into the valley in response to a request from earlier Planning Commission meetings. Mr. Brown stated that the placement of the homes not only improves the visual impacts, it also locates the home sites closer to the remediation areas. The site has been design to allow some of the homes to step up the slope so there would be less impact on the land.

Mr. Brown stated that the access point is from the existing right-of-way for King Road. They plan to

extend the access from that right-of-way and curve into the existing King Road. That road will be privately-maintained and is designed to City standards. Two bike trails and access to the water tank will be maintained. Mr. Brown indicated the roadway section that would be built to City standards. It is 20 feet of pavement with 5 foot shoulders. Retaining walls will be put in where needed to minimize site disturbance. Mr. Brown reviewed the house sections and noted that the intent is to stagger the house so it steps back into the hillside. They also plan to step the foundation of the house. Rather than large multi-story cuts into the hillside, the foundation will be staggered to minimize the cut requirements on the steeper slopes.

Mr. Brown presented Alternate Plan B. This alternative would reduce the road gradient. Existing King Road has a gradient of approximately 14% and they looked at options with 10% road gradients. Mr. Brown requested input from the Planning Commission on Option B. He noted that the applicants prefer Option A because it creates less disturbance and provides a turnaround at the top.

Commissioner Murphy asked for the Code maximum. Planner Robinson stated that a private road is 14% but they usually prefer keeping it at a 10% range.

Mr. Brown recalled from the last meeting that the applicant was asked to look at photo simulations. He looked at three different areas within the City and found that the site cannot be seen from the Main Street area. Moving towards some of the town parking lots and up on the hillside, there is some view of the project.

Assistant City Attorney, Polly Samuels McLean, noted that the intent of this work session discussion was to update the Planning Commission on specific site issues and soils remediation. She suggested that they concentrate on those issues this evening. Chair Thomas agreed that until the Planning Commission has a full packet with all the issues, they are not in a position to provide feedback on the two options presented.

Mr. Brown stated that he would discontinue his presentation and answer questions from the Planning Commission regarding the remediation project.

Commissioner Wintzer asked Mr. Brown to go back to the slide that showed the remediation and the overlay of the site. Chair Thomas wanted to know what the cut was for and which areas above the road are being cleaned up.

Kathy, with AMEC, indicated the road cut and stated that they would be working with a construction contractor on what areas would be accessible. Commissioner Wintzer clarified that the areas they are talking about cleaning up are the areas they plan for construction. Kathy explained that the State has designated the clean up levels and anything above 2100 have to be mitigated in some way. These concentrations are below 2100 and there are different ways to mitigate. The best way is to remove it and that is why they are cleaning up the areas they can rebuild.

Commissioner Wintzer referred to the color coded map and asked if everything in blue needs to be removed. Kathy replied that it would depend on the land use. Chair Thomas clarified that if a piece of land is proposed to be developed, the contaminants would need to be removed. Commissioner Wintzer clarified that they cut the road in and will clean up the areas on the road. He

noted that the road was made on the assumption that the road could be cut, yet the Planning Commission has never seen that road, discussed it, or approved it. He pointed out that if the plan is not approved, there is no point in scarring the mountain.

Commissioner Russack felt the applicant was a bit presumptuous because there was no road there before. In talking about accessibility, they are looking for an easy access for remediation as the number one criteria and the level. Therefore, they put the road in to create easy access.

Kathy replied that the road was not just for easy access. They had to balance not taking out too much of the hillside with the areas that need to be cleaned up. In order to clean up those areas, they had to create an access.

Commissioner Wintzer felt the applicant assumed the road was going to be cut in that location, yet they pointed to a couple of other areas they could get to without putting in the road. He was unsure why the road was put in at this time. Commissioner Wintzer indicated areas that were accessible without cutting in a road.

Kathy remarked that they worked with the State and determined the land use. For the State to give a certificate of completion to this area, it must be determined to be safe and meet human health and environment safety. Commissioner Wintzer pointed out that the applicant does not know what the land use is on the areas where they cut the road or on any of the site. They just assumed the land use is where the road is and that is not necessarily accurate. Chair Thomas clarified that the Planning Commission does not like to see road cuts or assumptions that a road cut would be allowed. Commissioner Russack felt this was especially true given the contamination levels. He noted that the applicant was asked during the site visit if they intended to go to the outer reaches. The response was no because the contamination level was so low and homes would not be built there.

Chair Thomas clarified that the Planning Commission did not want the applicant to move forward based on the assumption that a road could be cut before a long term plan is approved.

Mr. Brown explained that the intention was not to cut a road. The intention was to gain access to an effectively clean site. With the exception of one area that they were specifically asked not to disturb, the intention was to get to every possible location in the most efficient manner. He commented on a number of cases where they had to cut to get in equipment and trucks to haul massive quantities of soil. Mr. Brown noted that everything on site was staked because they have to be concerned about disturbance, movement of materials, compaction, road grade and other issues. He clarified that the intention is not to cut any roads at this time. The sole intention is to clean up every site.

He stated that as long as it was under 2100, they had the option to leave it or remove it.

Kathy further clarified that if it was over 2100 they either had to cap it, restrict access, or remove it. Those were the three mitigation plans that were proposed. In conversations with the State they had proposed fencing off a specific area to restrict access believing it better served the water supply to mitigate the disturbance by capping rather than removing. Chair Thomas agreed with that decision.

Kathy stated that the clean up and mitigation plan has been worked through with Ron Ivie and Jeff Schoenbacher, as well as through the State. The assumption was made that if you plan to clean up the area, you have to have a way to get there.

Commissioner Russack felt they also made the assumption that they would be able to build there, even though the land use has not yet been defined. He did not want to discredit their generosity to remove more contaminated soil than required, but that does not change the fact that they are going in a direction that has not been approved. Commissioner Russack did not believe that was appropriate.

Chair Thomas summarized that the Planning Commission preferred that no more grading or grubbing occur until they know if it would have a purpose in an approved plan. Chair Thomas agreed with Commission Russack that the applicants have benefitted the community in their efforts to clean up the site.

Kathy stated that she would discuss their direction with Jeff Schoenbacher and Ron Ivie, since the City is a joint applicant on the remediation project.

Silver Lake Drive, Lot 2B of North Silver Lake Subdivision, North Silver Lake Lodges - Conditions Use Permit

Due to a conflict of interest, Chair Thomas recused himself from this item.

Vice-Chair Russack assumed the Chair.

Doug Clyde, representing the applicant, reported that a field trip to the site is scheduled for September 10th. The intent is to have the Planning Commission visit the site to better understand the planning parameters on the ground. After that site visit, they will discuss how the plan may evolve going forward. Mr. Clyde requested 30 or 40 minutes on site to accomplish there intent.

Planner Cattan noted that the site visit was scheduled at 5:00 p.m. on September 10th. However, a request was made to start at 4:45 p.m. to give ample time on the site and return for the work session at 5:30 p.m.

Commissioner Russack stated that he would not be able to attend the September 10th meeting. Commissioner Wintzer was unsure at that point if he would be able to attend. Commissioner Pettit stated that she would be able to meet at 4:30 or 4:45.

Mr. Clyde stated that the applicants would prepare a presentation for the September 24th meeting. He felt it was better to schedule their time during the work session on September 24th.

Training

Due to time constraints, Assistant Attorney McLean recommended that they reschedule the training for this evening to a work session in September. She will work with Staff on scheduling.

Jeff Schoenbacher

From: Jeff Schoenbacher
Sent: Monday, September 08, 2008 2:45 PM
To: Thomas Eddington
Cc: Tom Daley; Tom Bakaly; Ron Ivie; Mark Harrington
Subject: Alice Lode Managers Report
Attachments: VoiceMessage

Hello Thomas:

The following is for the Alice Lode Managers report that Tom has requested from us both. I guess I will hand it off to you for entry into the Managers Report Format. If you have any questions feel free to contact me.

Thanks,
Jeff

During 2003 United States Environmental Protection Agency (USEPA) granted Park City Municipal Corporation (PCMC) and Frank Dotson a Brownfield Grant to assist in assessing a long running mine impacted property known as the Alice Lode Mining Claim located in Park City, Utah. The City chose the Brownfield designation recognizing that this provided Park City and the owners with regulatory flexibility compared to strict adherence to CERCLA/Superfund regulations.

At that time the Alice Lode Mining Claim comprised of 10.17 acres with 8.63 acres owned by Frank Dotson and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated around 1920 to 1935. In April of 1976 residence of King Road discovered the portal of the mine as documented in the Park Record article titled "Nature Reveals Hidden Mine" (April 29th, 1976). Before that time the tunnel was hidden from the public as an unmarked mine shaft. The shaft extended approximately 300' from the portal and then dropped at an angle another 250'. According to Sid Smith (Empire Canyon Miner) the tunnel was closed after the turn of the century.

The results of the assessment revealed the area as being grossly impacted with heavy metals that exceeded USEPA Health Based Risk Standards for industrial and residential. In addition, the site was situated within the Silver Creek Watershed that has been deemed impaired by heavy metals and has a formal approved TMDL approved by USEPA. Lastly, Woodside Gulch is considered Waters of the State, which contributed to the impacted of the Silver Creek Watershed. Upon discovery of the contamination the Building Department submitted in 2004 and 2005 Brownfield Clean-up Grant applications for consideration in funding the remediation of the Alice Lode. Additionally, the Building Department recommended to the Open Space Committee that the property be designated and purchased as Open Space. However, the Brownfield Clean-up Grant program is highly competitive and the City was unsuccessful in gaining funds as well as the Open Space not having an interest in the property.

King Development Group LLC has since procured the property and the City required that the owner enter the Utah Department of Environmental Quality (UDEQ) Voluntary Clean-up Program in order to mitigate the property. In August 3rd of 2006 King Development Group LLC submitted a work-plan to UDEQ which was approved and the City and King Development Group entered into the Voluntary Clean-up Program to remediate both city property and private. To date the following has occurred:

- Approximately 6,500 cubic yards of impacted regulated material has been removed and consolidated at the repository at Richardson Flats.
- The majority of Woodside Gulch has restored and rip-rap installed to further define the stream bed.

- Americon, Inc. has provided laborers with 40 hour Hazwoper training for removal of soil around trees.
- The open mine shaft hazard has been filled with appropriate soil and is no longer a risk to the general public.
- Dust is controlled through suppression with water and monitored by two particulate air monitors. The generation of dust is minimal and below the EPA particulate levels for air.
- There have been no accidents or injuries on Site.
- At this time there have been no complaints from neighbors.

Photos of the remediation can be viewed:

<ftp://ftp2.na.amec.com/>

Username **alicephotos**

Password **5814000223**

From: Tom Bakaly

Sent: Monday, September 08, 2008 8:24 AM

To: Jeff Schoenbacher

Subject: Message from Tom Bakaly

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 10, 2008

COMMISSIONERS IN ATTENDANCE:

Chair Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Adam Strachan, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson; Principle Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney; Matt Cassel, City Engineer

=====

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 6:40 p.m. and noted that all Commissioners were present except Commissioner Russack who was excused.

II. ADOPTION OF MINUTES

MOTION: Commissioner Murphy moved to APPROVE the minutes of August 27, 2008 as written. Commissioner Peed seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan abstained as he had not attended that meeting.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planner Director, Thomas Eddington, reported that the Staff has had past discussions with the Planning Commission regarding the Historic District Guidelines and associated LMC amendments. He noted that the HPB had recommended the guidelines to the City Council pursuant to the LMC amendments at their last meeting. The Planning Commission will have the opportunity to review those guidelines at the work session on September 24th.

Director Eddington announced that the Utah Chapter of the American Planning Association is holding their annual conference on November 6th and 7th. The topic is making great communities happen. Director Eddington invited any of the Planning Commissioner's who were interested in attending. He would email the agenda to the Commissioner's. Some Staff members would also be in attendance.

Director Eddington provided an update on the Alice Claim site. Pursuant to the last meeting

when the Planning Commission visited the site and heard from King Development LLC, Director Eddington clarified that this project is part of a voluntary clean up plan with the Utah Department of Environmental Quality. He recalled discussion at the last meeting regarding areas of grubbing and clearance related to the clean up on site and he wanted the Planning Commission to understand that King Development has entered into this voluntary cleanup plan at the City's request with the UDEQ and all the areas being grubbed in an effort to further the cleanup. He recalled a question at the last meeting regarding one particular location of the site that appeared to be unnecessarily cleared. Director Eddington understood that particular clearance was necessary to reach the back side of the mine shaft for cleanup and abatement on the back side. Director Eddington stated that the plan submitted and agreed upon with UDEQ is not unlike the plan that was done at Empire Pass for Pods A and B. It is important for the City to get the land remediated and cleaned to residential standards given that the area is zoned for residential development. Director Eddington clarified that the intent does not suggest that this environmental mitigation would justify any site plan. He remarked that pursuant to discussions with Ron Ivie and Jeff Schoenbacher, the current plan is in accordance with the voluntary cleanup plan. Director Eddington distributed copies of an email from Jeff Schoenbacher that outlined the history and the process of how they reached this point.

Chair Thomas asked if the cleared area that had stakes on each side as you come down the canyon is actually the access to one of the cleanup sites. Director Eddington replied that this was correct. He understood that the access follows the best line of the slope to get to the back side of the mine to clean areas around the mine that were greater than the 2100 parts per million. He stated that the entire area is zoned HR-1 and Estate Zoning and needs to be clean to approximately 400 parts per million before residential development could occur.

Chair Thomas summarized that at the last meeting the Planning Commission made the assumption that there was no necessary cleanup at the end of that grubbed out areas. He understood from Director Eddington that this was an incorrect assumption and there are specific areas that need to be cleaned. Director Eddington replied that Ron Ivie and Jeff Schoenbacher have analyzed that plan and it is a necessary area for cleanup in coordination with the voluntary cleanup plan that has been negotiated. If they did not follow the current negotiated voluntary clean up plan that King Development LLC has with UDEQ, the City would be subject to negotiating a new cleanup plan on their own and they would prefer not to do that.

Chair Thomas clarified that there would be no grading and no engineering as part of the cleanup. Director Eddington replied that this was correct. However, he recommended that King Development, LLC bring their conceptual plans to the Planning Commission as information on what might be proposed.

Joe Tesch, representing King Development, LLC felt the questions and concerns raised that the last meeting indicated an apparent mis-communication. King Development is trying to clean up the area and the Planning Commission is trying to take care of the mountainside. Ms. Tesch thought it would be helpful in the future to have a representative from the Planning Commission when these types of decisions are made. This would help address the issues and concerns of the Planning Commission at the beginning of the process.

Commissioner Wintzer thought the process was backwards. If the Staff had presented the cleanup plan to the Planning Commission, they could have asked their questions before the work began. The Planning Commission raised these concerns when they visited the site and saw the amount of disturbance.

Commissioner Pettit had concerns with the suggestion for a Planning Commission liaison. She understood that there has been a distinct separation between the cleanup plan that was negotiated with the State and a development plan that still needs to come before the Planning Commission. She felt it was important for the public to understand that there are not promises attached to this cleanup process. Commissioner Pettit worried that the City would be sending a mixed message by sending a liaison to provide input. Mr. Tesch understood her concern. The Commissioners concurred with Commissioner Pettit that a liaison from the Planning Commission was not appropriate.

Commissioner Wintzer requested updates from the Staff to keep the Planning Commission aware of the amount of disturbance they can expect and to give them an opportunity at that point to make comments.

Chair Thomas expressed appreciation for the clean up King Development, LLC was doing because it is a major contribution to the community.

Commissioner Murphy disclosed that he is the applicant of record for 1825 Three Kings Drive, Silver Star conditional use permit and he would be recusing himself from that discussion. Commissioner Murphy stated that he disclosed his involvement on this CUP project during the candidate interviews with the City Council last fall.

Commissioner Strachan disclosed that he would be recusing himself from the 426 Woodside Avenue matter.

Commissioner Peek disclosed that he would be recusing himself from the 429 Woodside Avenue steep slope CUP item.

Commissioner Wintzer recommended that 1825 Three Kings Drive be moved to the last item on the agenda so Commissioner Murphy would not have to come back after being recused. The Planning Commission concurred.

V. CONSENT AGENDA

1. Empire Pass - Amended Construction Mitigation Plan
2. 426 Woodside Avenue - Steep Slope Conditional Use Permit

MOTION: Commissioner Wintzer made a motion to move 426 Woodside Avenue from the Consent Agenda to the Regular Agenda for discussion. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Murphy made a motion to move the Empire Pass Amended CMP from the Consent Agenda to the Regular Agenda for discussion and clarification.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. Empire Pass - Amended Construction Mitigation Plan

Michelle Downard with the Park City Building Department in Code Enforcement reviewed the request to amend the construction mitigation plan for the Flagstaff and Empire Pass MPD. The construction mitigation plan was originally approved in 2001. Ms. Downard outlined five bullet points the applicants are requesting to amend.

On page 1 was an amendment to the number of dwelling versus residential units. This change was previously made and approved; however the construction mitigation plan approved in 2001 is currently in conflict with recent approvals of the development. The proposed amendment would make the construction mitigation plan more consistent with the new approvals.

The second amendment was on Page 7 and relates to the capacity of the water tank that is going to be provided for new development. The requirement for the original tank was 500,000 gallons and that has been increased to 1,000,000 gallons to provide increased capacity to the development.

The third amendment was on page 11, which would be to eliminate the requirement for a checkpoint station on Marsac Avenue. Ms. Downard explained that the checkpoint station conflicted between the City's requirement and what UDOT allowed on a State Highway. UDOT was not in favor of allowing a third party to limit access and to have a guard shack on the State Highway.

The fourth amendment was to allow the Chief Building Official and the Chief of Police the discretion to allow over size vehicles to exit the development area via Marsac Avenue, in addition to allowing vehicles exit the development area if weather conditions do not accommodate the vehicles exiting down Royal Street.

The fifth amendment on Page 13 is to allow the excavated materials to leave the development area, which was prohibited in the original construction mitigation plan. Ms. Downard explained that Bonanza Flats in Wasatch County can be accessed via Upper Guardsman Road and that is where excavated material will be disposed if it cannot be accommodated on site.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Murphy referred to the amendment on Page 13 and the Bonanza Flats fill site. Given the sensitive nature Wasatch County expressed when this plan was first approved regarding their jurisdiction, Commissioner Murphy was hesitant to approve this change without knowing that Wasatch County is comfortable with the plan to use Bonanza Flats.

David Smith, representing the applicant, stated that they have already has gone through the permitting process with Wasatch County and letters were submitted to the City indicating their consent. Ms. Downard remarked that the City had verified this with the County.

Commissioner Strachan asked about the route to Bonanza Flats. Doug Clyde, representing the applicant, explained that it will go up either the State Highway or the private road leading up to Red Cloud.

With respect to the change on Page 1, Commissioner Strachan asked if that would be a net increase in density. Mr. Clyde replied that it is the density increase that was recently approved in the MPD modification. Mr. Smith stated that it actually conforms to the density that was increased in the March 2007 Amended and Restated Development Agreement. Commissioner Strachan understood that Ron Ivie will have the discretion to route trucks down Marsac and asked if the preferred route would still be down Royal. Mr. Clyde replied that this was correct. Commissioner Wintzer wanted to know what they anticipate taking down Marsac. Mr. Clyde explained that Ron Ivie had concerns about long trucks having to clip the corners on Royal Street. At times Ron Ivie has also been concerned about the safety of going down Royal Street and he wanted that discretion for unusual loads. Mr. Clyde clarified that they would not be hauling material down Royal Street.

Commissioner Pettit referred to the change on page 11 regarding the checkpoint and the language in the Staff report that UDOT was not in favor of the checkpoint. She asked if it was prohibited by UDOT or they just preferred not to have one. Ms. Downard replied that it was prohibited by UDOT. Commissioner Pettit understood that the purpose of the checkpoint was to be sure that traffic would be mitigated as promised to the residents on Marsac. Unless it was actually prohibited, she could not support taking away the check and balance system.

Planner Robinson stated that when they did the regulated soil hauling from the Montage to Richardson Flats, the City set up their own checkpoint on site and not within the UDOT right-of-way. The opportunity still exists to have the checkpoint at the edge of the job site. Planner Robinson stated that for large projects the City always has the ability to do that in the construction mitigation plan for each building.

MOTION: Commissioner Murphy made a motion to APPROVE the amendment to the Flagstaff Construction Mitigation Plan as outlined in the Staff report. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

2. 426 Woodside Avenue - Steep Slope Conditional Use Permit

Due to a conflict of interest, Commissioner Strachan recused himself from this item.

Planner Kirsten Whetstone reviewed the request for a steep slope conditional use permit for a vacant lot at 426 Woodside Avenue. The applicant is the own Lots 24 and 25 of Block 4 of the Park City Survey. The lot is 50 feet wide and 75 feet deep and 3750 square feet, which would allow a duplex as a conditional use permit. She clarified that the applicant was proposing a single family home and not a duplex.

Planner Whetstone stated that the plat amendment to combine these two lots was approved by the City Council on July 17, 2008. That plat has not yet been recorded. Planner Whetstone remarked that a Snyderville Basin Water Reclamation District sewer easement runs across the rear 25 feet of this property. This sewer line currently serves a few residences on Woodside Avenue. The Water Reclamation District hopes to be able to vacate the entire line in the near future. The applicant has worked diligently with the Snyderville Basin Water Reclamation District to resolve the easement through their design. Planner Whetstone stated that the Water Reclamation District does not want to give final approval for an encroachment agreement until they know what plan is being proposed. She noted that the Staff report contained a letter from the District outlining the conditions of the encroachment agreement.

Planner Whetstone reported that on July 9, 2008 the Planning Commission reviewed this application and held a public hearing. At that time they expressed concerns with the east elevation and requested revisions and additional visual analysis, as well as a perspective model. The item was continued to this meeting. Planner Whetstone stated that since that July meeting, the applicants submitted five iterations of the design and worked with the Staff to reduce the footprint on the lot from the maximum to 1419 square feet. Planner Whetstone indicated a second letter in the Staff report from the applicant's designer outlining the modifications to the plan. Planner Whetstone reviewed slides showing the site plan, a photo montage of the surrounding properties, and the proposed streetscape.

Commissioner Murphy understood that the height exception was being requested for the front gable. Planner Whetstone replied that it was for the gable and for the peek of the long roof that runs the other direction.

Kevin King, representing the applicant, stated that the front of the gable is at 27 feet. It does not actually break the height limit until the elevation drops down on the side. Planner Whetstone reviewed slides of the rear, north and south elevations and indicated where the plan was revised to break up the massing. Planner Whetstone also presented perspectives from the front and the rear.

The Staff had reviewed this conditional use permit against the nine criteria contained in Section 15-2.2-6 of the Land Management Code for development on a steep slope greater than 30%, as well as a tenth criteria relating to the height exception. The Staff found that the proposed

revised plan complies with these criteria and complies with the criteria for a height exception. The Staff recommended that the Planning Commission consider approving this steep slope CUP.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Pettit felt the biggest issue was the reason for the height exception. She needed to be convinced that the height exception would not add additional living space and that it meets all the criteria to grant the exception.

Planner Whetstone reviewed an exhibit showing how the slope drops off dramatically. Even using an interpolated grade, it measured over 27 feet in that location. Planner Whetstone thought there could be additional use with the roof pitch allowed by the height exception; however, she believed it would be less usable than it would be with a shallower pitch.

Mr. King stated that the plane height is already 7' feet in the back and 8' in the front on that side elevation. He noted that the height was more for aesthetics to give more character to the design.

Commissioner Pettit stated that the current design was a marked improvement.

Commissioner Thomas thought the 10:12 roof pitch is essential and has a commonality with adjacent buildings in the neighborhood. He argued that the facade itself was very close to the maximum height. The excess height is experienced on the downhill side and minimally visible from any location.

Commissioner Peek asked if a shoring plan could be designed in the proximity of the fir tree to properly support it. Joe Butterfield, representing the applicant, replied that shoring is not a problem because they only need to go six feet lower than what already exists to get the bottom of the footer. Mr. Butterfield clarified that the tree would remain and there are no plans to touch the tree at all. When they pulled out the old foundation they did not experience any roots or any other problems. He reiterated that they do not anticipate any problems with shoring or saving the tree.

Commissioner Murphy asked if this application is being reviewed by the Historic District Preservation Board. Planner Whetstone replied that all historic homes in the HR-2 are reviewed per the design guidelines. That review is done at the Staff level and not by the HPB.

MOTION: Commissioner Wintzer moved to APPROVE the steep slope conditional use permit for 426 Woodside Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan was recused.

Findings of Fact - 426 Woodside Avenue

1. The property known as 426 Woodside Avenue is located in the Historic Residential (HR-1) zoning district.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The property consists of Lots 24 and 25, Block 4 of the Park City Survey.
4. The lots are under common ownership and the applicant has submitted a request for a plat amendment to combine the two lots into one 3,750 sf lot of record that when recorded will be Lot 1 of the 426 Woodside Avenue Subdivision.
5. There is an existing 25' wide sewer easement on the rear of the lot. The applicants are pursuing a written agreement with SBWRD to allow the rear decks and deck posts to encroach on the easement and have presented a preliminary letter from SBWRD outlining conditions of an encroachment agreement.
6. The minimum lot size for a single family dwelling in the HR-1 District is 1,875 sf.
7. The minimum lot front and rear yard setbacks for a lot of this size are 10 feet. The applicant proposes a 10' front yard setback and a 25' rear setback for the house and a 15' setback to the rear decks.
8. The minimum side yard setback is 5 feet. The applicant proposes 5 foot side yard setbacks.
9. The minimum number of on-site parking spaces required for a new single-family home in the HR-1 zone is two. The applicant proposes 2 parking spaces, one within the garage and one on the driveway.
10. The proposed building footprint is 1,419 square feet and the maximum footprint for the lot size is 1,519 square feet.
11. The property is located within the HR-1 zone. Therefore, all construction must meet the criteria in the Historic District Design Guidelines, per LMC Section 15-2.16-7(B).
12. The proposed dwelling square footage is greater than 1,000 square feet, and the lot slope is greater than 30%, therefore a Conditional Use Permit Application for review by the Planning commission, is required pursuant to LMC Section 15-2.2-6.
13. A mix of single-family homes, multi-family homes, and a smaller historic homes characterizes the Historic Residential zone.

14. There was a non-conforming, non-historic house on the property that contained 4 dwelling units with separate entrances. The house was recently demolished.
15. Access to the property is from Woodside Avenue.
16. The maximum height limit in the HR-1 zone for a single-family home is 27 feet above existing grade, unless the Planning Commission grants additional height during the Steep Slope CUP approval.
17. The applicant is requesting a height exception to allow a portion of the main roof ridge to extend up to 34.5 feet above existing grade at the steepest portion of the lot. The proposed roof form and 10:12 roof pitches are consistent with the Historic Design Guidelines. The height exception includes an exception to the 27' perimeter height.
18. The project is located off of Woodside Avenue, a steep and narrow road with a limited construction staging area.
19. The applicant stipulates to the conditions of approval.
20. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law - 426 Woodside Avenue

1. The application, as conditioned, complies with all requirements of Section 15-2.2-6(B) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any differences in use and scale have been mitigated through careful planning.
5. The height exception is granted for a maximum elevation of 34' 6" over existing grade for portions of the roof ridgeline and on the side elevations at the same point, as shown on the plans dated August 25, 2008.

Conditions of Approval - 426 Woodside Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan. (CMP).

3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A landscape plan is required with the building permit. A portion of the existing paving, not used as driveway parking shall be converted into landscaped area.
5. No building permits shall be issued over this project unless and until the design of the house is reviewed and approved by the Planning Department Staff for compliance with the Historic District Design Guidelines.
6. No permits shall be issued unless an encroachment agreement is fully executed and recorded between SBWRD and the property owner, or until the sewer easement is relocated or vacated. Proof of recordation of the agreement shall be submitted to the City with the building permit application.
7. Building plans will not be approved until the pending plat has been recorded at the County.
8. This approval will expire on September 10, 2009, if an application for a building permit has not been submitted prior to this date.
9. The garage door shall be a "carriage" style door.
10. Prior to building permit issuance the Building Department shall review the plans for snow shedding and any required snow shed easements and/or agreements shall be signed and provided to the Building Department.
11. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
12. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan, as required by the Building Department, with calculations that have been reviewed and approved by a licensed geotechnical/structural engineer. This plan will demonstrate how the proposed excavation will protect Woodside Avenue and the houses adjacent to the north and south from being compromised during construction.
13. The Plat Amendment, known as the 426 Woodside Avenue Subdivision, must be recorded prior to issuance of building permit.
3. Trails Master Plan - Walkability Addendum

Jonathan Weidenhamer from the City Sustainability Department introduce Matt Twombly the

City Parks Planner and former Trails Coordinator, and Heinrich Deeter, the new City Trails Coordinator. Mr. Weidenhamer stated that the objective was to provide an update to the existing trails master plan in the form of an added chapter to recognize the City's walkability and bikeability efforts.

Mr. Weidenhamer reported that the walkability efforts began in 2005 with a series of neighborhood traffic calming issues that they are continuing to work through. The idea was to take a comprehensive look at the entire community and try to understand the walkable and bikeable needs for the entire City and not just one neighborhood or area. Mr. Weidenhamer stated that In October 2006 the City entered into a contract with Landmark Design, planning consulting firm. There are two parts to that contract. The first was a list of prioritized capital projects, which started with \$2 million of projects quickly marked into a \$15 million walkability bond and the creation of a public committee to make recommendation on bond spending. Mr. Weidenhamer noted that Commissioners Russack and Pettit were the Planning Commission representatives on that committee. Commissioner Strachan was appointed as a member of the public at large.

Mr. Weidenhamer stated that the \$15 million was used to retrofit the last 25 years of development in neighborhoods and areas that needed to be fixed and made better. He explained that the proposed addendum to the trails master plan is intended to provide a series of guiding documents. He clarified that it is a series of formalized guidelines and not LMC amendments. Mr. Weidenhamer stated that because a subdivision process or a master planned development process usually triggers a review by the Trails Master Plan, the idea is to bring all new development under this supporting policy document of the Trails Master Plan. He remarked that the City Council adopted this addendum by resolution and they felt it was appropriate for the Planning Commission to make a recommendation on it, particularly in consideration of the fact that the MPD and subdivision ordinances trigger review of this document.

Mr. Weidenhamer stated that the Park City Walkability and Bikeability Vision supports five goals, which were outlined in the Staff report. Those five goals were used to prioritize the list of capital projects and they are reinforced in the added chapter. He noted that the goals are safety, efficiency, enhances regional connections, local connections and cost and maintenance.

Mr. Weidenhamer stated that the second major part of this addendum is a planning concept and that concept is a spine system, which is to make sure they have good local and regional connections to all neighborhoods and business districts. Recommended projects at approximately \$6 or \$7 million dollars were drafted and supported. Mr. Weidenhamer stated that the last major section of the addendum includes goals, policies and supporting implementation measures. They address items such as maintenance, lighting and snow removal.

Mr. Weidenhamer noted that the Planning Commission reviewed this addendum twice last summer. During those meetings the Commissioners asked if there was a better opportunity to create more sense of community or sense of place through better aesthetic designs. Mr.

Weidenhamer stated that their question was not address in this addendum and he preferred not to do that at this time. He preferred to move this addendum to the City Council through a positive recommendation this evening. However, if the Planning Commission had additional interest or items they would like to focus on through stronger policy statements or ordinances, he was happy to take their input and recommendations to the City Council.

Chair Thomas asked if Mr. Weidenhamer would be willing to adress the issue of aesthetic consideration in the future. Mr. Weidenhamer stated that he would.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Murphy clarified that the entire \$13.5 million has already been allocated. Mr. Weidenhamer answered yes and noted that it was done with the support of the committee and the City Council. After five months they weighed in on a list of 105 projects and came up with an implementation schedule and budget, which then went to City Council. Mr. Weidenhamer stated that they could expect to see a lot of work done over the next three years and then the longer terms projects will take three to five years.

Commissioner Strachan asked if there were any conflicts in this addendum with the Old Trails master plan that they had to strive to change. Matt Twombly stated that the Trails Master Plan is a set of guidelines and this addendum extrapolates on those guidelines in terms of walkability and bikeability. Commissioner Strachan asked if there are duplicates in the old Trails Master Plan that could be stricken because of the addendum. Mr. Twombly stated that it all dovetails together. He did not believe there was much duplication.

Commissioner Strachan preferred to see a smaller concise document that the developers can easily read if they plan to develop a project in Park City. Mr. Weidenhamer felt it was important for the document to remain flexible to fit a community need as opposed to a dictated regulatory solution. He thought it would be a good idea to have an executive summary.

Commissioner Strachan stated that the Walkability Committee looked at maintenance costs and allocated money based on those costs. He asked if those same costs were reflected in Appendix C or whether Appendix C needed to be revamped. Mr. Twombly remarked that the costs were determined in 2002 and they should go through and adjust those figures. He did not believe the WALC addendum specifically addresses maintenance costs. It has more to do with the general guidelines for walkability. Commissioner Strachan stated that if they are going to relook at the document with aesthetics in mind, they should also revamp those costs to reflect the accurate numbers.

Commissioner Pettit stated that the WALC committee effort was unique because very committed citizens were involved in that program. She has visited a number of communities in the west and the ones that work best or those with a great trails system in place

that makes it easy for people to walk and bike and live the lifestyle they want in a mountain community. She supported taking whatever steps they can to create more of those opportunities. Commissioner Pettit understood that the Planning Commission wants to discuss aesthetics and think holistically in terms of their proactive vision for the community. She felt they should move this addendum forward so they have something in place that can be implemented for future development and work on the aesthetics aspects through other avenues. Commissioner Wintzer concurred.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council to adopt the addendum to the Trails Master Plan. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

4. The Cove Trailhead, Meadows Lane - Conditional Use Permit

Planner Kayla Sintz with the Park City Planning Department, noted that Park City Municipal was the applicant on this project. Matt Twombly and Heinrich Deeter were the applicant representatives.

Planner Sintz reviewed the application for a conditional use permit for the Meadows Drive Cove Trailhead. Per the Land Management Code, trail and trailhead improvements require a CUP process if the parking area proposes five or more parking spaces. This application proposes seven paved angled parking spaces.

Planner Sintz reported on conversations she had with one adjacent property owner to the left who was concerned about placing the parking area as far away from his driveway and closest to the trailhead as possible. Planner Sintz stated that the existing dirt area has extended and bled as people continue to park wherever they can. She noted that the existing area is approximately 145 feet in length and this proposed area would only be 75 feet long.

Planner Sintz pointed out that she had addressed the property owner's concern under Criteria 1.

Chair Thomas clarified that the parking would be perpendicular to the street. Planner Sintz replied that it would be angled and not parallel parking.

Planner Sintz noted that the applicant has indicated that in the current budget year when this project is actually constructed, there is no money for snow removal. Snow removal would be a consideration for the next year budget.

The Staff recommended that the Planning Commission review the proposed conditional use permit, conduct a public hearing and consider approving this CUP according to the findings of fact, conclusions of law, and conditions of approval in the Staff report. Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Murphy asked they could prevent bleeding when the 8th car shows up. He wondered if it would be possible to barrier off that parking so it remains the only off-street parking. Mr. Deeter stated that the proposal suggests a fenced area around the parameters of the parking area. They have designed a 10' x 10' post using a rope between the posts to provide that parameter for the parking and for the trails users to avoid having social trails go off that area.

Commissioner Peek asked if on-street parking is currently prohibited in that area or if overflow parking could be on-street parking. Mr. Deeter could not recall any signage but he would check to make sure. He stated that several site visits were done in an effort to understand the usage of the area and the concerns of the citizens. Mr. Deeter noted that they have moved the project as close to the existing trailhead sign as much as possible and still maintain emergency access. He believed that seven parking spaces appears to be a reasonable number. There is room for expansion if they choose to add more parking spaces.

Commissioner Strachan noted that the material proposed is asphalt and he asked if there was another impervious material that could be used in place of asphalt.

Matt Cassel, the City Engineer, reported on a pervious concrete product that has not yet been used in Utah. It is a hard surface with no runoff. Mr. Cassel remarked that there are some issues with this material due to the high altitude and snow and how it would freeze-thaw and whether it would heave or stay in place. He noted that local highway and paving people are still trying to figure it out. A demonstration piece was put in but it was not monitored so there is no data to say whether or not it is useful. Mr. Cassel felt this project would be a perfect application for the concrete material.

Commissioner Strachan clarified that for now there is no alternative for the hard surface definition in the Land Management Code. Mr. Cassel answered no. Mr. Twombly stated that they could use cement concrete but it is a stiffer than asphalt. He noted that asphalt is typically recommended for roads and parking because of its flexible nature.

Chair Thomas thought this issue should be looked at when they do the LMC amendments.

MOTION: Commissioner Murphy moved to APPROVE the conditional use permit for the Cove Trailhead Parking Area according to the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Cove Trailhead parking

1. The property is identified as Eagle Pointe Subdivision Phase IV Lot A.

2. Lot A was dedicated to the City as Open Space.
3. The property is located within the Recreation and Open Space (ROS) District of Park City.
4. Parking areas more than 5 spaces require a CUP in the ROS.
5. An application has been submitted for 7 paved spaces in the ROS.
6. The parking area is 15' x 75'. Spaces will be angled.
7. No lighting is proposed.
8. A sign application addressing the kiosk has not been submitted as part of this application.
9. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - Cove Trailhead Parking

1. The application complies with all requirements of Section 15-1.10(E) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding recreation facilities and open space.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale have been mitigated by careful planning.

Conditions of Approval - Cove Trailhead Parking

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. City Engineer and Planning Director's review and approval of retaining walls greater than 4 feet is a condition precedent to building permit issuance.
5. This approval will expire on September 10, 2009, if a building permit has not been

issued.

6. Sign must be approved by the Planning Department prior to installation.
7. Kiosk shall not be within 25' of public right-of-way.
5. 130 Sandridge Avenue - Appeal of Planning Director's determination

Chair Thomas clarified that this was a quasi-judicial hearing and the Planning Commission would only be reviewing the criteria by which the Planning Director made his determination and not the project design.

Planner Brooks Robinson reported that the Planning Department received an application for a steep slope conditional use for the property at 130 Sandridge Avenue. A historic house exists on the house and additional land is to the north. In reviewing the steep slope CUP and the application, the Staff found that the only location that met 30% was on the west side of the existing historic building, in which there is a small stone retaining wall. Planner Robinson stated that the reasoning for a steep slope CUP is to mitigate the impacts found with construction on or across a steep slope. The Staff felt that the addition to the historic house, which is on the flat portion of the lot, did not meet the steep slope criteria. The historic house also did not meet the criteria because it would remain in its existing location. Planner Robinson explained that the reason there was any slope at all greater than 30% was due to manipulation in grade in creating a small stone retaining wall.

Planner Robinson stated that when the Staff informed the applicant of their position, the applicant made an appeal to the Planning Director. After reviewing the Staff's findings, the Planning Director informed the applicant of his agreement with the Staff findings. Under the LMC, the applicant appealed the Planning Director's decision to the Planning Commission.

Planner Robinson remarked that the Staff is waiting on other projects to hear an opinion from the Planning Commission regarding the manipulation of grade and a de minimus amount of steep slope based on a manmade condition and whether that would necessarily apply to a strict reading of the conditional use.

Frank Brussel, an attorney representing the landowner and Kevin King, provided a presentation to argue their appeal. Mr. Brussel commented on statements in the Staff report that he believes are incorrect. Part of the structure was an old miner's house that was built on supports underneath the house because of the slope grade. He reviewed a site plan showing road cuts and railroad cuts. Behind the house drops off radically and it is impossible to walk down the hill.

Mr. Brussel stated that the issue turns on two particular items. When you apply for a permit you are required to provide a topographical map and a site plan and the applicant submitted. He remarked that the structure consists of the historic portion and an addition on the north side that was put on by a previous owner. Mr. Brussels clarified that the applicant is proposing to jack up the historic structure and pour a concrete foundation underneath that portion of the house and extend it out under a new addition. Mr. Brussels stated that the efforts being made to preserve this historic house and the new portion that was designed to be reminiscent of the

old railroad depot is a real effort to add or enhance the charm of this community. He noted that the adjacent properties to the north and south are done in this same type of motif. Mr. Brussels could not understand what the Staff was trying to spin an interpretation on a statute that undoes exactly what the community is trying to do.

Mr. Brussels agreed with the Staff that the topographical map and the site map do not show a 30% grade. However, if you do the interpolation at the topographical line it clearly indicates a steeper than 30% grade. Mr. Brussels remarked that the Staff wants proof but they will not allow the interpolation and a surveyor will not draw a topographical line underneath an existing house. This means you cannot get the 30% slope that is intended in the ordinance. Mr. Brussels pointed out that the ordinance does not say you cannot prove the 30% or greater grade by using some other form that is mathematically certain.

Mr. Brussels reviewed the materials that the project architect, Kevin King, had filed to show why they believe the house sits on a grade greater than 30%. Mr. Brussels commented on the term de minimus. He stated that if the Staff wanted to use "substantial" or "50%" or "25%" of the build was on a 30% grade, the ordinance must say that. That language cannot be added later and interpreted into the ordinance. The Staff is incorrectly saying that there is only a de minimus portion of the house is on a 30% grade. Mr. Brussels noted that the Staff goes on to say, "with the exception of an area approximately 4 feet in length located on the northeast corner of the existing proposed structure." In his opinion, the Staff admitted that a portion of this project is on a grade steeper than 30%. He asked if this is de minimus, how much more of the property has to be on a grade before the owner is entitled to it. Mr. Brussels felt the answer was vague and unclear in the ordinance. When the ordinance is vague and the applicant is trying to improve the structure as a benefit to the community, he could not understand why you would want an interpretation that makes the de minimus more substantial than what is provided for in the ordinance. He believes doing that violates the law because citizens do not know what the percent is anymore. Mr. Brussels suggested that the ordinance may need to be changed to say 50% or greater on a 30% grade. The current ordinance just says "any" and "any" means some portion or part of a portion. He noted that the Staff refuses to look at the interpolation, but they have nothing else to prove that it is not on a 30% grade.

Director Eddington referred to the site plan that was presented to the Planning Department for their review and noted that the contours were not noted underneath the building because it is not allowed. Therefore, it is left to either interpolation or best judgment. Director Eddington stated that it is difficult to tell on the plan where the contours go and get lost in the retaining wall that surrounds the existing historic structure. They could argue that going from a lower slope to a higher slope, somewhere in there may be a greater slope. However, it is very difficult to determine. It could be that where the contour lines get lost, they could find a very gradual less than 30% slope. It is hard to tell from looking at the pictures. Director Eddington pointed out that the area of the 30% slope, which is at the retaining wall, is with the existing building. The Staff tried to determine whether than 30% slope went under the building and in their estimation it did not. Director Eddington agreed that the issue could be argued both ways because it is not clear and nothing is listed under the building on the map.

Director Eddington stated that if the Planning Board determines that "any" means any, the

applicant could come in for a steep slope CUP or this could be remanded. Director Eddington reiterated that it is difficult to tell on that particular site plan. In his estimation, the contour lines get lost in the retaining wall around the building. However, if the Planning Board determines that "any" means "any", the Staff would respect that determination and the applicant could move forward.

Chair Thomas asked if the topographic drawing that was given to the Staff was submitted by the applicant. He was told that it was submitted by the applicant and done by a licensed surveyor.

Commissioner Pettit asked if there was any precedent for similar determinations. She stated that normally applicants prefer not to be subject to a Steep Slope CUP because it adds an additional layer of process. She assumed that the precedent they might see is where an applicant comes in thinking that they are not subject to a steep slope CUP, but where a determination has been made by the Planning Staff that they are subject and why. Commissioner Pettit wanted a better understanding of what process they go through to determine that an applicant is incorrect and that they do need to go through the steep slope CUP process.

Planner Robinson stated that there is no precedent and he agreed with Commissioner Pettit that most applicants try to avoid the steep slope CUP process. It is up to the discretion of the Planning Director and the Staff to make that determination under the technical language of the Code and the intent of the Code.

Chair Thomas was uncomfortable with the notion of crawling under the house and trying to interpolate grade or determine what grade is because on any house, the built grade is disturbed across that footprint. He felt it was difficult to look under the house to make those interpolations. Chair Thomas did not agree with the photographic images. On the other hand, he thought some notion that some small part of this building could be over 30% and given that uncertainty, he suggested that a steep slope CUP might be appropriate.

Commissioner Wintzer stated that the Planning Commission needed to look at the intent, which is to address a slope that is greater than 30%. In this particular case he felt they were pushing the envelope. Commissioner Wintzer stated that he would have a hard time overturning the Staff determination at this point.

Commissioner Pettit understood that the actual addition itself is not on a grade greater than 30%, based on the Planning Director's determination. Director Eddington replied that this was correct.

Commissioner Peek explained why he believed the de minimus standard applies in this case and he supported upholding the Planning Director's determination. Commissioner Murphy was uncomfortable with the word "any" and he felt the Code should be cleared up in that regard. However, based on the practical application, he did not think this was the intent of the Code. Commissioner Murphy would argue that the steep slope is the result of a manipulated condition and therefore is outside of the letter of intent.

Commissioner Strachan asked which part of the addition was on what the applicant contends to be a 30% grade. Mr. Brussel replied that the new old section is on a 30% grade. Mr. King reviewed Exhibit D to show that 50% of the existing structure sits on a 30% grade and where it would continue under the addition. Commissioner Strachan asked for clarification on Exhibit F. Mr. King remarked that Exhibit F shows the addition with the existing structure in the background. Commissioner Strachan clarified that Mr. King believes the whole addition is on a 30% slope or greater. Mr. King replied that 50% was on a 30% slope. Commissioner Strachan asked if Exhibit M-O were pictures taken underneath the existing structure. Mr. King answered yes.

Mr. King stated that the house was built above natural grade and none of the grade underneath that space has been altered except for the one worst corner scenario. Chair Thomas questioned how Mr. King could be sure. Mr. King replied that in looking at the pictures, it is still the way it was in 1890. Commissioner Strachan referred to a comment about taking a measurement of the grade underneath the existing structure and asked Director Eddington why he said that could not be done. Director Eddington stated that a surveyor will not sign off on a survey with interpolated grade. Therefore, the applicant could not do it. It would be a matter of guessing because there is no way to know for sure. Director Eddington noted that he went out to the site and tried to look under the structure but it was very hard to tell the grade or where it has been manipulated. Commissioner Strachan asked if it is Staff's protocol to take the site plan attached to the application and the surveyor's survey and determine from those documents whether or not it is a 30% slope. Director Eddington answered yes.

The Planning Commission and Mr. King discussed the exhibits.

MOTION: Commissioner Wintzer moved to UPHOLD the Planning Director's findings for 130 Sandridge Avenue. Commissioner Murphy seconded the motion.

Commissioner Strachan suggested that the Planning Commission reconsider the motion based on Finding of Fact #7. He noted that the third sentence states that the lot being built upon has a steep slope of 30% or greater and that is not the finding the Planning Commission agreed to make based on their discussion. Commissioner Strachan recommended striking that language.

Commissioner Wintzer amended his motion to strike Finding of Fact #7. Commissioner Murphy accepted the amended motion.

VOTE: The motion passed unanimously.

Findings of Fact - 130 Sandridge Avenue

1. The property is located at 130 Sandridge Avenue.
2. The zoning is Historic Residential (HR-1.)
3. The applicant submitted a site plan and topographic survey. The topographic survey did not illustrate any areas of steep slope (30% or greater) in the areas to be built upon as

identified on the site plan.

4. The portion of the lot which is located under the existing home, the addition or access to the home which can be considered steeper than 30%, is not under the existing home but is located adjacent to the existing historic home whose footprint is not being altered, is approximately 4 feet wide and 5 feet in length and appears to be the result of manipulated conditions (e.g. the existing rock retaining wall). The Planning Director's determination was that the manipulated length of slope less than four feet wide did not meet the requirement as stated above. The entire square footage of the adjacent area is less than 20 square feet. There is also an area of steep slope along the rear property line. This area is not being built upon.
5. The Planning Director made a determination on August 4, 2008, that the proposed structure does not require a Steep Slope Conditional Use Permit pursuant to LMC Section 15-2.2-6(B).
6. The applicant appealed the Planning Director decision on August 13, 2008.
7. A conditional use permit is required for any structure in excess of one thousand square feet if said structure and/or access is located upon any existing slope of thirty percent or greater. The proposed addition is in excess of one thousand square feet. The existing structure, the new addition and access to the structure is **not** located upon an existing slope of 30% or greater according to the site plan submitted with the application.

Conclusions of Law - 130 Sandridge Avenue

1. The Steep Slope Conditional Use Permit is not applicable to this application pursuant to the Park city Land Management Code, specifically Section 15-2.2-6(B).
2. The Planning Director did not err in the application of the Land Management Code.

Order

1. The Planning Directors decision to not require the Steep Slope CUP for 130 Sandridge Avenue is upheld and the appeal for the 130 Sandridge Avenue application of Steep Slope Conditional Use Permit is denied.
6. 429 Woodside Avenue - Steep Slope Conditional Use Permit

Due to a conflict of interest, Commissioner Peek recused himself from this item.

Planner Robinson reported that the Planning Commission has reviewed this application and couple of times. Based on their concerns and pursuant to the LMC, the Planning Commission remanded it to the Historic Preservation Board for their review relative to the Historic District Design Guidelines.

Planner Robinson noted that at the last meeting the applicant had presented several options, which responded to the first review by the Historic Preservation Board. The Planning Commission asked the HPB to look at those options to see which one was more compliant with the guidelines. He stated that the HPB had some preference for Option B and some for Option C. Based on Board member comments, Planner Robinson sketched out a plan during the meeting and asked if that sketch met their intent on the guidelines in terms of breaking up the front facade into smaller components. The HPB agreed with the hand drawn sketch and left it to the architects to draw it up by noon the next day to meet the time line for the Planning Commission packet.

Planner Robinson presented Option D, which was the preferred design by the HPB. Planner Robinson commented on a concern expressed by the Planning Commission regarding a dormer element in the center back of the house that breaks the height restriction. The Staff and the HPB felt this element helped break up a fair amount of roof and they were comfortable that it met the design guidelines. Planner Robinson stated that the Planning Commission has the discretion of whether or not to allow the height exception.

Michael Stoker, representing the applicant, stated that the height breaks the maximum by approximately four feet at the most.

There was some confusion over the options and Chair Thomas explained that Option D was a revised iteration of Option B with the gable element from Option C. The HPB also added a transoms window.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Wintzer stated that this was the first since he has been on the Commission that he has heard a response from the HPB. Considering how complicated it became, he felt it would have been easier to involve the HPB at the beginning. Commissioner Wintzer appreciated the process and felt they ended up with a better project.

Commissioner Pettit echoed Commissioner Wintzer and also thanked the applicant for their patience and willingness to work with the HPB.

Chair Thomas thought the elevation worked in terms of the commonality with the historic structure in front and with the adjacent buildings. Commissioner Strachan echoed all comments. He applauded the HPB for working on this in a timely manner.

MOTION: Commissioner Murphy moved to APPROVE the Steep Slope CUP for 429 Woodside Avenue, Option D, as outlined in the Staff report and in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner Peek was recused.

Findings of Fact - 429 Woodside Avenue

1. The property is Parcel B of the Elder Park Subdivision within Block 29 of the Park City Survey located at 429 Woodside Avenue.
2. The zoning is Historic Residential (HR-1).
3. The property is located within the HR-1 zone. Therefore, all future applications must meet the criteria in the Historic District Design Guidelines, per LMC Section 15-2.16.7(B).
4. Because of the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%. The applicant is required to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 1502.1-6 of the LMC.
5. The Historic Residential Zone is characterized by a mix of single family homes, multi-family homes and smaller historic homes.
6. There is one existing historic home on the property.
7. Access to the property is from Woodside Avenue.
8. The area of the lot is 4573.5 square feet in size.
9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,768.5 square feet. The proposed footprint of the home is 1,768.5 square feet.
11. The maximum height limit in the HR-1 zone for a single family home is 27 feet above existing grade. The applicant is requesting a height exception to allow 13 feet of ridge line to exceed the 27 feet height limit. The applicant is requesting a height exception of up to 33 feet 1 inch above existing grade.
12. Setbacks for the lot are 5' minimum on the sides with a combined minimum of 14' and 10' minimum in the front and rear yards.
13. All other facts within the Analysis section of this report are incorporated within.

Conclusions of Law - 429 Woodside Avenue

1. The application complies with all requirements of Section 15-2.1-6 of the Land

Management Code.

2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. As conditioned the use is consistent with the Park City General Plan.

Conditions of Approval - 429 Woodside Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City Standards is a condition precedent to building permit issuance.
4. A landscape plan is required with the Building Permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department Staff for compliance with the Historic District Design Guidelines.
6. A soils study must be submitted to the building department prior to issuance of a full building permit.
7. Prior to the issue of any building permits, the Chief Building Official will require the applicant to submit a structural engineer stamped detailed shoring plan which is in compliance with the International Building Code. This shoring plan will be included in the building permit plans prior to the issue of a building permit. The shoring plan is required to protect the stability of the soil and neighboring properties.
8. This approval will expire on September 10, 2009, if a building permit has not been issued.
9. The height exception is granted for a maximum height of 33 feet 1 inch over existing grade.
10. Approval is based on plans dated September 4, 2008 and reviewed by the Planning Commission on September 10, 2008. Building Permit plans must substantially comply with the reviewed and approved plans.

7. 154 McHenry Avenue - Plat Amendment

Planner Kirsten Whetstone reviewed the application for a three lot subdivision/replat located at the south end of existing McHenry Avenue. The property is zoned HRL. The property subject to this plat includes a portion of Lots 12 and 16-18 of Block 52 of the Park City Survey, as well as Lots 6-9, Block 60 of the Park City Survey, and lot 1 of the Ivers replat. Of the proposed three lots, Lot 1 is 3750 square feet, 6,430 square feet and 6,078 square feet in lot area. The minimum lot size in the HRL zone is 3750 square feet. Lots 2 and 3 are vacant and Lot 1 contains a single family home that was constructed during the early ski era.

Planner Whetstone stated that access to the three lots is from McHenry Avenue, with access to Lot 3 on an easement across Lot 2. Approximately 1500 square feet of this property will be dedicated as McHenry Avenue right-of-way. Because of the length of the existing McHenry cul-de-sac and adding two additional lots, the emergency access for Lot 3 is provided by a proposed staircase from Ontario Court, which is located downhill and west of the lot. The staircase is proposed to be constructed within the platted, but undeveloped and steep Second Street right-of-way. The staircase would run from Ontario Avenue up to the location required by the Chief Building Official when Lot 3 is constructed. Planner Whetstone noted that it would be a private staircase in the City right-of-way to be maintained by the owner of Lot 3. If at a future time the City constructs the staircase all the way to McHenry, the stairs would become public stairs and would be maintained similar to other staircases in Old Town.

Planner Whetstone reported that the City Engineer and the Chief Building Official have agreed to this staircase as satisfying emergency access for this lot. Condition of approval #6 states that the access stairs and the driveway from McHenry to Lot 3 shall be constructed concurrent with any building permit for the lot. An encroachment agreement would be required for construction in the right-of-way of McHenry and the staircase. Additional language addresses maintenance and snow storage for the driveway.

Planner Whetstone stated that the Planning Commission reviewed this item during several meetings in 2007. A public hearing was held in January 2008. On January 9th, the adjacent property owner on Cherry Hill Court objected to the use of the access easement across his property with the staircase. She noted that the matter was resolved with the access easement and the proposal to construct the staircase in the Second Street right-of-way.

The Staff had reviewed this application for compliance with the Land Management Code and found good cause for the proposed subdivision, as the plat will bring the lots into compliance with State law by removing any interior lot lines of the existing house and combining remnant lots and parcels into lots of record. Approximately 1500 square feet of property will be dedicated for the right-of-way and that would assist in the turnaround for entering the cul-de-sac. Planner Whetstone remarked that a remnant parcel of Lot 12, Block 52 adjacent to the Park City Municipal Corporation RDA and remnant parcels Lot 13, 14, and 15 of Block 52 would be dedicated to the PCMC RDA as a result of the plat amendment. The Staff finds that the plat will not cause undo harm to adjacent property owners and it meets the requirements of the Land Management Code. Future development review would be required.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact,

conclusions of law, and conditions of approval as outlined in the attached ordinance.

Steve Deckert with Alliance Engineering and the consultant for the applicant, stated that the only change since the last time this was before the Planning Commission is the ability to build the stair inside the Second Street right of way and have it be a private stair maintained by the developer of Lot 3. He noted that the previous engineer had required the stair to be a public stair maintained by a private individual, which was unacceptable to Mr. Ivers, the owner of Lots 2 and 3. Mr. Deckert explained that the subsequent proposal at that time was to utilize an easement of record that went across Lot 1 of the Block 52 replat and provided access to this future parcel.

Mr. Deckert remarked that the City Engineer and the Chief Building Official agree that both options provide adequate fire and emergency access. The applicant would like consideration from the Planning Commission to move forward. Mr. Deckert felt they had the option to do whatever turns out to be the most appropriate at the time for emergency access when a home is developed on Lot 3.

Chair Thomas opened the public hearing.

Jamie Thomas a resident at 134 Ontario Court applauded the applicant for working so hard to come up with a solution for the stairs and emergency access. Mr. Thomas believed this was an acceptable solution because everyone can take advantage of the street. Mr. Thomas stated that when Ontario Court was constructed, it was required that the infrastructure be designed and shown before the subdivision could be created. He requested that the City have that same requirement for this subdivision and require the applicant to show the design of the stairs and how it would be approached. Mr. Thomas stated that the findings, conclusions and conditions in the Staff report and stated that as written, this plat does not require the stairs on the City street. The conditions of approval do not imply or expressly state that as the case. Mr. Thomas felt this should be clarified with a note on the plat. Other than this one issue, Mr. Thomas stated that he was very happy with the proposal.

Tom McLaughlin, a resident at 206 Ontario Court, did not object to the plan for the stairs, but he was unclear about where the road or the easement would go from McHenry toward the lot furthest to the south. Mr. McLaughlin stated that his house backs against a very steep hill and he wanted to make sure that when the driveways are cleared the snow would not come down into his backyard.

Planner Whetstone reviewed a site plan to address Mr. McLaughlin's question and concern.

Chair Thomas closed the public hearing.

Commissioner Wintzer was unsure what Jamie Thomas was asking because he did not think the applicant could design the staircase until they know the location and elevation of the house. He understood the concern, but he did not think it was possible to follow his request until the house is designed.

Jamie Thomas clarified that he was only asking that the staircase be memorialized as being in

the right-of-way in a general description of construction.

Commissioner Strachan noted that the application was reviewed under Section 15-7 of the Code, which is the general subdivision chapter. He stated that the Staff report indicates that development would create a significant amount of terracing, site disturbance, shoring, project staging and other things. Commissioner Strachan remarked that the purposes listed in LMC 15-7 talk about disturbance to vegetation and preserving the natural beauty. He wondered if approving this application would run afoul of the Land Management Code if they know from now that developing these lots would significantly disturb vegetation and create a lot of impacts.

Planner Robinson stated that these lots were part of the original Park City survey of 1878 and they have already been created. This application is to recombine the lots in a slightly different manner. He pointed out that the subdivision actually occurred 130 years ago. Planner Whetstone noted that the proposed replat combines smaller individual lots, which would create more disturbance if each individual lot were constructed. Planner Robinson clarified that a steep slope CUP would be required for development on these lots and the impacts would be address at that time in terms of whether or not they can be mitigated.

MOTION: Commissioner Murphy moved to forward a POSITIVE recommendation to the City Council for the Ivers/Baer Subdivision according to the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the attached ordinance.
Commissioner Peek seconded the motion.

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.

Findings of Fact - 154 McHenry Avenue

1. The property is located in the Historic Residential Low Density (HRL) zone.
2. The HRL zone is characterized by medium to smaller sized contemporary and historic residential structures, and is a transitional zone from the historic district to the larger contemporary zones.
3. The subdivision plat combines portions of Lot 12, 16-18 of Block 52 and Lots 6-9 of Block 60 of the Park City survey, and Lot 1 of the Ivers Replat into three lots of record. The total plat area contains approximately 16,410 square feet.
4. There is an existing single family home on Lot 1 that is a non-conforming structure due to the location of existing property lines that the subdivision plat cannot resolve. Lots 2 and 3 are vacant.
5. Access to lots 1 and 2 is from McHenry Avenue.
6. Access to Lot 2 is proposed in two locations; the first is via a 12 foot wide driveway easement across the east side of Lot 2' the second is via a staircase that would have to be constructed from Ontario Court either from an easement across Lot 1 of the Block 52

Replat Subdivision or within the platted, un-built Second Street ROW. These stairs are a requirement of the City to provide emergency and fire access to Lot 3. If the City completes the staircase to McHenry in the future, the staircase would be public stairs and maintenance of the stairs would be consistent with the maintenance protocol for City staircases.

7. The existing historic driveway will mitigate impacts of the 12-foot driveway accessing Lot 3 on the existing topography and it will reduce the necessity of excessive grading and retaining necessary for the driveway.
8. A portion of Lot 1 will be dedicated to the City as part of the McHenry right-of-way. A portion of Lot 12, Block 52 will be dedicated to PCMC/RDA.
9. Lot 1 is 3,750 square feet in size with a maximum footprint of 1,519 square feet.
10. Lot 2 is 6,430 square feet in size with a Maximum footprint of 2,241 square feet.
11. Lot 3 is 6,078 square feet in size with a maximum footprint of 2,160 square feet.
12. The minimum lot size for a single-family home in the HRL zone is 3,750 square feet.
13. Any construction on these lots will create a significant amount of grading, site disturbance, shoring and project staging could have major impacts on the neighborhood, as there is limited area on McHenry Avenue for project staging and construction.
14. Minimal construction staging area is available along McHenry Avenue.
15. The height for any construction on the property will be measured in accordance with the requirements in the LMC. Setbacks for Lot 1 are 10' minimum front and rear and 10' minimum on the sides due to non-conforming situation with the existing house. Setbacks for Lot 2 are 10' minimum front and rear and 5' minimum side with a total of 14'. Setbacks for Lot 3 are 12' minimum front and rear with total of 25' and 5' minimum side with a total of 18'.
16. The applicant stipulates to the conditions as listed.

Conclusions of Law - 1154 McHenry Avenue

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval - 154 McHenry Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on any of the lots, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. A financial security for all public improvement shall be in place prior to plat recordation. The financial guarantee shall have been approved by the City Engineer as to amount and the City Attorney as to form prior to plat recordation.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. No remnant parcel created hereby is separately buildable.
6. The emergency access stairs and long driveway from McHenry Avenue for Lot 3 shall be constructed concurrent with any building permits for the lot. The stairway must meet City specifications for a public stairway. The owner at that time shall enter into an encroachment agreement with the City for construction of the stairs and driveway in the platted street. The encroachment agreement will provide for the driveway's snow storage to be relocated to Lot 3 in the event the City ever constructs public stairs in the public right-of-way for Second Street.
7. A maintenance agreement for the stairs shall be executed prior to final building permit issuance. The owner of Lot 3 is required to maintain the stairs as private stairs until such time as the City completes construction of the staircase and they become a public staircase.
8. Modified 13-D sprinklers are required in each house.
8. 100 Marsac Avenue - Subdivision

Planner Robinson reviewed the application for a subdivision for the Marsac Avenue affordable housing project. The proposed is to create ten buildable lots and two open space parcels. Planner Robinson stated that this subdivision is neighbor to Ontario Court and on the other side of the platted Marsac right-of-way, which separate this project from the Ontario Court owners.

Planner Robinson reported that the Planning Commission approved a master planned development for this project, in which they looked at the general layout and specifically how the layout would relate to the historic walls as part of the Ontario loading station to the south. This

plat also creates a preservation easement around the walls, with the exception of the area where the private driveway will come through those walls. This also memorializes a trail on the east side of the property uphill for this lot.

Planner Robinson noted that the Staff report requested concurrence from the Planning Commission for compliance with the MPD. He stated that lot configuration shown in the MPD has slid further north and one lot was moved from the west side to the east side so they now have 6 on the downhill side and 4 on the uphill side of the private driveway. Planner Robinson explained that when the houses are created, this shift allows the homes to be more clustered as opposed to being spread out across the Marsac right-of-way. Planner Robinson stated that part of this application creates an emergency access easement that would go into the platted Marsac Avenue right-of-way and then to the Ontario Court.

The Staff had prepared a draft ordinance for consideration with findings of fact, conclusions of law and conditions for a positive recommendation to the City Council.

David Smith, representing the applicant, stated that he had met with a number of representatives from the Ontario Court homeowners who were concerned about the emergency access between the two subdivisions becoming permanent or a public thoroughfare. Ms. Smith supports the homeowners in that traffic should be separated and they are happy to do whatever the City directs with respect to physical or visual barriers. Mr. Smith noted that a hammerhead exists at the point of emergency access. He indicated the plat from Ontario Court to be dedication to the City for municipal purposes along that road.

Commissioner Pettit asked if there was any benefit to the people on Ontario Court if there was the ability for emergency access to access through the new road being created. Mr. Smith stated that the City also expressed concern that the gate should swing both ways to provide fire truck access from either direction if the hillside catches fire.

Commissioner Murphy asked what was being contemplated to create the separation from Ontario Court. He wondered if a crash gate would accomplish that. Planner Robinson stated that it would be up to Ron Ivie and the Fire District to determine the best way to create that separation.

Commissioner Peek asked for the distance between the end of pavement of Ontario Court and the proposed gate. Planner Robinson stated that Ontario Court currently goes into Marsac Avenue right-of-way and to the southern end of the platted right-of-way. Therefore, the proposed street in this subdivision would also come up to that eastern side and close to the pavement. The pavement would be connected for fire truck access across with some type of physical barrier. Commissioner Peek noted that the affordable housing HOA would be responsible for snow removal up to that gate and he wanted to know what would prevent Ontario Court from using that as a snow storage area. Planner Robinson believed the Chief Building Official and Fire Marshall would cite anyone for blocking emergency access.

Chair Thomas opened the public hearing.

Jamie Thomas, 134 Ontario Court, stated that he attended a Planning Commission meeting on May 28th, at which time the proposal was extremely far to the south. That plan had a hammerhead and he was pleased with what he saw that evening. Mr. Thomas remarked that he had left early that night but understood that Peter Barnes had suggested that talking with the Ontario Court homeowners regarding the emergency access. Mr. Thomas stated the a few weeks ago the homeowners contacted Talisker to request a meeting. Until that contact, the Ontario Court homeowners had no communication from the applicant or anyone else regarding the emergency access. Mr. Thomas remarked that as a homeowners association and owners of the lots, Ontario Court supports the affordable housing proposal, but they cannot support the plan as currently proposed. Mr. Thomas stated that the homeowners obtained a legal opinion on the plat and the court documents attached to the Ontario Court subdivision. The opinion roughly says that the only dedication has been made to the five members that occupy that driveway. After meeting with Ron Ivie several weeks ago, he found that Ron Ivie was not aware that the MPD had been passed and he was concerned about emergency access. He met with Ron Ivie today and it was Ron Ivie's opinion that the proposal as it stands cannot be approved because the emergency access has not been clarified and because the length of the driveway from Marsac would only get longer as the development migrates north. Mr. Thomas stated in meeting with Talisker, they hoped to achieve two things. The first was find out what they knew about the driveway and the second was to express concerns about this development. After meeting with Talisker, Mr. Thomas clarified that Ontario Court is not opposed to this development and actually embraces it. They want to see affordable housing and they want a good project. However, they do not want to jeopardize the driveway and the safety of those who live on that driveway under the deception that continues through this proposed development.

Mr. Thomas read the last paragraph of the legal opinion which stated that the Planning Commission Staff report dated July 9, 2008 regarding the Marsac Avenue Affordable Housing development incorrectly states that the driveway is a private street with an easement for emergency vehicles. The opinion further states that the driveway remains a private way for the exclusive use and specifying the declaration of easement. Any landowners who are not members of the Driveway Association may not use the driveway as an emergency access or otherwise without first obtaining access rights from the Driveway Association. Mr. Thomas clarified that what he just read was the Driveway Association's position at this time. Mr. Thomas felt that a favorable recommendation was premature at this time, recognizing that this project hinges on emergency access. Mr. Thomas expressed a willingness to work with the applicant to come up with a good project. He believes there is a solution to the access issue but it is multi-faceted. For the Ontario Court Homeowners Association, it is the perception of a linked road that would bring traffic along a driveway that was designed to service three lots. He commented on the number of times people try to get through that driveway and find they have to turn around. Mr. Thomas asked that the Ontario Court homeowners be kept in the loop and he asked the Planning Commission to be aware that the findings of fact and conclusions of law show significant failings.

Bill Hummer a resident at 32 Prospect Avenue, understood the concerns expressed by the Ontario Court homeowners. Mr. Hummer stated that he was speaking for some of the residents in the Prospect/Hillside/Chambers Avenue area and they believe this proposal should be approved. Mr. Hummer remarked that in a series of meeting, Talisker met every request they

made. The biggest factor is that homes will be single family, they are saving the walls, and the landscape plan will help buffer noise in the corridors going up Marsac Avenue. Mr. Hummer expressed support for the plan and the layout of the homes. He offered to work with Ontario Court to come to a good resolution on how to handle access for emergency vehicles. Mr. Hummer stated that the Talisker proposal meets everything that was asked of them and he supported the plan as proposed.

Tom McLaughlin, a member of the Ontario Court Driveway Association noted that Jamie Thomas had laid out a number of their concerns, particularly the perception for increased traffic. He stated that the junction of Ontario Court is a small area and after last winter, he worried about increased liability and making sure the snow is always cleared and a fire truck could get through there. He shares that liability with the other four neighbors and was concerned that their liability would increase with the addition of ten new houses.

Chair Thomas closed the public hearing.

Commissioner Wintzer asked if Ron Ivie was part of the inter-departmental review. Planner Robinson was not knowledgeable of Mr. Thomas' conversation with Ron Ivie, however, Mr. Ivie was involved with the Staff review and the issue, nor his conversation with Mr. Thomas was not mentioned. Planner Robinson reported that Mr. Ivie's personal opinion during that review was that Ontario Court and what is now being called Silver Hills Court should be a public street and the City should exercise eminent domain to take over Ontario Court and provide a safer alternative than Thrill Hill. Planner Robinson noted that the 1984 Streets Master Plan somewhat supports that, in in that the right-of-way, which is being asked to be vacated was not found to have any utilities but would be useful as a trade to bypass Thrill Hill or the Slide for Life. Planner Robinson did not think the City was interested in exercising eminent domain. However, they believe the dedication for public purposes for the private court includes emergency access. Planner Robinson pointed out that it is not good policy if a house is on fire and the Ontario Court Homeowners Association needs to meet to decide if a fire truck is allowed down that court. The City suggests having an emergency access that comes both ways with a crash gate.

Commissioner Murphy wanted clarification that Ron Ivie had approved the plan presented this evening. Planner Robinson answer yes and reiterated that Ron Ivie was part of the development review committee and the concerns expressed by Jamie Thomas this evening were not expressed to Staff at that time. Planner Robinson offered to ask Mr. Ivie for another opinion.

Commissioner Pettit referred to the legal opinion obtained by the Ontario Court Homeowners regarding whether or not the City has the right of access for emergency and asked if that opinion was reviewed by the City Attorney. Commissioner Pettit suggested that the Planning Commission continue this item to allow the opportunity for the City Legal Staff to provide comment on the legal opinion and to confirm that Ron Ivie is comfortable with the access being proposed. Commissioner Pettit stated that she was not in favor of shifting any of the lots from their current location because the site locations approved in the MPD were tied to the preservation of the wall.

Commissioner Wintzer concurred with Commissioner Pettit.

Commissioner Peek felt the emergency access easement would be a benefit to both neighborhoods, as well as the entire hillside. After seeing the 8th Street fire and the amount of equipment needed to fight any type of structure fire, it is imperative for emergency vehicles to have access from all points. Commissioner Peek thought the crash gate and access from both sides was necessary. He felt the street name, Silver Hills Avenue, should be changed to Silver Hill Court to indicate that it is a cul-de-sac and not a through street.

Commissioner Murphy stated that his only concern was whether or not the Chief Building Official felt this was a viable plan. Since Planner Robinson had indicated that Ron Ivie had reviewed the plan and not expressed concerns, he was comfortable moving forward. Commissioner Peek stated that he also favored moving forward.

Commissioner Strachan favored moving forward. He noted that condition of approval #1 requires review and approval by the City Attorney and the City Engineer. He assumed both the City Attorney and the City Engineer would make sure the easement could be used by the City. Commissioner Strachan suggested making the condition more specific by saying that it will confirm the easement is legally usable by the City. With that revision to the condition, he was in favor of voting for approval. Commissioner Strachan agreed with Commissioner Peek about changing the name to Silver Hills Court.

Chair Thomas felt the condition of approval answered the question regarding Ron Ivie. Commissioner Pettit agreed, especially if it were revised to specify the easement as suggested by Commissioner Strachan.

Planner Robinson stated that if the Planning Commission forwarded a recommendation this evening, the Staff would provide that clarification prior to this going to the City Council.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in the Staff report with the following exceptions: 1) Condition of Approval #1 should have a sentence added stating that the City Attorney shall review the emergency access easement to determine if it is legally usable by the City. 2) Add Condition of Approval #7 that the street currently named Silver Hills Avenue be renamed Silver Hills Court.

Chair Thomas asked if renaming the street would affect the approved MPD. Planner Robinson stated that he could just redline it.

Commissioner Strachan suggested an exception that Finding of Fact #6 should be conditioned upon the City Attorney's review. If the City Attorney determines that Finding of Fact #6 is incorrect, it should be stricken.

Planner Robinson stated that Finding of Fact #6 would relate specifically to the proposed subdivision. He suggested language relating it to the adjacent subdivision on the Block 52

replat on Ontario Court. Commissioner Strachan wanted to know the emergency access easement located in the right-of-way indicated in the Finding of Fact. Planner Robinson replied that it was the Silver Hills Court on this plat that they would be dedicating to emergency access vehicles and public pedestrian, public utility.

Commissioner Peek thought the finding of fact should stand if it just relates to a finding of Ontario Court's continuation of that easement. Planner Robinson agreed and stated that it relates to the additional language in the condition of approval. The City Attorney will review that to make sure they can still extend the emergency access across. Commissioner Strachan concurred.

Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 100 Marsac Avenue

1. The proposed Marsac Avenue Affordable Housing Subdivision is located at 100 Marsac Avenue and encompasses 2.7 acres, including the platted Seventh (First) street right-of-way and two metes and bounds parcels.
2. The zoning for this property is Historic Residential (HR-1).
3. Ten single family lots are proposed.
4. Two deed-restricted Open Space Parcels are proposed. These parcels will be owned and maintained by the Homeowners Association.
5. A 10-foot trail easement is dedicated to public use.
6. Silver Hills Court is a 25-foot wide private road with public pedestrian, public utility and emergency access easement located in the right-of-way.
7. The maximum building height in the HR-1 zone is 27 feet. The Planning Commission, in reviewing a Steep Slope Conditional Use Permit may grant a height exception.
8. No additional roof height was proposed or approved with the MPD.
9. Parking in an Affordable Housing MPD is required at a rate of one space per bedroom. Ten two-bedroom houses are proposed requiring 20 parking spaces.
10. Open Space in the amount of 77% exceeds the 50% requirement.
11. Approximately 80% of the historic stone walls are preserved and an easement is provided on the plat.

12. The applicant proposes pedestrian access to Old Town in a safe and efficient manner.
13. The Planning Commission finds good cause for the street vacation based on the decrease in density, neighborhood compatibility, consideration, utility of existing right of way, and no material injury.
14. The Analysis section of this Staff report is incorporated herein.

Conclusions of Law - 100 Marsac Avenue

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 100 Marsac Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat. The City Attorney shall review the emergency access easement to determine if it is legally usable by the City.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Marsac Avenue Affordable Housing Master Planned Development shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers is required for review by the Building Department prior to any building permit.
5. A Preservation Easement for the historic walls must be recorded concurrently with the plat.
6. A gate or other device approved by the Chief Building Official will restrict access to Ontario Court to emergency vehicles only. The emergency access easement must be kept clear of snow at the responsibility of the Homeowners Association.
7. The street named Silver Hills Avenue shall be renamed to Silver Hills Court.
9. 1825 Three Kings Drive, Silver Star - Conditional Use Permit

Planner Whetstone reviewed the request for a conditional use permit for the Shaft at Silver Star. On July 15, 2008 the City received a complete application for a conditional use permit to allow construction of an 1800 square foot apre ski pub at the Silver Star Plaza Condominium project. The proposed site is located between the South Silver Star affordable housing and the existing Silver Star sales office, which is in a renovated historic building. The project is located on Lot 2 of the Silver Star subdivision. The property is located in the RDM zoning district and is subject to the October 27th, 2004 Spiro Tunnel Master Planned Development.

Planner Whetstone stated that the applicants propose to renovate this existing 800 square foot mine structure. She clarified that the mine structure is not on the Historic Building Inventory; however it is historic because it was built during the mining era. The proposal is to construct a one-story 1300 square foot addition to the rear and south side. Approximately 340 square feet of this building will be maintained as a maintenance and access area to maintain the Spiro Tunnel and mine.

Planner Whetstone remarked that a conditional use permit is required for this proposed use as a condition of the Spiro Tunnel master plan. Any uses not specifically outlined at that time or a change of use would require additional CUP review due to parking and traffic increases.

The applicant was requesting a CUP for the apre ski bar. Planner Whetstone reported that this 1829 square foot use includes the bathrooms, mechanical storage, and the vestibule. The proposal includes moving the existing mine structure forward on the property approximately 19 feet to allow an addition to be place to the rear. Moving the structure forward would also keep the building on the flat portion of the property and away from the vegetated slope. The rear of the structure and the attached tunnel will continue to function as they do now for the maintenance of the tunnel. The applicants intend to showcase that mine tunnel with interior light and a glass wall. The pub patron would not have access to the tunnel.

Planner Whetstone noted that currently there are approximately 12,000 square feet of commercial uses at Silver Star; as well as approximately 3,000 square feet of support commercial specifically oriented to the Silver Star. The MPD allowed 14,500 square feet of commercial. Per the Land Management Code Section 15-6-8, support commercial can be approximately 5% of the residential floor area. She noted that the applicants are below that in their support commercial.

Due to the proximity of the Silver Star ski lift and public bus access, the Staff found that the club will serve customers beyond the residents of Silver Star. Therefore, it should be considered a commercial use. The total commercial floor area, including this pub, would be approximately 13,900 square feet and would not exceed the 1450 square feet of commercial allocated for the MPD.

The Staff had reviewed the proposal for the conditional use permit per the criteria in Land Management Code Chapter 15-1-10, and found that it complies with no unmitigated impacts. The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Shaft at Silver Star CUP according to the findings of fact, conclusions of law, and

conditions of approval contained in the Staff report, and adding Condition #19, "A preservation plan shall be submitted with the building permit application detailing how the existing mining structure will be renovated. The building plans shall also include step backs between the new construction and the historic existing structure to differentiate between the new and the old."

Chris Connabe, representing the applicant, felt it was important for the Planning Commission to understand the history behind this application. Part of their preservation plan was to re-skin the building and they found out through the platting process that they actually own the structure. Mr. Connabe stated that the Jordanelle Special Services District through an agreement with the Park City Water Department would like to use that for storage. They are amenable to having them do that but they are trying to renovate the building and get a higher use. Mr. Connabe pointed out that the applicants have extra commercial entitlement and they would like to use it for this purpose.

Commissioner Pettit noticed that the Staff report and the Findings of Fact indicate that the pub is not going to include a kitchen or grill to prepare cooked foods and lunch would not be served. She questioned that since it is called a pub and grill. Mr. Connabe clarified that the pub has not yet been named. The Shaft at Silver Star is the name they are working with. He was unsure how the word "pub" got into the Staff report. He noted that there is a restaurant across the street.

Commissioner Pettit stated that she was unfamiliar with the specifics of owning a bar or having a liquor license and whether it requires serving food. Mr. Connabe did not think food is required under the private club law. He was amenable to putting in food, but that was not the primary intent. The goal is to provide a place where the owners can have a drink after skiing and preserve the needs of the City in terms of the tunnel.

Mr. Connabe asked if the Planning Commission had an opinion on the grill. He was happy to add it in the application. Planner Whetstone noted that Finding #13 specifies that there would not be a grill and lunch would not be served.

Chair Thomas did not think this approval would prohibit a grill. Commissioner Pettit asked if the applicant preferred to keep the option open rather than making it a finding of the approval. Mr. Connabe was comfortable striking that reference from Finding #13 to leave the option if they ever find the need to add food.

Chair Thomas opened the public hearing.

There as no comment.

Chair Thomas closed the public hearing.

Commissioner Peek commented on stepping the building to differentiate the historic from the new. If the building is being pulled forward, he asked if it would step at the back. Planner Whetstone reviewed an elevation drawing to show what was being proposed.

MOTION: Commissioner Peek moved to APPROVE the conditional use permit for the Shaft at Silver Star, 1825 Three Kings Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report with the additional Condition #19 regarding the preservation plan as read by Planner Whetstone and amending Finding of Fact #13 to strike the third and fourth line language indicating that no food would be served. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Shaft at Silver Star

1. The proposed pub is located on Lot 2 of the Silver Star Subdivision.
2. The subject property is located within the Residential Development Medium Density (RDM) District, subject to the Spiro Tunnel Master Planned Development.
3. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed-use development consisting of 97 residential unit equivalents (townhouses, cottages, and single family house), an artist-in-residence campus with up to 14,500 sf of artist-in-residence studios, offices, and gallery retail; parking; and 15 Unit Equivalents of affordable housing.
4. Approval of a specific license for alcohol sales by the State Department of Alcohol Beverage Control would have to be obtained to sell alcoholic beverages.
5. Support commercial space is allowed per the LMC 15-6-8(C).
6. The Spiro Tunnel MPD approval allows up to 14,500 square feet of commercial uses specific to the MPD. According to conditions of the MPD, change of use may require additional CUP review due to parking and traffic increases.
7. Currently there are 12,078 square feet of commercial uses at Silver Star, including the Sales Center Offices, Sundance Offices, and office/retail space within the Silver Star Plaza building. There are approximately 3,130 square feet of existing support commercial, specifically oriented to the occupants of Silver Star (not including back of house uses, such as laundry facilities, common spa and recreation facilities, clubhouses, etc.).
8. The proposed pub would add 1,829 sf of commercial uses. The total square feet of commercial uses would be 13,907 sf and will comply with the 14,500 square feet of commercial uses as allowed by the Spiro Tunnel MPD.
9. Access to the subject property is via Silver Star Court, located off Three Kings Drive, a public street, Silver Star Court is a private street.
10. The proposal includes moving the existing 800 sf mine structure forward (southeast) on

the property approximately 19' to allow the 1,376 sf addition to be placed to the rear and side thus maintaining the front facade. Moving the structure forward will also keep the building on the existing flat portion of the lot, off of the steep vegetated slope to the rear.

11. The existing mining structure is not on the Park City Historic Building Inventory. However, the applicants intent to preserve the existing building by reconstructing it as an adaptive re-use. The existing siding will be reused as was done on the other three historic buildings on the property.
12. The structure is connected to a mine tunnel that leads back to deeper tunnels currently used by the City. Maintaining access to the tunnels for maintenance was discussed with the City Water Department and JSSD (who provides the miners and maintenance) and is part of the proposed plans.
13. The pub is intended primarily for owners and visitors of Silver Star, however, due to the proximity to the Silver Star lift the pub will also serve the general public. Parking for the Plaza portion of the Silver Star project exists in close proximity and was constructed in anticipation of the allowable commercial and support commercial uses. Approximately 2-4 employees are anticipated.
14. The general architectural intent is consistent with the Park City Architectural Design Guidelines and is compatible with the surrounding historic buildings and architectural theme of the Silver Star development.
15. The Pub is located at the base of a ski lift and terminus of a ski run.
16. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about traffic, parking, service and delivery, stockpiling of materials and staging of work, work hours noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of exiting vegetation, erosion control and storm water management. The CMP shall address requirements of the City's soils ordinance.
17. A private street is utilized for access to this project.
18. A financial guarantee for all landscaping and required re-vegetation is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if the developer or owners do not complete these improvements in a timely manner. This financial guarantee is required prior to building permit issuance.
19. The Pub is not within an area determined to be sensitive during the sensitive lands analysis, conducted at the time of the annexation. The area is not a wetland, ridgeline, critical habitat, stream corridor, Very Steep slope, sensitive hillside, or on the Entry Corridor.

20. The project has been designed to mitigate additional disturbance by minimizing grading, minimizing cut and fill, stepping the retaining walls with the natural grade, maintaining existing significant vegetation to the greatest extent possible, and utilizing silt fencing during construction to contain sediment.
21. A stipulation of Spiro Tunnel Annexation was that the property be included in the City's Prospector Soils Ordinance and will be subject to all applicable regulations for excavations, testing, disposal and capping.
22. The applicant stipulates to the conditions of approval.

Conclusions of Law - Shaft at Silver Star

1. The proposed PUB is compatible with surrounding structures in use, scale and mass and circulation.
2. The proposed Pub and uses are consistent with the Park City General Plan.
3. Any effects in difference in use or scale of the Pub have been mitigated through careful planning and conditions of approval.

Conditions of Approval - Shaft at Silver Star

1. All standard project conditions shall apply.
2. All exterior lighting shall be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(l) and 15-3-3(c). All lighting shall be approved by the Planning Department prior to installation.
3. Final landscape plan shall be submitted with the building permit application.
4. Final building plans shall be consistent with the plans reviewed and approved by the Planning Commission at the September 10 2008 meeting.
5. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of a building permit. As a condition precedent to issuance of any building permit, the applicant shall provide the Chief Building Official with information regarding any existing mine shafts or leftover mining structures that may complicate footing and foundation construction.
6. Maintaining access to the tunnels for maintenance, as discussed with the City Water Department and JSSD (who provides the miners and maintenance) is required and shall be included as part of the proposed building plans.

7. A Construction Mitigation Plan (CMP) shall be submitted to the City and shall be reviewed by the City for compliance with the Municipal Code, as a condition precedent to issuance of any building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department.
8. The CMP shall address disposal and treatment of all excavated material and capping of exposed soils in accordance with the City's Soils Ordinance, Title 11, Chapter 15-Park City Landscaping and Maintenance of Soil Cover. All applicable regulations and requirements of the Soils Ordinance shall apply to this property.
9. A detailed limit of disturbance plan shall be submitted as part of the CMP and shall be approved by the City as a condition precedent to building permit issuance.
10. A financial guarantee shall be provided to the City prior to building permit issuance for new construction. The guarantee shall be in a form and amount acceptable to the City and as specified in the LMC for the value of any required improvements, including landscaping to re-vegetate areas disturbed by construction.
11. The City Engineer shall review and approve all associated utility installations and/or changes (if any) as a result of the construction, public improvements, grading, and drainage plans for compliance with the LMC and City standards as a condition precedent to building permit issuance.
12. No exterior signs are approved as part of this CUP. A sign permit is required prior to installation of all regulated signs.
13. Approval of a license for alcohol sales by the State Department of Alcohol Beverage Control is a requirement to selling alcoholic beverages.
14. The Snyderville Basin Water Reclamation District's review and approval of any amendments to the approved utility plans that result from construction of the Pub, for conformance with the District's standards for review, is a condition precedent to building permit issuance.
15. All construction shall comply with the restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).
16. A condominium plat shall be approved and recorded prior to issuance of a certificate of occupancy for the Pub if ownership is transferred from the HOA.
17. Conditions of approval of the Spiro Tunnel MPD continue to apply.
18. A financial guarantee for all landscaping and required re-vegetation, as well as for

installation or relocation of any public utilities, shall be posted with the City prior to issuance of a building permit.

19. A preservation plan shall be submitted with the building permit application detailing how the existing mining structure will be renovated. The building plans shall also include step backs between the new construction and the historic existing structure to differentiate between the new and the old.
10. 638 Main Street, Kimball Arts Center - Zone Change Request

Chair Thomas opened the public hearing.

There was not comment.

Chair Thomas closed the public hearing.

MOTION: Commissioner Peek moved to continue this item to a date uncertain. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:25 p.m.

Approved by Planning Commission_____

EXHIBIT G

PARK CITY PLANNING COMMISSION WORK SESSION NOTES November 12, 2008

PRESENT: Chair Jack Thomas, Rory Murphy, Dick Peek, Julie Pettit, Evan Russack, Adam Strachan, Thomas Eddington, Brooks Robinson, Kirsten Whetstone, Katie Cattan, Polly Samuels McLean

Chair Thomas announced that the King Development matter would not be discussed this evening.

Review of Historic Preservation Recommendation of Historic District Guidelines

Director Eddington reported that the Planning Commission had reviewed the revised Historic District Guidelines in September. Tweaks and changes were still being made to the document and he was looking for input from the Planning Commission this evening. Director Eddington explained that when the design guidelines were brought to the Planning Commission in September, the discussion focused more on the LMC changes and steep slope issues. The Planning Commission was comfortable leaving the guidelines to the HPB but had not formally give the HPB the go ahead to continue with the guidelines process.

Commissioner Peek clarified that the City Council designates the HPB to do the Historic District Guidelines and designates the Planning Commission to look at the Land Management Code. Director Eddington replied that this was correct. When the Planning Commission saw the guidelines in September, it was done as a courtesy from the HPB. Director Eddington was looking for a head nod from the Planning Commission for the HPB to continue the process.

Commissioner Pettit reiterated her previous comment regarding the section of the guidelines that relates to steep slope development or additions to historic houses on steep slope. She recalled that the guidelines contained language that reflected new construction on steep slopes in the Historic District, but nothing that provided guidance on additions to historic homes. She suggested that even though it may be addressed through the LMC changes, it would also be appropriate to provide guidance in the design guidelines, similar to the language for new construction. Director Eddington offered to insert that language.

Commissioner Murphy asked if the reference to no more than three stories was included in the guidelines. Director Eddington replied that it was an issue to be addressed in the LMC. Commissioner Murphy felt their previous discussion about looking at the gross square footage for additions rather than the net square footage should be considered by the HPB. Director Eddington stated that this was also an issue for the LMC and the Planning Commission would be addressing this matter in an upcoming meeting.

Commissioner Pettit commented on the three story limitation and how it relates to height. She thought it might be helpful to have some type of resource that looks at the pattern of development and the typical elements for both commercial and residential historic structures. She believed there should be a connection between the guidelines and the Land Management Code. Director Eddington stated that he would provide that information to Dina Blaes to be incorporated into the guidelines.

Commissioner Pettit pointed out that the LMC amendments are critical and she wanted to make

sure they have enough time to review the materials and Staff reports and fully analyze the impacts. It is important that the Planning Commission be given time for full discussions and not have it packed into full agendas.

Land Management Code - Amendment to Chapter 2 - Zoning Districts regarding applicable criteria for Steep Slope Conditional Use Permits in the HR-1, Hr-2 and HRL zoning districts.

Director Eddington noted that on October 22nd, the Staff brought forward a draft ordinance for the Historic District and a recommendation for a revised ordinance for steep slopes. He requested that the Planning Commission take public input this evening, after which the Staff will take that input and prepare a graphic presentation for the next meeting. Director Eddington believed there was some misunderstanding with regard to the upslope and downslope, the stories, the height, etc. and he felt it would be helpful to have a graphic presentation for that discussion.

Chair Thomas preferred to wait for the graphic presentation before making comment. The Commissioners concurred.

Commissioner Peek asked if the presentation would delve into the different grades such as natural grade, existing grade, extrapolated grade. Director Eddington stated that all of those definitions impact steep slope development and they will be addressed in the presentation.

Commissioner Pettit asked if this was now a pending ordinance. Director Eddington replied that it is a pending ordinance as of their last meeting on October 22nd. Assistant City Attorney, Polly Samuels McLean clarified that under State Code, when an ordinance is substantially presented it becomes a pending ordinance if it was noticed for public hearing and the language of the proposal is on the books.

Commissioner Pettit understood that the Alice Claim matter was not being discussed this evening, but she noted a reference in the Staff report to another application that was received. Planner Brooks Robinson explained that the packet contained a proposal for the Upper Ridge Conceptual Plan. The Staff planned to take public input on that matter in December. He noted that the property is a total of 38 partial lots south of the last two houses on Ridge Avenue. It is part of the Park City Survey in the HRL zone. The applicants are looking for a reaction to the proposal to combine all 38 lots into eight residential lots and an open space lot. They are proposing to dedicate a portion of Ridge Avenue on the east side of several of the lots and then create the street within the platted right-of-way. Planner Robinson noted that this has the potential of connecting into the Alice Claim. Ron Ivie favors this because it would provide better emergency access and multiple ways for getting in and out of the project. Planner Robinson and the Commissioners discussed road cuts, trails and pedestrian access. Planner Robinson noted that these parcels were at the end of the Park City survey before it goes off into all the mining claims owned by Talisker.

Commissioner Pettit asked about the applicant. Planner Robinson replied that the applicant is Avenues Land Company, LLC. He pointed out that the same consultant group had done the Ridge Avenue projects.

Commissioner Peek asked if the applicant is proposing road spurs that connect to the mining claim

land beyond. Planner Robinson answered no. He explained that a driveway would come in off of Lot 5 and go through Lots 6, 7, and 8. There would be a separate connection into the Alice Claim. He stated that the Alice Claim goes up Woodside Gulch. The trail and dirt road would remain for City access to the water tank and provide the ability for hiker and bikers to continue on the other trails.

Commissioner Peek clarified that the Ridge right-of-way would remain open to possible future development. Planner Robinson remarked that the Ridge Avenue right-of-way stops at the end of the Park City Survey and whatever length is left would be improved. Commissioner Peek asked if the right-of-way would be a point of access if the open area of land beyond the survey was developed in the future. Planner Robinson replied that it could; but he felt it would be better accessed through the Alice Claim.

Commissioner Pettit appreciated the ability to look at the two projects together to get a better sense of how they are interrelated.

Chair Thomas felt this was a good time for the Planning Commission to discuss long range visioning and potential development of existing parcels and he hoped the discussion would cascade into public sessions and sessions with the HPB and the City Council.

He asked the Planning Commission for their thoughts on long term planning and where Park City should go in the future, particularly in terms of mass transportation and traffic issues.

Commissioner Peek thought it would be good to have an overall map that knew where corridors needed to exist for transportation. When subdivisions come in they could plat specific right-of-ways to be able to handle mass transit or cabriolets or whatever would be appropriate. It would be helpful to have these corridors designated to access the different points as they build further up into the hills of Old Town. They could connect transit to the main highways without running cars up and down.

Commissioner Pettit stated that her biggest concern with the overall picture is that what is left to be built out in Old Town is being pushed further and further on to the hillside and on to streets that were never designed to handle car traffic or deal with parking problems. She noted that when the Planning Commission evaluates applications, they only get a piece of the pie so they never have a full sense of the total impacts when everything is built out. Commissioner Pettit thought it was important to better understand how they can reduce the number of cars and get people where they need to go without taxing already substandard streets. She is very concerned that from a health, safety and welfare aspect that it is a disaster waiting to happen. She agreed with Commissioner Peek about understanding the corridors and how they should start to address the transportation issues.

Planner Robinson remarked that Director Eddington has been working with the Geographic Information System (GIS) to make sure that all the properties in town are mapped with parcel data and whether or not a structure exists on the parcel. This would give them an idea of the smaller vacant pieces, as well as the larger platted parcels. There are still a lot of unknowns, but Director Eddington would be presenting some of that information to the Planning Commission in the near future.

Commissioner Russack felt it was critical to understand what is out there and what they can expect. They need this information to help determine what they want to become 20 years from now and the challenges they face. Commissioner Russack stated that it comes down to revisiting the General Plan in order to set the tone for how to get to where they want to be in the future. Visioning sessions and public input are crucial to the process, coupled with what is left to build in town and the forces and pressures surrounding Park City. Determining what they want to be in 20 years defines how they want to handle the issues and that would be written into the General Plan. Commissioner Russack did not believe the current LMC and the General Plan are indicative of the challenges they face today.

Chair Thomas understood that the City is in the process of interviewing a consultant for the visioning process. Director Eddington stated that they are nearing the end of the hiring process. He noted that the visioning process will be more community wide and not just land use visioning. It would set the framework for where the Planning Commission wants to go. Chair Thomas agreed that the fundamental step is to involve the community. He was also interested in the aesthetic aspect because people experience their community visually.

Commissioner Murphy reported on a film he had recently seen called "Nobody's Home." The film focuses on the impacts that second homes have on resort communities. He offered to bring it in for anyone who was interested in seeing it. Commissioner Murphy remarked that the central focus was on Aspen and the efforts they made. He noted that 20 years ago Aspen was exactly where Park City is now. Even then, Aspen had no idea of the economic impacts that growth would have on their community. One thing they did was to create an RO zone, which is residential only. An owner must live there and it cannot be a second home. Commissioner Murphy commented on other things that Aspen did to keep properties from being vacant nine months out of the year. Commissioner Murphy highly recommended that the Commissioners see this film.

Chair Thomas felt the Planning Commission could use more education from the Staff in terms of how things are processed through the Planning Department. He thought it would be helpful for the Commissioners to see how an application comes in, and how it is reviewed and evaluated. Through that process he would like to hear more about planning principles and practices from professional planners to know what is happening around the Country.

Commissioner Peek suggested that this could be done by noticing a 5:00 work session at the Planning Department. Commissioner Murphy felt they could all benefit from more general communication between the Planning Commission, the City Council and the Staff.

Chair Thomas stated that he spoke with the Mayor and there will be a joint session scheduled with the City Council and the Planning Commission.

Commissioner Pettit asked if the date has been set for the visioning session the Planning Commission usually participates in sometime in January. Director Eddington was not sure a date had been set.

Commissioner Peek asked if the Planning Commission could get a presentation on what is proposed over the Wasatch County line on Highway 248. This is bordering neighborhood and the project appears to be huge. It will also impact the neighborhoods coming in to town. Director

Eddington offered to contact Al Mickelsen with Wasatch County to coordinate a presentation. Director Eddington felt this speaks to an earlier comment about what is happening around them. The Staff is trying to reach out to Wasatch and Summit Counties to create a regional planning opportunity so everyone knows what the other is doing. It was started on an internal basis but they are trying to expand it. As the Planning Commission moves forward with updating and revising the General Plan they need to approach it from a regional perspective.

EXHIBIT H

PARK CITY PLANNING COMMISSION WORK SESSION January 28, 2009

PRESENT: Evan Russack, Rory Murphy, Dick Peek, Julia Pettit, Adam Strachan, Charlie Wintzer, Thomas Eddington, Brooks Robinson, Francisco Astorga, Polly Samuels McLean

Jack Thomas was excused.

Vice-Chair Russack opened the work session.

WORK SESSION ITEM

408, 410 and 412 Deer Valley Loop Road, Steep Slope CUP

Planner Francisco Astorga reviewed the applications to build three structures on properties located at 408, 410, and 412 Deer Valley Loop Road. Planner Astorga presented a map of the area. He noted that Deer Valley Loop Road is a small street that is accessed off of Deer Valley Drive and loops around back to Deer Valley Drive and Rossi Hill. Planner Astorga stated that the property is currently zoned HR-1, however, the vicinity of the area has the look and feel of Deer Valley Lodging throughout the entire neighborhood.

Planner Astorga stated that a plat amendment was approved in July 2008 for the Gateway Estates replat amended subdivision. It was a two lot subdivision that was created into a three lot subdivision. He noted that the replat is currently being reviewed by the City Engineer. Planner Astorga referred to the Staff analysis in the Staff report and noted that the proposal complies with development standards of the Land Management Code for setbacks. He noted that the applicant agreed to a condition to limit the footprint of the three structures. Another condition prohibits duplexes in the subdivision.

The Staff had reviewed the proposal and requested direction from the Planning Commission. The applicant had provided a model illustrating the building form and scale, as well as the dwelling volume.

Planner Astorga reviewed an exhibit of the property and asked the Planning Commission to come up to the model as he talked about the building form and scale. Planner Astorga stated that the model illustrates the footprint on Lot 1 and an L-shape design that adds a certain character to the specific structure on that lot. He indicated a significant grade on the three lots. Planner Astorga stated that the structure on Lot 2 has a more prominent roof form than Lots 1 and 3 and the Staff felt this added character. He remarked that Lot 3 had setback constraints at 10 and 20 foot, and 10 and 30 foot because of the shape of the lot. The footprint is also longer as it sits parallel to the street.

Planner Astorga noted that the applicant was requesting a height exception for the structure on Lot 1. During the Historic District Design review, the Staff thought it would be more appropriate to have a gable on one end. After the seeing the model, they decided it looked fine with the hip instead of the gable roof form. Planner Astorga pointed out that adding the roof form would add to the building height but not by more than a few feet.

Jim Darling, representing the applicant, stated that the height restriction was the reason for doing

Robert Long, representing the applicant, stated that they tried to figure out how many square feet were needed from an economic standpoint. When they submitted a proposal in July they already had these structures in mind, based on the mass and scale, and that was how they came up with the footprint that was proposed. Mr. Long stated that when they were given permission to build on that footprint he thought they were all on the same page.

Commissioner Wintzer remarked that the Planning Commission gave permission to build up to a certain size; but in order to build to that size, they have to mitigate all the concerns and impacts. He clarified that the Planning Commission did not think they had mitigated all the excavation and site constraints and the mass is too large.

Vice-Chair Russack stated that the onus is on the applicant to present their plans for mitigating the impacts and for the Planning Commission to evaluate whether or not it is acceptable. He believed the applicant had enough direction from the applicant to move forward.

Assistant City Attorney McLean, explained that the plat amendment process is different from this process. Even though the plat amendment gave them a maximum footprint, development is subject to different scrutiny and analysis under a Steep Slope CUP.

King Development - Alice Claim

Planner Robinson reported that on May 2005 the City received a subdivision application, at which time public hearings were held and direction was given by the Planning Commission. Since then, the applicants have been working on a re-design and last summer went through a voluntary remediation project of the Alice Claim. A significant amount of hazardous material was removed, stream beds were constructed and new top soil was brought in. The City and the EPA were pleased with the work that was done.

Planner Robinson reported that the property is a metes and bounds parcel in both the HR1 and the Estate zones. At this time, the proposal is to access the property from the Sampson right-of-way. Previous iterations looked at the possibility of continuing up the existing dirt road on Woodside Gulch that went past the two contemporary houses; however that was over an easement and not direct access to a public right-of-way. The current proposal goes directly from public right-of-way into their property.

Planner Robinson stated that certain elements of the subdivision need to move forward. The Estate lot would be in the sensitive lands overlay and must meet criteria for steep slopes and wetlands. The applicant would need to provide that analysis for Staff review and report back to the Planning Commission.

Planner Robinson stated that the other lot within the HR-1 is not within the sensitive lands, but some of the criteria is applicable within the subdivision application, particularly the restrictions due to the character of the land. The Planning Commission may find some land unsuitable for a subdivision or development unless the impacts could be mitigated and the applicant can demonstrate that the listed hazards would not carry forward into the future for residents or

neighbors of this development.

Planner Robinson remarked that within the general subdivision requirements there is an element on clustering and open space. The language states that units must be clustered in the most developable and least visually sensitive portions of the site. This applies to multi-family and single family projects.

Planner Robinson noted that a public hearing was scheduled for the regular meeting this evening.

Jerry Fiat, representing the applicant, provided a brief background on the project to date. In early 2005 they came to the Planning Commission for discussion and input. Based on that input they submitted a formal application in May 2005, with two options for the road.

At that time, the Planning Commission favored the option that goes up the existing Gulch. In January 2006, they presented their plan in work session and the Planning Commission thought the house in the far right corner was too visual. They wanted the lots pushed further down hill and further south. Mr. Fiat also recalled a concern over the existing conifers. Based on that direction, they worked with the former Planning Director, Patrick Putt, and came up with the current design.

Mr. Fiat stated that in October 2006 they were trying to go up the easement, which is across two lots on Ridge, and the Planning Commission directed them to resolve the easement issue. At that time they had already submitted and applied for a voluntary clean up program with the State, based on the layout shown this evening. State approval was received in 2007. Mr. Fiat stated that the clean up was possible because of an agreement the City entered into with United Park City Mines to actually dispose of the contaminated material at Richardson Flats. That agreement expired in 2008 and it became apparent that unless they moved forward in 2008 they would lose their permits with the State and with the Department of Environmental Quality for the stream restoration, and they would not be able to use Richardson Flats. Mr. Fiat noted that they made the decision and worked with the City to move ahead with the clean up in the summer of 2008.

Mr. Fiat stated that the site was surveyed and the roads were marked and they always used the current plan as markers because the entire cleanup was overlayed on to this plan. They always understood that the plan could change but they needed something at the time for the clean up. Mr. Fiat remarked that the plan was a combination of trying to place the homes in a location that would be disturbed by the environmental clean up, as well as a location that did not remove any of the conifers. The plan clustered the units and met Ron Ivie's requirements for access. Mr. Fiat noted that the plan had changed slightly because of unforeseen issues they encountered with the clean up.

Gregg Brown, representing DHM Design, presented photos of the existing house, the clean up and changes that were made due to the clean up. The area had been completely remediated, revegetated and covered with an erosion blanket. Mr. Brown stated that the creek was re-established and Ron Ivie has commended them many times for an excellent job on the creek restoration. Mr. Brown presented a photo showing the areas on the west side of the road that was questioned during the site visit. He explained that the cut at the top was a necessary access to reach a mitigation area for clean up. That has since been smoothed over, vegetated and an erosion blanket was put on.

Mr. Fiat stated that the clean up plan provided the ability to contain any kind of release that would happen on the stream. After a lot of back and forth discussion with the Mining Company, the entire stream bed was cleared all the way up. Mr. Fiat reported that when they first started negotiating with the State over the clean up, the State was only concerned about tailings and not water quality. Restoring the stream was a voluntary decision and not a requirement.

Mr. Brown pointed out that the site is now cleaned up and ready for development. He reiterated that the Alice Claim site is located within two zoning districts. The southern portion is the Estate district and the north portion is the HR-1 District. The development group also owns two contiguous parcels in the HRL zone. Mr. Brown noted that King Road and the intersection of Sampson currently run through the parcel furthest to the north. They have talked with the Staff about dedicating that property to the City to establish right-of-ways. Mr. Brown remarked that historically King Road continued south up what is now Woodside Gulch. Sampson and Ridge were the intersections at King Road. The bypass road was eventually added.

Mr. Brown reviewed the site plan and identified the changes that were made based on previous Planning Commission comments and direction. The design goal was to move the structures down the slope as much as possible and to preserve the evergreen trees. Mr. Brown explained why it would be necessary to remove three of the large evergreen trees. The remaining trees would be saved. Mr. Brown stated that they hand cleared around those trees during the remediation work to make sure they stayed in place.

Mr. Brown noted that 27% of the Estate zone is designated as open space. The remaining land would be the three acre estate lot. In the HR-1 zone, 22% of that site would be designated as open space. Mr. Brown had overlaid the site plan on the aerial photo to show the context in relation to the surrounding areas.

Mr. Brown presented a section drawing showing how the houses would step up the slope. They will always remain under the 27 foot height requirement. Mr. Brown noted that stepping increases the building footprint but it limits the apparent height and mass. They have also talked about stepping the foundation to minimize the amount of excavation. Mr. Brown stated that because the Alice Claim is a large site, most of the excavated material can be left on site.

Mr. Brown reviewed the grading plan and noted that the actual building footprint was 6% of the total site. He noted that half of the building sites are within the remediation areas. He believed that approximately 3-5% of the site would be disturbed beyond what was disturbed during remediation. Mr. Brown presented three view simulations. The first was from McHenry, the second was from the Upper Marsac lot, and the third was from the lower Marsac lot. Mr. Brown noted that a brief study was done on the entry and indicated that a cut is required for the access into the project. He compared the existing situation to what was being proposed. A retaining wall would be required at a height over 20 feet tall. Heavy landscaping was proposed at the entrance to soften the look of the wall.

Mr. Brown showed the Alice Claim project merged with the Ridge Avenue project. The Alice Claim project has been designed to allow a possible loop between the two projects if the City finds this

desirable. He believed they had a thumbs up approval from Ron Ivie for tying the two sites together. Mr. Brown indicated how the units would be clustered to match other developments in the area. He believed this project was compatible with that section of town.

Mr. Brown commented on public benefits and felt the primary benefit was closure of the mine shaft and the remediation project. In addition, they are willing to donate the open space land and the land for King Road and Sampson. The bike trails will be rebuilt and easements provided for the bike trails. This project would also provide better access to the City water tank.

Commissioner Russack noted that this items was scheduled for public hearing this evening and the Planning Commission would provide their comments after hearing from the public. Due to time constraints and the importance of this project, Vice-Chair Russack requested that the Staff schedule another work session to allow for additional discussion with the applicant.

EXHIBIT J

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
PARK CITY LIBRARY
1255 PARK AVENUE, ROOM 205
FEBRUARY 25, 2009

COMMISSIONERS IN ATTENDANCE:

Chair Jack Thomas, Rory Murphy, Dick Peek, Evan Russack, Adam Strachan, Charlie Wintzer.

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson, Principal Planner; Katie Cattan, Planner; Kayla Sintz, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 7:20 p.m. and noted that all Commissioners were present except Commissioner Pettit, who was excused.

II ADOPTION OF MINUTES

MOTION: Commissioner Murphy moved to APPROVE the minutes of the February 11, 2009 as written. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

John Stafsholt, a resident at 633 Woodside Avenue, stated that the next time height and steep slopes are discussed in the LMC process, he would like enough time during that public hearing to give a ten minute presentation.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Chair Thomas disclosed that he is involved with the Silver Lake Lot 2B project and he would recuse himself when that matter is discussed.

Planner Cattan reported that tomorrow evening the City Council would be reviewing the Treasure Hill project for affordable housing, as well as the direction on separate counsel. She requested that a representative from the Planning Commission attend the City Council meeting since they had given that direction. City Council Member, Liza Simpson, noted that the City Council would hear the matter as the Housing Authority, therefore, it would be scheduled at the end of the regular meeting. Commissioner Wintzer volunteered to attend.

Planning Director Eddington recalled from the last meeting that the Planning Commission at

MOTION: Commissioner Murphy moved to CONTINUE this Silver Lake Drive, Lot 2B to April 8, 2009. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Chair Thomas was recused.

PUBLIC HEARING AND CONTINUE TO DATE CERTAIN

Commissioner Thomas resumed the Chair.

1. King Development, Alice Lode - Subdivision

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas continued the public hearing.

MOTION: Commissioner Murphy moved to CONTINUE the public hearing for King Development - Alice Lode to a date uncertain. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 80 King Road - Steep Slope Conditional Use Permit

The Staff requested that this item be moved to the regular agenda for discussion.

MOTION: Commissioner Wintzer moved to REMOVE 80 King Road from the Consent Agenda and MOVE it to the Regular Agenda for discussion. Commissioner Murphy seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. 80 King Road - Steep Slope CUP

Planner Francisco Astorga stated that the Staff and applicant were requesting direction from the Planning Commission regarding 80 King Road and the application to amend the conditional use permit.

Planner Astorga reported that on November 12, 2008 the Planning Commission reviewed this application and made several comments with regards to the completeness of the application in terms of the streetscape elevation, detailed information on the cuts of the proposed structure on the terrain, as well as materials that were provided for their review. Planner Astorga stated that

EXHIBIT K

PARK CITY PLANNING COMMISSION WORK SESSION NOTES MARCH 11, 2009

PRESENT: Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Adam Strachan, Charlie Wintzer, Thomas Eddington, Brooks Robinson, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

408, 410, 412 Deer Valley Loop Road, Steep Slope CUP

Francisco Astorga reported that the Planning Commission had reviewed this request during the January 28, 2009 work session. At that time the Planning Commission provided direction to the Staff and the applicant on the conditional use permits to build on slopes 30% or greater. The Staff report was under separate attachment.

Planner Astorga outlined some of the concerns raised by the Planning Commission. They were concerned that the footprints were larger than what was anticipated during the plat amendment process. The Commissioners were also concerned with the steepness of the lot and the impacts of excavation.

Planner Astorga reviewed Exhibit A, where Jim Darling, the project architect had identified the areas of disturbance, including minor disturbance. The total disturbed area equals 49% of the entire lot. The remaining 51% would remain landscaped or natural. Using the same exhibit, Planner Astorga pointed out that the total percent of the site to be landscaped or remain natural equals 23,000 square feet.

Planner Astorga reviewed Exhibit B, which showed the average slopes and grades throughout the site. Darker red areas indicated the grade that exceeds 45 degrees or 100%. The exhibits were provided to help the Planning Commission understand how the designer intends to place the sites towards the front to address the plateau.

Planner Astorga reviewed Exhibit C, which was a quick FAR study the Staff had prepared comparing the total house size, including living area, basement area, and garage. Planner Astorga stated that taking the average of the comparison FARs results in 60% of the lot area. The proposed design shows 30% for 408 Deer Valley Loop Road and 36% for 410 and 412.

Commissioner Peek asked which zones the comparisons were taken from. Planner Astorga replied that it was the HR-1 zone. Planner Astorga noted that the study was contextual to give a brief idea of what surrounds this project.

Jim Darling, the project architect, noted that revisions were made to the project since the last meeting. The revisions included a slight relocation of the residences to push them down the slope as far as possible, two patio areas were deleted, the retaining walls were reduced by 35% of what was originally proposed. By reducing the retaining walls and the patio areas, they were able to reduce the excavation by approximately 20% of what was originally proposed. It also reduces the site cut into the slope.

Mr. Darling noted that the applicant started with two lots that were platted for duplexes and the maximum footprint was 5743. They eventually went to three lots and changed from duplexes to three single family residences, which reduced the density. By doing so, the pads were broken into three smaller units rather than the originally proposed larger units. Mr. Darling stated that when they first looked at this subdivision process, they were looking at doing three separate entries into the project. It was determined that having three entries off of Deer Valley Loop road would create a traffic issue. In addition, it would be difficult to get a driveway into two of the three units. Mr. Darling stated that they decided to utilize the existing plateau area on the site and came up with a shared driveway that would provide access to all three lots. The objective was also to push the three residential units as close to the roadway as possible and on to the flatter portion of the site.

Mr. Darling reviewed the plans to show how they were able to reduce the amount of excavation for the basement.

Commissioner Murphy wanted to know how they plan to retain the earth. He asked if they were catching grade or if there was a retention system. Mr. Darling replied that one house has a two-step retaining wall situation. Commissioner Murphy stated that if they are catching grade, they were showing only half of what is actually being torn up. Mr. Darling indicated a retaining wall situation and agreed that there would be additional excavation. Commissioner Murphy wanted to know how they would retain from that point down. If they plan to retain from the back part of the building that is not allowed in Park City on a slope that steep. After some clarification, Chair Thomas stated that it would be allowed.

Mr. Darling pointed out that the total site disturbance is less than 50%. 51% of the site will have existing vegetation preserved. The total percent of the site to be landscaped after completion would be 70% of the site.

Chair Thomas asked for the total square footage area of the final footprint of the three lots, versus the initial footprint with the duplexes. Mr. Darling replied that the square footage remained the same or slightly less.

Mr. Darling summarized other scenarios that were considered before they decided on the one presented this evening.

Chair Thomas stated that because this item was added to the agenda, the Planning Commission needed time to review the new information before making comment.

King Development - Alice Lode - Plat Amendment

Planner Brooks Robinson noted that the Planning Commission had previously reviewed this item and provided direction to the applicant to make the project more compatible with the historic district in terms of lot layout, size and design. The applicant had returned with three conceptual plans based on that direction and would like additional feedback. A table was provided in the Staff report showing the lot sizes for that area.

Planner Robinson presented Concept A and noted that the property is currently split by an Estate

zoning line to the south. No development would occur on the Estate lot in Concept A. Concept B shows 9 total lots, one of which would be in the Estate zone on the west side of the Gulch. The other lots are clustered closer to the entrance of the project with the few existing houses in that same area. Concept C showed 10 lots with a proposal to rezone to HRL to match the surrounding zoning. A portion of the Estate zone and what is currently HR1 would be changed to HRL. It would require larger lot sizes, typically the equivalent of two Old Town lots or 3,750 square feet minimum. The applicant had also provided footprints and those numbers were also included in the table provided in the Staff report.

Greg Brown, with DHM Design, responded to the comments made during the January 28th meeting. Regarding the comments about developing on steep slopes, Mr. Brown recalled discussion about stepping the units up the hillside. He believes stepping would mitigate the amount of required excavation and there would not be a single cut of two stories, three stories straight down. The cut would be stepped and the units would be stepped up the hillside as needed. Regarding the concerns about the environmental impact of excavation, Mr. Brown felt it was important to realize that a site this large allows for more mitigation of excavation work. Water quality can be handled on site and the excavation material can be spoiled on site.

Mr. Brown commented on the discussion regarding purpose statements in the development Code. He would come back in the new future to discuss each purpose statement individually and demonstrate how they believe those purposes statements can be accommodated. On the issue of Lot 7 crossing a steep slope, Mr. Brown explained that they have located the driveway access along an existing bench. In terms of the request to show the 2005 plan, Mr. Brown stated that he has been unable to locate that plan but he would continue looking. He believes the 2005 plan is similar to what the Planning Commission would like.

Mr. Brown recalled comments and concerns about the traffic coming down King Road. A report was done a few years ago by Fehr and Peers and two of their primary concern was construction traffic. At that time they had talked about mitigation measures and staggering construction traffic to off-peak hours. The site is large enough to store construction materials on-site and the employees working on the project can park on-site. This eliminates many of the traffic problems they have in other areas of Old Town. Mr. Brown stated that most of the excavated material would be used in the construction of the units. There are post-remediation areas that need to be filled higher and the excavated material can be used for a lot of on-site grading, which would also reduce the amount of construction traffic. Mr. Brown noted that the Fehr and Peers report concluded that King Road is a low volume, low speed road and this project would create minor impacts to the road. Mr. Brown noted that Fehr and Peers recommended adding a stop sign at the three-way intersection and that stop sign has already been put in.

Mr. Brown reported that the applicants recently met with Ron Ivie and Matt Cassel, as well as Brooks Robinson and Thomas Eddington and no one was concerned with the design of the roadways for this project. Mr. Cassel wanted to look the turning radius at the entrance and he believed any issues could be resolved.

Mr. Brown reviewed the three options presented that address the comments from the last meeting. Plan A showed ten lots that were concentrated more along the road and in the valley. All the lots

are completely within the HR-1 zoning district. Plan A proposed 246,000 square feet of open space. Mr. Brown stated that he did an overlay of each of the plans on the slope analysis. Many of the units are concentrated in the area where the remediation work was done.

Mr. Brown stated that last time they looked at a density study as a compatibility study of the rest of the area. A compatibility was done for each unit and the result was the layout of the units along King and Sampson Road as shown in Plan A.

Mr. Brown noted that Plan B was based on comments several years ago from the previous Planning Commission. There was a concern about any development being in the area of the large evergreen trees. Taking that into account, they pulled the units out of that area and clustered them to the south. That forced them to also put a unit into the Estate Zone. Plan B has eight lots in the HR-1 zone and one in the Estate Zone. All the development was moved to the bottom of the valley. Mr. Brown pointed out that in Plan B the lot sizes get significantly smaller and less valuable. For financial reasons Plan B does not work for the applicant.

Chair Thomas asked about the grade change from King Road to the trees. Mr. Brown estimated 20 feet at the steepest point. There is a steep cut off the road.

Mr. Brown stated that Plan B provides 189,000 square feet of open space.

Mr. Brown noted that Plan C would require re-zoning the site. Plan C was laid out to meet the requirements of an HRL zone district. The land surrounding the project is zoned HRL. Plan C showed ten lots that meet the minimum criteria for HRL. The units were moved down the slope and on to the bottom of the valley at the edge of the remediation area. Mr. Brown pointed out that the large evergreen trees would be preserved. Plan C provides 234,000 square feet of open space.

Mr. Brown stated that after designing plans that respond to the direction for moving the units to the road and after hearing comments from the neighbors, the applicants still prefer the plan presented on January 28th, which keeps the units off the road. The road is a trail access into open space. They believe their plan has a more open feel because the houses on top are actually behind the trees. Mr. Brown pointed out that there is more space between the houses and it provides the ability to look at LEED Certification for each of the units. They believe the lots are better and would afford better design and construction.

Mr. Brown stated that approximately 3% of the undisturbed land would need to be disturbed in order to develop this plan. This plan provides nearly 124,000 square feet of open space. Mr. Brown believed this plan layout is compatible with the edges of the historic district.

Mr. Brown recently spoke with the Staff about gaining LEED Certification. There is Master Planning LEED Certification that is set up for units of 300+ plus. Some of the criteria includes having things such as mass transit stops. He felt it would be impossible to achieve the neighborhood design level of LEED, but they intend to meet as many of the criteria as possible with the existing site constraints. Mr. Brown stated that they willing to have all the buildings LEED Certified.

Chair Thomas asked if the percentage of new disturbance would include the roads and the cut and fill of the highways. Mr. Brown replied that it would include the new roads. The existing roads are

counted as already disturbed. The area that was disturbed by the remediation does not count against you as disturbance in LEEDS certification.

Mr. Brown commented on storm water management and energy efficient materials in the homes. The size of the site allows them to deal with storm water on site. The architects for the project will have to be LEED Accredited. Mr. Brown remarked that the location qualifies for LEED credits because they are adjacent to town. They also get points for brown field redevelopment.

Jerry Fiat stated that in addition to the open lands, land on Sampson and King is being donated to the City. Mr. Fiat noted that the footprint, as designed on their proposed plan, is approximately 3-4% of the total site.

Commissioner Wintzer felt that Plans A, B and C were more compatible to the historic guidelines than the plan preferred by the applicant. Commissioner Wintzer noted that the zoning map shows most of the zoning as HR-1. He could not understand why they would allow a zoning change from HR-1 to HRL. He wondered why the applicant could not do the same development in the HR-1 zone.

Planner Robinson noted that going from HR-1 to HRL is down zoning because they are creating a requirement for larger lots. In Plan C, the applicants would also be looking at up zoning a piece of the Estate Zone. As currently laid out, a couple of lots cross the zone line. The intent was to hear feedback from the Planning Commission on re-zoning to one zone.

Joe Tesch, legal counsel for the applicant, read from the purpose statement of the HRL zone, "Reduce density that is accessible only by substandard streets. The streets are not impacted beyond their reasonable carrying capacity. Provide an area of lower density residential use within the old portion of Old Town." He believed the development was more in spirit with the HRL zone.

Commissioner Wintzer stated that the part of the purpose statement in the HR-1 zone he likes was compatible with 25' x 75' configurations of lots. He believed their proposal was similar to the size of three Old Town lots.

Chair Thomas thought it would be helpful to have color-coded discs showing which lot goes where and the center of building pad. In his opinion, the issue is how it fits in the topography and where the sites are located. Chair Thomas recommended a site visit prior to the next work session. Commissioner Wintzer stated that he would like to be able to feel where the road is going to make sure it follows a contour that makes sense. Mr. Fiat was willing to stake the lots and prepare for a site visit.

Commissioner Peek suggested that the applicants take any of the plans they are not interested in proposing off the table. Mr. Brown and Mr. Fiat were comfortable proposing Plans A and C and their preferred option. Plan B was taken off the table.

Commissioner Pettit echoed Commissioner Wintzer in terms of the new options being more consistent and compatible with the HR1 and the HRL District. She did not favor changing the zone and she was not inclined to look favorably at Option C. Commissioner Pettit stated that she was

more in favor of Option B because it is more consistent with the HR-1 District.

Commissioner Peek asked if the soils were remediated in all three options for the building areas. Mr. Brown stated that in Option A, some remediation on the north of the site was not done and they need to remediate some of that area. Commissioner Peek stated that when the site is marked for a site visit, he would also like to mark the stream corridor and the 50 foot setback required in the SLO on the chance that there is a zone change.

Mr. Brown asked if they would be required to have the 50 foot setback even though they reconstructed the creek completely. Assistant City Attorney, Polly Samuels McLean, explained that the Code requires that all development be more than 50 feet away from streams unless there is a hardship. Hardship is strictly defined as no other way to develop the property. The Army Corp of Engineers requirements is out of their purview and it would be according to their requirements.

Planner Robinson remarked that another section in the wetland and stream protection portion of the SLO is that you can do work in a stream corridor provided its under a qualified professional and a plan approved by the governing jurisdiction.

Commissioner Peek commented on the three site plans and read from Item K of the subdivision purpose statement, "To preserve the natural beauty and topography of Park City and to insure appropriate development with regard to these natural features". He believes that language affects Option A because of the knoll that faces the connector road from Sampson to King. That is a significant piece of property and existing landscaping. Commissioner Peek agreed with Commissioner Pettit that Plan B was the best plan. He was not in favor of a rezone as required for Plan C.

Commissioner Murphy concurred with Commissioners Wintzer and Pettit that the options presented are more compatible with Old Town. He also favored Plan B. He was not at all in favor of Plan A. Commissioner Murphy stated that his issue with the design is the connector road to the proposed development to the east. Lot 7 sits on the knoll and he wondered why that lot could not be pulled in and do a hammerhead or cul-de-sac. He was unsure why they would encourage development in that area by building an additional road.

Mr. Fiat clarified that he had not planned on building the road. Ron Ivie had requested that they design to accommodate the road in case it ever becomes necessary. Mr. Fiat stated that the plan is a hammerhead and their plan is not dependent on a connector.

Commissioner Murphy appreciated what the applicant did with the construction impacts. He asked if they planned to keep the excess soil on site. Mr. Fiat replied that they intend to utilize most of the material on site. Commissioner Murphy also appreciated their sensitivity towards the neighborhood issues. Commissioner Murphy supported Plan B or possibly Plan C. He stated that the visual impacts bothered him more than the zone change. Commissioner Murphy thought it would be hard to develop the site if the applicants are held to 50 feet off the stream. Planner Robinson replied that the SLO only applies to the Estate zone.

Mr. Fiat stated that the land was permitted by the Department of Environmental Quality and stream restoration and studies were done. He was permitted to culvert that entire section. This is a

seasonal stream with very little water. During the mitigation, he made the decision to continue the stream all the way up because it was a nice amenity. Mr. Fiat remarked that when they did the clean up they were very concerned about water quality releases from Silver King Mine above. He noted that the project was designed for a hundred years. It accommodates all the run off from all the homes and all the roads being cut off and it deals with water quality completely. It is a better designed project than anything else in Old Town. This was done because they were mainly concerned about release from above.

Commissioner Strachan did not favor Plan C. He thought Plan A would take out the vegetation and the conifers on the northwest side of the lot. Commissioner Strachan was more comfortable with Plan B, but he did not think the one lot in the Estate Zone could be developed. It is in the SLO and on a very steep slope. He would support Plan B with the caveat that Lot 5 is either relocated or eliminated.

Chair Thomas agreed with Commissioner Strachan. He favored Plan B, but he wanted to see the marks on site at the earliest opportunity. Chair Thomas summarized that the Planning Commission was willing to look at Plan B, as well as the applicant's preferred plan and that two options needed to be staked in the field. The Commissioner's were also willing to look at Plan C if the applicants wanted to stake that option as well.

1502 Seasons Drive - Plat Amendment

This item was moved to the regular agenda.

1800 Park Avenue - Master Planned Development

Planner Robinson stated that on December 10, 2008 the applicants had prepared a hard model and provided a visual presentation for the Yarrow Hotel MPD. The general consensus from the Planning Commission was favorable to the concept, however there was some concern over the visual corner where Kearns and Park Avenue come together. Based on that input the applicant revised the plan and was prepared with an additional presentation this evening.

Craig Elliott, with Elliott Work Group, disclosed that he was also doing work for the City on the affordable housing project at Snow Creek. He clarified that the applicant he was representing this evening was Hart Hotels and the proposed project at the current Yarrow location.

Mr. Elliott addressed two issues raised at the last meeting. One was the design of the corner at Kearns and Park Avenue. That corner was reworked and the new design was provided in the packet. Mr. Elliott also provided a model and computer renderings to show how the corner had been reworked. The second issue was pedestrian circulation and how people would come to the site on foot or bicycle. Mr. Elliott placed a new model over the existing model and reviewed the changes. He requested input from the Planning Commission so they could move forward in the process.

Mr. Elliott reported that they have been working with a landscape architect on higher development of the landscape. He would have that information available at the next meeting.

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JUNE 10, 2009**

PRESENT: Chair Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Charlie Wintzer, Thomas Eddington, Brooks Robinson, Matt Cassel

Commissioner Strachan was excused.

Alice Claim

The Commissioners had visited the Alice Claim site prior to the work session.

Jerry Fiat, the applicant, presented two plans. The first was his preferred plan and the second was a revised plan based on previous direction from the Planning Commission. Mr. Fiat had identified the preferred plan in pink and the revised plan in blue. He understood that the Planning Commission wanted the houses to be pulled into the gully as much as possible to mimic the HR zoning. Mr. Fiat remarked that the entire surrounding area is HRL zoning. The homes are spread out and the majority of the lots are .2 of an acre. He pointed out that many people utilize the gully and the intent was to leave it as an asset where people could experience the walk up to the gully. Mr. Fiat believed that condensing the houses and putting them low in the gully and close to the road would take away from that experience. In addition to reducing the value of the lots, it also reduces the quality of life for the entire gully.

Mr. Fiat requested that the Planning Commission reconsider the original plan, which placed the homes in higher, flatter areas and hid them between the trees. He believed that plan was more in keeping with the area.

Planner Brooks Robinson summarized the site visit. All Commissioners were present at the site except for Commissioner Strachan, who was excused. Both alternatives had been staked out and the Planning Commission had the opportunity to look at both alternatives on site. No substantial discussion was held on site.

Planner Robinson stated that this item would come back for a public hearing and further discussion at a later date. Planner Robinson hoped to schedule another site visit in better weather to give the Planning Commission another opportunity to look at the staked alternatives before the stakes are moved or destroyed.

Chair Thomas noted that Unit 7 on the original plan and Units 6 and 7 on the revised option appear to be on a ridgeline. He wanted to know how the Staff interprets the ridgeline that separates the two canyons and if it falls in the category of a prohibited use on ridgelines.

Planner Robinson preferred to hear all the questions this evening and come back with answers at a future meeting.

Commissioner Wintzer had written a note from a previous meeting that said, "General Plan, page 148, encourage future hillside development that is clustered at the base of the hills and off of ridgelines. Compatible with the Historic District." It was an old note but he still had the same question.

Commissioner Russack recalled a previous discussion about how the entrance and how it would be handled. He assumed that would be addressed at a later meeting. Mr. Fiat replied that the assumption was that they would not go over the easement and the entrance would come off the public right-of-way. That has not changed.

Commissioner Russack recalled from the last meeting an issue regarding the connection to Ridge. Mr. Fiat stated that he has nothing to do with that issue. Either plan would allow for a connection if the City wants to do that. However, making that connection is not part of their plan.

Chair Thomas noted that the March plan indicated a large conifer tree behind Units 8 and 9. That tree was not shown on the revised plan and he wanted to know if it was in the building zones of Units 8 and 9 or in the right-of-way of the potential road behind Units 8 and 9. Mr. Fiat was not aware of the tree but offered to find an answer to his question. He suggested that the tree might be outside of the property line. Chair Thomas stated that if the tree is within the property line that could be a consideration for modifying the building pads.

Chair Thomas understood the applicant's consideration for placing the units up the hill, but he still preferred the March plan. His only concern was the impact of Units 6 and 7 on the ridgeline. That was a critical question with regard to those two locations.

Commissioner Pettit remarked that the Planning Commission has discussed location and reconfiguration of the lots, but they had not talked about lot sizes and how they compare with the historic district. They have also not address the square footage that goes with the lot size. Commissioner Pettit requested that consideration be given to reducing the footprint to be more compatible with the historic district.

Commissioner Russack believed the footprints were smaller in the revised plan.

Commissioner Wintzer echoed the previous comments. He wanted to visit the site on a dry day and walk up to Lots 6 and 7. It was evident that Lot 7 encroaches on the ridgeline but he was unsure about Lot 6. Commissioner Wintzer stated that regardless of existing development in either zone, the purpose statement for both zones says to build to the toe of the hill and historically compatible structures, which are row houses. That is what Park City is and he is disappointed with what has happened outside of those parameters in Old Town. Commissioner Wintzer noted that both the General Plan and the LMC give the direction to stay off the ridgelines and build at the bottom of the hill.

Commissioner Murphy stated that his views were consistent with his Fellow Commissioners. He thought the applicants were getting close and the March plan was better than the original plan presented in January. Commissioner Murphy agreed that Units 6 and 7 was the major issue. He commended the applicants for doing an exceptional job on the site work. Commissioner Murphy reiterated that the placement of Units 6 and 7 needs to be resolved before the Planning Commission could move forward.

Commissioner Peek agreed with all comments. He wanted a sense of how far Units 6 and 7 would be seen from up canyon. He was also interested in walking the site on a dry day. Commissioner

Work Session Notes

June 10, 2009

Page 3

Peek wanted to better understand the size of the cut to access the site. He requested more detail on the height of the retaining. He agreed with Commissioner Murphy's comments about the great mitigation of the site. The Commissioners concurred.

Chair Thomas noted that during the conditional use permit process the Planning Commission would have the opportunity to restrict or reduce height as a way to address Units 6 and 7.

Mr. Fiat commented on reducing the footprint. He noted that most of the homes in Old Town are very vertical with a lot of stairways and bedrooms are separated on different levels. He believes this site provides the opportunity to create more horizontal living. Mr. Fiat concurred with the idea of keeping the ridgelines low and he supported and agreed with a lower roof height. Mr. Fiat urged the Planning Commission to consider the idea of more horizontal living as a more comfortable home.

Mr. Fiat remarked that the historic district guidelines discourages garages off the front of houses and encourages side entry garages. He pointed out that a side garage is not possible on a 25 foot lot and if they lots are narrowed, the only choice would be to put the garage in front.

Mr. Fiat stated that the placement of Units 6 and 7 resulted from a conversation with former Planning Director, Patrick Putt, who said it was not a significant ridge. Patrick Putt actually placed the units in that location. Mr. Fiat remarked that he had a rendering showing a cross canyon view of the homes on all the ridges that he could provide.

Chair Thomas suggested that Mr. Fiat provide an overlay of the old plan and new plan showing Units 6 and 7. He thought a cross section through that area perpendicular to the ridgeline would be helpful. Chair Thomas appreciated Mr. Fiat's desire to make the homes more horizontal, but he did not believe it was consistent with the purpose statement.

Mr. Fiat clarified that he understood the intent of the purpose statement and he was not suggesting that a horizontal design met that intent. Chair Thomas believed that the revised March plan was more appropriate than the original plan presented in January.

Echo Spur

City Engineer, Matt Cassel, reported that two weeks ago he updated the Planning Commission on the retaining walls for the Echo Spur development project. The intent this evening was to update the Planning Commission on changes that were made based on that discussion.

Mr. Cassel presented slides and noted that the X-mark on the retaining wall indicated that the wall would not be constructed in one big layer. It did not indicate that the wall would not be built. Mr. Cassel stated that the developer was directed to break the retaining wall into tiers.

Mr. Cassel summarized that the direction to the developer included a 2-1/2 foot buffer between the wall and the curb and gutter on the road. The wall should be broken into tiers with a maximum height of the tiers to be 6 foot. There should be a minimum of 8 feet between the walls and the right-of-way line. The existing berm would be maintained.

Mr. Cassel commented on the maximum 6 foot wall height and noted that the result would be three tiered sections. Mr. Cassel provided an example of an 8-foot wall that showed two walls with a 3-foot tier in-between. He explained that the two wall scenario would save three or four feet and provide more buffer between the adjacent development. The 6-foot wall scenario would provide a 6 to 8 foot buffer.

Commissioner Murphy asked if the sidewalk was eliminated to provide the additional buffering. Mr. Cassel replied that currently the distance is 13-1/2 feet from the right-of-way line. Tiering the walls with 3-feet between still leaves 9-1/2 to 10 feet from the right-of-way line. They are looking at narrowing the road in order to gain 2-1/2 feet in front. He used Hillside as an example of how that was done.

Mr. Cassel wanted to keep the sidewalk because it is an important element for walkability. In addition, the sidewalk provide a small buffer between the edge of the road and the homes themselves. Mr. Cassel stated that before the developer obtains a permit the City would require a landscaping plan to be submitted and approved. The developer had proposed a hard surface retaining wall at the entrance and Mr. Cassel suggested changing that to a rock wall to be more consistent with what exists in the area. The Planning Department would also review the wall to make sure it is as aesthetic as possible.

Mr. Cassel stated that plans have partially been submitted and he would review them once they are fully submitted. The developer is close to obtaining a permit and would like to begin construction this summer.

Mr. Cassel provided copies of email correspondence with Bill Tew addressing his concerns and the direction this wall is taking.

Chair Thomas wanted to know why this particular project was going through an administrative CUP when another project on the agenda this evening required a full CUP process through the Planning Commission. Mr. Cassel explained that when this project began, various City departments met together to discuss options. It came down to the fact that because this is already platted for a road, the City cannot stop a road from being built. There was some discussion as to whether the street was public or private and it was determined that the City would have more control over certain matters if the road was public.

Planner Robinson clarified that the project scheduled on the agenda this evening is a driveway in a platted right-of-way versus constructing a City street within the right-of-way. Commissioner Peek asked if a steep slope CUP would apply in a right-of-way. Mr. Cassel replied that it would apply to the individual home lots but not the right-of-way. Commissioner Peek wanted to know if all the construction was 100% within the City right-of-way. Mr. Cassel stated that it is within the right-of-way and it is at 10% or less for the road. A turnaround is required to meet the Fire Code and that was initially proposed by deeding over one of the lots to be used as a turnaround for emergency vehicles. Commissioner Peek clarified that no construction would occur on private property that would fall under the steep slope CUP. Mr. Cassel replied that this was correct.

Commissioner Peek read from page 17 of the May 27th minutes, "Commissioner Murphy asked how the developer plans to access the lots. Mr. Cassel replied that the lots would be on the other side to

the west. He noted that the current 6-foot rise would be eliminated and the lots would be leveled". Commissioner Peek asked if that was part of this permit. Mr. Cassel answered no. Commissioner Peek clarified that there would not be a California style benching of the lots to remove the Steep Slope CUP.

Mr. Cassel stated that the developer shot existing elevations and they will shoot complete work elevations. This will identify where they started and where they went so they do not lose the original grades on the site. He believed the developer would get a grading permit because Ron Ivie was not comfortable leaving the building lots as they exist. He wants it knocked down to eliminate a safety hazard. That data will be on file before the individual lots come in for a Steep Slope CUP.

Chair Thomas wanted to know how they could control impact on significant vegetation?

Mr. Cassel was unsure and offered to find an answer. Commissioner Murphy pointed out that anything over six inches dbh is supposed to be recorded and taken into consideration.

Commissioner Peek asked if anyone has evaluated runoff. Mr. Cassel stated that he visits the site occasionally to make sure they are not seeing new cracks or fissures that would indicate a failure. He noted that it is self-controlled all the way around.

Chair Thomas requested a survey of significant vegetation and felt it was wise for the City to make that effort. Commissioner Peek thought it should include the limits of proposed disturbance for the grading.

Commissioner Murphy felt that allowing a small turnaround in the middle of a dead end street conflicts with everything Ron Ivie has required in the past. He knows from personal experience that Ron Ivie typically requires a bulb-out after a maximum of three lots. Mr. Cassel understood that Ron Ivie had proposed the turnaround solution to the developer. Commissioner Murphy was surprised with that decision and suggested that Mr. Ivie revisit the matter to make sure it is adequate for the amount of development proposed on the ridge.

Commissioner Wintzer referred to the first 30 feet on the east side of the project and thought the grade looked like it had been altered from the adjacent lot. He asked if they were retaining original dirt or dirt that was put there by the previous lot. If dirt has been added, removing that dirt would reduce the wall height. Mr. Cassel stated that there was no way to verify that the dirt came from the adjacent development. Based on the inability to verify previous grades, the existing grade would be retained. Mr. Cassel assumed it was original grade. Commissioner Wintzer believed it was possible to verify and explained how it could be done.

Chair Thomas could not see much difference between the two or three tier scenario and he believed landscaping was a good idea.

Chair Thomas called for public comment.

Ernie Campo stated that he owned the property where the hill is in question. He provided photographs that showed where the hill was cut down approximately two feet when a water line was

replaced. Mr. Campo noted that a water right-of-way goes through the top of the hill to allow the water to access the other home site. Mr. Campo stated that he is President of the Silver Pointe HOA and after reviewing the plan he generally supports it. He was more interested in the aesthetics because as proposed everything is out of balance in terms of road, wall and hill. Mr. Campo remarked that a three-foot sidewalk is better than a four-foot sidewalk and he encouraged reducing the scale if possible. There is limited access for five or six homes and he wanted to make sure they did whatever possible to protect the integrity of the area. Mr. Campo favored more rock and less wall. He suggested adding rock in front to add more interest. Mr. Campo requested that the project be fast tracked after approval, since it has already been seven months of inactivity. He requested re-vegetation on both the Silver Pointe side and on the Ontario side to eliminate some of the soil erosion.

Commissioner Russack thanked Mr. Cassel for listening to their comments and making revisions for a better solution.

EXHIBIT M

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 9, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES OF NOVEMBER 10, 2010

December 7, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes from the joint session with the Snyderville Basin Planning Commission on December 7, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

January 12, 2011

MOTION: Commissioner Savage moved to APPROVE the minutes of January 12, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting. Commissioner Pettit abstained since she was absent from that meeting.

III. PUBLIC COMMENT

Joe Tesch, representing the applicant for Alice Lode, stated that he had submitted a letter regarding Alice Lode, which was included in the Staff report. He also had several conversations with City Attorney Mark Harrington on this matter to address legal and other issues.

Mr. Tesch noted in his letter that the change in Staff personnel over the years has been problematic for the planning process, particularly in trying to provide historical and accurate information to the

Planning Commission. Mr. Tesch requested that the City consider forming a subcommittee to review the issues in depth and report back to the Planning Commission in a more efficient and timely manner.

Chair Wintzer stated that when he was on the subcommittee for Park City Heights, he felt it tied the hands of the other Commissioners. Once the subcommittee presented their recommendations to the Planning Commission, the Commissioners were put in the position of speaking against something that had been moving forward for a year and a half with the subcommittee. Chair Wintzer did not favor subcommittees and preferred to address the issues in a regular meeting with all the Commissioners present.

Commissioner Pettit concurred with Chair Wintzer. It is a difficult process to manage from the expectation perspective of the applicant. The applicant vests in the process of what they believe is an understanding, but another group of people still need to come to an understanding. Commissioner Pettit stated that she and Chair Wintzer have history with the Alice Lode project and she believed they could be helpful to the applicant and the other Commissioners.

Chair Wintzer suggested that the Staff could set up a work session on Alice Lode to address specific issues. That would help everyone get informed and updated before it comes before the Planning Commission at a regular meeting.

Mr. Tesch understood the concerns and how it may work as a disadvantage to the applicant, however, they were willing to take that risk. He stated that one of the issues that came up between he and Mr. Harrington, was how to represent Ron Ivie and the discussions he was involved in regarding support issues. Mr. Tesch understood that they could obtain a statement from Ron Ivie or ask him to attend a meeting, and that would be a more favorable approach than having someone else try to represent what Mr. Ivie had said. Mr. Tesch did not intend for any member on the subcommittee to take a position, but they may be able to take factual information from an interview. He stated that it has become a due process issue for the applicant, due to the multiple layers of people who were involved and left. Mr. Tesch believed a subcommittee could present information more credibly than the applicant. He stated that a subcommittee would provide the applicant with a vehicle to flush out their case in a comfortable and informal format.

Commissioner Pettit wanted to make sure that the City legal counsel could help guide the process in terms of what information was relevant or irrelevant to the application. She stated that some extraneous evidence is not necessarily relevant for what the Planning Commission needs to do as a body. In addition, a member of the Planning Commission participating on the subcommittee would be able to review and evaluate extraneous information, but other Commissioners would not have that benefit. Commissioner Pettit was concerned about trying to create the subcommittee process and sharing information so they are all on the same page.

Mr. Tesch clarified that he contacted City Attorney Harrington to inform him that he was stating in his letter that Mr. Harrington concurred with the subcommittee process for Alice Lode and believed it would be helpful. Mr. Harrington gave him the authorization to include that statement in his letter. Mr. Tesch stated that Mr. Harrington was trying to give the applicant the due process they were

looking for in light of a number of things, particularly the unavailability of Staff who dealt with Alice Lode earlier in the process.

Commissioner Savage asked if Assistant City Attorney McLean could speak on behalf of the Legal Department in Mark Harrington's absence.

Assistant City Attorney McLean stated that the Planning Commission has the ability to make the decision on whether or not to form a subcommittee, and the Legal Department does not have a strong recommendation either way. Mr. Tesch was correct in saying that City Attorney Harrington had given authorization for Mr. Tesch to include his concurrence in his letter. Ms. McLean remarked that there is no legal reason not to form a subcommittee, however, the concerns expressed by Commissioners Pettit and Wintzer were valid. Ms. McLean clarified that the applicant wants to make sure that the factual history is reflected correctly before the Planning Commission. She believed the same result could be achieved either through a subcommittee or before the entire Planning Commission.

Commissioner Strachan stated that his experience with subcommittees has always been negative. It typically means that the parent body does not want to tackle the issues itself and prefers to have a subcommittee make the decisions. Commissioner Strachan was willing to support a subcommittee if it was favored by the other Commissioners.

Commissioner Peek did not believe the Alice Lode issues were complicated enough to need a subcommittee. His last experience was with the Town Lift Design Review Task Force, which was a larger, complicated issue. The Task Force was formed by the City Council because the project rose to that level of review. If the City Council ever feels that the Alice Lode project rises to the level of requiring a task force or subcommittee, he would support that decision. However, at this point he believed the Planning Commission could adequately address the issues through work sessions.

Commissioner Hontz concurred with the concerns expressed by Commissioner Pettit. She did not believe a subcommittee was necessary in this instance.

Commissioner Luskin stated that his only experience with a subcommittee was the Quinn Junction MPD and he came away feeling like the Planning Commission was stuck with a pre-supposed decision. Commissioner Luskin was not familiar with the Alice Lode project, however, coming on to the Planning Commission during a time of projects with a long history, the Planning Commission was always able to work through them without a subcommittee. Commissioner Luskin did not advocate for a subcommittee and he would not volunteer to participate if one was formed.

Commissioner Savage remarked that they had a body of experience relative to the subject at hand, and a request from the applicant that was supported by the legal department, for a process that they believe would make things happen more efficiently. Commissioner Savage thought the Planning Commission as a group, should highly prioritize opportunities to make the process more efficient and more effective. He supported the applicant's request.

Chair Wintzer summarized that only one Commissioner favored forming a subcommittee.

Mr. Tesch stated that the applicant had a separate concern with the TDR process, understanding that Alice Lode is identified as a sending station for the purpose of maintaining open space. Mr. Tesch suggested that the applicant be allowed to have a discussion off the record with the City to clarify the intent of the TDR and how it relates to processing their application.

Chair Wintzer stated that if the Alice Lode site was designated as a sending zone, it would not affect the application and the Planning Commission would not be obligated to consider the TDR process in reviewing an application. He explained that the TDR is an opportunity available to the applicant if they did not want to go through the process of finding another location for density.

Assistant City Attorney McLean replied that Chair Wintzer was correct. Director Eddington clarified that TDRs are not mandatory.

Mr. Tesch understood the clarification, but he still thought it raised concern.

Commissioner Peek asked if a subcommittee meeting would be publicly noticed. Ms. McLean replied that the meetings would probably be noticed, but it would not be a quorum of the Planning Commission. Chair Wintzer pointed out that formal votes are never taken by the subcommittee. The subcommittee agrees on recommendations that are presented to the Planning Commission.

Commissioner Strachan pointed out that a subcommittee could be formed at any time if the Planning Commission finds it would be beneficial. Commissioner Pettit questioned why a subcommittee could not be formed without Planning Commission representation.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Thomas Eddington reported that the Park City and Snyderville Planning Commissions held a joint meeting a few months ago and another meeting was being scheduled for March 15th or 16th. He would be contacting the Commissioners to see which date was best.

Director Eddington noted that the Planning Commission had requested an update on the City's development review process. The Staff would provide that update at either the next meeting or the first meeting in March.

Commissioner Savage felt the Planning Commission and the City were in a season where it was important to make progress on certain matters. As a member of the Planning Commission, he thought they were well below quota in spending quality time discussing the matters in enough depth to have a common understanding of the real issues and the solutions to those issues. Commissioner Savage supported meeting and collaborating with the Snyderville Basin Planning Commission, however, we was more supportive for making sure they were taking care of their own City and paying attention to matters that needed additional quality time. Commissioner Savage requested that the Planning Department consider his concern as it relates to forum and frequency for a more meaningful discussion.

Director Eddington asked if Commissioner Savage was referring to larger scale planning issues. Commissioner Savage clarified that he was talking about a large list of important issues related to

From: Mark Harrington
Sent: Friday, October 29, 2010 4:49 PM
To: Joe Tesch
Cc: Jerry Fiat; Patrick Putt; Thomas Eddington; Polly Samuels McLean; Tom Bakaly
Subject: RE: Alice Lode
Sensitivity: Confidential

Joe

As we discussed, your letter contradicts the outcome of our last meeting (on or about April 15, 2010) regarding this matter. You and I agreed that when your client returned for another hearing before the Planning Commission, Polly would recommend and ensure as part of our legal review that the Planner's next staff report include a detailed description the history of the project, including Ron's and Pat's history with respect to the VCP. However, I cautioned you that any attempt to bootstrap such history to any estoppel or site plan approval argument would be: 1) illegal; 2) factually inaccurate; and 3) run the risk of backfiring with the Planning Commission. If, upon review prior to inclusion of the report in the published meeting packet, you felt that the staff history and context of your client's participation in the VCP were not accurately reflected, we agreed to cross that bridge when we got to it depending on the degree and relevance, which we wouldn't know until we saw how far apart we were.

In any event, the City Manager certainly has no requirement to assist you obtain depositions or statements from former city officials regarding an administrative public hearing on a pending land use application. Therefore, both of your requests are denied. The City Manager will also not provide any statement but if you wish to meet with Tom and me, please contact me. As always, our doors are open. Your client is obviously free to contact Ron and Pat and, if they wish, they are free to discuss the matter with him. I will reconfirm such with each of them. If you or anyone from your office contacts them with regard to their duties while employed by Park City, I expect to be notified in advance and included in any discussion or meeting. All staff reports and summaries of staff comments have been and will continue to be truthful.

Lastly, all correspondence in the Planning file reflects that all delay has been attributed to your client's representative's failure to submit revisions to the pending application. The only correspondence in roughly the last six months appears to be in response to our staff warning your client's representative about inactivity and subsequent assurances from Gregg Brown that "We are making progress" (Email to Brooks Robinson and Thomas Eddington 8/30/10) and "We hope to have a submittal to you in the next couple weeks." (Email to Thomas Eddington 9/4/10) Your alleged due process complaint has zero merit. The fact is that the only City action regarding the application has been the Planning staff proactively alerting your client about triggering the project termination sections of the Land Management Code.

Please contact me to schedule appointments as necessary.

Thanks,

Mark D. Harrington
City Attorney
Park City Municipal Corp.
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480
(435) 615-5029

****Protected**** **This message is intended only for the use of the individual(s) to whom it is addressed, and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not an intended recipient, or the employer or agent responsible for

delivering the message to an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.**

From: Joe Tesch [<mailto:joet@teschlaw.com>]
Sent: Friday, October 22, 2010 11:03 AM
To: Tom Bakaly
Cc: Jerry Fiat; Patrick Putt; Mark Harrington
Subject: Alice Lode
Sensitivity: Confidential

Tom,
Attached please find a letter to you and accompany attachments concerning the above subject.

Joe

TESCH LAW OFFICES

A Professional Law Corporation

PO Box 3390

Park City, Utah 84060

Telephone: (435) 649-0077

Facsimile: (435) 649-2561

“Straight Talk. Sound Advice. Proven Results.”

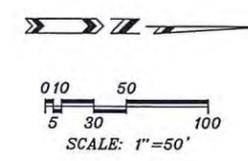
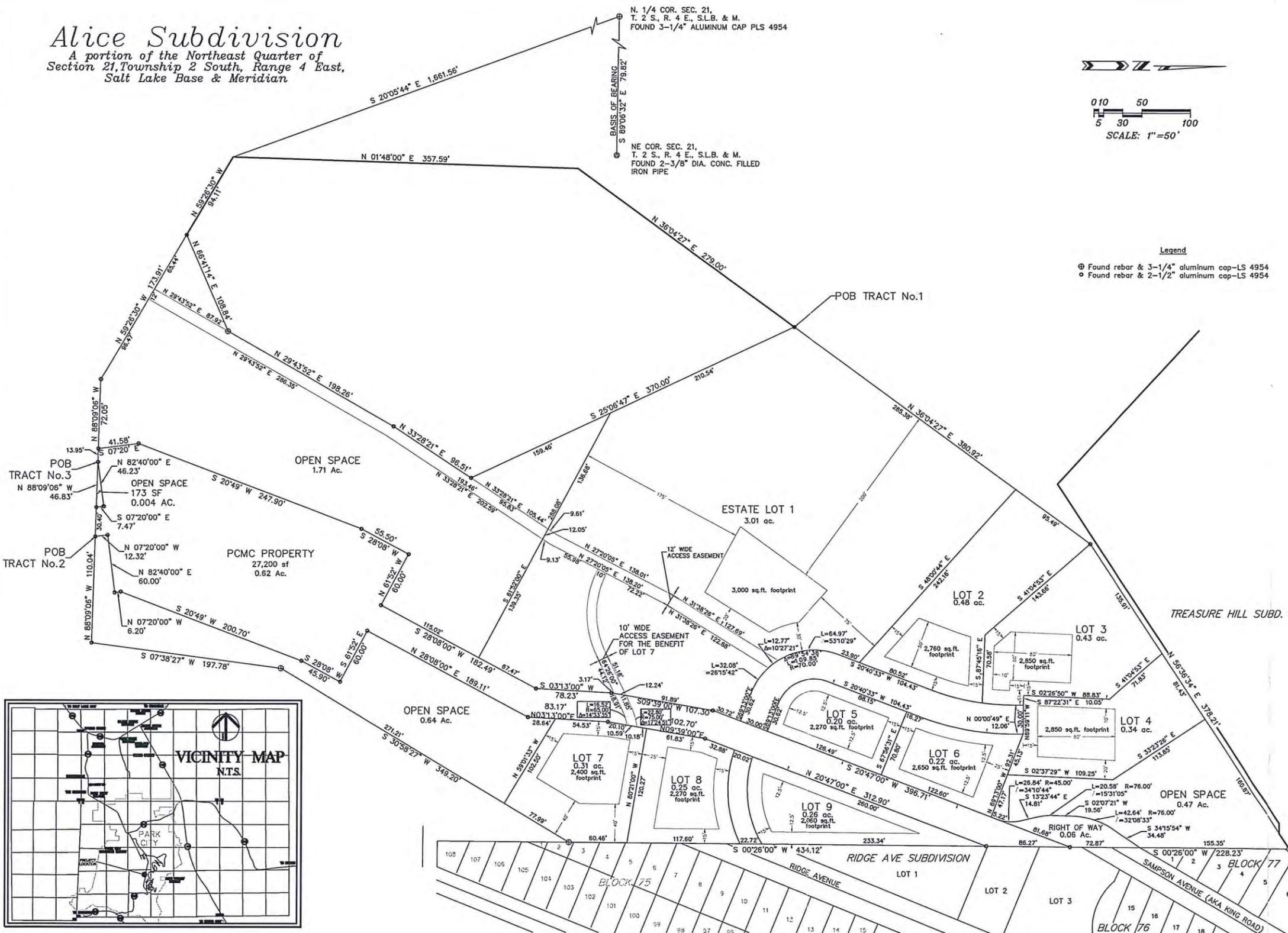
To learn more about Tesch Law Offices PC [<http://www.teschlaw.com/>](http://www.teschlaw.com/)

WARNING: The contents of this email may be subject to the attorney/client privilege, may be subject to the work product doctrine, may constitute trade secrets, or may otherwise be protected by law. Any dissemination, copying, reading, or use of this email by any person other than the intended recipient is strictly prohibited. If this email has been delivered to you by mistake, please call the sender at the above phone number as soon as possible.

This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

Alice Subdivision
 A portion of the Northeast Quarter of
 Section 21, Township 2 South, Range 4 East,
 Salt Lake Base & Meridian



Legend
 ● Found rebar & 3-1/4" aluminum cap-LS 4954
 ○ Found rebar & 2-1/2" aluminum cap-LS 4954

LEGAL DESCRIPTIONS

TRACT NO.1
 Commencing at the 1/4 Corner common to Sections 16 & 21, T.2S., R.4E., S.L.B.&M., thence S 20°05'44" E, 1,661.56 feet to Corner No.1 of the Alice Lode, MS-3331; thence N 01°48'00" E along line 7-1 of said MS-3331, 357.59 feet to Corner No.7 of said Alice Lode, MS-3331; thence N 36°04'27" E along line 6-7 of said MS-3331, 279.00 feet to the Point of Beginning of Tract No.1;
 Thence continuing along said line 6-7 N 36°04'27" E, 380.92 feet to a point on line 2-3 of the Newell Lode, USL-256; thence N 59°28'30" E along said line 2-3, 378.21 feet to a point on the Westerly Boundary of the "Subdivision No.1 of Millite Reservation" (dated 06/25/1887) as said line is currently occupied and evidenced by extant survey monuments and documents of record; thence S 07°20'00" W along said Westerly Line, 228.23 feet to a point on the Westerly line of that certain property owned by the Park City Water Company; thence S 20°47' W along said Westerly Line, 396.71 feet to a point; thence S 09°39' W along said Westerly Line, 107.31 feet to a point; thence S 03°13' W along said Westerly Line, 78.23 feet to a point; thence S 28°08' W along said Westerly Line, 162.49 feet to a point; thence N 61°32' W along said Westerly Line, 60.00 feet to a point; thence S 28°08' W along said Westerly Line, 55.50 feet to a point; thence S 20°49' W along said Westerly Line, 247.90 feet to a point; thence S 07°20' E along said Westerly Line, 41.58 feet to a point on line 1-2 of the Park View Lode, USL-655; thence N 88°09'06" W along said line 1-2, 72.05 feet to a point on line 1-2 of the Alice Lode, MS-3331; thence N 59°28'30" W along said line 1-2 (Alice Lode), 173.91 feet to a point on line 1-2 of the Huron Mine Lode, USL-256; thence N 65°14' E along said line 1-2 (Huron Mine Lode), 108.84 feet to Post 1 of said Huron Mine Lode; thence N 29°43'52" E, 198.26 feet to a point; thence N 33°28'21" E, 96.51 feet to a point; thence N 25°06'47" W, 370.00 feet to the Point of Beginning of this Tract; containing 7.138 acres, more or less.

TRACT NO.2
 Commencing at the 1/4 Corner common to Sections 16 & 21, T.2S., R.4E., S.L.B.&M., thence S 20°05'44" E, 1,661.56 feet to Corner No.1 of the Alice Lode, MS-3331; thence S 59°28'30" E along line 1-2 of said MS-3331, 268.02 feet to a point on line 1-2 of the Park View Lode, USL-655; thence S 88°09'06" E along said line 1-2 of USL-655, 163.22 feet to a point on the Easterly Boundary of that certain property owned by the Park City Water Department and the Point of Beginning of Tract No.2;
 Thence N 07°20' E along said Easterly Boundary, 12.32 feet to a point; thence N 82°40' E along said Easterly Boundary, 60.00 feet to a point; thence N 07°20' W along said Easterly Boundary, 6.20 feet to a point; thence N 20°49' E along said Easterly Boundary, 200.70 feet to a point; thence N 28°08' E along said Easterly Boundary, 45.91 feet to a point; thence N 61°32' W along said Easterly Boundary, 60.00 feet to a point; thence N 28°08' E along said Easterly Boundary, 183.11 feet to a point; thence N 03°13' E along said Easterly Boundary, 83.17 feet to a point; thence N 09°39' E along said Easterly Boundary, 102.70 feet to a point; thence N 20°47' E along said Easterly Boundary, 312.90 feet to a point on the Westerly Boundary of the "Subdivision No.1 of Millite Reservation" (dated 06/25/1887) as said line is currently occupied and evidenced by extant survey monuments and documents of record; thence S 07°20'00" W along said Westerly Line, 434.12 feet to a point on line 3-4 of said Alice Lode, MS-3331; thence S 07°38'27" W along line 2-3 (Alice Lode), 197.78 feet to a point on line 1-2 of said Park View Lode, USL-655; thence N 88°09'06" W along said line 1-2 (Park View Lode), 110.04 feet to the Point of Beginning of this Tract; containing 1.509 acres, more or less.

TRACT NO.3
 Commencing at the 1/4 Corner common to Sections 16 & 21, T.2S., R.4E., S.L.B.&M., thence S 20°05'44" E, 1,661.56 feet to Corner No.1 of the Alice Lode, MS-3331; thence S 59°28'30" E along line 1-2 of said MS-3331, 268.02 feet to a point on line 1-2 of the Park View Lode, USL-655; thence S 88°09'06" E along said line 1-2 of USL-655, 86.00 feet to a point on the Southern Boundary of that certain property owned by the Park City Water Company and the Point of Beginning of Tract No.3;
 Thence N 07°20' E along said Southern Boundary, 7.47 feet to a point; thence S 82°40' W along said Southern Boundary, 46.23 feet to a point on said line 1-2 of the Park View Lode, USL-655; thence N 88°09'06" W along said line 1-2 (Park View Lode), 46.83 feet to the Point of Beginning of this Tract; containing 0.004 acres, more or less.

OWNERS DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned, Jerry Flat, member of KING DEVELOPMENT GROUP, LLC, the owner of the hereon described Alice Subdivision, and having caused this Subdivision Plat to be made, does hereby consent to the recording of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law.
 Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set his hand this ___ day of _____, 2010.

By: _____
 Jerry Flat
 Member,

ACKNOWLEDGEMENT

STATE OF UTAH
 County of Summit:

On this ___ day of _____, 2010, Jerry Flat personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a member of KING DEVELOPMENT GROUP, LLC, that he has signed the above Owner's Dedication and Consent to Record on behalf of said KING DEVELOPMENT GROUP, LLC, and that he executed this document in his capacity as member as the act of said KING DEVELOPMENT GROUP, LLC, for the purpose set forth hereon.

My commission expires: _____

 NOTARY PUBLIC
 RESIDING IN _____ COUNTY, _____

SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date _____ J.D. Galey RLS#359005

NARRATIVE

- Purpose of survey: subdivision of the Alice Claim, based on the previous boundary survey by Loyal D. Olson III, dated August, 2005.
- Basis of survey: found property monuments as shown.
- Date of survey: _____
- Property monuments set or found as shown.
- Located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
- The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.

Plat date: August 27, 2010

Alpine Survey, Inc.
 19 Prospector Drive
 Park City, Utah 84060
 (435) 655-8016

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 2010.

CHAIRMAN _____

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 2010.

CITY ENGINEER _____

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF _____ DAY OF _____ A.D. 2010. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR _____
 CITY RECORDER _____

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 2010.

CITY ATTORNEY _____

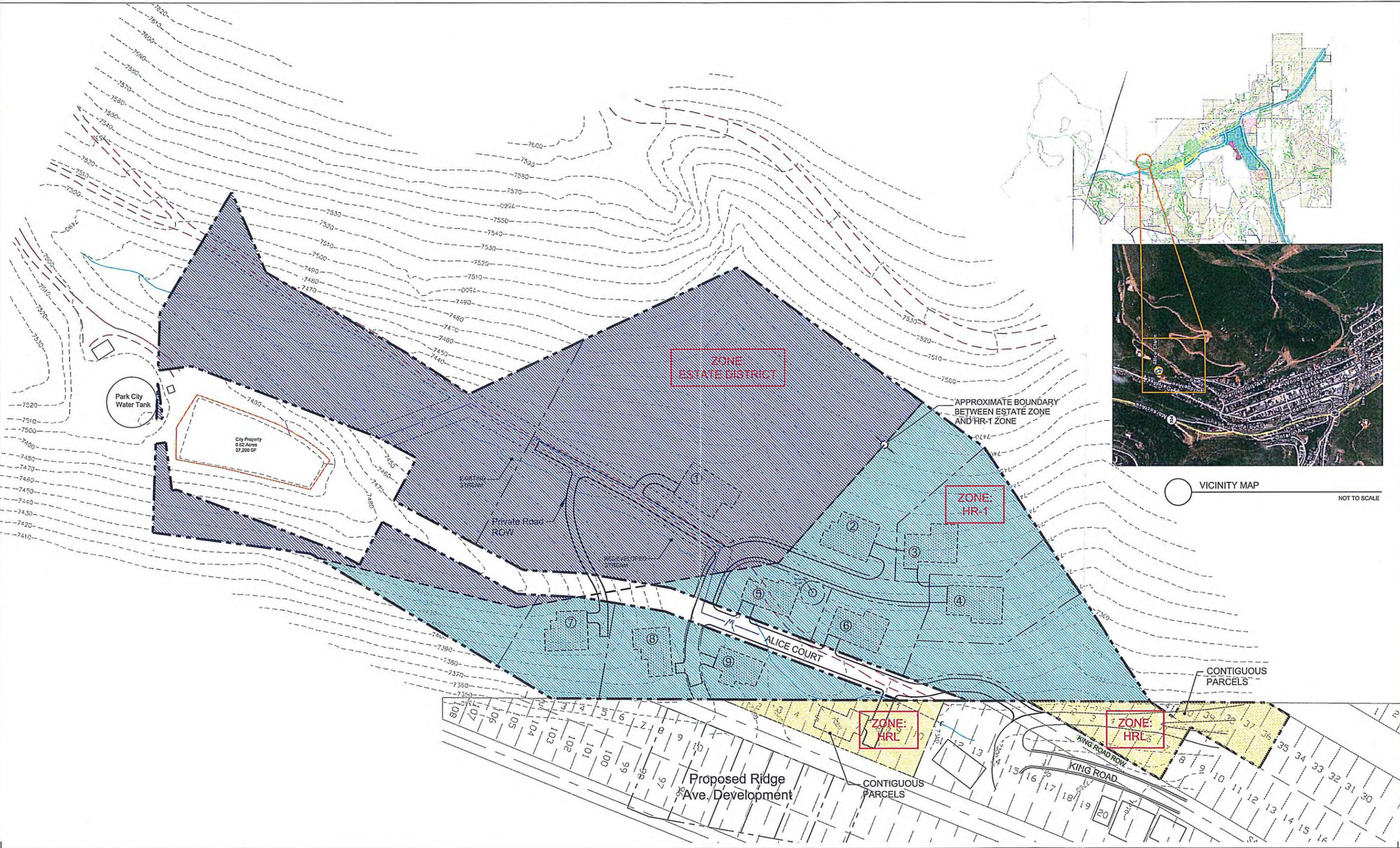
SNYDERVILLE BASIN W.R.D.

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ AD 2010.

BY: _____
 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

RECORDED

No. _____
 STATE OF _____
 COUNTY OF _____
 RECORDED AND FILED AT THE REQUEST OF: _____
 COUNTY RECORDER _____

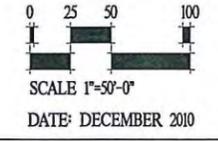


VICINITY MAP
NOT TO SCALE

ALICE CLAIM

VICINITY & ZONING MAP

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



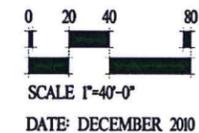


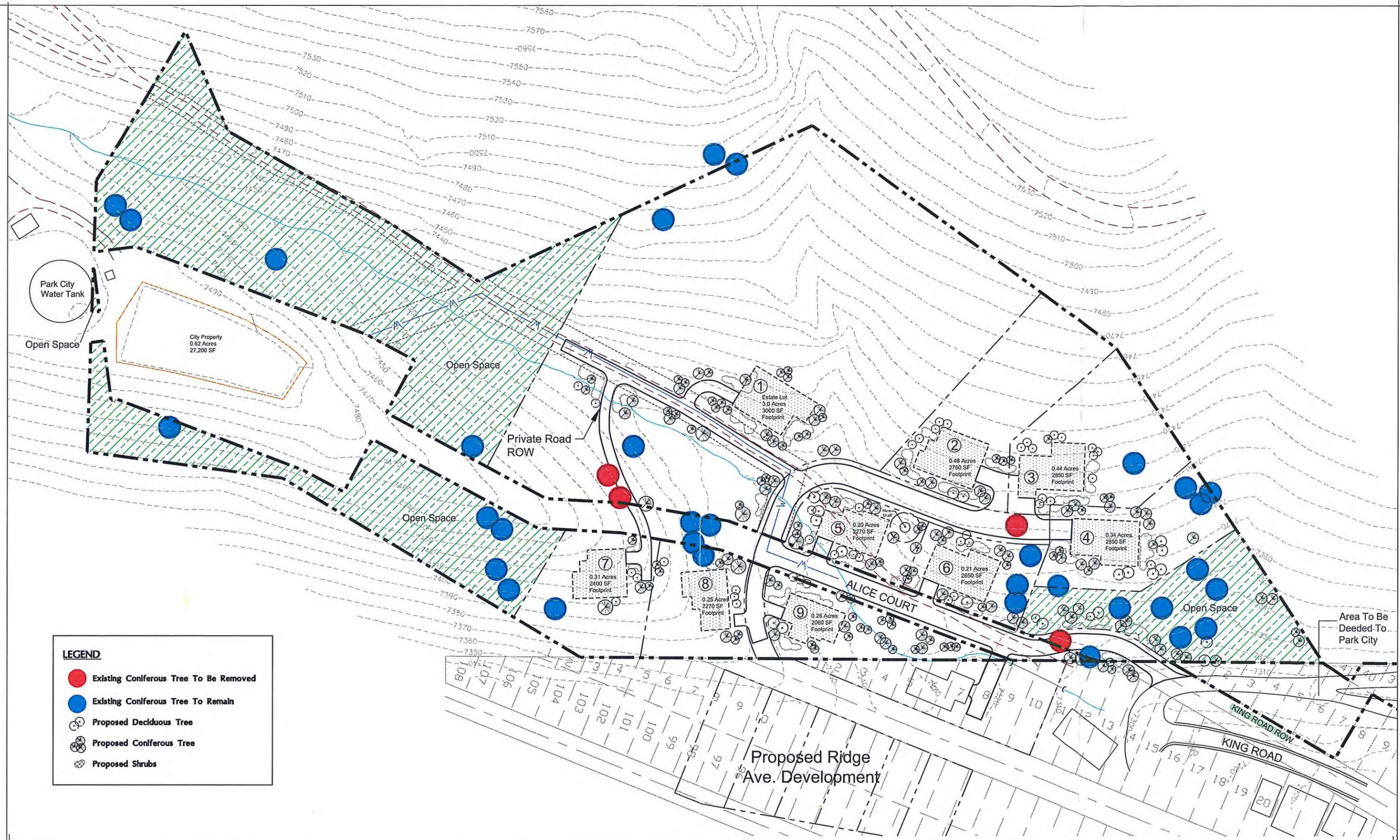
ALICE CLAIM

Aerial Photo

Planning Commission - October 8, 2014

KING DEVELOPMENT GROUP LLC.
 P.O. BOX 244
 PARK CITY, UTAH 84060





LEGEND

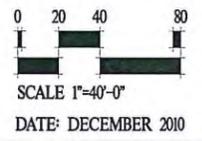
- Existing Coniferous Tree To Be Removed
- Existing Coniferous Tree To Remain
- Proposed Deciduous Tree
- Proposed Coniferous Tree
- Proposed Shrubs

ALICE CLAIM

Planning Commission - October 8, 2014

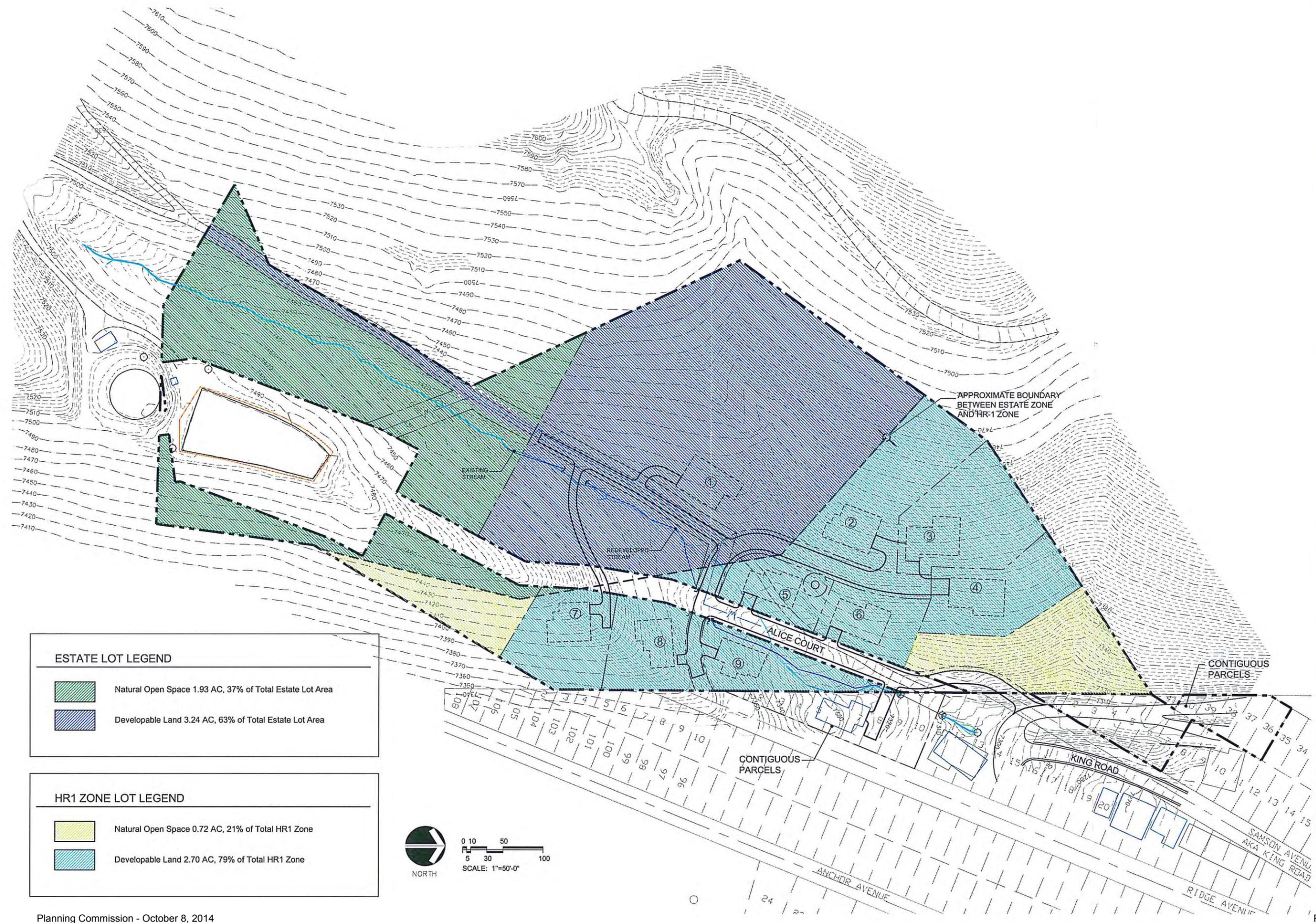
LANDSCAPE PLAN

KING DEVELOPMENT GROUP LLC.
 P.O. BOX 244
 PARK CITY, UTAH 84060



DATE: DECEMBER 2010

REUSE OF DOCUMENT
 This document is the property of DHM Design Corp. The ideas and design incorporated on this document is an instrument of professional service and shall not be used for any other project without written authorization of DHM Design Corp.



ESTATE LOT LEGEND

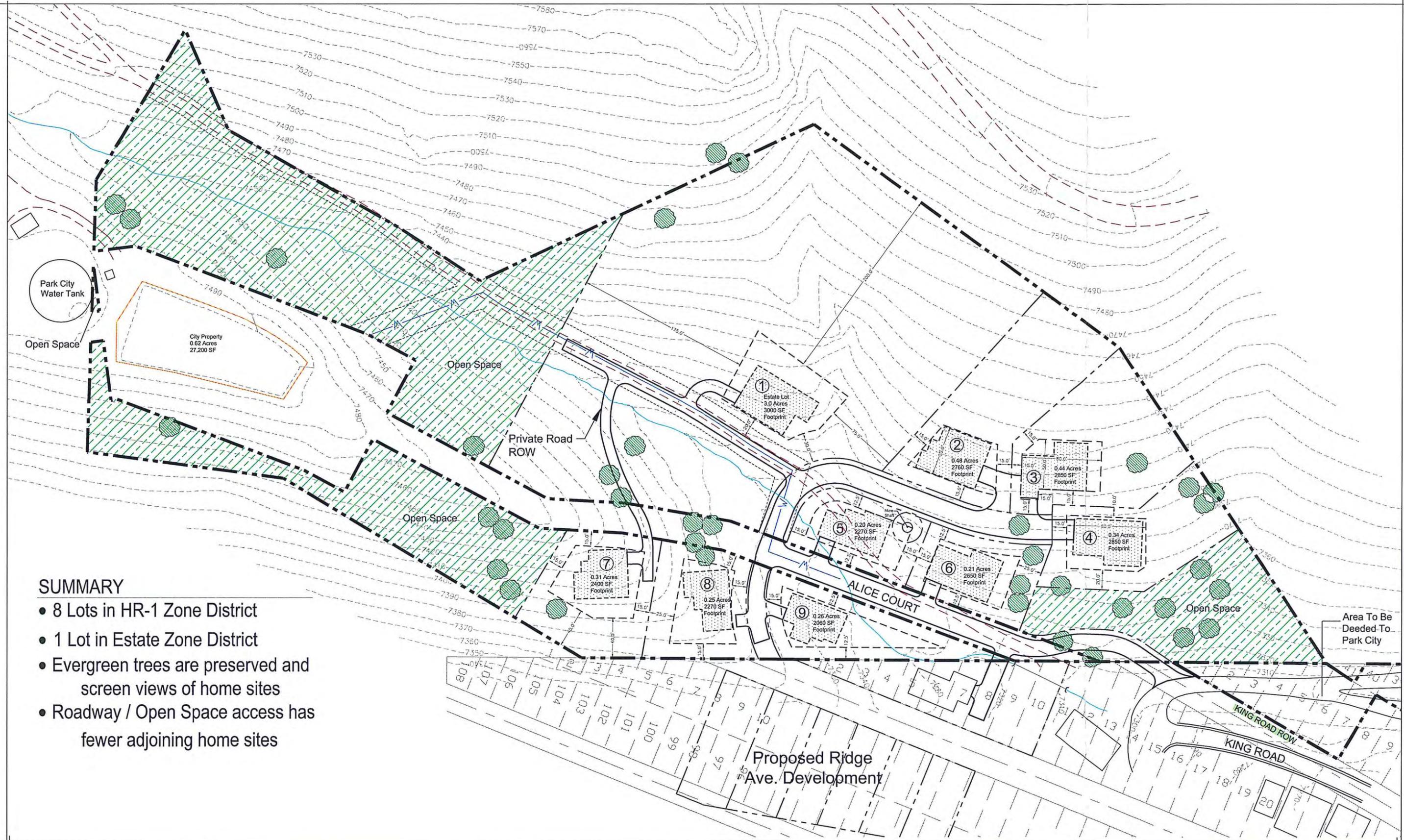
	Natural Open Space 1.93 AC, 37% of Total Estate Lot Area
	Developable Land 3.24 AC, 63% of Total Estate Lot Area

HR1 ZONE LOT LEGEND

	Natural Open Space 0.72 AC, 21% of Total HR1 Zone
	Developable Land 2.70 AC, 79% of Total HR1 Zone

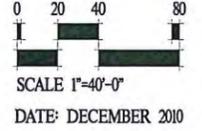
Alice Claim
 Park City, UT

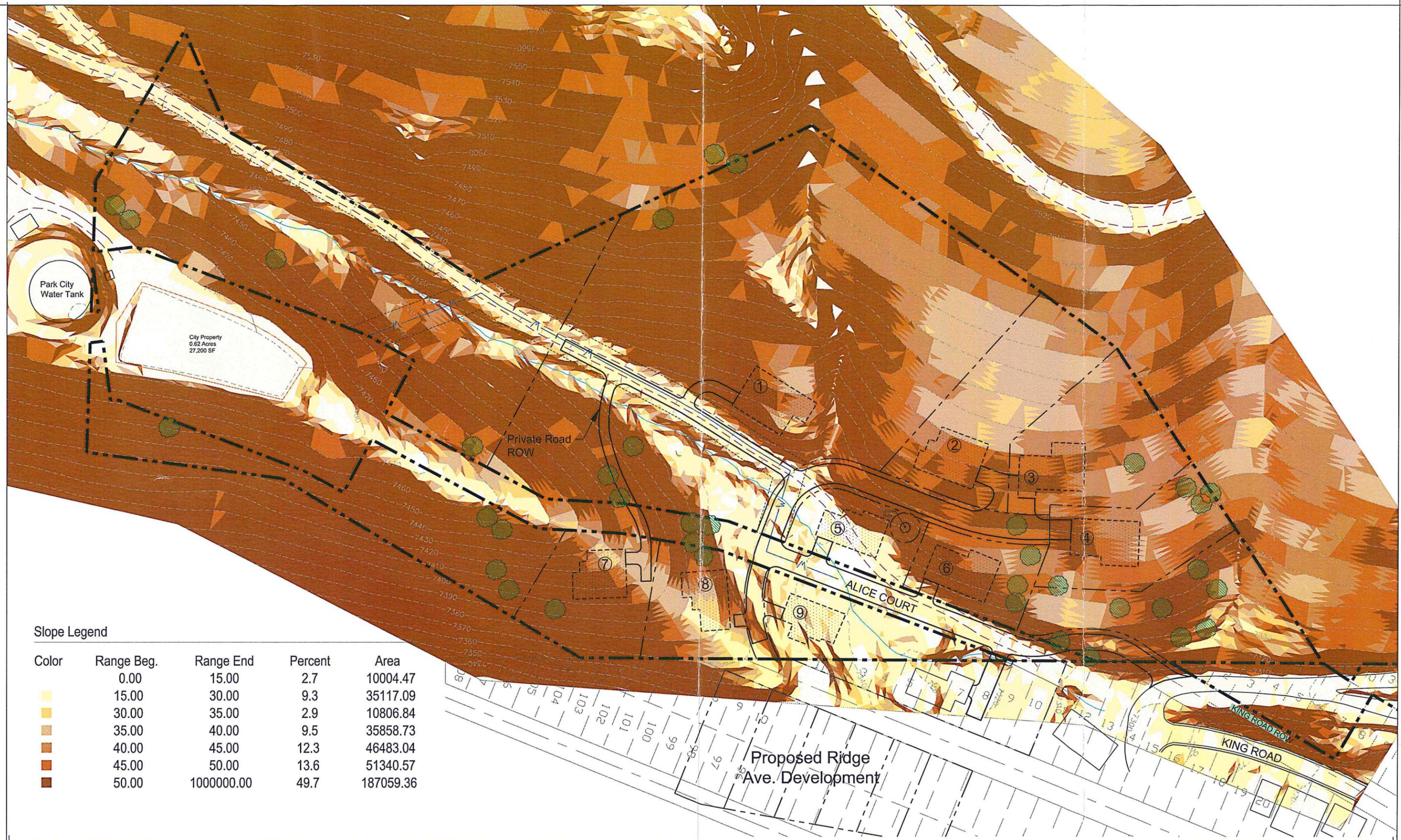
PROJECT NUMBER:	DATE:
DESIGNED: MM	Dec. 2010
DRAWN: MM	
CHECKED: GB	
REVISIONS:	
JOB DESCRIPTION:	
Preliminary Plat	
Submittal	
SHEET TITLE:	
Open Space Plan	



SUMMARY

- 8 Lots in HR-1 Zone District
- 1 Lot in Estate Zone District
- Evergreen trees are preserved and screen views of home sites
- Roadway / Open Space access has fewer adjoining home sites

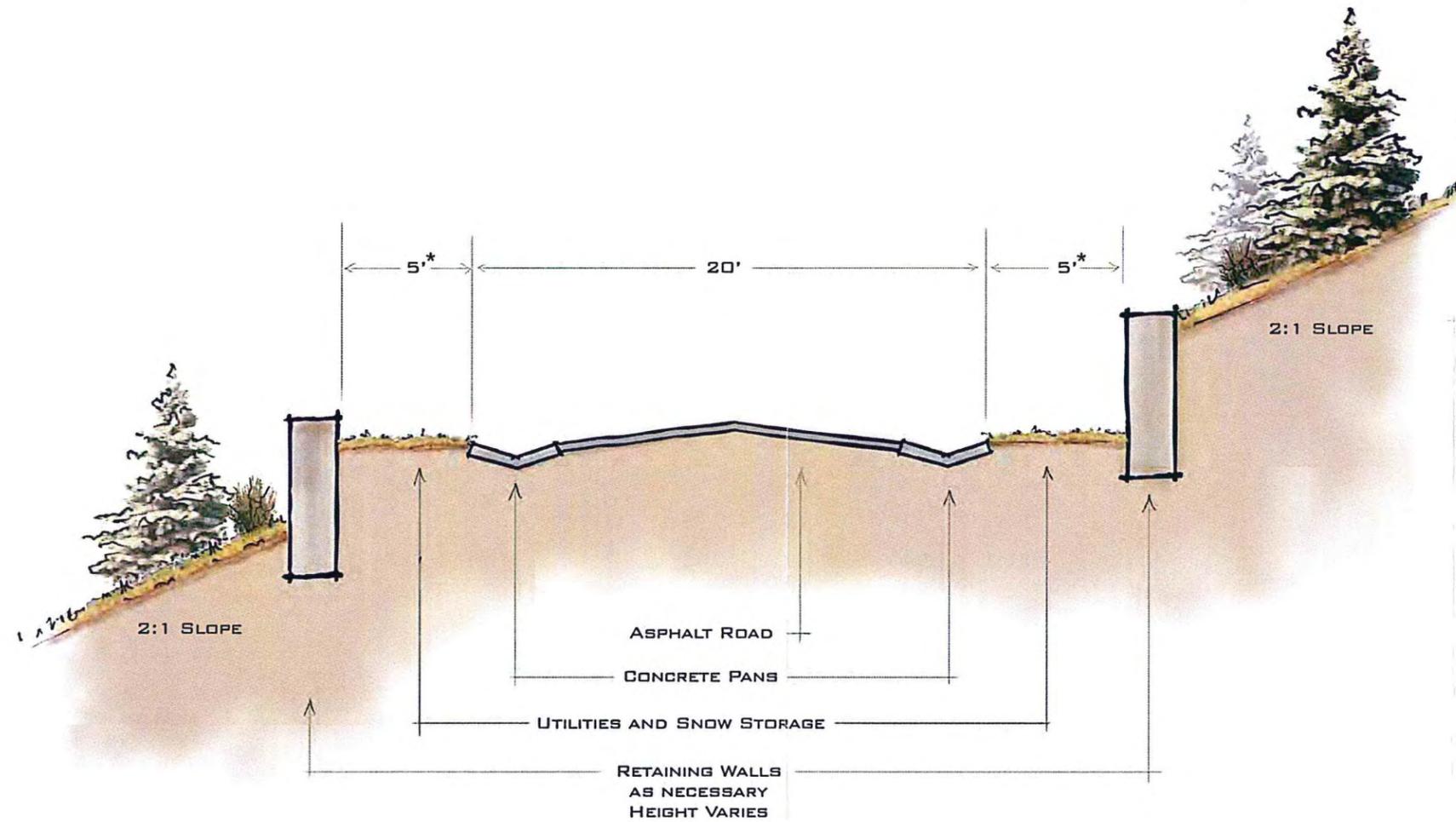




Slope Legend

Color	Range Beg.	Range End	Percent	Area
Lightest Yellow	0.00	15.00	2.7	10004.47
Light Yellow	15.00	30.00	9.3	35117.09
Yellow-Orange	30.00	35.00	2.9	10806.84
Orange	35.00	40.00	9.5	35858.73
Dark Orange	40.00	45.00	12.3	46483.04
Red-Orange	45.00	50.00	13.6	51340.57
Dark Red	50.00	1000000.00	49.7	187059.36



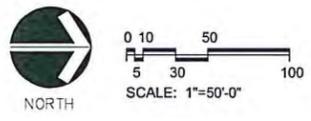


* AT ENTRY PITCH POINT SHOULDER MAY BE REDUCED TO SAVE EXISTING TREES



LEGEND

- ① Disturbed Areas
- ② Large Fir Trees, Grasses and Forbes
- ③ Heavy Scrub Oak
- ④ Grasses and Forbes
- Existing Coniferous Tree



Alice Claim
Park City, UT

PROJECT NUMBER: DATE
Dec. 2010

DESIGNED: MM
DRAWN: MM
CHECKED: GB

REVISIONS:

JOB DESCRIPTION:
Preliminary Plat
Submittal

SHEET TITLE:
Vegetative Cover

REUSE OF DOCUMENT
 This document is the property of DHM Design Corp. The fees and design incorporated on this document is an instrument of professional service and shall not be used for any other project without written authorization of DHM Design Corp.



LEGEND

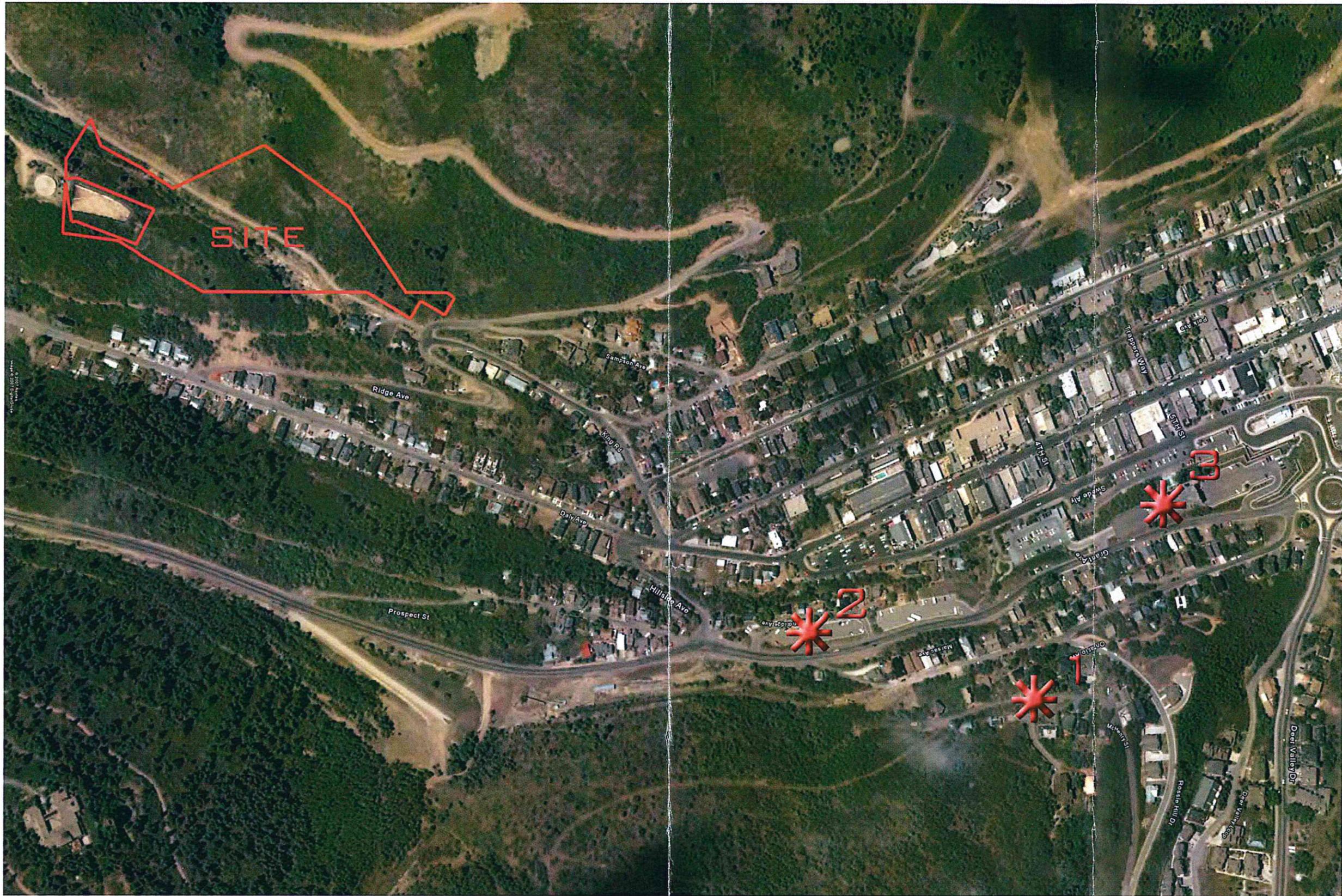
- Existing Coniferous Tree To Remain
- Existing Coniferous Tree To Be Removed

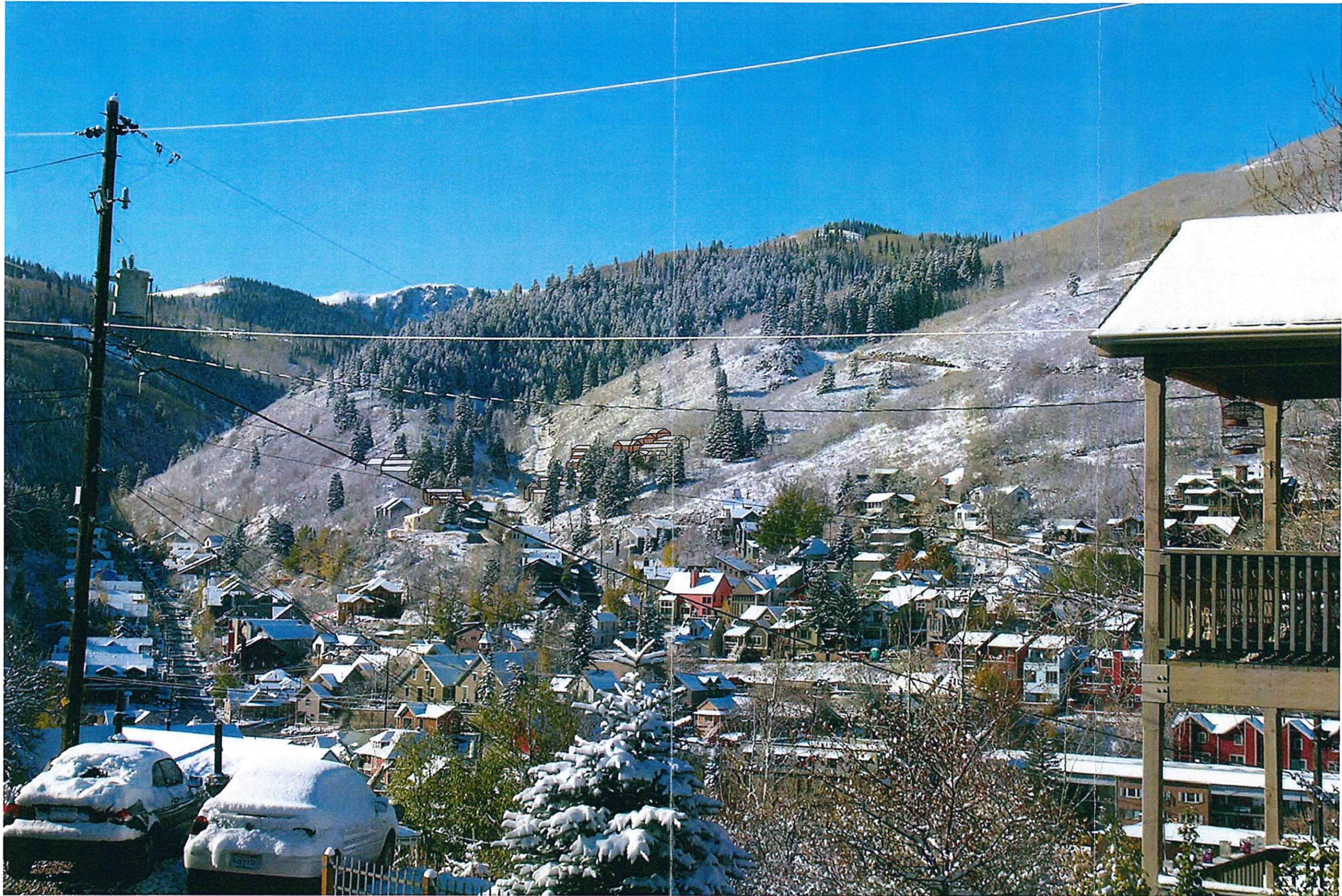
NORTH

0 10 50
 5 30 100
 SCALE: 1"=50'-0"

Alice Claim
 Park City, UT

PROJECT NUMBER:	DATE
DESIGNED: MM	Dec. 2010
DRAWN: MM	
CHECKED: GB	
REVISIONS:	
JOB DESCRIPTION:	
Preliminary Plat	
Submittal	
SHEET TITLE:	
Existing Tree Analysis	





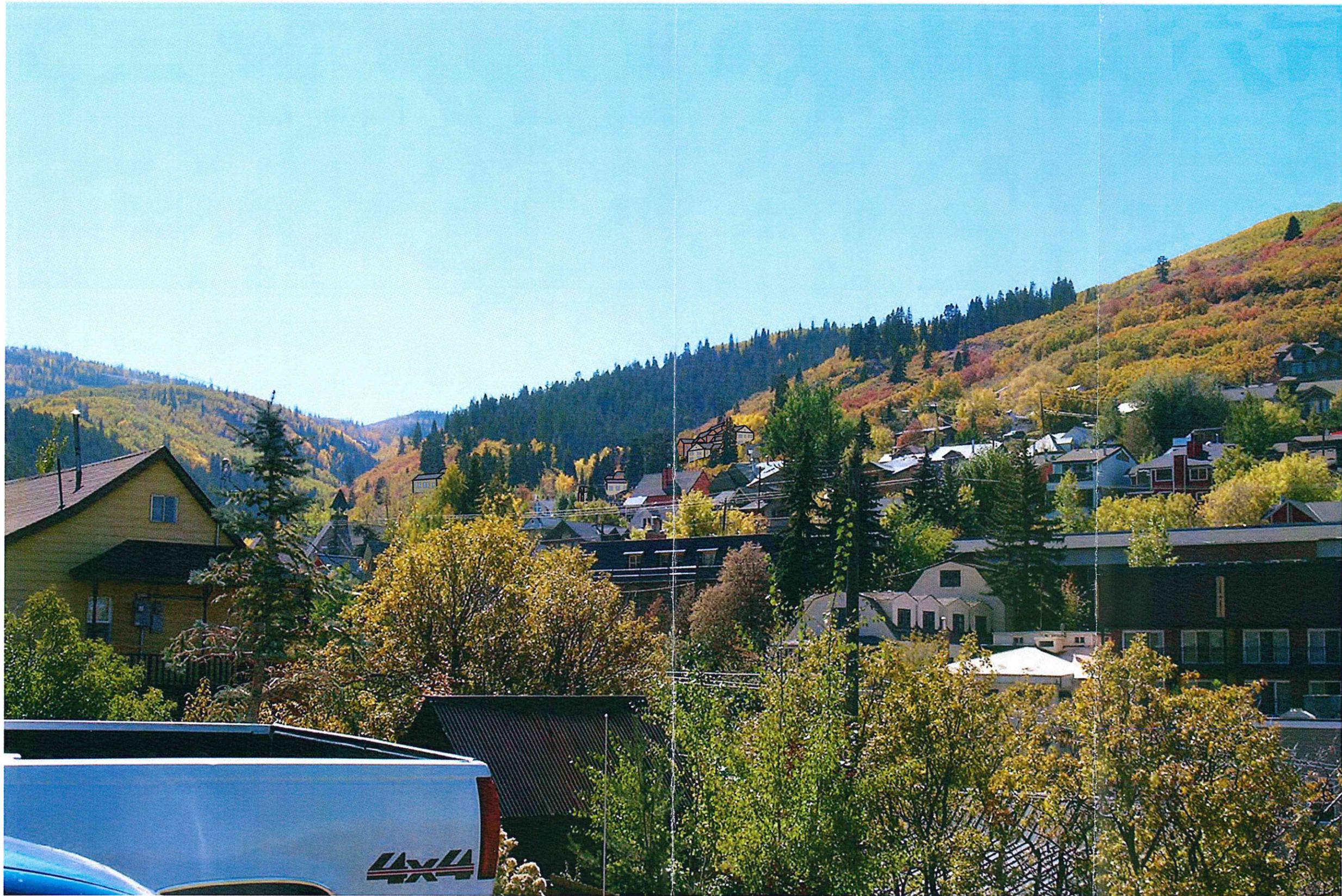
ALICE CLAIM

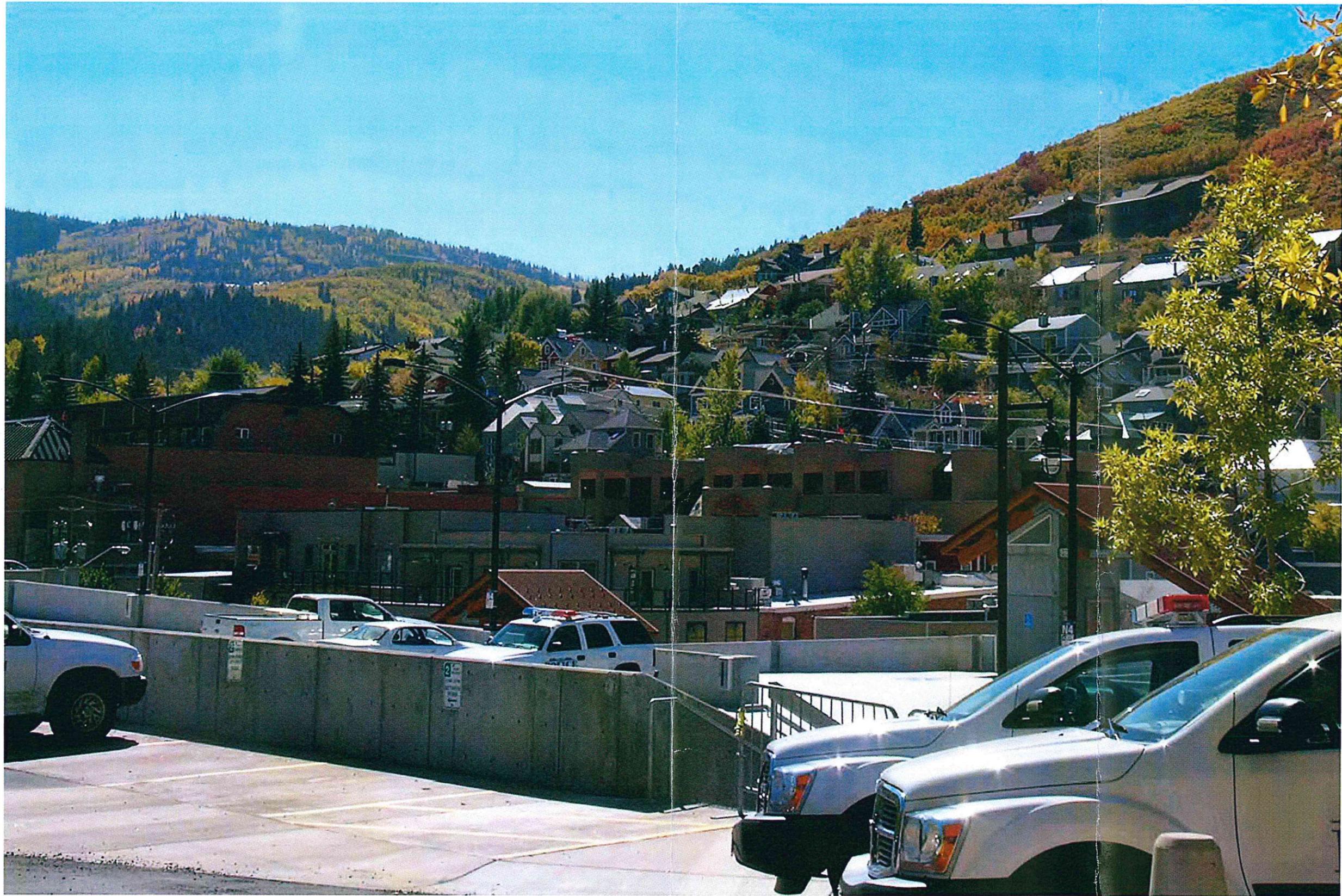
Planning Commission - October 8, 2014

PARK CITY, UTAH
VIEW ANALYSIS - #1
DECEMBER 2010

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060

DHM DESIGN LANDSCAPE ARCHITECTURE
LAND PLANNING
URBAN DESIGN





ALICE CLAIM

Planning Commission - October 8, 2014

PARK CITY, UTAH
VIEW ANALYSIS - #3
DECEMBER 2010

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060

DHM DESIGN LANDSCAPE ARCHITECTURE
LAND PLANNING
URBAN DESIGN



Planning Commission Staff Report

Application #: PL-13-01392
Subject: Park City Medical Center (IHC Master Planned Development)
Author: Kirsten Whetstone, Sr. Planner
Date: October 8, 2014
Type of Item: Master Planned Development Amendments

Summary Recommendations

Staff recommends Planning Commission review the proposed Amendments to the Intermountain Healthcare Master Planned Development and conduct a public hearing. Staff has prepared findings of fact, conclusions of law and conditions of approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: IHC Hospital, Inc. represented by Morgan D. Busch
Location: 900 Round Valley Drive
Zoning District: Community Transition (CT)
Adjacent Land Uses: Park City Recreation Complex, USSA training facility, US 40, open space
Reason for Review: Master Planned Development amendments require Planning Commission review, a public hearing, and final action by the Planning Commission.

Summary of Proposal

Based on input received at the June 12, 2013 Planning Commission meeting, direction from the IHC Board, and input provided by the Planning Commission at the August 27, 2014 work session, the applicant, IHC Hospital, Inc., submitted an application to amend the IHC Master Planned Development to 1) amend the phasing plan regarding uses and parking and 2) shift density allocated to Lots 6 and 8 to Lot 1 to be incorporated into the expanded hospital building (Exhibit A- Applicant's letter).

An application for a Conditional Use Permit (CUP) was submitted with the MPD Amendment application for an addition to the Park City Medical Center hospital building consisting of 82,000 square feet of new building for medical support, physician offices, an education center, an expanded wellness center, administrative space for the hospital, shell space for future short term needs, new hospital space for a procedure center (1,000 sf), below final grade storage area, and associated parking and landscaping for this addition. A separate staff report for the CUP provides analysis of the CUP per the Land Management Code CUP criteria.

Background

On May 29, 2013, the Planning Department received a pre-Master Planned Development application. The 2007 Intermountain Healthcare Medical Campus Phasing Plan, Exhibit D, indicates that Intermountain Healthcare intends to work with the City on the timing of the additions. During the previous task force process the City indicated a strong desire to have input regarding the need and timing of the future phases. Furthermore, the phasing plan indicated that:

Intermountain Healthcare proposes that when the local hospital board determines that a future phase is needed due to the volumes at the hospital, the hospital will request a work session with the Planning Commission to present the volume data and proposed scope of the additions and receive input from the Planning Commission. After receiving that input the local hospital board will make recommendations to Intermountain Healthcare on any potential future expansions.

The Annexation Agreement and approved Master Planned Development for IHC included an Intermountain Healthcare Hospital with a total of 300,000 square feet (180 Unit Equivalents [UEs]) for hospital uses and a total of 150,000 square feet (150 UEs) of Support Medical Office space. The Annexation Agreement indicates that the City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area. See Exhibit I- Annexation Agreement and Exhibit C- May 23, 2007 MPD approval.

On May 23, 2007, the Planning Commission approved a Conditional Use Permit for Phase I of the IHC MPD which included a 122,000 square foot hospital building (with an additional 13,000 square feet of constructed, unfinished shell space) with 50,000 square feet of medical offices (18,000 square feet are constructed). Two separate medical support buildings were also proposed in the initial phase of development, including the Physician's Holding building on Lot 7 and the People's Health Center/ Summit County Health offices building on Lot 10 (25,000 sf each were approved). These separate buildings have their own CUPs and the buildings have been constructed. (See Analysis Section below for existing conditions).

As part of the May 23, 2007 IHC MPD the following items were agreed to by the applicant as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex for the access road. Staff recommends a condition of approval that Staff and the Applicant verify that all of these items have been satisfied by the applicant prior to issuance of a building permit for construction of the second phase of the IHC MPD:

- a. IHC was required to pay Park City Municipal Corporation \$50,000 to compensate the city for actual costs the city incurred to prepare the ground for the future ball field.
- b. IHC was required to pay Park City Municipal Corporation the actual costs

incurred by the city for a way finding sign at the junction of Round Valley Drive and the road leading to the recreation complex and the National Ability Center (F. Gillmor Drive).

- c. IHC was required to pay for and construct an 8' wide paved trail connection on the recreation complex property. This trail connection will connect: the paved trail at the south west corner of the recreation complex with the paved trail to be built by Intermountain on our property, adjacent to both USSA and the hospital
- d. IHC was required to enter into a shared parking agreement with Park City. The hospital will share up to 300 parking spaces at full build-out on weekends for park and ride lots for city events. IHC and the City will work together to establish a Parking Management and Phasing Plan to manage the use of these 300 spaces and establish a phasing plan for use of fewer spaces prior to full build-out. Intermountain would have the ability to reduce this number through the Management Plan or if both parties agree in writing based on lack of availability through normal use or ultimate build out of the Medical Campus. The Plan would include anticipate use schedule to allow notification of employees when certain lots would not be available for employee use on weekends.
- e. IHC will replace the storm water detention basin that will be removed through the construction of the road.
- f. IHC will construct a temporary, paved driveway from SR 248 to existing Gillmor Drive, as it runs east to west at the south west corner of the recreation parcel, just south of the proposed signalized intersection. This will facilitate temporary access for the NAC and recreation complex while the road improvements and infrastructure are being built. Exact location and design are subject to UDOT and Park City approvals.
- g. It is likely that due to the new road alignment, the City will have to modify the Recreation Subdivision to locate the new Round Valley Drive road within a platted right-of-way. Should this be necessary, the City will coordinate necessary drawings and approvals, but Intermountain will be responsible for the cost of all necessary submittal documents and plats. The amended subdivision, if necessary, would be required prior to issuance of full permits for either USSA or the Hospital.
- h. IHC will design and construct 30 trailhead parking spaces to the reasonable satisfaction of the City Engineer on the Park City Recreation Complex. The exact location will be determined by Park City, but will be in the general vicinity of the approved plan, adjacent to the new road.

On June 12, 2013, the Planning Commission reviewed a pre-MPD application for three options IHC was considering for this next addition, as well as changes to future phasing in terms of uses.

Options discussed during the pre-MPD application

Park City Medical Center was evaluating options for an addition to the existing hospital. This addition will provide for a procedure center (to expand surgical capacity), physician offices, an education center, an expanded wellness center, and administrative space for the hospital (to permit bed expansion within the hospital). The applicant identified three (3) options related to their addition to the existing Building:

- Option A: 82,000 square foot addition of medical support space attached to the hospital for medical offices, education, wellness, administrative services, and shelled space for future medical offices. In addition, the project would build 6,000 square feet of hospital space (4,000 new and completing 2,000 of existing shelled space) for a procedure center.
- Option B: 57,000 square foot addition of medical support space attached to the hospital for medical offices, education, wellness, administrative services, and some limited shelled space for future medical offices. In addition, the project would build 6,000 square feet of hospital space (4,000 new and completing 2,000 of existing shelled space) for a procedure center.
- Option C: 42,000 square foot addition of medical support space attached to the hospital for medical offices, wellness, administrative services, and some limited shelled space for future medical offices. In addition, the project would build 6,000 square feet of hospital space (4,000 new and completing 2,000 of existing shelled space) for a procedure center. A stand-alone 15,000 square foot education center would be constructed on one of the two vacant lots on the campus.

The Planning Commission was comfortable with Option A, incorporating density into the building and preserving the two pads as open space and screening the parking (See Exhibit F- Minutes of June 12, 2013).

On June 30, 2014, applications for an MPD amendment and a Conditional Use Permit for the next phase of development at the Park City Medical Center were submitted consistent with Option A. The applications were deemed complete on July 10, 2014 upon receipt of a current title report.

On August 27, 2014, staff presented the proposed MPD amendment and CUP applications to the Planning Commission at a work session (see Exhibit G- Minutes of August 27, 2014). The purpose of the work session was to provide an update as to the status of the next phase of construction at the Park City Medical Center IHC MPD, to review the background, and to discuss the applications. No new hospital or medical support square footage can be constructed without approval of a CUP for the next phase (tenant improvements within the previously constructed shell space and

associated parking are currently be completed). The proposed CUP for the next phase of construction relies on these proposed amendments to the MPD to be able to construct the additional medical support uses within the hospital building.

At the August 27, 2014 meeting, Staff requested discussion on the following items:

- **MPD Amendments-** the Commission was supportive of moving 50,000 sf of support medical office use from Lots 6 and 8 to Lot 1 and incorporating these support medical office uses and density within the expanded hospital building.
- **MPD Amendments-** the Commission was supportive of amending the phasing plan to increase the amount of medical support uses proposed with the second phase, delaying the addition of hospital uses to later phases. The MPD phasing plan would increase the amount of medical support for the second phase by 25,000 sf to a total of 82,000 sf. No change in the overall MPD density was proposed. Approximately 3,200 sf of storage area, below final grade, was determined to be excluded from the total floor area allowances.
- **Affordable Housing-** the Commission concurred with Staff that the MPD Amendment should identify phasing for the remaining affordable housing obligation consistent with phasing of the medical support uses and future hospital uses. The Commission discussed in general terms the possibility of locating all or a portion of the remaining affordable housing obligation within the MPD, possibly on Lots 6 or 8. A separate MPD Amendment application would have to be submitted and reviewed by the Commission for this change to occur as it is not part of the current MPD Amendment application. Affordable housing for the first and second phases is satisfied by the 28 townhouse units being constructed as part of Phase One of Park City Heights MPD. IHC is still obligated for these units; however they are being constructed as a requirement of the Park City Heights Annexation and MPD Agreements.
- **Parking-** the Commission discussed the amount and phasing of parking, including phasing and percentage of the total parking that is screened or structured as the hospital site is developed. The Commission was supportive of additional structured parking and wanted to see the percentage of structured and screened parking (compared to tiered surface parking) higher with the next phases. The Commission was also supportive of reducing parking with the next phase of construction to ensure that the project is not over parked, e.g. to ensure that parking is not constructed beyond actual demand. The Commission requested the applicant provide a more detailed parking phasing plan for consideration.
- **Building height-** the Commission was supportive of the request for a height exception for the next phase of construction consistent with the exception granted during the first phase to accommodate the main entry/clerestory (15'4" over zone height with the chimney at 19'9" over height and mechanical screening at 16'7").
- **Trails-** the applicant provided clarification regarding existing trails and trail connections, as well as existing and proposed pedestrian circulation through parking lots. The Commission found that additional pedestrian circulation should

be considered and improved with the next phases of construction. Staff addressed this issue with a condition of approval for the Conditional Use Permit.

Analysis

The IHC Master Planned Development is located on Lots 1, 2, 4, 5, 6, 7, 8, and 10 of the Seconded Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat (Exhibit H), with Lots 2 and 4 of the subdivision plat dedicated as open space, Lot 3 is the location of the USSA Headquarters and Training Center, Lot 5 was transferred to the City for future recreation uses, Lot 9 contains a small Questar gas regulating facility, and Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.

Development is subject to the IHC Annexation Agreement; the subdivision plat notes; and findings of fact, conclusions of law, and conditions of approval of the IHC MPD. The development agreement for the IHC MPD is incorporated in the Annexation Agreement.

According to the records of the Park City Building Department there are three built structures containing the following gross square footage (includes square footage not counted in the Unit Equivalents allowed):

Hospital on Lot 1 (135,458 sf hospital and 18,000 sf medical support offices)	153,458 SF (gross)
Hospital parking garage on Lot 1 (92 spaces) and 327 surface spaces	33,000 SF
Medical office building (Physician’s Holding) on Lot 7	24,730 SF (gross)
Summit Co. Health Services Inc. People’s Health Clinic on Lot 10	24,424 SF (gross)

According to the applicant the existing constructed medical support office space within the hospital is 18,000 square feet. The remaining existing constructed square footage is hospital space (122,000 square feet finished and 13,000 square feet as shell space currently being finished). The following table indicates the remaining areas to be built and the proposed changes to the MPD:

	Approved per IHC MPD	Approved per CUPs and built	Requested IHC MPD Amendment	Remaining to be built if MPD Amendment approved
Hospital Uses On Lot 1	300,000 SF	122,000 SF (with an additional 13,000 shell space currently being finished) for 135,000 sf built	300,000 SF (no change)	165,000 SF
Total Support Medical office	150,000 SF	68,000 SF	150,000 SF (no change)	82,000 SF
Total SF	450,000 SF	190,000 SF	450,000 SF (no change)	260,000 SF

Support Medical office on Lot 1	50,000 SF	18,000 SF	100,000 SF (additional 50,000 sf on Lot 1 from Lots 6 and 8)	82,000 SF (32,000 from original 50,000 plus 50,000 from 6 and 8)
Support Medical office on Lots 7 and 10	50,000 SF	Approx. 50,000 SF	Approx. 50,000 SF (no change to existing buildings)	0
Support Medical office on Lots 6 and 8	50,000 SF	No CUP approved yet- MPD amendment to transfer to Lot 1	0 SF (request to move 50,000 SF from Lots 6 and 8 to Lot 1)	0
Total Support Medical office	150,000 SF	68,000 SF	150,000 SF	82,000 SF

The Annexation Agreement also included 85,000 SF for the USSA training facility which was not included in the Hospital MPD. The USSA building was built on Lot 3 and is subject to a separate MPD and CUP.

Proposed MPD Amendments

The applicant submitted a request to amend the IHC Master Planned Development consistent with Option A, though slightly modified in terms of the amount of hospital space proposed for the next phase of construction. The applicant requests two amendments, namely, 1) move 50,000 sf of support medical office uses from Lots 6 and 8 to Lot 1 incorporating these support medical office uses and density within the expanded hospital building, 2) amend the MPD phasing plan to increase the amount of medical support for the second phase by 25,000 sf to a total of 82,000 sf and modify the parking and affordable housing phasing to coincide with the phased uses (see Exhibit A – applicant’s letter and Exhibit B- proposed phasing plan).

Density and Uses

No changes are proposed to the overall density for the IHC MPD. The MPD approval includes 300,000 sf of hospital uses on Lot 1 and a total of 150,000 sf of support medical office uses (Lots 1, 6, 7, 8, and 10). The MPD approved up to 50,000 sf of the medical support office uses to be constructed as part of the hospital building on Lot 1 with the remaining 100,000 sf to be split between Lots 6, 7, 8, and 10. Approximately 68,000 sf of medical support office uses have been constructed, approximately 25,000 sf on Lot 7 as the Physician’s Holding building, approximately 25,000 sf on Lot 10 as People’s Health Clinic and Summit County Health Department, and the 18,000 sf in the existing hospital building on Lot 1. All of the density proposed to be transferred is proposed to be located within the existing building, or expanded building, over existing building footprint, or over existing parking lot footprint and existing disturbance areas.

Affordable Housing

No changes are proposed to the overall affordable housing obligations as stated in the Annexation Agreement, with these proposed MPD amendments; however the change in phasing impacts phasing of the affordable units as outlined on the proposed phasing plan of the MPD and the applicant is requesting amendments to the phasing plan to

make this clear. The base employee/affordable housing for the hospital and support medical office uses is 79.76 AUE (originally labeled as 44.78 affordable unit equivalents (AUE) for the 300,000 sf of IHC hospital uses and 34.98 AUE for the 150,000 sf of support medical office uses). See Table below.

The 44.78 AUE initially to be constructed on Lot 4 have been transferred to the approved Park City Heights development as part of the first phase of that MPD. Site work has begun on the Park City Heights development; however no building permits have been issued at this time. IHC is still responsible for these units per the IHC Annexation Agreement with completion of these units prior to certificate of occupancy of Phase 2, or as otherwise agreed to by the City Council.

USSA had a separate housing obligation of 10.71 AUE which was waived due to non-profit status, subject to change if the building changes ownership or use.

There is a remaining housing obligation of 29.98 AUEs for the IHC MPD for support medical uses (34.98 AUEs minus Physician’s Holding obligation of 4.996 AUE) to be satisfied per the Annexation Agreement. Physician’s Holding indicates that they will purchase market rate units at Park City Heights and sell them as affordable units, in accordance with their affordable housing plan. The City’s Housing Program Manager is working with the Physicians Holding group to develop an affordable housing plan to satisfy their obligation.

The MPD amendment should identify phasing for the remaining affordable housing obligation. With the remaining medical support being incorporated into the building, IHC will be responsible for meeting the entire remaining housing obligation, as opposed to a private entity such as Physician’s Holding, who constructed and own the other support medical offices building. The applicant is exploring opportunities to satisfy the remaining affordable housing obligation within the IHC MPD, perhaps on Lots 6 or 8.

Uses/SF	Hospital Uses (300,000 sf)	Medical Support (125,000 sf) (IHC- 100,000 Physicians Holding – 25,000)	USSA –non profit (85,000 sf)	People’s Health and Summit Co Health as Medical Support (25,000 sf)	Total (AUE)
Affordable Housing obligation (AUE)	44.78	34.98 (29.99 plus 4.99)	10.71	0	90.47
Affordable Housing	44.78 Park City	4.99 for Physicians	Deferred by Annexation	waived	49.77

satisfied (AUE)	Heights as 28 townhouses per PC Heights Affordable Housing Plan.	Holding (25,000 sf) Park City Heights per Affordable Housing Plan	Agreement		
Affordable Housing still required with current phasing	0	29.99 (phased with medical support construction)	0 (10.71 if USSA ownership or use changes and housing obligation applies)	0	29.99 (40.70 if USSA ownership or use changes and housing obligation applies)
Requested phasing to coincide with Medical support construction	14.79 (as units at PC Heights) for built hospital owe 29.99 for future hospital uses	29.99 (as units at PC Heights) for medical support at IHC (plus 4.99 for Physicians Holding	No change	0	Totals- 44.78 at PC Hts. + 4.99 Physicians Holding + 29.99 owed for future hospital uses+ 10.71 (USSA) = 90.47 AUE

Parking

According to the applicant's original phasing plan as indicated on Exhibit D, the MPD phased in structured parking so that at full build out 61% of the parking will be structured. The CT zone requires a minimum of 40% of the parking be in structured or tiered parking to limit visibility of Parking Areas as well as parking lot lighting. Because of the density bonus awarded the IHC MPD, a minimum of sixty percent (60%) of the Master Planned Development's required project parking is required to be structured or tiered parking so as to limit the visibility of Parking Areas as well as parking lot lighting.

According to the LMC, the Planning Commission may consider reducing the sixty percent (60%) structured/tiered parking requirement based on existing Site topography that allows locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

The original MPD was granted a parking phasing plan to be in compliance at 61% at full building out with early phases having a smaller percentage of structured or tiered parking. The project was proposed to reach 61% structured or screened parking at full build-out.

The applicant is requesting amendments to the parking phasing due to changes in the construction phasing of uses, with the medical support uses being constructed before the hospital uses in-line with medical trends.

The amended MPD proposes an additional 328 surface parking spaces with the next phase of construction. Parking is proposed at 4 spaces per 1,000 to support the 82,000 sf of additional support medical office uses. Location of parking for these out patient, medical clinic and wellness center uses is desired to be situated in close proximity to the entrances for these uses, with additional staff parking to be located to the west, behind the building (see Exhibit B- proposed phasing of uses and parking phasing plan). Due to the transfer of 50,000 square feet of medical support uses to Lot 1, the 200 additional parking spaces are creating more surface parking at the hospital site than previously expected. This is parking displaced from Lots 6 and 8. The applicant indicates that the parking structure is proposed to be completed with the final phases of hospital uses.

Staff requests discussion of the parking phasing (see E- Off-Street Parking below in Analysis).

Analysis

The **Community Transition Zone** requirements are:

15-2.23-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width and depth as required, and frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

Complies. *The total MPD area is 132 acres. The entire Annexation Area is 157 acres. Lot 1 is 99.059 acres, Lot 2 is 8.492 acres (designated as open space), Lot 6 is 3.041 acres, and Lot 8 is 9.934 acres). No changes to the platted lots are proposed.*

(B) **FRONT, REAR AND SIDE YARDS.** Unless otherwise further restricted by Frontage Protection Overlay standards and/or Master Planned Development conditions of approval, all Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

Complies. *Structures are hundreds of feet from the property lines.*

(C) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

Complies. *A landscape plan is required with the Conditional Use Permit. Such*

plan will be reviewed for compliance with this requirement.

15-2.23-4. DENSITY.

The base Density of the CT District is one (1) unit per twenty (20) acres.

(A) DENSITY BONUS - ONE (1) UNIT/ACRE. The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development.

The annexation provided a density at 2.64 units per acre utilizing the density bonus of up to three (3) units/acre outlined below. The MPD must meet the criteria in (B) below in addition to the following eight criteria:

(1) **OPEN SPACE.** The Master Planned Development shall provide seventy percent (70%) transfer of open space on the project Site.

Complies. See discussion on (B) (1) below.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

Complies. All development is setback more than 200' from the highway Right-of-Way.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

Complies. See discussion on (B) (3) below.

(4) **PUBLIC TRANSIT FACILITIES.** The Master Planned Development shall include the Development of a public transit hub facility within the Development Area. The Planning Commission may consider waiving this requirement if a Developer/Applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a proposed Development.

Complies. Two transit stops will be provided on the property; one near the USSA intersection and a second close to the hospital. A sidewalk will link the transit stop to the nearby building.

(5) **ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development activity.

Complies. See discussion on (B) (4) below.

(6) PUBLIC TRAILS AND PEDESTRIAN IMPROVEMENTS. The Master Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.

Complies. Dedication and construction of public trails is a requirement of the Annexation Agreement. The dedication of the trails will occur with the amended subdivision concurrently being reviewed by the City. Construction and paving of all required public trails (e.g. between IHC and the Recreation Complex and to the adjacent Property Reserve Inc (PRI) property to the north) were completed with the first phase of hospital construction.

(7) SENSITIVE LANDS OVERLAY STANDARDS. The Master Planned Development shall comply with all requirements set forth in Section 15-2.21 Sensitive Lands Overlay.

Complies. The access road crosses two areas of wetlands that were mitigated in conformance with the Army Corp of Engineers permit. No sensitive slopes or ridgelines are identified.

(8) AFFORDABLE HOUSING. The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. The Planning Commission may consider alternative housing Uses for the additional five percent (5%) Affordable Housing commitment.

Complies. See discussion on (B) (5) below.

(B) DENSITY BONUS - THREE (3) UNITS/ACRE. The base Density of the CT District may increase up to three (3) units per acre provided that all Density bonus requirements set forth in Section 15-2.23(A) Density Bonus - One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development.

(1) OPEN SPACE. The Master Planned Development shall provide eighty percent (80%) open space on the project site.

Complies. *Open space for the Annexation area is in excess of 80%*

(2) FRONTAGE PROTECTION ZONE NO-BUILD SETBACK. The Master Planned Development shall include a three hundred foot (300') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

Complies. *The Hospital is nearly 2,000 feet from the Frontage Protection zone. Only the access road is within the 300 foot requirement, as permitted. No changes are proposed to the existing roads.*

(3) PARKING. Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall be in structured/tiered

parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

Discussion Requested. *A parking structure is proposed in the rear of the hospital and the applicant is requesting a phased approach for compliance at full build-out. The initial phase included 92 structured spaces and 327 surface spaces (419 total). The 92 structured is only 22 percent of the total in the first phase. The Planning Commission approved a phased approach to the phasing of structured and tiered parking for the initial MPD. Staff requests discussion regarding the phasing of parking for future phases as proposed by the Applicant (See E-Off Street Parking below).*

- (4) **ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

Complies. *The Annexation and initial subdivision created a lot that is dedicated to the City for additional recreation adjacent to the existing Recreation Complex. One of the Medical Support buildings (25,000 square feet) is proposed for community benefit; for the Peoples Health Clinic and/or a Summit County health facility. The MPD Amendment does not change these provisions.*

- (5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23(A) (8).

Complies. *The Annexation Agreement provides for the total requirement of the Affordable Housing, including the additional five percent (5%) required for the density bonus and this amendment does not change the Affordable Housing requirements or density of the MPD.*

15-2.23-5. MAXIMUM BUILDING HEIGHT.

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

Complies. *Please refer to MPD discussion below (15-6-5 (F)) for exceptions to height granted to the original MPD and requested as part of the amended MPD for future phases.*

All **Master Planned Developments** shall contain the following minimum requirements in accordance with Section 15-6-5 of the Land Management Code.

- (A) **DENSITY.** *The type of Development, number of units and Density permitted on a*

given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Complies. The Annexation Agreement set the density for the IHC at 300,000 square feet with an additional 150,000 square feet of Support Medical Offices, of which up to 50,000 square feet could be part of the hospital building. The applicant is proposing a phased construction of both the hospital and support medical space. The proposed MPD amendment to shift 50,000 sf of Support Medical Offices from Lots 6 and 8 to Lot 1 to be incorporated within the hospital building does not impact the overall density of the MPD. Lot 1 has sufficient lot area to accept the additional square feet and the topography of the site allows for the building to be constructed into the slope mitigating some of the additional massing.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)

(C) SETBACKS. *The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

Complies. The hospital is over 200 feet at its closest point to the property lines.

(D) OPEN SPACE.

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.

Complies. The annexation identified over 80% of the entire 157 acres as open space. The proposed MPD Amendment adds building floor area within the areas previously disturbed with buildings and/or parking, or proposed to be disturbed with such uses, and located within the outer loop road of the hospital and additional development area is not proposed.

(E) OFF-STREET PARKING.

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.

Discussion Requested. The CT zoning district requires a minimum of 40% of the parking to be provided in a structured or tiered parking configuration. For density in excess of the base one unit per 20 acres, up to 3 units per acre, as with this application, 60% of the parking must be structured or tiered. The Planning Commission may consider waiving this requirement based on existing Site topography and location of

exterior surface parking in such a way as to achieve maximum screening of parking from the entry corridor and/or to achieve optimum Site circulation and/or shared parking.

The first phase of the construction included structured parking to the rear of the hospital for staff. Additions to the structured parking structure were proposed to occur during successive phases. The 60% requirement was not be met in the first phase but with subsequent phases parking was proposed to be at 60% structured/tiered and screened at final build-out.

The applicant is still requesting a phased approach with the amended phasing plan (Exhibit B). The initial phase included 92 structured spaces and 327 surface spaces (419 total), with an additional 83 surface spaces for the 13,000 square feet of shell space currently being finished (511 total). The 92 structured is only 18 percent of the total in the first phase.

The second phase (and current CUP application) is a request for an 83,000 sf addition to the hospital building (1,000 sf for hospital uses and 82,000 sf for medical support uses). This phase includes 133 new surface parking spaces located behind (to the west) the new addition screened by the building and new berming to the north of the parking. An additional 219 new surface spaces are proposed in front of the hospital, tiered in a similar manner to the existing front spaces to minimize visual impacts from the entry corridor. The new addition also screens 79 existing surface spaces located to the rear of the building. With the second phase there would be a total of 863 spaces and 304 spaces (35.2%) are either in the parking structure or screened behind the building.

The next future phase would include construction of 65,000 sf of hospital uses sometime between 2019 and 2025. With this phase 51 screened surface spaces located behind the building would be replaced by the new parking structure and a 156 stall parking structure would be built behind the building. Upon completion of this phase there would be a total of 1,019 spaces and 460 spaces (45.14%) either screened behind the building or located within the 300 space parking structure. At full build-out with construction of the final 98,000 sf of hospital uses (construction timeframe sometime after 2025) the phasing plan indicates an additional 395 structured parking spaces, either in a structure located behind the building or in two separate structures, with one possibly near the new hospital addition or new building. At full build-out the plan calls for a total of 1,414 parking spaces and 855 (60.47%) located within a parking structure or located behind the main building (see Exhibit B).

Staff recommends a condition of approval for this MPD Amendment, as well as for the Conditional Use Permit, noting that one year after issuance of a certificate of occupancy (CO) for the next phase of construction, the Applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site (parking utilization for various uses, parking utilization of various lots and structure, use of alternative modes of transportation, etc.). The study shall include professional recommendations addressing the potential impact of reduced parking ratios for in future phases and a comprehensive program to increase utilization of any underutilized parking areas.

This parking study will provide information to the Planning Commission as to whether the parking ratios utilized to require parking are accurate or whether the Commission should consider a parking reduction for future phases, reducing first the amount of surface spaces and secondly requiring user friendly walkways, bridges, and other incentives to increase both client and employee use of the parking structures.

*(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:*

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

Complies. Additional Building Height is being requested by the applicant. The main entry/clerestory is proposed at 15'-4" over the zone height with a chimney at 19'-9" over height. No floor area is increased by these architectural elements. A lobby clerestory (+10'-3") and pitched mechanical screening roof (+16'-7") also are not adding floor area. The two wings that house inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The building could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction.

Additional changes to the building have brought the proposed facades into conformance with the façade length variations. The result provides desired architectural variation by incorporating architectural enhancements such as clerestory elements while addressing the challenges of unique medical requirements.

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

Complies. There are no adjacent structures that will have potential problems due to the extra height of the building. The neighboring properties (USSA, Rec Complex, and National Abilities Center) are hundreds of feet away

to the south and would not be affected by shadows, solar access or air circulation.

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

Complies. The hospital will be several hundred feet from the nearest building, far in excess of the CT zone setbacks. Although the site is currently vegetated with sagebrush and other shorter plants, the preliminary landscape plan proposes a number of native and appropriate trees, shrubs, and perennials for the site.

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

Complies. The additional height is more a function of the floor-to-floor height necessary in a hospital, as previously discussed. Keeping the same floor-to-floor heights but spreading the building out would decrease the amount of usable open space available. The annexation identified 80% open space, greater than the 60% required under base zoning, but equal to the requirements for the density bonus. A trail system on the property will connect with the existing network from the Recreation Complex and Round Valley systems.

(5) MPD's which include the additional height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Design Guidelines if within the Historic District; and

Complies. The applicant has provided conceptual renderings and detailed plans for the hospital. Components of the building (office, patient wing, lobby) are at different elevations from each other and provide for transitions between each component.

(6) Structures within the HR-1 District which meets the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

This section is not applicable.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) SITE PLANNING. *An MPD shall be designed to take into consideration the*

characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies. The hospital is set into the toe of the low hill on the property, hundreds of feet from SR 248. The hill itself provides a backdrop to the building so it does not impact the skyline.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies. The proposed plan does not include or need large retaining structures. The natural grade is not steep (less than 30%) and grading is minimal.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies. The proposed hospital has minimal permanent cut and fill and grading immediately surrounding it. However, the access road has fills of ten to fifteen feet in places to keep the road slope fairly consistent and to avoid hauling away too much soil material.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails are recorded on the subdivision plat. Construction of any new trails will be required consistent with the Park City Trails Master Plan.

Complies. A public trail through the property connects with the Round Valley and Recreation Complex trails. A public trail easement is recorded on the amended subdivision plat. Dedication and construction of trails is a requirement of the Annexation Agreement. The dedication of the trails has occurred.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

Complies. The hospital will have significant surface parking lots with sidewalks on the ends of the parking islands connecting to the entrances to the hospital. No separate bicycle paths (except the off-road trail) will be created. A sidewalk is provided

on one side of the access road. Public transit is also contemplated with several bus stops within the annexation area.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies. There are sufficient areas adjacent to the surface parking lots to store snow. Staff recommends that the applicant comply with internal and perimeter landscaping requirements for parking lots (section 15-3-3 (D)) although the CT zone, as created with the Annexation, is not specifically identified in this chapter as currently written. The applicant stipulates to this recommendation.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers for the future phases. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Complies. The site plan includes a screened refuse area.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

Complies. A bus stop is proposed on the site at the main entrance. A second bus stop is provided at the Medical Support Buildings.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Complies. Service and delivery are located to the rear of the hospital and away from the public areas.

*(H) **LANDSCAPE AND STREETScape.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

Complies. Outside of the immediate area around the hospital and parking areas the existing vegetation will be undisturbed. A preliminary landscape plan includes native and drought tolerant plant materials and re-vegetation with appropriate plant materials.

Parking lot lighting will be required to meet the City lighting standards. As stated above, Staff recommends that the applicant comply with internal and perimeter landscaping requirements for parking lots (section 15-3-3 (D)) although the CT zone, as created with the Annexation, is not specifically identified in this chapter as currently written. The final landscape plan must be approved by Planning Department staff.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

Complies. The access road crosses two areas of wetlands that are proposed to be mitigated in conformance with the Army Corp of Engineers permit. No sensitive slopes or ridgelines are identified.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

Complies. The annexation requires affordable housing that will be provided within the annexation area, or alternatively and with the consent of the City, at a location nearby. One lot of the subdivision is dedicated to the City for affordable housing.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.*

Complies. Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care demands will be generated by a hospital. The hospital may provide on-site service for its employees as it sees fit.

Department Review

The project has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers. Issues raised during the review process have been adequately mitigated in the proposed plans or by conditions of approval.

Notice

On September 24, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on the same date.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may approve the MPD Amendments for the Intermountain Healthcare facility as conditioned and/or amended; or
- The Planning Commission may deny the MPD Amendments and direct staff to

- make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Future Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of a Conditional Use Permit required prior to construction of any future phase is reviewed as a separate application by the Planning Commission.

Issues for Discussion

At the work session on August 27, 2014 Staff requested discussion regarding the shifting of density from Lots 6 and 8 to Lot 1 and the Planning Commission was supportive. Staff also requested input regarding the clarification of phasing of parking and affordable housing. Staff requests discussion on the following items:

- **Parking and Pedestrian Circulation-** Staff requests discussion regarding the phasing of parking in terms screened versus structured parking. The original MPD was approved with a phased approach to parking with the goal that by the final phase of construction the MPD would be in compliance with the requirements for 60% of the parking as either structured or t.

Recommendations

Staff recommends Planning Commission review the proposed Amendments to the Intermountain Healthcare Master Planned Development and conduct a public hearing. Staff has prepared findings of fact, conclusions of law and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The Intermountain Healthcare Master Planned Development is located on Lots 1, 2, 6, 7, 8, and 10 of the Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility and includes 127 acres. Lot 2 (8.492 acres) is dedicated as open space.
2. The Annexation Agreement and proposed Master Planned Development for IHC includes a Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 Unit Equivalents).
3. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area.
4. The applicant requests that the 50,000 square feet of Support Medical Office uses identified for Lots 6 and 8 be incorporated within the Medical Center building on Lot 1.
5. The applicant requests that a revised phasing plan be approved for the amended MPD. The amended phasing plan includes phasing of uses (Hospital Uses and

- Support Medical Office uses, parking, and affordable housing). The amended phasing plan was reviewed by the Planning Commission on October 8, 2014.
6. The property is located in the Community Transition (CT) zoning district.
 7. The MPD is being processed concurrent with a Conditional Use Permit for the Second Phase of construction.
 8. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.
 9. The Annexation Agreement is the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.
 10. A final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County on November 25, 2008.
 11. The Master Planned Development and Conditional Use Permit for Phase Two were submitted for concurrent review and approval.
 12. The maximum Building Height in the CT District is 28 feet (33 feet with a pitched roof).
 13. Additional Building Height is requested as part of this MPD amendment to allow the same height exceptions as were previously approved with the original MPD for Phase 2 construction. The main entry/clerestory is proposed at 15'-4" over the zone height with a chimney at 19'-9" over height. No floor area is increased by these architectural elements. A lobby clerestory (+10'-3") and pitched mechanical screening roof (+16'-7") also are not adding floor area. The two wings that house inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The building could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction. Phase 2 heights are similar to those granted with the original MPD.
 14. Additional building height, as reviewed by the Planning Commission on August 27, 2014 and October 8, 2014, complies with the criteria for additional building height per LMC Section 15-6-5 (F).
 15. The proposed Phase 2 addition is in compliance with the LMC criteria in Chapter 6 regarding additional height that can be granted for a Master Planned Development, specifically, the façade shifts and building articulation, materials, and details create architectural interest and break the building into areas of varying height and mass. Landscaping and setbacks provide mitigation of visual impacts from adjacent properties.
 16. The CT zoning district requires a minimum of 60% of the parking for an MPD to be provided in a structured or tiered parking configuration. A parking structure is proposed in the rear of the hospital and the applicant is requesting the phased approach for compliance at full build-out continue to apply to this MPD amendment. The initial phase is for 92 structured spaces and 327 surface spaces (419 total). The

92 structured is only 22 percent of the total in the first phase. Following the second phase there would be 304 structured or screened spaces (35.2%) and 863 total spaces. Following the third phase there would be 460 (45%) structured or screened spaces and 1019 total spaces. At final build-out the phasing calls for 855 (60.5 %) structured or screened spaces and a total of 1,414 spaces. The Planning Commission discussed the phase request at the October 8, 2014 meeting. The MPD amendment changes the phasing of the final structured parking due to construction phasing of the of the hospital uses to the final phases.

17. The setbacks within the CT zone are twenty five feet (25') in the front, rear, and sides. The building complies with these setback requirements.
18. Construction is subject to plat notes and all conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008 regarding trails, access, and utility easements and
19. Trails and linkages to trails shown on the City's Master Trail Plan shall be maintained in accordance with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended plat and conditions of the Annexation Agreement.
20. A redundant water system is necessary for the health, safety and welfare of the development. IHC paid \$16,000 per ERU to the City for water within 10 business days of the original MPD approval in accordance with Section 8 of the Annexation Agreement. In addition, IHC contributed \$800,000 for development of a second, redundant, source of water as provided in the amended water agreement pursuant to Section 8 of the Annexation Agreement.
21. A signalized intersection with location and associated improvements to State Route 248 approved by the Utah Department of Transportation was finalized with the amended subdivision plat. Other traffic mitigation measures and costs associated with those measures were approved by agreement between parties in accordance with the annexation agreement and have been completed.
22. As part of the initial IHC MPD the following items were agreed to by the applicant as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex for the access road. These items have been satisfied by the applicant:
 - a. IHC was required to pay Park City Municipal Corporation \$50,000 to compensate the city for actual costs the city incurred to prepare the ground for the future ball field.
 - b. IHC was required to pay Park City Municipal Corporation the actual costs incurred by the city for a way finding sign at the junction of Round Valley Drive and the road leading to the recreation complex and the National Ability Center (F. Gillmor Drive).
 - c. IHC was required to pay for and construct an 8' wide paved trail connection on the recreation complex property. This trail connection will connect: the paved trail at the south west corner of the recreation complex with the paved trail to be built by Intermountain on our property, adjacent to both USSA and the hospital

- d. IHC was required to enter into a shared parking agreement with Park City. The hospital will share up to 300 parking spaces at full build-out on weekends for park and ride lots for city events. IHC and the City will work together to establish a Parking Management and Phasing Plan to manage the use of these 300 spaces and establish a phasing plan for use of fewer spaces prior to full build-out. Intermountain would have the ability to reduce this number through the Management Plan or if both parties agree in writing based on lack of availability through normal use or ultimate build out of the Medical Campus. The Plan would include anticipate use schedule to allow notification of employees when certain lots would not be available for employee use on weekends.
- e. IHC will replace the storm water detention basin that will be removed through the construction of the road.
- f. IHC will construct a temporary, paved driveway from SR 248 to existing Gillmor Drive, as it runs east to west at the south west corner of the recreation parcel, just south of the proposed signalized intersection. This will facilitate temporary access for the NAC and recreation complex while the road improvements and infrastructure are being built. Exact location and design are subject to UDOT and Park City approvals.
- g. It is likely that due to the new road alignment, the City will have to modify the Recreation Subdivision to locate the new Round Valley Drive road within a platted right-of-way. Should this be necessary, the City will coordinate necessary drawings and approvals, but Intermountain will be responsible for the cost of all necessary submittal documents and plats. The amended subdivision, if necessary, would be required prior to issuance of full permits for either USSA or the Hospital.
- h. IHC will design and construct 30 trailhead parking spaces to the reasonable satisfaction of the City Engineer on the Park City Recreation Complex. The exact location will be determined by Park City, but will be in the general vicinity of the approved plan, adjacent to the new road.

23. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site

- and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
 8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
 9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
 10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
 11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
 12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All standard conditions of approval apply to this MPD amendment.
2. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
3. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat shall apply.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance for all construction phases subject to the MPD amendment.
5. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.
6. All exterior lights must conform to the City lighting ordinance and shall be submitted for review and approval with Building Permit plans for construction subject to this MPD amendment. Parking lot lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be indicated on the Building Permit plans and inspected and approved by staff prior to issuance of a certificate of occupancy.
7. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
8. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on October 8, 2014, match and/or complement the existing building, and shall be approved by staff prior to building

permit issuance.

9. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on October 8, 2014. The Planning Department shall review and approve the final Landscape Plan.
10. Utility and grading plans, including all public improvements, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, to be determined by the City Engineer, is required prior to issuance of a full building permit.
11. A Construction Mitigation Plan must be approved by staff as a condition precedent to issuance of any building permits.
12. A storm water run-off and drainage plan shall be submitted with the building plans and approved by the City Engineer prior to issuance of any building permits, to mitigate impacts on adjacent property. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.
13. Approval of a fire protection plan for the building shall have been made by the Building Official prior to any full building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.
14. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
15. Trail access shall be maintained to the greatest extent possible during construction of future phases of the MPD. Any damage to existing paved trails shall be repaired prior to issuance of a certificate of occupancy for each phase of development.
16. Prior to issuance of a building permit for any future phases of construction, the applicant and Staff shall verify that all items agreed to by the applicant listed in Findings of Fact # 21, as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex, have been completed.
17. One year after issuance of a certificate of occupancy for the next phase of construction the Applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site (parking utilization for various uses, parking utilization of various lots, use of alternative modes of transportation, etc.). The study shall include professional recommendations addressing the potential impact of reduced parking ratios for in future phases and a comprehensive program to increase utilization of any underutilized parking areas.
18. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission prior to issuance of a building permit for the next phase of development. The Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD. The Development Agreement shall include the revised phasing plan for all future construction and uses, parking, affordable housing, landscaping, and public improvements. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications,

an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

Exhibits

- Exhibit A- Proposed MPD Amendments –applicant’s letter
- Exhibit B- Phasing Plan Analysis and Proposed Parking phasing
- Exhibit C- May 23, 2007 Findings, Conclusions and Conditions from staff report
- Exhibit D- IHC Medical Campus Phasing Plan March 20, 2007
- Exhibit E- May 23, 2007 Planning Commission Minutes
- Exhibit F- June 12, 2013 Planning Commission Minutes
- Exhibit G - August 27, 2014 Planning Commission Minutes
- Exhibit H- Second Amended IHC/USSA Subdivision plat
- Exhibit I- Annexation Agreement
- Exhibit J- Proposed Building Height exceptions

**PARK CITY MEDICAL CENTER
MEDICAL CAMPUS**

NORTH BUILDING PROPOSAL

**MASTER PLAN DEVELOPMENT CHANGES
PARK CITY PLANNING COMMISSION**

JUNE 30, 2014

Background

Park City Medical Center has been more successful in its first five years than was forecast by Intermountain Healthcare. The areas of the hospital that are experiencing higher growth are surgery and endoscopy, pain services, physical therapy, imaging, emergency, and medical/surgical nursing. The available physician office space on campus is fully built out.

Nationally, healthcare has changed significantly since the hospital opened. Healthcare reform places more emphasis on education and wellness.

Proposed Project

Park City Medical Center is proposing an addition to the existing building. This addition would provide for a procedure center (to expand surgical capacity), physician offices, an education center, an expanded wellness center, and administrative space for the hospital (to permit bed expansion within the hospital).

The project would build an 82,000 square foot addition of medical support space attached to the hospital for medical offices, education, wellness, administrative services, and shelled space for future medical offices. In addition, the project would build 3,800 square feet of hospital space (1,000 new and completing 2,800 of existing shelled space) for a procedure center.

Master Plan Changes

The proposed project would require changes to the approved master plan for the Intermountain Healthcare hospital.

Density – The project would not change the total approved density on the Intermountain Healthcare hospital campus. The project would make two changes in location and timing of density on the campus.

1. The project would move 50,000 square feet of medical support density from lots 6 and 8 of the subdivision to lot 1 of the subdivision (the actual hospital site).

2. The proposed phasing plan had 57,000 square feet of medical support added to the campus by this time frame. This project will build 82,000 square feet of medical support, or adding the final 25,000 square feet of medical support to this phase of the MPD.

These changes allow the hospital to meet the growth of health care in Park City, yet delay a major hospital addition (74,000 square feet) projected in this part of the phasing plan.

Existing Structures on Campus

	Hospital Square Feet	Medical Support Square Feet	Total Square Feet
Approved per Annexation Agreement and MPD	300,000	150,000	450,000
Hospital	135,458	18,000	153,458
Medical Office Building		24,730	24,730
Summit County Building		24,424	24,424
Proposed Project	3,800	82,000	85,800
Total Built after Project	139,258	150,000	289,258

	Hospital Unit Eq	Medical Support Unit Eq	Total Unit Eq
Approved per Annexation Agreement and MPD	180	150	330
Hospital	81.3	18	99.3
Medical Office Building		24.7	24.7
Summit County Building		24.4	24.4
Proposed Project	2.3	82	84.3
Total Built after Project	83.6	149.1	232.7

Parking – Intermountain is proposing to adding 328 parking spaces (4 per 1,000 square feet) to support this addition. These spaces would be added surface parking. Intermountain’s proposed site plan will provide screening for 248 of the new parking spaces. The new screened parking spaces represent 63% of the new 393 parking spaces provided by the project (328 added spaces plus 62 existing spaces that are taken out by the new building). Intermountain and the architect believe that the screened surface parking will be less visual obtrusive than additional structured parking.

Height – The hospital was granted exceptions to the height restrictions of the CT zone since the hospital has functional requirements for floor to floor heights significantly greater than residential or commercial buildings and some design elements such as the main entry/clerestory and the pitched mechanical screening roof which exceeded the height requirements, yet did not add floor area to the hospital and provide a better visual impact to the building. The distance of the building from the entry corridors was also considered as an additional mitigating factor justifying the exception. The proposed project is being designed to be integrated into the existing structure and will need the same type of height exceptions.

Affordable Housing – Intermountain estimates that the current hospital services require 25.7 affordable housing units. The annexation agreement provided 44.8 units of affordable housing through a donation of land to the city and a guarantee from the Burbidges. The project would generate an additional affordable housing requirement of 12.9 units. This could still be covered by the original affordable housing.

Basement Storage – The architect has recommended that Intermountain consider adding basement storage next to the education center, rather than add future freestanding storage buildings behind the hospital. Intermountain requests that the Planning Commission consider allowing this storage, which would be completely buried under the new construction.

**INTERMOUNTAIN HEALTH CARE
MEDICAL CAMPUS
AMENDED PHASING PLAN**

SEPTEMBER, 2014

Overall Plan Intermountain Healthcare’s plans for the medical campus are to tie the development of the facilities to the demand for medical and hospital services as the population of Park City and Summit County grows over time. Therefore, the medical campus will be developed in phases.

The initial phase started construction in 2007.

Parts of the 1st addition were built between 2009 and 2014.

The 2nd addition was proposed to be built between 2014 and 2024

The full build out was anticipated to be completed after 2025.

Coordination of phasing with Park City Intermountain Healthcare has worked with the city on the timing of the additions. During the task force process the city indicated a strong desire to have input into the need and timing of the future phases.

When the local hospital board determined that a new project was needed due to the volumes at the hospital, the hospital requested a work session with the Planning Commission in 2013 to present the volume data and proposed scope of the additions and receive input from the Planning Commission. After receiving that input the local hospital board made recommendations to Intermountain Healthcare on the proposed project.

During a work session with the Planning Commission in August 2014, the Planning Commission requested that Intermountain update the phasing plan for the MPD so the parking and affordable housing components of the MPD are clear and the changes shown.

Original Phasing Plan - Initial Development

Hospital – 122,000 square foot building (13,000 square feet shelled)
Medical Offices - 18,000 square feet in hospital building

Medical Support - One 25,000 square foot building (For community benefit)
One 25,000 square foot building for medical offices, owned by physicians

Parking - 327 surface parking spaces
92 structured/screened parking spaces

The planning of the medical support buildings has not been completed at this time. Generally, medical office buildings have 3 parking spaces per 1,000 square feet

<i>Trails -</i>	All trails deeded Trail paved to hospital	
<i>Affordable Housing -</i>	Units Required for Hospital	12.7
	Units Required for Medical Offices	4.8
	Units Provided	45.0
	Units Required for Medical Offices owned by physicians as part of the Medical Support area of the campus. These units will be the responsibility of the owner of the building.	

Original Phasing Plan - 1st Addition

<i>Hospital – Medical Offices - Medical Support -</i>	Complete 13,000 square feet of shelled space One 25,000 square foot building for medical offices	
<i>Parking -</i>	83 surface parking spaces	
	The planning of the medical support buildings has not been completed at this time. Generally, medical office buildings have 3 parking spaces per 1,000 square feet	
<i>Trails -</i>	No changes	
<i>Affordable Housing -</i>	Units Required for Hospital	2.9
	Units Required for Medical Offices	
	Units Provided	With the initial phase
	Units Required for Medical Support These units will be the responsibility of the owner of the building	

Currently Built

<i>Hospital – Medical Offices -</i>	135,458 square foot building 18,000 square feet in hospital building
<i>Medical Support -</i>	One 24,424 square foot building (Summit County Public Health and People’s Health Building) One 24,730 square foot building for medical offices (Physicians Holdings Building)
<i>Parking -</i>	327 surface parking spaces at hospital 92 structured/screened parking spaces at hospital

172 spaces for medical support on campus

Trails - All trails deeded
All trails paved

<i>Affordable Housing -</i>	Units Required for Hospital	20.2
	Units Required for Intermountain Medical Support Space	4.8
	Units Required for Physician Holdings	5.0
	Units Required for Summit County (lease)	5.8 (Per ground lease)
	Units Provided at Park City Heights	44.78

The units required for the Summit County building were part of the ground lease and assumed by Summit County. The units required by Physician Holdings are being incorporated into Park City Heights by Physician Holdings.

Changes from Original Phasing Plan

1. A third 25,000 square foot medical support building on Lot 6 has not been built
2. The 83 additional surface parking spaces at the hospital have not been built
3. The paving of the trail to the north edge of campus was moved from the full build out phase to 2012 to coincide with the city’s paving of trail to Silver Summit

Original Phasing Plan - 2nd Addition

Hospital – 93,000 square foot addition to the building
Medical Offices - 32,000 square foot addition to the hospital building for medical offices

Medical Support - None

Parking - 703 structured/screened parking spaces

Trails - No changes

<i>Affordable Housing -</i>	Units Required for Hospital	15.6
	Units Required for Medical Offices	8.7
	Units Provided	13 additional UEs
	Units Required for Medical Support	None

Current Proposed Medical Support Project

<i>Hospital –</i>	1,000 square foot addition to existing building	
<i>Medical Offices -</i>	82,000 square feet addition to existing building	
<i>Medical Support -</i>	None	
<i>Parking -</i>	79 existing surface parking spaces behind the hospital to be screened by new building and new berm 133 new surface parking spaces to be built behind the new building and screened by new building and new berm 219 new surface parking added in front of hospital, minimal visual impact from entry corridor	
<i>Trails -</i>	No changes to trail system	
<i>Affordable Housing -</i>	Units Required for Hospital	20.4
	Units Required for Intermountain Medical Support Space	23.3
	Units Required for Physician Holdings	5.0
	Units Required for Summit County (lease)	5.8 (Per ground lease)
	Units Provided at Park City Heights	44.78

The units required for the Summit County building were part of the ground lease and assumed by Summit County. The units required by Physician Holdings are being incorporated into Park City Heights by Physician Holdings.

Changes from Original Phasing Plan

1. The density for the 25,000 square foot medical support building on Lot 6 and the density for the 25,000 square foot medical support building on Lot 8 is proposed to be shifted to Lot 1 and attached to the hospital.
2. The timing of the 25,000 square foot medical support building on Lot 8 has been moved from the full build out addition to the present.
3. The timing of the larger hospital additions has been delayed to later in this phase.
4. The remaining surface parking in front of the hospital is included in this project. The surface parking behind the hospital will become screened by the project and the additional surface parking to be built behind the building will be screened. The percentage of existing structured and the screened surface parking will move the percentage of structure and screened parking at the hospital to 43%.
5. The timing of additional structured parking is delayed to coincide with the hospital addition.

Future Proposed Hospital Additions for this Phase

<i>Timing -</i>	The best estimates by the hospital are that the next hospital additions will be built between 2019 and 2025.	
<i>Hospital –</i>	Up to 65,000 square feet to be added in one or two additions to existing building	
<i>Medical Offices -</i>	None	
<i>Medical Support -</i>	None	
<i>Parking -</i>	51 existing screened surface parking spaces behind the hospital would be replaced by a new parking structure 156 stall new parking structure to be built behind the new building	
<i>Trails -</i>	No changes to trail system	
<i>Affordable Housing -</i>	Units Required for Hospital	30.1
	Units Required for Intermountain Medical Support Space	23.3
	Units Required for Physician Holdings	5.0
	Units Required for Summit County (lease)	5.8 (Per ground lease)
	Units Provided at Park City Heights	44.78
	New units to be provided by Intermountain	9.5

The new units to be provided by Intermountain could be part of an institutional affordable housing project located on Lot 8, such as Peace House or patient family housing (ie Ronald McDonald House). If an appropriate institutional affordable housing project is not found, then Intermountain will need to partner with another affordable housing project in the community to meet its requirement.

Changes from Original Phasing Plan

1. The scope of hospital additions associated with this phase is reduced from 93,000 square feet to 65,000 square feet.
2. The structured parking associated with these projects is reduced to the estimated number of new parking stalls needed to be added to the hospital site. With the screened parking to be built during the current project the percentage of structured and the screened surface parking will increase to 51%.
3. Intermountain will need to provide at least 9.5 units of affordable housing as part of these projects.

Original Phasing Plan - Full Build Out

<i>Hospital</i> –	85,000 square foot building	
<i>Medical Offices</i> -	None	
<i>Medical Support</i> -	One 25,000 square foot building	
<i>Parking</i> -	120 surface parking spaces	
<i>Trails</i> -	Trail paved to north edge of hospital campus	
<i>Affordable Housing</i> -	Units Required for Hospital	13.7
	Units Provided	None
	Units Required for Medical Support	
	These units will be the responsibility of the owner of the building	

Amended Phasing Plan – Full Build Out Phase

<i>Timing</i> -	The best estimates by the hospital are that the hospital additions for full build out will be built after 2025.	
<i>Hospital</i> –	Up to 98,000 square feet to be added in one or more additions to existing building or a new separate hospital building on Lot 1	
<i>Medical Offices</i> -	None	
<i>Medical Support</i> -	None	
<i>Parking</i> -	An additional 73 existing screened surface parking spaces behind the hospital could be replaced by a new parking structure 160 stall new parking structure could be built behind the new building (unless the additional needed parking has better visibility and lighting impact with screened surface parking) Another 235 parking stall structure to be built near the new hospital addition or new hospital building (unless the additional needed parking has better visibility and lighting impact with screened surface parking)	
<i>Trails</i> -	No changes to trail system	
<i>Affordable Housing</i> -	Units Required for Hospital	44.8
	Units Required for Intermountain Medical Support Space	23.3
	Units Required for Physician Holdings	5.0
	Units Required for Summit County (lease)	5.8 (Per ground lease)

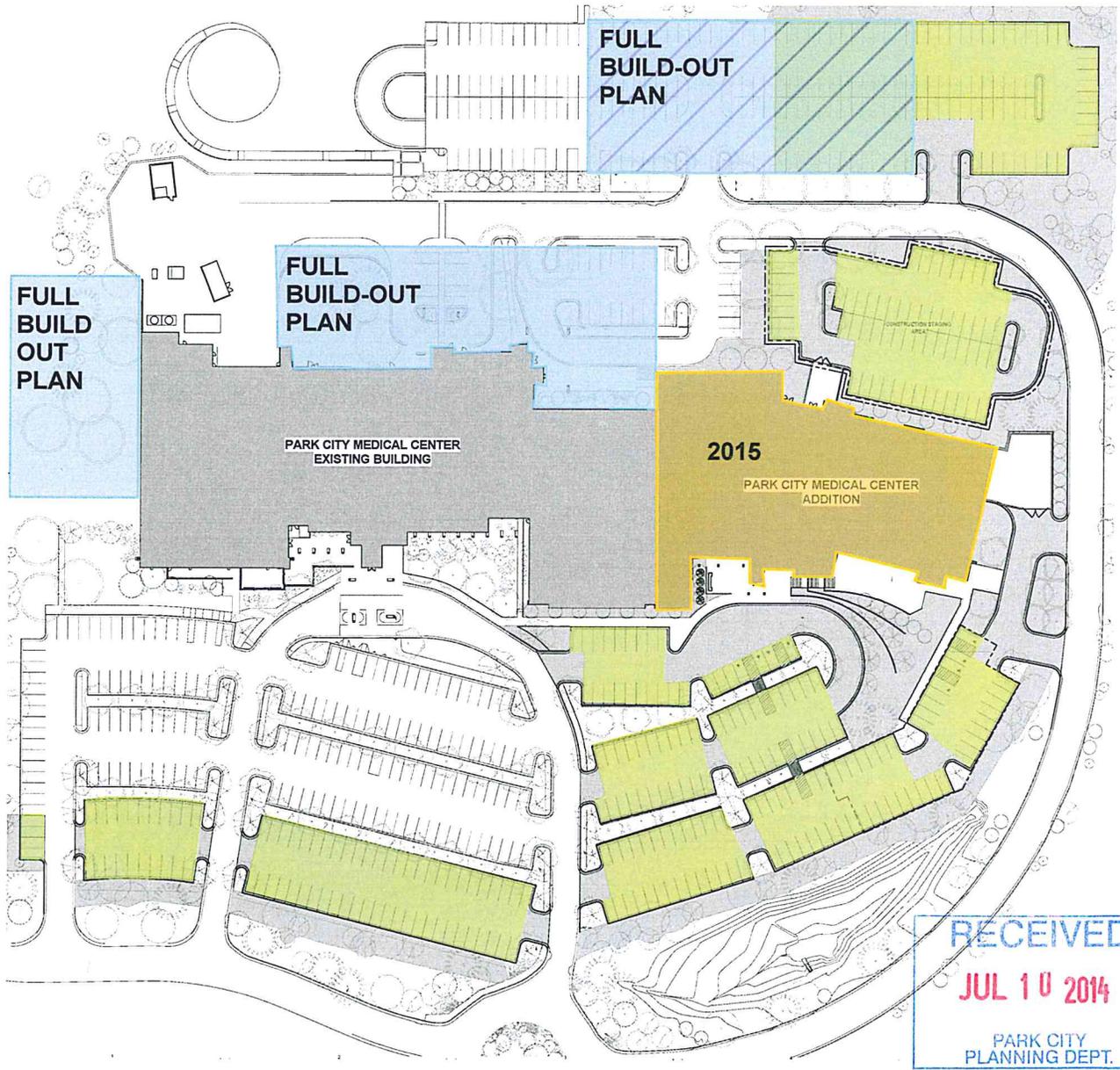
Units Provided at Park City Heights	44.78
Units provide during 2 nd addition	9.5
New units to be provided by Intermountain	13.8

The new units to be provided by Intermountain could be part of an institutional affordable housing project located on Lot 8, such as Peace House or patient family housing (ie Ronald McDonald House). If an appropriate institutional affordable housing project is not found, then Intermountain will need to partner with another affordable housing project in the community to meet its requirement.

Changes from Original Phasing Plan

1. The scope of hospital additions associated with this phase is increased to 98,000 square feet.
2. The structured parking that could be associated with these projects is proposed to be provided in two sites, so it is located nearer the buildings the parking is associated with. Some structured parking could be replaced by additional screened parking that has better visibility and lighting impacts.
3. Intermountain will need to provide the remaining 13.8 units of affordable housing as part of these projects.
4. The paving of the trail associated with the original phasing plan is already completed.

**INTERMOUNTAIN PKMC HOSPITAL EXPANSION
 MASTER PLAN AMENDMENT - PARKING EXCEPTION**



- Current MOB Expansion
- Proposed Parking (mostly patient driven)
- Full Build-Out Future Hospital Expansion
- Future Structured Parking (to support Staff needs in the Full Build-Out Plan)

Intermountain is proposing adding 328 new parking stalls (4 stalls per 1,000 sqft), plus an additional 62 spaces to replace those lost by the building addition; for a total of 390 spaces. Of those 390 spaces, 63% (246 spaces) are considered screened by landscape measures, site grading or a combination of both.

The vast majority of the new medical support addition is clinical in nature, requiring a high number of patient parking spaces. These bulk of these spaces need to be located near the front entry of the new clinic building.