# PARK CITY MUNICIPAL CORPORATION PLANNING COMMISSION CITY COUNCIL CHAMBERS January 10, 2018



#### AGENDA **MEETING CALLED TO ORDER AT 3:30PM ROLL CALL ADOPTION OF MINUTES OF** December 6, 2017 December 13, 2017 December 20, 2017 PUBLIC COMMUNICATIONS - Items not scheduled on the regular agenda STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES **CONSENT AGENDA** – All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting. 88 King Road – Steep Slope Conditional Use Permit – applicant is proposing to PL-17-03654 03 construct a new single-family dwelling on a vacant lot with a slope greater than 30%. Planner Tyler Public hearing and possible action **REGULAR AGENDA** – Discussion, public hearing, and possible action as outlined below 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue. Woodside Park PL-17-03454 119 Affordable Housing Project Phase I – Master Planned Development – Ratification of Planner Tyler Development Agreement. Possible action 277 McHenry Avenue – Request for a Conditional Use Permit for an Accessory PL-17-03675 161 Apartment on Parcel A of 277 McHenry Avenue. Request for a Conditional Use PL-17-03676 Permit to allow construction of an Accessory Apartment on a steep slope. The Planner applicant proposes at least 200 square feet of Building Footprint to be built upon an Morlan existing slope of 30 percent or greater. Public hearing and possible action PL-17-03526 203 7695 Village Way – Empire Residences Conditional Use Permit for a 21 unit building at Planner the Village at Empire Pass Master Planned Development for Lodge Building 3, with Whetstone

one employee housing unit and one ADA unit. Public hearing and possible action

#### AGENDA CONTINUES ON NEXT PAGE

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.

7695 Village Way – Empire Residences Condominiums- condominium plat to create private and common ownership for 21 residential units, one employee housing unit and one ADA unit.	<b>PL-17-03721</b> Planner Whetstone	342
Public hearing and possible recommendation to the City Council on February 1, 2018 King's Crown Master Planned Development located at 1201-1299 Lowell Avenue consisting of 27 single-family lots, 23 residential units, 7 townhouses, and 15 affordable housing units, all residential. Public hearing and possible action	<b>PL-17-03515</b> Planner Astorga	354
King's Crown Conditional Use Permit for five (5) multi-unit dwellings consisting of 23 residential flats, 7 townhouses, and 15 affordable housing units. Public hearing and possible action	<b>PL-17-03566</b> Planner Astorga	355
King's Crown Re-Subdivision of subject land into 32 lots of record consisting of 27 single-family dwelling lots, 3 lots for the five (5) multi-unit dwellings, and 2 open space lots. Public hearing and possible recommendation to the City Council on February 1, 2018	<b>PL-17-03567</b> Planner Astorga	355
RECESS – 5:00 - 5:30 PM REGULAR AGENDA CONTINUED – 5:30 PM		

Treasure Hill, Creole Gulch and Town Lift Mid-station Sites – Amended development<br/>agreement and Conditional Use permit – Sweeney Properties Master Plan - PL-08-<br/>00370PL-08-00370<br/>Planner<br/>AstorgaPublic hearingPlaner<br/>PlanerPlaner<br/>Planer

**ADJOURN** 

\*Parking validations will be provided for Planning Commission meeting attendees that park in the China Bridge parking structure.

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.

# Planning Commission Staff Report



Subject:88 King Road AvenueProject #:PL-17-03618Author:Hannah M. Tyler, PlannerDate:January 10, 2018Type of Item:Administrative – Steep Slope Conditional Use Permit

# **Summary Recommendations**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 88 King Road, conduct a public hearing, and approve the Steep Slope CUP for 88 King Road. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

# **Description**

Owner/ Applicant:	88 King Road Investments LLC (Represented by Bill Van
	Sickle)
Location:	88 King Road
Zoning:	Historic Residential Low-Density (HR-L) District
Adjacent Land Uses:	Residential
Reason for Review:	Construction of a new single-family dwelling with a Building
	Footprint in excess of two hundred square feet (200 sf) to be
	located upon an existing slope of 30% or greater.

# <u>Proposal</u>

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of a new single-family dwelling with a Building Footprint in excess of two hundred square feet (200 sf) located on an existing Slope of 30% or greater.

# **Background**

On August 30, 2017, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 88 King Road; the application was deemed complete on October 2, 2017. Since October 2, 2017, the applicant has been working with staff to confirm compliance with the HR-L zoning requirements and the Design Guidelines for New Construction.

The property is located in the Historic Residential Low-Density (HR-L) District. The lot contains 3,750 square feet. It is an uphill lot. This application is a request for a Conditional Use Permit (CUP) for construction of a new single-family dwelling on a vacant lot. Because the proposed footprint of the new structure is in excess of 200 square feet and the proposed footprint is located upon an existing slope of greater than 30%, the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The Historic District Design Review (HDDR) application for the proposed for the new single-family dwelling is on hold, pending Planning Commission approval of the Steep

Slope Conditional Use Permit. The HDDR application was also submitted on August 30<sup>th</sup>, 2017.

An Administrative Lot Line Adjustment was approved in 2006 creating the 88 King Road Replat.

# <u>Purpose</u>

The purpose of the Historic Residential Low-Density (HRL) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

# <u>Analysis</u>

The proposed footprint of the new single-family dwelling is 1,518 square feet; the lot size currently allows a footprint of 1,519 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

This is an uphill lot, and the average slope of the lot is about 58%. The average slope of the footprint area is approximately 44%.

The new construction meets the allowed building height. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 3,750 square feet	3,750 square feet, complies.
Building Footprint	1,519 square feet maximum	1,518 square feet, complies.
Front Yard	10 feet minimum, total of 20 feet	10 feet, total of 20 feet, complies
Rear Yard	10 feet minimum, total of 20 feet	10 feet, total of 20 feet, complies
Side Yard	5 feet minimum, 10 feet total	5 feet (north), 5 feet (south) (total of 10 feet), <u>complies</u> .
Height	27 feet above existing grade, maximum.	24.89 feet, <u>complies.</u>

Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	35 feet, <u>complies</u> .
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet, <u>complies</u> .
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	There is a 10 foot horizontal step in the downhill façade that has a maximum height of 22 feet from where Building Footprint meets the lowest point of existing Grade. <u>complies</u> .
Contributing Roof Form	The roof pitch of a Structure's Contributing Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way.	The roof pitch of the Contributing Roof Form is 7:12 and occupies a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. <u>complies</u> .
Secondary Roof Form	Secondary Roof Forms may be below the required 7:12 roof pitch and located on the primary façade (such as porches, bay window roofs, etc).	The Secondary Roof Form is a projecting dormer with a roof pitch of 1:12. The dormer is subordinate to the Contributory Roof Form.
Parking Regulations	Two (2) parking spaces.	Two (2) parking spaces are provided in two (2) single-car garages, <u>complies</u> .

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #12.

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for construction of any new construction when the Building Footprint of the addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater.

#### Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.** 

The proposed single-family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The house steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for a large and out of scale retaining wall. The applicant has also submitted a Technical Drainage Study (Exhibit D) which outlines the drainage plan.

#### Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.** 

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual analysis, the proposed new single-family dwelling fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few threeto four-story new residential developments.

The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By stepping the structure up the hill, the mass and scale have been broken up and largely minimized. The side yard will be re-vegetated following construction. The terraced retaining walls mitigate the visual impact of the steep grade. The terraces will not change grade by more than 4 feet and occur within the property.

#### Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged. **No unmitigated impacts.** 

The proposed driveway leads to two (2) single-car garages. As stated previously, the applicant has incorporated terraced retaining walls which mitigate the visual impact of the steep grade. The terraces will not change grade by more than 4 feet and occur within the property. These terraced retaining walls mitigated the need for a large and out of scale retaining wall to accommodate the garage(s) entrance.

At the edge of curb, the applicant has incorporated a driveway with a maximum width of 12 feet. The driveway then widens to allow for entrance to each single-car garage. This driveway design is consistent with the driveways of new construction in the Historic District.

#### Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.** 

The applicant has incorporated a series of terraced retaining walls to regain Natural Grade as a result of the driveway and single-car garage entrances. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact.

There are also retaining walls in the rear yard to accommodate a patio area. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade. The applicant will change grade at the garage entrance which is allowed per LMC 15-2.1-5 Building Height.

#### Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.** 

The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District.

In addition, the series of terraced retaining walls helps to regain natural topography while also returning vegetation to the site. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.

#### Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.** 

The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.

Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood which is comprised of one- and two-story buildings as well as historic houses with two-story additions in the back. Further, the style of this structure is consistent with the Design Guidelines.

#### Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.** 

The new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple roof lines, and articulation of the wall planes.

#### Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts**.

The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed single-family dwelling and surrounding structures.

# Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-L District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.** 

The proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the new structure is approximately 24.89 feet above existing grade. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood,

#### **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. The applicant has submitted a Historic District Design Review (HDDR) application. The Historic District Design Review (HDDR) application for the proposed single-family dwelling is under review pending approval of the Steep Slope Conditional Use Permit by the Planning Commission.

#### Department Review

This project has gone through an interdepartmental review. No additional comments were brought up at that time.

#### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on December 27, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on December 23, 2017.

### Public Input

No input has been received regarding the Steep Slope CUP at the time of this report.

# **Alternatives**

- The Planning Commission may approve the Conditional Use Permit for 88 King Road as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

# **Significant Impacts**

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, vacant lot with landscaping consisting of native grasses and shrubs, as well as evergreen trees.

#### Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

#### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 88 King Road, conduct a public hearing, and approve the Steep Slope CUP for 88 King Road. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

# Findings of Fact:

- 1. The property is located at 88 King Road.
- 2. On August 30, 2017, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 88 King Road; the application was deemed complete on October 2, 2017.
- 3. The property is located in the Historic Residential Low-Density (HR-L) District.
- 4. The lot contains 3,750 square feet. It is an uphill lot.
- 5. The Historic District Design Review (HDDR) application for the proposed for the new single-family dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit. The HDDR application was also submitted on August 30<sup>th</sup>, 2017.
- 6. An Administrative Lot Line Adjustment was approved in 2006 creating the 88 King Road Replat.
- 7. A single-family dwelling is an allowed use in the HR-L District.
- 8. The lot contains 3,750 square feet. This is an uphill lot, and the average slope of the lot is about 58%. The average slope of the footprint area is approximately 44%.
- 9. Access to the property is from King Road, a public street.
- 10. Two (2) parking spaces are proposed on site in two (2) single-car garages.
- 11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.
- 12. An overall building footprint of 1,518 square feet is proposed. The maximum allowed footprint for this lot is 1,519 square feet.
- 13. The proposed addition complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 10 feet, for a total of 20 feet; the applicant is proposing a 10 foot front yard and 10 foot rear yard setback, for a total of 20 feet.
- 14. The proposed structure complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 10 feet. The structure has a 5 foot side yard setback for both the north and south side yards for a total of 10 feet.
- 15. The proposed structure has a maximum height of approximately 24.89 feet. The maximum height in the HR-L is 27 feet.
- 16. The proposed structure has an interior height of 35 feet. The maximum interior height is 35 feet.
- 17. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building has been broken up into smaller components. Only a one- to two-story structure will appear above grade on the hillside.
- 18. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this single-family dwelling on the cross canyon views and the King Road streetscape. The proposed single-family dwelling is compatible with the surrounding structures as the majority of the mass and bulk of the single-family dwelling will be buried underground based on this analysis.
- 19. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The proposed driveway leads to two (2) single-car garages. The applicant has incorporated terraced retaining walls

which mitigate the visual impact of the steep grade. These terraced retaining walls mitigated the need for an out of scale retaining wall to accommodate the garage(s) entrance. This driveway design is consistent with the driveways of new construction in the Historic District.

- 20. The applicant has incorporated a series of terraced retaining walls to regain Natural Grade as a result of the driveway and single-car garage entrances. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact.
- 21. There are retaining walls in the rear yard to accommodate a patio area. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade. The applicant will change grade at the garage entrance which is allowed per LMC 15-2.1-5 Building Height.
- 22. The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District
- 23. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
- 24. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.
- 25. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
- 26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.
- 27. The property was posted and notice was mailed to property owners within 300 feet on December 27, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on December 23, 2017. The property is located outside of the Soils Ordinance.
- 28. The findings in the Analysis section of this report are incorporated herein.

# Conclusions of Law

- 1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
- 2. The Use is consistent with the Park City General Plan, as amended.
- 3. The effects of any differences in use or scale have been mitigated through careful planning.

# **Conditions of Approval**

- 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. The CMP shall include language regarding the

method of protecting adjacent structures.

- 3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
- 4. This approval will expire on January 10, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
- 5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on January 10, 2018, and the Final HDDR Design.
- All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade unless an exception is granted by the City Engineer per the LMC, Chapter 4.
- 7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
- 8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
- 9. Construction waste should be diverted from the landfill and recycled when possible.
- 10. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
- 11. All excavation work to construct the foundation of the new addition shall start on or after April 15<sup>th</sup> and be completed on or prior to October 15<sup>th</sup>. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
- 12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

# Exhibits

Exhibit A Existing Conditions Survey and Plans (site plan, elevations, floor plans, Visual Analysis/Streetscape)

Exhibit B Drainage Mitigation Submittal

# Exhibit A:

Existing Conditions Survey and Plans (site plan, elevations, floor plans, Visual Analysis/Streetscape)





























**Exhibit :** Drainage Mitigation Submittal (This SWPPP Template is for the **Common Plan** Permit Only, and does **NOT** address SWPPP requirements found in the CGP.)

# **Common Plan SWPPP for**

# **New Residence**

88 King Road

Park City, UT 84098

Larry Feldman

(435)901-9933

Date

12/11/2017



**1. Project Information** 

Project Name: 88 King Road Address: 88 King Road City: Park City Latitude: 40° 29' 18.6" Longitude: 111° 56' 73" UPDES Permit Tracking Number:	State: UT	<b>Zip:</b> 84098
Owner: Larry Feldman Contact Person: Larry Feldman Address: City: Telephone Number: 435-901-9933 Email Address: larry@altitudedesignbuild	State:	Zip:
General Contractor: Bill Van Sickle Contact Person: Bill Van Sickle Address: City: Telephone Number: 801-694-9683 Email Address: bill@vansickledesigned.com	State:	Zip:

# 1.5

# **Unknown Features** (although this may be a law under another program, it's not a permit requirement). Discovery of Historical, Archaeological or Paleontological Objects, Features, Sites, or Human Remains

- A. Immediately suspend construction operations in the vicinity (100 foot minimum buffer) of the discovery.
- B. Verbally notify the Public Works Department and provide them the exact location.
- C. Protect the discovery and provide written confirmation of the discovery to the City and State Historic Departments within two calendar days.
- D. Contractor and City follow State mitigation laws.

# 2. Best Management Practices

#### 2.1 SWPPP Sign (see permit part 1.10, 4.2.11)

Description of construction board is filed in Appendix L

#### 2.2 Sensitive Features Control (see permit part 2.2)

#### 2.2.1 Wetlands

N/A, there are no wetlands on this site.

**2.2.2 Water Bodies within or 30' from Disturbance Boundary**(see permit part 2.3.5) N/A, there are no water bodies within or 30' from disturbance boundary.

#### 2.3 Sediment Control (see permit part 2.1.2, 2.1.3 & 2.3)

#### 2.3.1 Trap/Filter Sediment at Property Boundary (see permit part 2.1.2)

Curb sediment trap to be used at property boundary.

BMP description, rational for use and specifications, and details are filed in Appendix L.

2.4.2 Inlet Protection (see permit part 2.1.3 & 2.3)

Gravel filter bag.

BMP description, rational for use and specifications, and details are filed in Appendix L.

#### 2.4.3 Steep Slopes (see permit part 2.3.2)

<u>Steep slopes present on site. Fiber rolls are to be staked perpendicular to slope every 20' to prevent</u> <u>erosion.</u>

#### 2.4.4 Street Maintenance (see permit part 3.2.2)

Manual Sweeping.

Broom and shovel, to be implemented as needed to prevent sediment in from entering roads.

#### 2.4 Top Soil Preservation (see permit part 2.5)

N/A topsoil not to be preserved.

BMP description, rational for use and specifications, and details are filed in Appendix L.

#### 2.5 Dust Control (see permit part)

2.5.1

Water Truck. BMP description, rational for use and specifications, and details are filed in Appendix L.

#### 2.5.2

<u>Manual Dust Suppression</u>. Contractor to spray loose dust with a hose as needed in areas where a water truck is impractical.

#### 2.6 Egress Control (see permit part 2.4)

2.6.1 Track Out (see permit part 2.4.1)
<u>Stabilized construction entrance</u>.
BMP description, rational for use and specifications, and details are filed in Appendix L.

#### 2.7 Waste Management Control (see permit part 4.2.6)

#### 2.7.1 Solid Waste (see permit part 2.4.3)

#### Dumpster.

6 CuYd trash bin with locking lid. To be onsite prior to beginning excavation until landscape vegetation is installed. To be emptied regularly and when dumpster is no longer able to contain light weight trash. To be repaired when fluids are leaking. Maintain at end of work day, or prior to wet conditions, forecast precipitation, or wind, whichever comes first.

#### 2.7.2 Construction Spoil (see permit part 2.1.1)

#### Placement of Soil.

Stockpiled soil is to be placed on the high side of any sloping area, preferably near a silt fence. Stockpile area to be relocated if location becomes ineffective.

#### 2.7.3 Sanitary Waste (see permit part 2.4.4)

Containment of Sanitary Waste—Portable toilet.

BMP description, rational for use and specifications, and details are filed in Appendix L.

#### 2.7.4 Cement Product Operations (see permit part 2.4.5, 2.9.2)

Concrete Washout.

BMP description, rational for use and specifications, and details are filed in Appendix L.

#### 2.7.5 Concrete Cutting Operations (see permit part 2.9.2)

#### Containment of excess coolant waste.

Coolant waste is to be placed in bins, separated by type of liquid, and disposed of in accordance with the individual product's guidelines.

#### 2.7.6 Non Aqueous Waste (see permit part 2.8.2)

#### Containment of excess liquids.

Liquid waste is to be placed in bins, separated by type of liquid, and disposed of in accordance with the individual product's guidelines.

#### 2.7.7 Construction Wastewater (see permit part 2.7, 2.9, 2.9.4)

#### Trench/Excavation Dewatering.

If/when groundwater is discovered, water is to be pumped out of trench to a sediment control device of the contractor's choosing (e.g. straw bale, sediment basin, filter bag, etc.).

#### 2.8 Management of Construction Materials Control

#### 2.8.1 Storage of Construction Materials (see permit part 2.8.2)

#### Material Storage.

BMP description, rational for use and specifications, and details are filed in Appendix L.

#### **2.8.2 Construction Staging(backfill)** (see permit part 2.1.1)

#### Backfill Staging Area.

Designate area for construction staging activities that does not impede right of way.

#### 2.8.3 Construction Staging(Landscaping) (see permit part 2.1.1)

Landscape Staging Area.

Designate area for construction staging activities that does not impede right of way.

#### 2.9 Final Stabilization (see permit part 2.6)

#### 2.9.1 Landscaping Plan

Permanent Seeding and Landscaping of Non-hard Surfaces on Site.

#### 2.9.2 Temporary Containment of Sediment

Temporary Seeding.

Temporary seeding to be used when construction activities have temporarily ceased and have left exposed slopes until final landscaping can be completed.

# 3. Spill Prevention and Response Plan(see permit part 2.8.3, 2.9.3)

Contractor must clean up any spills that may be harmful to receiving waters immediately. Contractor to place kitty litter downhill of spill to prevent spill from reaching inlet. Clean-up is to be performed starting downhill and working up so as to prevent spill from spreading. Clean-up materials include citrus based biodegradable solvents, and kitty litter. Any cleaning materials that are used to clean up any spills shall be disposed of in accordance with the product's instructions.

Any discharges in 24 hours equal to or in excess of the reportable quantities listed in 40 CFR 117, 40 CFR 110, and 40 CFR 302 will be reported to the National Response Center and the Division of Water Quality (DWQ) as soon as practical after knowledge of the spill is known to the permittee. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and measures taken and/or planned to be taken to the Division of Water Quality (DWQ), 288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870. The Storm Water Pollution Prevention Plan must be modified within14 calendar days of knowledge of the release to provide a description of the release, the circumstances leading to the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

Agency	Phone Number
National Response Center	(800) 424-8802
Division of Water Quality (DWQ) 24-Hr Reporting	(801) 538-6146; (801) 536-4123
Utah Department of Health Emergency Response	(801) 580-6681
UFA	911

Minimum spill quantities requiring reporting:

Material	Media Released To	Reportable Quantity
Engine oil, fuel, hydraulic & brake fluid	Land	25 gallons
Paints, solvents, thinners	Land	100 lbs (13 gallons)
Engine oil, fuel, hydraulic & brake fluid	Water	Visible Sheen
Refrigerant	Air	1 lb
Antifreeze, battery acid, gasoline, engine degreasers	Air, Land, Water	100 lbs (13 gallons)

Emphasis to:

1<sup>st</sup> Priority: Protect all people (including onsite staff)

2<sup>nd</sup> Priority: Protect equipment and property

3<sup>rd</sup> Priority: Protect the environment

1. Make sure the spill area is safe to enter and that it does not pose an immediate threat to health or safety of any person.

- Check for hazards (flammable material, noxious fumes, cause of spill) if flammable liquid, turn off engines and nearby electrical equipment. If serious hazards are present leave area and call 911. LARGE SPILLS ARE LIKELY TO PRESENT A HAZARD.
- 3. Stop the spill source and contain flowing spills immediately with spill kits, dirt or other material that will achieve containment.
- 4. Call co-workers and supervisor for assistance and to make them aware of the spill and potential dangers
- 5. If spilled material has entered a storm sewer, regardless of containment; contact the Municipal Storm Water Division.
- 6. Cleanup all spills (flowing or non-flowing) immediately following containment. Clean up spilled material according to manufacturer specifications, for liquid spills use absorbent materials AND DO NOT FLUSH AREA WITH WATER.
- 7. Properly dispose of cleaning materials and used absorbent material according to manufacturer specifications.
- 8. Report the reportable quantity to the Municipal Storm Water Division.

#### **Emergency Numbers**

Utah Hazmat Response Officer 24 hrs	(801)-538-3745
City Police Department	(435)-615-5500
Municipal Storm Water Division	(435)-615-5307

# 4. Site Map(s) (see permit part 4.2.3)

The SWPPP site maps are filed in Appendix B

# 5. Record Keeping

See the appendices in Appendix A-K.

#### SWPPP Inspections-Maintenance-Correction Report (permit part 3.2.1, 3.2.2, 3.3, 3.4, 4.2.12)

Inspections are required every 7 calendar days Repair or replace BMPs prior to need or by end of week whichever comes first. Update the Inspection-Maintenance-Correction Report weekly. Section 3.2.2 requires daily maintenance of pavements and site grounds.

See the Inspection-Maintenance-Correction Reports in Appendix E

#### Changes to the SWPPP(see permit part 4.2.12, 4.2.13)

See the Amendment Log in Appendix F.

**Training**(see permit part 4.2.7) Training Logs and Documents are filed in Appendix H.
# 6. Discharge Information

**Receiving Waters (look up** <u>http://wq.deq.utah.gov</u> to identify your receiving water body)

1. Silver Creek

Impaired Waters (refer to <u>http://wq.deq.utah.gov</u> in the left hand column to determine status of receiving water body).

Impaired Surface Water	Is this surface water impaired?	Pollutant(s) causing the impairment	Has a TMDL been completed?	Pollutant(s) for which there is a TMDL
Silver Creek	Yes X No		🗆 Yes 🛛 X No	See web site above

# 7. Certification, Notification and Delegation(see permit part 4.2.9)

**Owner Certification:** See documents filed in Appendix G. **Operator Certification:** See documents filed in Appendix G. **Delegation of Authority:** 

**Subcontractor Certification:** 

**Notice of Permit Transfer Requirements:** 

## **SWPPP Appendices**

Appendix A: General Location Map Appendix B: SWPPP Site Maps Appendix C: UPDES Permit(UTRH00000) Appendix D: Permits; NOI, MS4 (Including City, County, State, 3<sup>rd</sup> Party; MS4 Acknowledgements) Appendix E: Inspection-Maintenance-Correction Report Appendix F: SWPPP Amendment Log Appendix G: Certifications, Agreements, Delegation of Authority Appendix H: Training Log Appendix I: Construction Plans Appendix J: Additional Information (e.g. Support documents and out of date SWPPP documents, etc.) Appendix K: BMP Specifications and Details Appendix A: General Location Map



Appendix B: SWPPP Site Map



Packet Pg. 4

Appendix C: UPDES Permit (UTRH0000)

## **General Permit for Storm Water Discharges from Construction Activities** STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY

General Storm Water Permit for Construction Activity Connected with Single Lot Housing Projects Utah Pollution Discharge Elimination System Permit No. UTRH00000 (Common Plan Permit)

This Permit is issued in compliance with the provisions of the Utah Water Quality Act (Utah Code Annotated 19-5, as amended) the federal Water Pollution Control Act (33 United States 1251 et. seq., as amended by the Water Quality Act of 1987, Public Law 100-4), and the rules and Regulations made pursuant to those statutes.

This permit applies to "construction activity" for a single lot disturbing a total of one acre or less and for construction activities related to residential dwellings. A single lot covered by this permit is part of a common plan of development or sale (see definitions in Part 6).

Issuance of this permit does not authorize any permittee to violate water quality standards. The permittee shall develop best management practices (BMPs) and engage in activities that will protect water quality during the construction project.

This permit shall become effective on February 1, 2016.

This permit and the authorization to discharge expire at midnight on January 31, 2021.

Signed this Oday of January, 2016

Walter L. Baker, P.E. Director



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- 1. COVERAGE UNDER THIS PERMIT. Conditions for coverage under this permit.
  - 1.1. <u>Coverage Limitations</u>. A project site (see definition of a project site in Part 6) is eligible for this permit if it meets the following requirements:
    - I.I.1. It is found within the State of Utah but is not in Indian Country,
    - 1.1.2. The construction activity is related to residential building on an individual lot or parcel.
    - 1.1.3. It disturbs a total of one acre or less over the duration of the construction project,
    - 1.1.4. Multiple site coverage:
      - 1.1.4.a. This permit may apply to multiple lots with the contingency that each lot be covered under a different permit tracking number (separate permit coverage for each lot). Lots do not necessarily need to be located within the same sub-division.
      - 1.1.4.b. If multiple lot coverage is desired under one permit, it may be obtained under the General Permit for Discharges from UPDES Permit No. UTRC00000. Multiple lots may be covered under one tracking number (one permit coverage) provided that UTRC00000 is the controlling permit, and all lots covered under that tracking number are within the same sub-division.
  - 1.2. <u>Discharges Allowed</u>. This permit allows discharges of storm water from construction activity at a project site, provided the storm water discharge meets the requirements within this permit.
  - 1.3. Non-Storm Water Discharges. Other non-storm water discharges that are allowed are:
    - 1.3.1. Flushings from potable or irrigation water sources where they have not been used for a washing or cleaning activity;
    - I.3.2. Water used for dust control;
    - 1.3.3. Spring water and groundwater that have not been soiled with sediment or other pollutants from construction activity;
    - 1.3.4. Emergency fire-fighting activities, and;
    - 1.3.5. Footing drains that have not been soiled from construction activity.
  - 1.4. How to Obtain Permit Coverage. The permit may be obtained online at the Utah Department of Environmental Quality (DEQ) UPDES Permits website at http://www.waterquality.utah.gov/UPDES/stormwatercon.htm. Click on "Application for a Storm Water Permit". Create an account, or if an account has already been created, proceed with providing the information requested. The notice of intent (NOI) for this permit is the same NOI that is used for the UTRC00000 permit. To complete the application process the permittee must pay a permit fee. The NOI may be filled out electronically using the online permit application system. The NOI can also be submitted using a paper form obtained from the same website cited above along with the permit fee. The paper form and fee can either be hand delivered to Utah Division of Water Quality [DWQ], 195 North 1950 West, Salt Lake City, Utah, 3rd floor in the MASOB building, or mailed to DWQ, P.O. Box 144870, Salt Lake City, Utah 84114-4870. When a party receives coverage under the permit, they will receive a permit

tracking number and the opportunity to copy the NOI for "proof of coverage." A copy of this permit may be downloaded from the DEQ website at http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm.

- 1.5. <u>Signature on the NOI</u>. The owner and the general contractor, which in some cases could be the same party, must sign the paper copy of the NOI (see 5.16.1.a) and place it in the storm water pollution prevention plan (SWPPP) (see 4.2.8).
- 1.6. <u>Permit Renewal</u>. This permit must be renewed yearly on the anniversary date of the original permit application. This is done by logging onto the account created at the time of NOI application, refreshing the information on the NOI, and paying the yearly permit fee.
- 1.7. <u>Start and end of Permit Coverage</u>. Permit coverage begins immediately upon completion and submission of an NOI and the permit fee. If the NOI is submitted electronically on-line permit coverage begins on that day. If the NOI is submitted by mail permit coverage begins when the NOI is received and entered into the on-line data base by DWQ staff. For projects within the jurisdiction of a regulated MS4 (see definitions in Part 6; the list of regulated MS4's is found on http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm), the permittee must also notify and receive approval for the project from the regulated MS4 having jurisdiction before the project may commence (see 4.2.10.). The permit fee is an annual fee that must be paid yearly on the anniversary date of permit issuance. The permit will remain effective until or unless any of the following occurs:
  - 1.7.1. The permittee completes the notice of termination (NOT) process, as outlined in section 1.8,
  - 1.7.2. The permittee fails to submit the yearly permit fee,
  - 1.7.3. Aside from permit coverage, which may be renewed annually by the permittee, as needed, this general permit expires every 5 years and normally is renewed through a public notice process by DWQ. In the event that the permit nears the end of its 5 year cycle, and the year of permit coverage for a construction site extends beyond the expiration date for the permit, the permittee must request continuing coverage through the permit renewal process. Otherwise permit coverage for a construction site will terminate when the general permit expires. Renewal of permit coverage can be done in the online electronic storm water data base up to 12 months prior to the expiration of the permit, or by letter received by DWQ before the expiration date of the specific permit coverage in question where concurrently all entries in the NOI can be updated as needed.
    - 1.7.3.a. If a renewal permit has been issued and is in place at the expiration date of this permit, this permit will terminate and coverage under the renewed permit will begin on the expiration date unless 1.7.1 has been invoked by the permittee.
    - 1.7.3.b. If a renewal permit has not been issued, this permit will be administratively extended until a renewal permit is issued or it is determined that this permit will not be continued. If a renewal permit is issued, and the permittee indicated a desire for continuing coverage under the new permit, coverage

will continue for the permittee under the new permit coverage unless 1.7.1 is invoked. If the permit is discontinued, the permittee must continue coverage under another general permit or an individual permit.

- 1.7.4. Coverage under this permit is rescinded or revoked for administrative reasons. In this case, the permittee will be notified in writing from the Director and will be required to apply for coverage under a different general or individual UPDES permit. This permit is terminated on the day coverage under another permit begins.
- 1.8. <u>Notice of Termination</u>. The permittee must terminate the permit by submitting an NOT when the project is completed. The NOT must be filed and retained for 3 years after the permit has been terminated (see 3.7). To terminate the permit, the permittee must comply with <u>either</u> 1.8.1 or 1.8.2, outlined below, and must comply with 1.8.3 if the project is within the jurisdiction of a regulated MS4 (see http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm for regulated MS4s):
  - 1.8.1. The landscaping is completed and the site meets "final stabilization" requirements (see part 6, definitions, for final stabilization).
  - 1.8.2. When a project (residential building) is completed but 'final stabilization' is not established, the building must be in process of being sold and ready for homeowners to take possession. If built by the homeowners, they must be in the process of moving in or already have moved in the house. The lot must have perimeter controls on downslope boundaries and surface stabilization controls on all surfaces that are 20 % (1 to 5 slope, or 11.3 derees) or greater to prevent erosion and soil migration offsite;
  - 1.8.3. The permittee must submit a paper copy of a NOT form to the MS4 of jurisdiction and schedule a final inspection (with the MS4). Termination is complete upon approval of the final inspection from the local MS4, or from DWQ if outside the jurisdiction of a regulated MS4.
- 1.9. <u>Water Quality</u>: Through the design of appropriate BMPs, it is expected that the permittee will achieve compliance with water-quality standards. If additional information becomes available indicating a project site is causing or is contributing to a violation of water quality standards or an existing total maximum daily load (TMDL), coverage under this permit may be revoked or rescinded, and the permittee may be required to get coverage under an individual UPDES permit or another UPDES general permit. If this occurs, the owner and the general contractor will be notified in writing by the Director and given instructions on how they must proceed.
- 1.10. <u>Requirement to Post a Notice of Permit Coverage</u>. The permittee must post a sign at the project site that includes the UPDES Permit tracking number, owner or general contractor contact name, a phone number for the owner or general contractor, an email address for the owner or general contractor, and in the case of an electronic SWPPP, a web address or information on how to access the electronic SWPPP. The notice must be posted with lettering large enough to be readable from a public right-of-way.

#### 2. POLLUTION PREVENTION REQUIREMENTS

- 2.1. <u>Structural Controls</u>. Minimize sediment transport off the site as follows:
  - 2.1.1. Stockpiled Material. Stockpiled material must not be stored on an impervious surface, except a material that will not be transported with precipitation, such as two-inch graded and washed gravel, unless it will be permanently placed and the holding area will be swept clean the same day it is dropped. If stored temporarily for more than a day, it must be placed as far as feasibly possible from roads or other impervious surfaces, storm water inlets, or water bodies, and with stockpile perimeter runoff controls utilized.
  - 2.1.2. *Perimeter Controls.* Perimeter controls such as silt fences, straw wattles, other filter berms, cut back curbs, vegetative buffers, etc., must be properly placed on the downslope sides of the project to prevent sediment from leaving the site during a storm event. As perimeter controls become loaded to 1/3 of capacity, they must be cleaned.
  - 2.1.3. *Inlet Protection*. Storm-drain inlets on the project site and on adjacent roads immediately down gradient from the site must be protected if they receive drainage from the active constructionsite. Protection may be, but is not limited to, rock wattles, sand bags, proprietary devices, or other. Rock wattles and sand bags are not advised for use in winter because they can be destroyed or removed by snow plows.
- 2.2. <u>Protection of Critical or Sensitive Areas</u>: Critical or sensitive areas such as preservation of the drip line around trees, wetlands, buffer zones by water bodies, etc., must be separated and isolated by clearly marking the areas with environmental fencing.
- 2.3. Managing the Site to Minimize Sediment Transport Offsite.
  - 2.3.1. The total area of soil disturbance at any one time must be minimized by disturbing only the area necessary to complete that stage of construction in the construction process.
  - 2.3.2. Soil disturbances on steep slopes must be minimized. For purposes of this permit a steep slope is 70% (or 1 to 1.66, or 35 degrees), or greater. This means avoiding a disturbance of soils on steep slopes or if disturbing the soil surface is necessary providing a robust surface stabilizing cover (such as geomats, environmental blankets, or other robust slope stabilizing control) to prevent erosion.
  - 2.3.3. Storm water volume and velocity must be controlled to minimize soil erosion and sediment transport by methods such as allowing or not obstructing infiltration and using velocity-control devices to reduce energy in runoff flowing on slopes.
  - 2.3.4. Storm water discharges leaving the site, including both peak flowrates and total storm water volume, must be controlled to minimize channel and stream-bank erosion and scour in the immediate vicinity of discharge points. This may be accomplished using experience, estimates, and good judgement; unless unusual or extraordinary site conditions present a potential for excessive erosion, hillside/impoundment collapse, environmental/safety hazards, or other site problems; for which a professional engineer must be consulted.

2.3.5. *Thirty-Foot Vegetative Buffer*. If a waterbody is adjacent to, within 30 feet from, or passing through the project boundaries, a 30-foot natural buffer between the waterbody and construction activity must be provided. If a 30-foot natural buffer cannot be provided, a substitute control measure equivalent to the 30-foot buffer must be provided, or the SWPPP must contain an explanation why neither is feasible. If it is not feasible to maintain a 30-foot natural buffer, as much natural buffer as is possible must be preserved and coupled with placement of additional erosion and sediment controls designed, implemented, and maintained to substitute and be equivalent to the 30-foot natural buffer.

The requirement for a natural buffer or substitute controls does not apply to any area outside of the project boundaries, but if a waterbody is within, for example, 20 feet from the project boundary, there must be 10 feet of natural vegetative buffer or substitute controls, or if within 25feet from the project boundary, there must be 5 feet of natural vegetative buffer or substitute controls, and so forth.

- 2.3.5.a. Substitution for a natural buffer should be calculated with models such as USDA's RUSLE2 or WEPP, or by using SEDCAD, SEDIMOT, or other similar models. In lieu of using a model for calculation of a substitution buffer, the permittee shall deploy the following:
  - 2.3.5.a.i. For every full 9 feet of natural buffer that is not provided on slopes up to 10 percent, one row of an effective perimeter control, such as a silt fence, staked straw wattle, proprietary or other filter berm, or other perimeter control, must be properly placed. For example, if only 15 feet of natural buffer can be provided, the permittee will substitute one row of a perimeter control in addition to the 15 feet of natural buffer to make up for the 15 feet of buffer that could not be preserved.
  - 2.3.5.a.ii. In addition to the requirements above for substitutions in place of the 30-foot natural buffer, on slopes between 10 percent and 30 percent, five feet of surface stabilization must be placed down gradient of and between each perimeter control substituted. For slopes steeper than 30 percent, 6 feet of surface stabilization must be placed downgradient of and between each perimeter control substituted, such as mulch, hydromulch, wood chips, bark, compost, erosion mat, etc., but excluding tackifiers.
- 2.4. Good Housekeeping Measures. The permittee must address the following:
  - 2.4.1. *Track Out.* Track-out pads (see definitions) and or rumble strips (see definitions) must be used to prevent dirt/mud tracked on streets as vehicles leave the site. If traffic onto and off the site is not frequent, a site operator may impose a blanket prohibition of vehicle traffic onto the site, allowing for the occasions to deliver and unload, but afterwards providing sweeping and/or cleaning of tracked out dirt (keep in mind that vehicles leaving a muddy site with no track out protection can track mud for several

blocks – the operator is liable for all track out from the site except for a dirt stain after sweeping -- see note after 3.2.2.). Dirt or mud tracked out on the street must <u>not</u> be washed or hosed into a storm drain. Tracked out mud or dirt on the street must be swept and/or scraped up as needed every day (see 3.2.2).

- 2.4.2. *Curb Ramps*: This permit prohibits the intentional placement of dirt and/or mud on paved streets or sidewalks. Curb ramps may be crushed rock, wood or steel ramps, or another material that does not wash away with storm water.
- 2.4.3. *Waste and Debris*. The site must be cleaned of waste and debris daily (see daily selfinspection 3.2.2). Waste and debris must be contained and secured adequately to prevent scattering from wind until it is removed from the site and disposed of properly.
- 2.4.4. *Portable Toilet*. Portable toilets must be tied down, staked down, or secured using other measures to prevent turn over, and they must be placed away from a road gutter, storm water inlet, or waterbody.
- 2.4.5. *Washing of Concrete, Stucco, and Paint Equipment*. A plastic film-lined pit or sealed container must be provided for washout of equipment used for concrete, stucco, and water-based paint. After completion of concrete, stucco, and paint tasks, the permittee must dispose of the waste by drying and sending solids to a landfill. Oil-based paint cleanout must be done in containers, taken off-site, and disposed of separately.
- 2.5. <u>Soil Compaction/Top Soil</u>. Topsoil must be preserved and placed on areas to be landscaped or areas planned for receiving vegetative cover, unless infeasible. Soil compaction must be minimized on areas that will not be used for support of structural elements such as roads, parking areas, structures, etc., unless infeasible.
- 2.6. Stabilization Requirement. Stabilization requirements are as follows:
  - 2.6.1. Stabilization requirements for areas that receive 20 inches of rainfall annually or greater: Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or have temporarily ceased on any portion of the site for greater than 14 calendar days. Stabilization can be sodding, planting, application of mulch (wood chips, rock, gravel, bark, compost, cat tracking on straw, hydromulch, etc.), application of geotextiles or erosion blankets, application of a tackifier, seeding (including preparation for germination and growth), a combination of these methods, or other method.
  - 2.6.2. Stabilization or equivalent requirements for arid and semi-arid areas (areas receiving less than 20 inches of rainfall annually): Stabilization for visually flat areas is not required (roughly up to 5 percent, 1 to 20 slope, or 2.3 degrees slope). Areas with slopes up to roughly 20 percent (1 to 5 slope or 11.3 degrees) must have, at minimum, velocity-control devices in every area where storm water collects and flows, spaced close enough across the flow to stop erosion (see also 2.3.3). Soil surface stabilization such as sodding, planting, hydromulch, compost, bark, cat tracking on straw, gravel,

geotextiles, erosion blankets, or other stabilization methods is required on all other sloped areas, increasing the robust nature of stabilizing cover commensurately with increasingly steeper slopes.

- 2.6.3. Permanent Stabilization for Arid areas.
  - 2.6.3.a. In addition to requirements above (see 2.6.2), permanent stabilization requires seeding on all areas that are not covered with permanent stabilization elements or structural elements such as building structure or pavement, or that are engineered or intended for structural purposes like graveled parking or dirt roads.
  - 2.6.3.b. Disturbed areas on projects located outside of populated and developed areas and where no irrigation water is available and where future periodic landscaping maintenance is not planned must be reclaimed with a seed mix of plants indigenous to the area or tolerant to the local climatic conditions that does not include invasive species. Velocity-control devices may be permanent or temporary. If velocity-control devices are intended for temporary use, they must be biodegradable and designed durable enough to withstand extreme weather.
- 2.7. <u>Construction Dewatering</u>. Construction dewatering can occur onsite without an additional UPDES permit if it is infiltrated or contained onsite and is not discharged offsite. Otherwise, construction dewatering discharges must be permitted under the General Permit for Construction Dewatering and Hydrostatic Testing UPDES Permit UTG070000, which can be obtained online through submittal of an NOI at https://secure.utah.gov/waterquality.
- 2.8. <u>Pollution Prevention Measures</u>. The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must address the following:
  - 2.8.1. *Vehicle, Wheel, and Other Washing*. Minimize the discharge of pollutants from equipment and vehicle washing, wheel-wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge
  - 2.8.2. *Exposure to Pollutants*. Minimize the exposure of building materials, building products, construction wastes, trash (see 2.4.3), landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste (see 2.4.4), and other materials present on the site to precipitation and to storm water. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (e.g., final products and materials intended for outdoor use).
  - 2.8.3. *Leaks and Spills*. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- 2.9. Prohibited Discharges. The following discharges are prohibited:
  - 2.9.1. Wastewater from washout or cutting of concrete (see 2.4.5),

- 2.9.2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials (see 2.4.5),
- 2.9.3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance,
- 2.9.4. Soaps or solvents used in vehicle and equipment washing.

#### 3. SELF-INSPECTION REQUIREMENTS.

- 3.1. <u>Inspector Qualifications</u>. Weekly inspections (see 3.2.1 below) must be done by a qualified person. A qualified person means a person knowledgeable in the principles and practices of erosion and sediment control that possesses the skills to:
  - 3.1.1. Assess conditions at the construction site that could impact storm water quality,
  - 3.1.2. Assess the effectiveness of a storm water control measure selected to control the quality of storm water discharges from the construction activity.
- 3.2. Self-Inspections.
  - 3.2.1. *Weekly Self Inspections*: Self-inspections must occur every 7 days. A written report is required (see 3.4).
  - 3.2.2. *Daily Site Check*: Each day of construction activity, the site must be inspected for dirt in the street and trash on the site. Streets must be swept clean (see note below), if soiled. Dirt must be removed off the street (not swept or washed into the storm drain system). Trash on the site must be picked up and disposed of into trash containers (see 2.4.3.) or disposed of off-site (e.g., municipal/private garbage collection service or construction waste landfill). Sub-contractors must be held responsible by the permit holder to perform these duties in accordance with this paragraph for the activities they are contracted to perform. A written report is not required, however the operator will keep a daily log (for the active construction days) listing the initials of the person doing the site check.

Note: Swept clean means sweeping and scraping. Scraping if there is dirt left behind that is crusted and that sweeping will not pick up. This does not mean removing the microscopic layer of dust or the minute amounts of dirt in the cracks and crevices of the surface left behind staining the pavement.

- 3.3. Weekly Self-Inspection Requirements.
  - 3.3.1. Areas to check include the following:
    - 3.3.1.a. Areas that have been cleared, graded, or excavated that are not stabilized,
    - 3.3.1.b. All storm water control measures, including perimeter controls,
    - 3.3.1.c. Material piles, waste-disposal containers, sanitary facilities, loose trash, litter, washout areas, portable toilets, track out pad, egress points (if any), etc.,
    - 3.3.1.d. Storm water conveyances through the site, treatment areas, and drainages,
    - 3.3.1.e. All storm water discharge points, street gutters, storm water inlets,
    - 3.3.1.f. Areas that have been temporarily stabilized,
    - 3.3.1.g. Areas that have been permanently stabilized and are completed do not need further inspections.
  - 3.3.2. Items to check include the following:

1

3.3.2.a. All erosion and sediment controls and other pollution prevention controls

have been installed, are operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained.

- 3.3.2.b. Identify any locations where new or modified storm water controls are necessary.
- 3.3.2.c. Signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to discharges from your site,
- 3.4. <u>Weekly Inspection Reports</u>. The weekly self-inspection report must be written within 24 hours of inspection and must include:
  - 3.4.1. The initials of the person doing the inspection,
  - 3.4.2. The date of the inspection,
  - 3.4.3. The weather during the inspection,
  - 3.4.4. The problems that were found needing correction (as they pertain to 3.3.1 and 3.3.2 above),
  - 3.4.5. The date when corrective action is completed,
  - 3.4.6. All self-inspection reports must be filed with other permit records regarding the permit. Inspection reports must be available during an oversight inspection.
- 3.5. Corrective Action: Corrective action must be completed before the next weekly inspection.
- 3.6. <u>Inspections by an Oversight Authority</u>. A copy of an oversight inspection report must be filed and be available for review during other oversight inspections.
- 3.7. <u>Record Keeping</u>. Records regarding this permit, the NOI, the NOT, the SWPPP, inspection reports, other related information and documents must be preserved for 3 years after the submission of the NOT (see 5.10).

#### 4. STORM WATER POLLUTION PREVENTION PLAN (SWPPP).

- 4.1. <u>SWPPP Requirement</u>. The permittee must prepare a SWPPP before the NOI for the project is submitted. The SWPPP must address all the applicable requirements in Part 2.
  - 4.1.1. SWPPP Site Design. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation; the nature of resulting storm water runoff; and soil characteristics, including the range of soil particle sizes expected to be present onsite. These may be accomplished using experience, estimates, and good judgement, unless unusual or extraordinary site conditions create hazards for which a professional engineer must be consulted.
  - 4.1.2. *Surface Outlets*: When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.
- 4.2. Contents of a SWPPP. A SWPPP must contain the following:
  - 4.2.1. *Contacts*. The contacts for the site with contact information (name, address, telephone, email) including owner, general contractor, and any other party that significantly affects the implementation of the SWPPP or has responsibilities over the SWPPP.
  - 4.2.2. Sequence and Estimated Dates of Construction Activities. Listed in the sequence with estimated dates including the following:
    - 4.2.2.a. Start and end of excavation activities, initial excavation, backfill excavation and final grading,
    - 4.2.2.b. Any temporary or permanent cessation of earth-disturbing activities,
    - 4.2.2.c. Start and end of landscaping if this is done as part of the construction activity before the home is sold.
  - 4.2.3. *Site Map or Chart.* A site map may be hand drawn (as close to scale as possible) or may be a copy of an architect drawing including the following information:
    - 4.2.3.a. Boundaries of the property,
    - 4.2.3.b. Boundaries of soil surface disturbances, including any outside the boundaries of the property,
    - 4.2.3.c. Slopes, including areas of steep slopes,
    - 4.2.3.d. Locations of stockpiles of soils, storage of construction materials, portable toilets, trash containers, concrete washout pits or containers, egress points, and track out pads,
    - 4.2.3.e. Waterbodies, wetlands, and natural buffer areas,
    - 4.2.3.f. Locations and types of BMPs or storm water control measures for the control and/or treatment of storm water flowing onto, through, and/or offsite,
    - 4.2.3.g. Locations of storm water inlets, storm water discharge points going off site,

- 4.2.3.h. Areas that will be temporarily or permanently stabilized during the construction period.
- 4.2.4. *Thirty-Foot Natural Buffer*. The SWPPP must show the dimensions and placement of the 30-foot natural buffer, the substitute control measures, or a detailed explanation of why a natural buffer or substitute control measure could not be applied.
- 4.2.5. *Pollutants*. A list of construction site pollutants including the pollutant-generating activity, and an inventory of pollutants for each pollutant generating activity (e.g., paints, solvents, form oil, fuels, and other chemicals; applications, materials, and liquids that if released could pollute storm water).
- 4.2.6. *Waste Management*. Waste management procedures including soil removal, clearing debris removal, demolition removal, trash disposal, construction-waste disposal, and sanitary-waste disposal.
- 4.2.7. *Training*. The permittee will ensure that each subcontractor or utility provider is aware of their responsibilities for keeping soil on the site and preventing pollution. The permittee must keep in mind that they are responsible for and may be issued fines for poor performances by their subcontractors and utility providers. Consideration will be given if the permittee can document when and what instructions were given to the subordinate party.
- 4.2.8. *NOI and Permit*. The SWPPP must contain a copy of this permit and a copy of the NOI for the project.
- 4.2.9. *SWPPP Signature and Certification*. The SWPPP must be signed and certified by both the Owner and the General Contractor in accordance with 5.16.1.a.
- 4.2.10. *MS4 Approval of Project*. For areas where projects are within a regulated MS4's jurisdiction (see definitions in Part 6; the list of regulated MS4's is found on http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm), the SWPPP must contain the signature and date of the MS4 reviewer who has approved the proposed project for construction (see 1.7.).
- 4.2.11. Availability of the SWPPP. The SWPPP must be available at the construction site covered under this permit during onsite construction activity, unless the SWPPP is available online. If the SWPPP is available online there must be a sign (see 1.10) that describes where the SWPPP can be accessed online. The SWPPP is a plan for the site, and workers must be able to refer to the SWPPP and update it as needed to manage the site (including SWPPPs found on the internet). The SWPPP is not required to be on the site when construction workers leave for the day or when there is no activity occurring on the site, but at all times there must be posted contact information where the SWPPP can be obtained (see Part 1.10). The SWPPP must be made available within 24 hours to DWQ representatives or other oversight inspectors, e.g., U.S. Environmental Protection Agency [EPA] or a local MS4, on request, or immediately during an inspection on the site when there are workers and activity at the site.

- 4.2.12. Required Modifications of the SWPPP. The SWPPP must be modified as follows:
  - 4.2.12.a. During inspections when it is determined from observations of site conditions that storm water control measures are:
    - 4.2.12.a.i. Not adequate or not shown in the SWPPP, or
    - 4.2.12.a.ii. Changes in the SWPPP are necessary for compliance with this permit.
  - 4.2.12.b. When an oversight authority determines that the SWPPP is not adequate based on missing a required SWPPP or permit item, not addressing pollutants properly, not being up to date and reflecting current site conditions, or not being clear, thorough, and understandable.
- 4.2.13. SWPPP Modifications Deadline. Modifications to the SWPPP from inspections or oversight authority direction must occur before or during the next weekly inspection.

## 5. STANDARD PERMIT CONDITIONS.

- 5.1. Duty to Comply.
  - 5.1.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Utah Water Quality Act (the Act) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
  - 5.1.2. Penalties for Violations of Permit Conditions
    - 5.1.2.a. *Violations*. The Act provides that any person who violates the Act, Utah wastewater or storm water rules, or conditions of a permit issued under the Act, is subject to a fine of \$10,000 per day.
    - 5.1.2.b. Willful or Gross Negligence. The Act provides that any person who discharges a pollutant to waters of the State as a result of criminal negligence or who intentionally discharges is criminally liable and is subject to imprisonment and a fine of up to \$50,000 per day (Utah Code Annotated 19-5-115).
    - 5.1.2.c. *False Statements*. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act, the rules, or this permit, or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for 6 months, or by both (Utah Code Annotated 19-5-115(4)).
- 5.2. <u>Duty to Reapply</u>. If a permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit except as provided in 1.6 and 1.7 of this permit.
- 5.3. <u>Need to Halt or Reduce Activity not a Defense</u>. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 5.4. <u>Duty to Mitigate</u>. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- 5.5. <u>Duty to Provide Information</u>. The permittee shall furnish to the Director or an authorized representative, within a reasonable time, any information that is requested to determine compliance with this permit. The permittee must also furnish to the Director or an authorized representative copies of records to be kept by this permit.
- 5.6. <u>Other Information</u>. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, he or she shall promptly submit such facts or information.

- 5.7. <u>Oil and Hazardous Substance Liability</u>. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the Act.
- 5.8. <u>Property Rights</u>. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- 5.9. <u>Severability</u>. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- 5.10. <u>Record Retention</u>. The permittee shall retain copies of SWPPPs and all reports required by this permit, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that the permit for the site is terminated (see 3.7). This period may be extended by request of the Director at any time.
- 5.11. <u>Addresses</u>. All written correspondence under this permit shall be directed to the DWQ at the following address:

Department of Environmental Quality Division of Water Quality 195 North 1950 West P.O. Box 144870 Salt Lake City, Utah 84114-4870

- 5.12. <u>State Laws</u>. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Utah Code Annotated 19-5-117.
  - 5.12.1. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- 5.13. <u>Proper Operation and Maintenance</u>. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the condition of the permit.
- 5.14. <u>Inspection and Entry</u>. The permittee shall allow, upon presentation of credentials, the Director or an authorized representative to:
  - 5.14.1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

- 5.14.2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit.
- 5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- 5.14.4. Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by law, any substances or parameters at any location.

#### 5.15. Reopener Clause.

- 5.15.1. *Reopener Due to Water Quality Impacts*. If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause, or contribute to a violation of a water-quality standard, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with 1.7.4 of this permit or the permit may be modified to include different limitations and/or requirements.
- 5.15.2. *Reopener Guidelines*. Permit modification or revocation will be conducted according to Utah Administrative Code R317-8-5.6 and UAC R317-8-6.2.
- 5.15.3. *Permit Actions*. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification revocation and reissuance, termination, a modification of planned changes or anticipated noncompliance does not stay any permit condition.

#### 5.16. Signatory Requirements.

- 5.16.1. All NOIs, SWPPPs, reports, certifications or information submitted to the Director, or that this permit requires be maintained by the permittee, shall be signed as follows:
  - 5.16.1.a. All NOIs and SWPPPs shall be signed by both the owner or lessee of the project/property and the general contractor.
  - 5.16.1.b. All reports required by the permit and other information requested by the Director or by an authorized representative of the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - 5.16.1.b.i. The authorization is made in writing by a person described above and submitted to the Director; and
    - 5.16.1.b.ii. The authorization specifies either an individual or a position having such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may therefore be either a named individual or any individual occupying a named position.
  - 5.16.1.c. *Certification*. Any person signing documents under 5.16 shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

5.16.2. If a document is to be signed electronically, the Division's rules regarding electronic transactions govern, if applicable.

## 6. **DEFINITIONS**

Arid Areas: Areas with an average annual rainfall of 10 inches or less.

*Common Plan of Development (or sale)*: A plan to subdivide a parcel of land into separate parts for separate sale. This can be for a residential, commercial, or industrial development. The plan originates as a single parcel that is separated into parts. This usually goes through an approval process by a local governmental unit, but in some cases, it may not require that process. The original plan is considered the "common plan of development or sale" whether phased or completed in steps.

## Additional information related to Common Plan of Development for Permit Purposes:

For UPDES storm water permit purposes, a common plan must have been initiated after October, 1992. A common plan of development or sale remains so until each lot or section of the development has fulfilled its planned purposes (e.g. in a residential development as homes are completed, stabilized, and sold or occupied). As lots or separated sections of the development are completed, the lot or section is stabilized, and the plan purposes are fulfilled for that area, lot, or section, it is no longer part of the common plan of development or sale (e.g. if a home is sold in a development and the owner decides to add a garage somewhere on the lot, that garage project is not part of the common plan of development or sale.

In this process a common plan of development or sale may become reduced in size and/or separated by completed areas which are no longer part of the common plan of development or sale, but all unfinished lots remain part of the same common plan development or sale until they are completed, stabilized, and fulfilled according to the purposes of the plan.

Construction Activity: Earth-disturbing activities, such as the clearing, grading, and excavation of land.

*Construction Waste:* Discarded material such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and Styrofoam.

*Corrective Action*: For the purposes of the permit, any action taken to 1) repair, modify, or replace any storm water control used at the site; 2) clean up and dispose of spills, releases, or other deposits found on the site; and 3) remedy a permit violation.

*Dewatering*: The act of draining rainwater and/or groundwater from building foundations, vaults, and trenches (Note: if dewatering is occurring on a construction site and it causes a discharge to waters of the State, it must be permitted separately under the General Permit for Construction Dewatering and Hydrostatic Testing, UPDES Permit UTG070000).

Director: The director of the Division of Water Quality.

*Discharge Point*: For the purposes of this permit, the location where collected and concentrated storm water flows are discharged from the construction site.

*Final Stabilization*: All disturbed areas must be covered by permanent structures such as pavement, concrete slab, building, etc., or for areas not covered by permanent structures but that are receiving 20 inches or more of average annual precipitation, vegetation has been established with a uniform (e.g.,

evenly distributed, without large bare areas) perennial vegetative cover equivalent to 70 percent of the natural background vegetative cover. In the case of areas that are not covered by permanent structures, but that are receiving less than 20 inches of average annual precipitation (arid areas, 0-10 inches; semi-arid areas, 10-20 inches), final stabilization is equivalent to the requirements of 2.6.3 of this permit, including the provisions for permanent stabilization.

*Impervious Surface*: For the purpose of this permit, any land surface with a low or no capacity for water infiltration including, but not limited to, pavement, sidewalks, parking areas, driveways, or rooftops.

Indian Country: Defined at 40 CFR §122.2 as follows:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof; and

3. All Indian allotments, the Indian titles to which have not been extinguished, including rightsof-ways running through the same.

*Infeasible*: Infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. DWQ notes that it is not intentional for permit storm water control efforts required in the permit to conflict with State water rights law. In the case of conflict, State water rights law supersedes.

*Install or Installation*: When used in connection with storm water controls, to connect or set in position storm water controls to make them operational.

*Municipal Separate Storm Sewer System or MS4*: A storm-sewer system owned and operated by a state, city, town, county, district, association, or other public body created by or pursuant to State law having jurisdiction over disposal of storm water that discharges to waters of the State (e.g., Sandy City owns and operates the MS4 within the jurisdiction of Sandy City, or essentially Sandy City is the MS4).

*Natural Buffer*: For the purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists before earth-disturbing activities begin.

*Oversight Authority*: Oversight authorities for storm water permits are agents from the EPA, DWQ or the Municipality of jurisdiction, when they are addressing compliance of storm water permits.

*Owner*: For the purpose of this permit an owner has ownership of a property on which construction activity is taking place, but it also includes ownership of a project for which construction activity is occurring on property that is leased. An owner is the party that has ultimate control over construction plans and specifications, including the ability at the highest level to make modifications to those plans and specifications. "Owner" in this context is the party that has ultimate control over the destiny of a project.

Permittee: The owner and/or the general contractor (those that signed on the NOI), for the project.

*Pollutant-Generating Activities*: At construction sites, for the purposes of this permit, those activities that lead to or could lead to the generation of pollutants, either as a result of earth-disturbance or a related support activity. Some of the types of pollutants that are typically found at construction sites are as follows:

- Sediment
- Nutrients
- Heavy metals
- · Pesticides and herbicides
- Oil and grease
- · Bacteria and viruses
- Trash, debris, and solids
- Treatment polymers
- · Any other toxic chemicals

*Pollution Prevention Measures*: Storm water controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

*Project Site*: A project site is not necessarily contained within the property boundaries designated for the final construction objective, or property owned by the owner of the project. The project site includes all areas affected by the construction process where disturbances, storage, or other construction activity occurs. If an area outside of property boundaries is used for the construction process, DWQ assumes the permittee has the right to access and use that area and the permittee must also meet permit requirements in that area.

*Receiving Water:* A "Water(s) of the State" is as defined in UAC R317-1-1, into which the regulated storm water discharges (see waters of the State listed below).

*Rumble Strip:* A rigid ramp/track (often made of steel) that vehicles drive over that causes tires to flex and shake for the removal of dirt.

Semi-Arid Areas: Areas with an average annual rainfall of between 10 and 20 inches.

*Stabilization*: The use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas of disturbed soil exposed from the construction process.

Storm water: Means storm water runoff, snowmelt runoff, and surface runoff and drainage.

*Storm Water Control Measures*: Refers to any storm water control, BMP, or other method used to prevent or reduce the discharge of pollutants to waters of the state.

*Storm Water Inlet*: An entrance or opening to a storm water conveyance system, generally placed below grade so as to receive storm water drainage from the surrounding area.

Storm Event: A precipitation event that results in a measurable amount of precipitation.

*Track Out Pad:* A track out pad is a pad normally made up of 4 to 6 inches of up to 6 inch cobble rocks or gravel of various size (the size is sometimes specified by a local MS4). Sometimes it is underlain with a fabric to keep dirt and mud separated from rock or gravel. It is wide enough to underlay the tires of any/all traffic leaving a construction site as vehicles exit the site. Its function is to flex and shake the tires to dislodge mud and dirt from the tires of vehicles leaving the construction site. Track out pads must be stirred or worked periodically so that mud or dirt collected is moved to the bottom and the rock/gravel on the pad is clean and effective dislodging more mud/dirt.

*Waters of the State*: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, that are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and that do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "Waters of the State" under this definition (see Utah Code Annotated, 19-5-102(23)(a) &(b), and UAC R317-1-1).

Appendix D: Permits (NOI)

Appendix E: Inspection, Maintenance, Correction Report

## CONSTRUCTION STORM WATER SELF-INSPECTION FORM

Inspection General Information				
Project Name Date				
Address/Location		Start Time		
City State	zip	End Time		
Contractor Name		Inspector Name		
Address		Inspector Phone		
City State	zip	Inspector Qualifications		
Local Jurisdiction	UPDES P	Permit No.		
Permit Coverage Date	Permit Ex	piration Date		
Weather Conditions				
Windy Hot Cold Temp	erate 🗌 Rain	ing $\Box$ Snowing $\Box$		
Clear D Partly Cloudy Heavy C	louds 🗌 🛛 W	et Conditions Dry Conditions		
Precipitation Events Since the Last Inspection				
Day of Event Duration c		Inches of Precip.		
Inspection Schedule				
Weekly Bi-weekly & after a half inch event D Other (specify)				
Construction Phase				
Clearing/Grubbing Demolition Grading/Excavation Utilities/Foundation Work Above Ground Erection Landscaping/Paving				
Permit Requirements to Look For				
Water Bodies & Buffer Zones Discharge to High Quality or Sensitive Water				
Off site areas of the Project 🗌 Areas over 14 days w/o stabilization 🗌 Perimeter Controls 🗌				
Good House Keeping (track out, waste disposal, sanitary, washout areas)				
SWPPP planned SW controls  Discharge Points  SWPPP is updated with site				
Accumulations of Sediment D Places whe	ere SW controls are	e needed		

BMP Designation	Okay	Not Okay	BMP Condition, Corrective Action Required.	
Are all pollution				
sources				
controlled?				
Do any other				
problems exist?				
[BMP # and				
Name] From				
SWPPP Template				
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Name] From				
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Name] From				
SWPPP				
Template				
Overall Site Conditions (T	hese pages are s	uggested if the	e permittee chooses. They can be de	eleted if desired)
---	-----------------------	----------------------	-------------------------------------	--------------------
Concerns to be Checked	Implemented Y/N/NA	Maintained Y/N/NA	Contective Action	Date
Are all slopes and disturbed areas not actively being worked properly stabilized?				
Are all water bodies (e.g., streams, wetlands) protected				
with buffers or similar BMPs? Are perimeter controls and sediment controls properly installed and maintained				
(anchored into soil)? Has the sediment build up been removed from BMPs designed to catch sediment?				
Are discharge points and receiving waters free of any sediment deposits?				
Is all sediment that has been deposited off site cleaned up?				
Are storm drain inlets properly protected?				
Does the construction exit have a track out pad (or other BMP)?				
Is the track out pad (or other BMP) effective in preventing sediment from being tracked into the street?				
Is trash/litter from work areas collected and placed in covered dumpsters?				
Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?				
Are vehicle/equipment fueling, cleaning, and maintenance areas managed properly with no illicit discharges?				
Are fuels and construction materials and chemicals that are potential storm water contaminants covered or in				
secondary containment? Are non-storm water discharges (e.g., wash water, dewatering,				
wheel washing) properly controlled? Is run-on prevented or properly				
managed? Are there locations where				
additional BMP's are necessary? Are material piles protected from				
weather and placed on hard surfaces only day by day for placement and not for storage?				
Are all BMPs and storm water control measures accurately shown and updated on the SWPPP map?				

Overall Site Conditions	(These pages are suggested if the	permittee chooses.	They can be deleted if desired	(b
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Appendix F: Amendment Log

SWPPP AME	SWPPP AMENDMENT LOG		
Amendment #	Description of the Amendment	Date of Amendment	Notes

EPA SWPPP Template, Riverton City revision 2015-01-06

Appendix G: Certifications, Agreements and Delegation of Authority

# **OWNER CERTIFICATION**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:	Title:
Signature:	Date:
Company:	
Project:	

# **OPERATOR CERTIFICATION**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:	Title:
Signature:	Date:
Company:	
Project:	

# Delegation of Authority Form

## Delegation of Authority

I, \_\_\_\_\_\_ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the

\_\_\_\_\_ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

 (name of person or position)
 (company)
 (address)
 (city, state, zip)
(phone)
1

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in \_\_\_\_\_\_ (Reference State Permit), and that the designee above meets the definition of a "duly authorized representative" as set forth in \_\_\_\_\_\_ (Reference State Permit).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:		
Company:		
Title:		
Signature:		
Date:		

## SUBCONTRACTOR CERTIFICATION STORMWATER POLLUTION PREVENTION PLAN

Project Number:
Project Title:
Operator(s):
As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.
Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:
I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the BMPs and practices described in the SWPPP.
This certification is hereby signed in reference to the above named project:
Company:
Address:
Telephone Number:
Type of construction service to be provided:
Signature:
Title:
Date:

## **Notice of Permit Transfer Requirements**

Name of Previous Owner		Telepho	one Numbe	r
Address of Previous Owner		City	State	Zip
Signature of Previous Owner			Date	;
Name of New Owner		Telepho	one Numbe	r
Address of New Owner		City	State	Zip
Signature of New Owner			Dat	e
PROJECT NAME AND LO	CATION			
Previous Permit Number	Name of Project	et		
Address of Project	City	Sta	ate	Zip
Longitude	Latitu	de		
WHAT KIND OF TRANSF	ER: PARTIAL OR	TOTAL?		
Is this a transfer of ownership	of partial or total of	the permitte	d area? Total	Partial $\Box$

If this is a transfer of part of the permitted area to a new owner, describe what part:

Will there be a new SWPPP prepared? YES  $\Box$  NO  $\Box$ 

Please update the General Contractor Information (see transfer options 1 or 2, first page). If this is a partial transfer the only option is 1.

This form must be submitted to the Municipality of Jurisdiction and DWQ

To submit to DWQ either email to the construction storm water coordinator or, FAX to 801-535-4301 Or mail to DWQ PO Box 144870 Appendix H: Training Log

	Log			
Training Date	Training Name and Date Title of Trainer	Name of person(s) and Company(s) Trained	BMP(s) Pertaining	Description of training material e.g. instruction, direction, etc. Attach all support documents in Appendix J. Including but not limited to: certifications, contracts, videos, literature, meeting minutes, memos, letters, emails, phone logs

**Appendix I: Construction Plans** 













Appendix K: BMP Specifications and Details



## **BMP: Compaction**



## **DESCRIPTION:**

Use of rolling, tamping, or vibration to stablize fill materials and control erosion by increasing the soil density. Increasing the density of soil improves soil strength, reduces long-term soil settlement, and provides resistance to erosion.

## **APPLICATIONS:**

- Stabilize fill material placed around various structures.
- Improve soil in place as foundation support for roads, parking lots, and buildings.

## INSTALLATION/APPLICATION CRITERIA:

- Make sure soil moisture content is at optimum levels.
- Use proper compaction equipment.
- Install sediment control and storm water management devices below compacted areas and runon interceptor devices above these areas. Drainage from compacted areas must be carefully planned to protect adjacent uncompacted soils.
- The surface of compacted areas should be scarified and seeded or mulched and seeded to increase the effectiveness of compaction.

## LIMITATIONS:

- Compaction tends to increase runoff.
- Over-compaction will hamper revegetation efforts.

## MAINTENANCE:

No maintenance required.

OBJECTIVES

□ Housekeeping Practices
 □ Contain Waste
 □ Minimize Disturbed Areas
 □ Stabilize Disturbed Areas
 □ Protect Slopes/Channels
 □ Control Site Perimeter
 □ Control Internal Erosion



(801) 352-0075

# TARGETED POLLUTANTS

Sediment

- □ Nutrients
- Toxic Materials
- 🗆 Oil & Grease
- □ Floatable Materials
- □ Other Waste

High Impact
 Medium Impact
 Low or Unknown Impact

## IMPLEMENTATION REQUIREMENTS

☑ Capital Costs
 ☑ O&M Costs
 ☑ Maintenance
 ☑ Training

■ High 🖾 Medium 🗆 Low

ADAPTED FROM THE SALT LAKE COUNTY BMP MANUAL

STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES



STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES

#### **BMP: Concrete Waste Management CWM OBJECTIVES** CONTAINMENT EARTH BERM ALL AROUND CONTAINMENT □ Housekeeping Practices EARTH BERM ⊠ Contain Waste □ Minimize Disturbed Areas □ Stabilize Disturbed Areas □ Protect Slopes/Channels WASHDOWN AREA PONDING STORAGE PLASTIC LINER WASHDOWN AREA PONDING STORAGE □ Control Site Perimeter Control Internal Erosion Option A Option B DESCRIPTION: Prevent or reduce the discharge of pollutants to storm water from concrete waste by conducting washout off-site, performing on-site washout in a designated area, 201 WEST COTTAGE AVE and training employees and subcontractors. SANDY, UTAH 84070 (801) 352-0075 **APPLICATIONS:** This technique is applicable to all types of sites. INSTALLATION/APPLICATION CRITERIA: Store dry and wet materials under cover, away from drainage areas. Avoid mixing excess amounts of fresh concrete or cement on-site. TARGETED POLLUTANTS Perform washout of concrete trucks off-site or in designated areas only. Do not wash out concrete trucks into storm drains, open ditches, streets, or □ Sediment streams. □ Nutrients Do not allow excess concrete to be dumped on-site, except in designated □ Toxic Materials areas. 🗆 Oil & Grease When washing concrete to remove fine particles and expose the aggregate, Floatable Materials avoid creating runoff by draining the water within a bermed or level area. (See ⊠ Other Waste Earth Berm Barrier information sheet.) Train employees and subcontractors in proper concrete waste management. High Impact 🗵 Medium Impact LIMITATIONS: Low or Unknown Impact Off-site washout of concrete wastes may not always be possible. MAINTENANCE: IMPLEMENTATION REQUIREMENTS Inspect subcontractors to ensure that concrete wastes are being properly managed. Capital Costs If using a temporary pit, dispose hardened concrete on a regular basis. □ O&M Costs ☑ Maintenance ☑ Training 🔳 Hiah 🗵 Medium □ Low ADAPTED FROM THE SALT LAKE COUNTY BMP MANUAL

STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES

## **BMP: Dust Controls**



## **DESCRIPTION:**

Dust control measures are used to stabilize soil from wind erosion, and reduce dust by construction activities.

## **APPLICATION:**

Dust control is useful in any process area, loading and unloading area, material handling areas, and transfer areas where dust is generated. Street sweeping is limited to areas that are paved.

### INSTALLATION/APPLICATION CRITERIA:

- Mechanical dust collection systems are designed according to the size of dust particles and the amount of air to be processed. Manufacturers' recommendations should be followed for installation (as well as the design of the equipment).
- Two kinds of street weepers are common: brush and vacuum. Vacuum sweepers are more efficient and work best when the area is dry.
- Mechanical equipment should be operated according to the manufacturers' recommendations and should be inspected regularly.

#### LIMITATIONS:

- Is generally more expensive than manual systems.
- May be impossible to maintain by plant personnel (the more elaborate equipment).
- Is labor and equipment intensive and may not be effective for all pollutants (street sweepers).

#### MAINTENANCE:

If water sprayers are used, dust-contaminated waters should be collected and taken for treatment. Areas will probably need to be resprayed to keep dust from spreading.

#### **OBJECTIVES**

Housekeeping Practices
 Contain Waste
 Minimize Disturbed Areas
 Stabilize Disturbed Areas
 Protect Slopes/Channels
 Control Site Perimeter
 Control Internal Erosion



## (801) 352-0075

#### TARGETED POLLUTANTS

Sediment
 Nutrients
 Toxic Materials
 Oil & Grease
 Floatable Materials
 Other Waste

High Impact
 Medium Impact
 Low or Unknown Impact

IMPLEMENTATION REQUIREMENTS ☑ Capital Costs ☑ O&M Costs ☑ Maintenance ☑ Training ■ High ☑ Medium □ Low

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STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES



STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES

## **BMP: Erosion Control Blankets** ECB **OBJECTIVES** □ Housekeeping Practices □ Contain Waste □ Minimize Disturbed Areas ☑ Stabilize Disturbed Areas ☑ Protect Slopes/Channels Control Site Perimeter Control Internal Erosion **DESCRIPTION:** Erosion control blankets are used in place of mulch on areas of high velocity runoff and/or steep grade, to aid in controlling erosion on critical areas by protecting ENGINEERING & SURV 201 WEST COTTAGE AVE young vegetation. SANDY: UTAH 84070 (801) 352-0075 **APPLICATIONS:** Where vegetation is likely to grow too slowly to provide adequate cover. In areas subject to high winds where mulch would not be effective. INSTALLATION/APPLICATION CRITERIA: Install erosion control blankets parallel to the direction of the slope. TARGETED POLLUTANTS In ditches, apply in direction of the flow. Place erosion control blankets loosely on soil - do not stretch. Sediment Ends of blankets should be buried no less than six inches deep. ⊠ Nutrients Staple the edges of the blanket at least every three feet. • □ Toxic Materials □ Oil & Grease LIMITATIONS: Floatable Materials Not recommended in areas which are still under construction. **MAINTENANCE:** High Impact Check for erosion and undermining periodically, particularly after rainstorms. 🗵 Medium Impact Repair dislocations or failures immediately. Low or Unknown Impact If washouts occur, reinstall after repairing slope damage. Monitor until permanently stabilized. □ Other Waste IMPLEMENTATION REQUIREMENTS Capital Costs 🗵 O&M Costs ⊠ Maintenance □ Training High 🗵 Medium □ Low

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STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES



STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES



STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES



STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES

## **BMP:** Portable Toilets РТ **OBJECTIVES** SECURE AGAINST WIND ☑ Housekeeping Practices ⊠ Contain Waste □ Minimize Disturbed Areas □ Stabilize Disturbed Areas SECURE W/ REBAR STAKES □ Protect Slopes/Channels Control Site Perimeter SIDEWALK Control Internal Erosion FLAT GROUND SECURE W/ REBAR STAKES **DESCRIPTION:** Temporary on-site sanitary facilities for construction personnel. 201 WEST COTTAGE AVE **APPLICATION:** SANDY UTAH 84070 (801) 352-0075 All sites with no permanent sanitary facilities or where permanent facility is too far from activities. INSTALLATION/APPLICATION CRITERIA: Locate portable toilets in convenient locations throughout the site. Prepare level, gravel surface and provide clear access to the toilets for servicing and for on-site personnel. **TARGETED POLLUTANTS** Construct earth berm perimeter (See Earth Berm Barrier Information Sheet), control for spill/protection leak. □ Sediment □ Nutrients □ Toxic Materials LIMITATIONS: □ Oil & Grease No limitations. Floatable Materials Other Waste MAINTENANCE: Portable toilets should be maintained in good working order by licensed service with daily observation for leak detection. High Impact Regular waste collection should be arranged with licensed service. 🗵 Medium Impact All waste should be deposited in sanitary sewer system for treatment with Low or Unknown Impact appropriate agency approval. IMPLEMENTATION REQUIREMENTS 🗵 Capital Costs ⊠ O&M Costs ⊠ Maintenance □ Training High 🗵 Medium □ Low

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STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES

## **BMP: Preservation of Existing Vegetation**

## **GENERAL DESCRIPTION:**

Carefully planned preservation of existing vegetation minimizes the potential of removing or injuring existing trees, vines, shrubs and/or grasses that serve as erosion controls.

#### **APPLICATIONS:**

This technique is applicable to all types of sites. Areas where preserving vegetation can be particularly beneficial are floodplains, wetlands, stream banks, steep slopes, and other areas where erosion controls would be difficult to establish, install, or maintain.

## INSTALLATION/APPLICATION CRITERIA:

- Clearly mark, flag or fence vegetation or areas where vegetation should be preserved.
- Prepare landscaping plans which include as much existing vegetation as possible and state proper care during and after construction.
- Define and protect with berms, fencing, signs, etc. a setback area from vegetation to be preserved.
- Propose landscaping plans which do not include plant species that compete with the existing vegetation.
- Do not locate construction traffic routes, spoil piles, etc. where significant adverse impact on existing vegetation may occur.

#### LIMITATIONS:

- Requires forward planning by the owner/developer, contractor and design staff.
- For sites with diverse topography, it is often difficult and expensive to save
   avitting treas while grading the site satisfactorily for the algorithm deviations and deviations.
- existing trees while grading the site satisfactorily for the planned development.May not be cost effective with high land costs.

## MAINTENANCE:

- Inspection and maintenance requirements for protection of vegetation are low.
- Maintenance of native trees or vegetation should conform to landscape plan specifications.

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OBJECTIVES

□ Housekeeping Practices
 □ Contain Waste
 □ Minimize Disturbed Areas
 □ Stabilize Disturbed Areas
 □ Protect Slopes/Channels
 □ Control Site Perimeter
 □ Control Internal Erosion



#### 201 WEST COTTAGE AVE SANDY, UTAH 84070 (801) 352-0075

#### TARGETED POLLUTANTS

Sediment

- □ Nutrients
- Toxic Materials
- 🗆 Oil & Grease
- Floatable Materials
- □ Other Waste
- High Impact
   Medium Impact
   Low or Unknown Impact

### IMPLEMENTATION REQUIREMENTS

🗵 Medium

□ Capital Costs □ O&M Costs □ Maintenance □ Training

High

□ Low



STORMWATER DISCHARGE MANAGEMENT FROM CONSTRUCTION ACTIVITIES

## **BMP: Spill Clean-Up**



## **DESCRIPTION:**

Practices to clean-up leakage/spillage of on-site materials that may be harmful to receiving waters.

#### **APPLICATION:**

All sites

### GENERAL:

- Store controlled materials within a storage area.
- Educate personnel on prevention and clean-up techniques.
- Designate an Emergency Coordinator responsible for employing preventative practices and for providing spill response.
- Maintain a supply of clean-up equipment on-site and post a list of local response agencies with phone numbers.

#### METHODS:

- Clean-up spills/leaks immediately and remediate cause.
- Use as little water as possible. NEVER HOSE DOWN OR BURY SPILL CONTAMINATED MATERIAL.
- Use rags or absorbent material for clean-up. Excavate contaminated soils. Dispose of clean-up material and soil as hazardous waste.
- Document all spills with date, location, substance, volume, actions taken and other pertinent data.
- Contact local Fire Department and State Division of Environmental Response and Remediation (Phone #536-4100) for any spill of reportable quantity.

#### MATERIALS:

Cleaning equipment may include, but is not limited to, hoses, solvents, and saw-dust.

#### OBJECTIVES

Housekeeping Practices
 Contain Waste
 Minimize Disturbed Areas
 Stabilize Disturbed Areas
 Protect Slopes/Channels
 Control Site Perimeter
 Control Internal Erosion



ENGINEERING & SURVEYIN 201 WEST COTTAGE AVE SANDY, UTAH 84070 (801) 352-0075

#### **TARGETED POLLUTANTS**

□ Sediment □ Nutrients

- Toxic Materials
- 🗵 Oil & Grease
- Floatable MaterialsOther Waste

High Impact

☑ Medium Impact□ Low or Unknown Impact

#### IMPLEMENTATION REQUIREMENTS

⊠ Medium

☑ Capital Costs
 □ O&M Costs
 □ Maintenance
 ■ Training

High

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□ Low

## **BMP: Silt Fence**





TOE DETAIL

SILT FENCE MAY BE INSTALLED FOR PERIMETER CONTROL. A MINIMUM 20-FOOT VEGETATED BUFFER MAY ALSO BE SUBSTITUTED FOR PERIMETER CONTROL (PRESERVATION OF EXISTING VEGETATION).

## **DESCRIPTION:**

A temporary sediment barrier consisting of entrenched filter fabric stretched across and secured to supporting posts.

## **APPLICATION:**

- Perimeter control: place barrier at downgradient limits of disturbance
- Sediment barrier: place barrier at toe of slope or soil stockpile
- Protection of existing waterways: place barrier at top of stream bank
- Inlet protection: place fence surrounding catchbasins

### INSTALLATION/APPLICATION CRITERIA:

- Place posts 6 feet apart on center along contour (or use preassembled unit) and drive 2 feet minimum into ground. Excavate an anchor trench immediately upgradient of posts.
- Secure wire mesh (14 gage min. With 6 inch openings) to upslope side of posts. Attach with heavy duty 1 inch long wire staples, tie wires or hog rings.
- Cut fabric to required width, unroll along length of barrier and drape over barrier. Secure fabric to mesh with twine, staples, or similar, with trailing edge extending into anchor trench.
- Backfill trench over filter fabric to anchor.

## LIMITATIONS:

- Recommended maximum drainage area of 0.5 acre per 100 feet of fence
- Recommended maximum upgradient slope length of 150 feet
- Recommended maximum uphill grade of 2:1 (50%)
- Recommended maximum flow rate of 0.5 cfs
- Ponding should not be allowed behind fence

#### MAINTENANCE:

- Inspect immediately after any rainfall and at least daily during prolonged rainfall.
- Look for runoff bypassing ends of barriers or undercutting barriers.
- Repair or replace damaged areas of the barrier and remove accumulated sediment.
- Reanchor fence as necessary to prevent shortcutting.
- Remove accumulated sediment when it reaches ½ the height of the fence,

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□ Housekeeping Practices
 □ Contain Waste
 □ Minimize Disturbed Areas
 □ Stabilize Disturbed Areas
 ∞ Protect Slopes/Channels
 ∞ Control Site Perimeter

☑ Control Internal Erosion



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#### TARGETED POLLUTANTS

Sediment

- □ Nutrients
- □ Toxic Materials
- □ Oil & Grease
- □ Floatable Materials
- □ Other Waste

High Impact

- 🗵 Medium Impact
- Low or Unknown Impact

#### IMPLEMENTATION REQUIREMENTS

☑ Capital Costs
 ☑ O&M Costs

- ⊠ Maintenance
- 🗆 Trainina

■ High 🖾 Medium 🗆 Low

## BMP: Vehicle And Equipment Cleaning



## **DESCRIPTION:**

Prevent or reduce the discharge of pollutants to stormwaterfrom vehicle and equipment washing and steam cleaning by using off-site facilities, washing in designated, contained areas only, eliminating discharges to the storm drain by infiltrating or recycling the wash water, and training employees and subcontractors.

#### APPROACH:

- Use off-site commercial washing and steam cleaning businesses as much as
  possible. Washing vehicles and equipment outdoors or in areas where wash
  water flows onto paved surfaces or into drainage pathways can pollute
  stormwater, if you wash a large number of vehicles or pieces of equipment,
  consider conducting this work at an off-site commercial business. These
  businesses are better equipped to handle and dispose of the wash waters
  properly. Performing this work off-site can also be economical by eliminating
  the need for a separate washing operation at your site.
- If washing must occur on-site, use designated, bermed wash areas to prevent wash water contact with stormwater, creeks, rivers, and other water bodies. The wash area can be sloped for wash water collection and subsequent infiltration into the ground.
- Use as little water as possible to avoid having to install erosion and sediment controls for the wash area. Use phosphate-free biodegradable scaps. Educate employees and subcontractors on pollution prevention measures. Do not permitsteam cleaning on-site. Steam cleaning can generate significant pollutant concentrations.

#### LIMITATIONS:

- Even phosp hate-free, biodegradable soaps have been shown to be toxic to fish before the soap degrades.
- Sending vehicles/equipment off-site should be done in conjunction with Stabilized Construction Entrance. (See BMP in the Construction Section).
- The measures outlined in this factsheet are insufficient to address all the environmental implacts and compliance issues related to steam cleaning.

#### MAINTENANCE:

Minimal, some berm repair may be necessary.

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**APPLICATIONS** 

🗆 Manufacturing 🗆 Material Handlina 🖾 Vehicle Maintenance 🗷 Construction Commercial Activities 🗆 Roadwavs 🗆 Waste Containment Housekeeping Practices ENGINEERING 201 WEST COTTAGE AVE SANDY UTAH 84070 (801) 352-0075 TARGETED POLLUTANTS Sediment Nutrients Heapy Metals Toxic Materials Oxygen Demanding Substances Oil & Grease Roatable Materials Bacteria & Viruses

#### 📕 High Impact

🖾 Medium Impact 🗆 Lowor Unknown Impact

IMPLEMENTATION REQUIREMENTS

- ☑ Capital Costs □ O&M Costs
- 🗆 Maintenance
- 🗵 Trai ning
- High ⊠ (Vedium 🛛 Low
## BMP: Waste Handling And Disposal



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2009



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2009



# **TECHNICAL DRAINAGE STUDY**

## **NEW RESIDENCE**

88 KING ROAD, PARK CITY, UT

DECEMBER 13, 2017



Professional Engineer:Thomas Romney, P.E.; Project Manager: Dustin Paulsen, E.I.T. FOCUS ENGINEERING AND SURVEYING

## **GENERAL LOCATION AND DESCRIPTION**

The proposed project is located at 88 King Road in Park City. The current site conditions consist of a vacant lot with heavy brush and tree cover, with the property sloping from the north west to the south east and falling approximately 35 feet. The size of the lot is 3750 square feet and the entire property will be disturbed during construction. The soil on the site consists predominantly of gravelly loam and cobbly clay layers.

#### **DRAINAGE BASIN**

The property does not have any have any known offsite drainages and all existing on site drainage is discharged toward King Road above ground.

## PROPOSED DRAINAGE PLAN

A drainage plan consisting of a storm drain sump has been developed for this property. The sump will consist of a 12" inlet grate and a vertical 48" perforated HDPE pipe within a gravel envelope (see drainage plan detail in the appendix). The storm drain sump was sized using a discharge rate of 0.136 cubic feet per second (pre-development conditions) and will detain the 100 year, 24 hour storm event per Park City standards.

The analysis was performed using the Park City design storm IDF curves and the rational method for calculating storm water runoff.

## HYDROLOGIC ANALYSIS

The predevelopment condition of the site is that of a vacant lot with heavy brush and tree cover. The existing storm runoff flow was determined using the rational method (Q=CIA) with a time of concentration of 5 minutes, a rainfall intensity of 7.9 in/hr, and a "C" value of 0.2 (per Park City standards). This resulted in a runoff flow of 0.136 cfs.

The design storm required is the 100 year, 24 hour event for detention. The rational method with a weighted "C" value of 0.67 was used to determine the required post development storm runoff storage volume. The following intensity values were used to determine storm water detention volumes:

Duration	Intensity	Runoff C	Area	Rainfall	Accumulated	Allowable	Discharge	Pequired
Doralion	ппеныну	C	Areu	Kainiaii			Discharge	Required
			-		Flow	Discharge		Storage
min	in/hr		Ac	cfs	cf	cfs	cf	cf
5.0	7.90	0.67	0.09	0.45	136	0.14	41	95
10.0	6.01	0.67	0.09	0.34	206	0.14	82	125
15.0	4.96	0.67	0.09	0.28	256	0.14	122	133
30.0	3.34	0.67	0.09	0.19	344	0.14	245	99
60.0	2.07	0.67	0.09	0.12	427	0.14	490	-63
120.0	1.15	0.67	0.09	0.07	474	0.14	979	-505
180.0	0.77	0.67	0.09	0.04	476	0.14	1,469	-993
360.0	0.41	0.67	0.09	0.02	507	0.14	2,938	-2,431
720.0	0.25	0.67	0.09	0.01	618	0.14	5,875	-5,257
1440.0	0.14	0.67	0.09	0.01	692	0.14	11,750	-11,058

## **Drainage Calculations**

The runoff discharge of the post development site cannot exceed that of predevelopment or 0.136 cfs. Using the predevelopment runoff flow as a discharge rate, the storm drain sump was sized to hold the maximum required storage volume of 133 cubic feet.

## **CONCLUSION/COMPLIANCE STATEMENT**

It is concluded that the project is in compliance with city standards and design guidelines.

## APPENDIX

## **Detention Basin**

Project: Location Date:	Residence at 88 King Road
Location	Park City, Utah
Date:	12/12/2017
Designer:	Dustin Paulsen



#### 100-Year Retention Sizing

	sign Criteria Intensity Table: Return Perlod: Allowable Discharge:			v Standards <b>year</b> cfs	Per Park City (Pre-develop	<sup>,</sup> Standards oment Conditio	ns)			
Allowable Discharges Storm Drain Discharge: Other Discharge: Total Discharge:			0.14 0.00 <b>0.136</b>	Cfs	Source:		,			
Weighted "C" Value Surface Type			Area (sf)	"C" Value			C*A			
	Homes (roof	itops)		2,825	0.85 0.10			2,401 93		
	Landscape			925						
	Totals			3,750				2,493.75		
	Weighted "C	;" Value				0.67				
Drainage	Calculatio	ns								
Duration	Intensity	Runoff C	Area	Rainfall	locumulated	Allowable	Discharge	Required		
					Flow	Discharge		Storage		
min	în/hr		AC	cfs	cf	Cfs	cf	Cf		
5.0	7.90	0.67	0.09	0.45		0.14	41	95		
10.0	6.01	0.67	0.09	0.34		0.14	82	125		
15.0	4.96	0.67	0.09	0.28	256	0.14	122	133		
30.0	3.34	0.67	0.09	0.19	344	0.14	245	99		
60.0	2.07	0.67	0.09	0.12	427	0.14	490	-63		
120.0 180.0	1.15	0.67	0.09	0.07	474	0.14	979	-505		
180.0		0.67	0.09	0.04	476 507	0.14	1,469	-993		
		0.67	0.09	0.02	618	0.14	2,938 5,875	-2,431 -5,257		
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	0.25	0.67	0.09	0.01	692	0.14	11,750	-11,058		
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Packet Pg. 11



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Staff recommends that the Planning Commission review the Woodside Park Affordable Housing Project Phase I Master Planned Development (MPD) Development Agreement and consider ratifying the agreement to memorialize the MPD approval granted by the Planning Commission on August 23, 2017. The MPD is for four (4) Single-Family Dwellings, an eight-unit (8-unit) Multi-Unit Dwelling, and a Thirteen-car (13-car) Parking Lot. A public hearing is not required for this action.

<u>ect</u>	
Applicant:	Park City Municipal Corporation
Location	1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue
Zoning: Adjacent Land Uses: Reason for Review:	Historic Residential-Medium Density (HR-M) Zoning District Single-Family, Multi-Family, Municipal Uses Master Planned Development applications require a Development Agreement with ratification by the Planning Commission within six months of approval of the MPD.

## ackg

During a Work Session on August 25, 2016, City Council provided the Lower Park Avenue Affordable Housing Project Team (Elliot Workgroup, Economic Development, Housing, Planning, and Community Development) with direction to pursue a preferred concept for affordable housing on the former Park Avenue Fire Station Parcel (<u>Staff</u> <u>Report</u> – page 4, <u>Minutes</u> – Page 1). This project would be known as the Woodside Park Affordable Housing Project Phase I. On September 20<sup>th</sup>, 2016, the Project Team held a Public Open House to gather public input on City Council's preferred concept.

With public input gathered, the Project Team returned to City Council on October 20, 2016 with an updated preferred concept based on the community engagement and August 25<sup>th</sup> Council comments. At the October 20<sup>th</sup>, 2016 meeting, Council provided affirmative direction to pursue the preferred concept, as amended, and begin the Land Use process (<u>Staff Report</u> – Page 4, <u>Minutes</u> – Page 2).

Over the next few months, the Project Team met weekly to develop the required Land Use application submittals and conduct further LMC pre-reviews with Planning

Department staff as required by the <u>Land Management Code 15-6-4</u>. There are eight (8) applications total for the entire scope of Phase I.

The HDDR applications (four [4] total) for the structures on the site have been approved by Planning Staff. The Woodside Park Phase I Subdivision was approved by City Council on August 31, 2017. The Conditional Use Permits for the Parking Lot and the Multi-Unit Dwelling were approved by Planning Commission on August 23, 2017.

On January 26, 2017 Elliot Workgroup submitted the MPD application as the representative for Park City Municipal Corporation. The application was deemed complete on March 2, 2017 after staff worked with the applicant on the requirements for the submittal.

The Planning Commission reviewed and continued the Master Planned Development application during a Work Session on July 12, 2017 (<u>Staff Report</u> – page 59 – Minutes, in this meeting packet in Draft form in the July 26 <u>Agenda Packet</u> – page 3). The Planning Commission opened a public hearing and continued the application on July 26, 2017 – there was no discussion conducted by the Planning Commission on July 26, 2017.

On August 23, 2017, the Planning Commission approved the Woodside Park Affordable Housing Project Phase I MPD (<u>Staff Report</u> – page 332 – <u>Minutes</u> – page 27).

Phase I of the Woodside Park Affordable Housing Project will consist of 10.68 Unit Equivalents to be located between Woodside Avenue and Park Avenue. The project is located in the Historic Residential-Medium Density (HR-M) Zoning District. The scope will include:

- Demolition of the former Park Avenue Fire Station (completed)
- Four (4) Single-Family Dwellings
- An eight-unit (8-unit) Multi-Unit Dwelling
- A thirteen-car (13-car) Parking Lot
- An Access Easement running east-west.

## <u>ee etgeeete eet</u>

Section 15-6-4 (G) of the LMC requires that the Development Agreement contain the following elements:

- 1) A legal description of the land;
- 2) All relevant zoning parameters including all findings, conclusions, and conditions of approval;
- 3) An express reservation of the future legislative power and zoning authority of the City;
- 4) A copy of the approved MPD plans and any other plans which are a part of the Planning Commission approval;
- 5) A description of all Developer exactions or agreed upon public dedications;
- 6) The Developers agreement to pay all specified impact fees;
- 7) The form of ownership anticipated for the project and a specific project phasing

plan; and

8) A list and map of all known Physical Mine Hazards on the property.

Staff finds that the Development Agreement attached as Attachment 1, including the attached exhibits, includes all of the required items listed above and meets the required timeframes for submittal following the August 23, 2017 approval of the Woodside Park Affordable Housing Project Phase I MPD. The project is proposed to be constructed in a single phase and therefore there is no phasing plan. There are no known Physical Mine Hazards on the lot. As a defined term in the Land Management Code, Physical Mine Hazards means "any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity". The Planning Director, Environmental Manager, experienced in the Park City Soils Ordinance, and Historic Preservation Planner reviewed USGS 7.5 minute quadrangle Geologic maps, USDA aerial photos from 1966 and Park City Mining District maps. No evidence on mining hazards or waste dump areas were found. From it is concluded that there are no known Physical Mine Hazards.

## <u>ee etgeeetatcat</u>

Attached is the proposed Woodside Park Affordable Housing Project Phase I MPD Development Agreement (Attachment 1). Land Management Code Section 15-6-4 (G) states that once the Planning Commission has approved a Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission and signed by the Mayor on behalf of the City Council, prior to recordation at the Summit County Recorder's office. This item is not noticed as a public hearing.

The Land Management Code requires the Development Agreement to be submitted to the City within six (6) months of the approval of the MPD. The Woodside Park Affordable Housing Project Phase I MPD was approved by the Planning Commission on August 23, 2016. The Development Agreement was submitted to the City on December 18, 2017, within the required six month timeframe.

## **Department Review**

The Engineering, Legal and Planning Departments have reviewed the agreement for conformance with the August 23, 2017 Woodside Park Affordable Housing Phase I MPD approval.

## **Recommendation**

Staff recommends that the Planning Commission review the Woodside Park Affordable Housing Project Phase I Master Planned Development (MPD) Development Agreement and consider ratifying the agreement to memorialize the MPD approval granted by the Planning Commission on August 23, 2017. The MPD is for four (4) Single-Family Dwellings, an eight-unit (8-unit) Multi-Unit Dwelling, and a Thirteen-car (13-car) Parking Lot. A public hearing is not required for this action.

## **Exhibit**

Attachment 1- Amended Development Agreement with attached exhibits as follows:

Exhibit A – Plat

- Exhibit B MPD plans approved by Planning Commission on August 23, 2017 Exhibit C MPD Action letter Planning Commission Approval from August 23, 2017
- Exhibit D Legal Description of subject property located at the Woodside Park Phase I Subdivision

WHEN RECORDED, MAIL TO: City Recorder Park City Municipal Corporation P. O. Box 1480 Park City, Utah 84060

## DEVELOPMENT AGREEMENT FOR THE WOODSIDE PARK AFFORDABLE HOUSING PROJECT PHASE I MASTER PLANNED DEVELOPMENT (MPD), LOCATED AT 1333 PARK AVENUE, 1353 PARK AVENUE, AND 1374 WOODSIDE AVENUE, PARK CITY, SUMMIT COUNTY, UTAH

This Development Agreement is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between Park City Municipal Corporation ("Developer") as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the Woodside Park Affordable Housing Project Phase I Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

## RECITALS

A. Developer is the owner of a the Woodside Park Phase I Subdivision located in Park City, Summit County, Utah, as reflected in Exhibit A, which is attached hereto and incorporated herein by this reference (the "Property"), on which it has obtained approval for the development known as the Woodside Park Affordable Housing Project Phase I Master Planned Development, as more fully described in the incorporated Exhibits B and C, attached, and as set forth below (the "Project").

B. Park City requires development agreements under the requirements of the Park City Land Management Code ("LMC") for all Master Planned Developments.

C. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.

D. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

## 1. **Project Conditions:**

1.1. The Design Drawings dated and reviewed by the Planning Commission on August 23, 2017, (attached as Exhibit B) and Findings of Fact, Conclusions of Law and Conditions of Approval (attached as Exhibit C) are incorporated herein as the Project; subject to

changes detailed herein. The Project is located in the Historic Residential Medium-Density (HR-M) zoning district.

1.2. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

1.3. Developer and any successors agree that the following are required to be entered into and approved by Park City prior to issuance of a Building Permit: (a) a construction mitigation plan, (b) a utility and grading plan, (c) a storm water plan, (d) a water efficient landscape and irrigation plan showing snow storage areas in compliance with the conditions of the August 23, 2017 MPD approval.

1.4. Developer is responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developer is responsible for receiving any Army Corp of Engineer Permits required related to disturbance of streams and wetlands.

## 2. Vested Rights and Reserved Legislative Powers

2.1 Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 <u>Reserved Legislative Powers</u>. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

## 3. <u>Successors and Assigns</u>.

3.1 <u>Binding Effect</u>. This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

3.2 <u>Assignment</u>. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be

evidenced by letter from the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

## 4. <u>General Terms and Conditions</u>.

4.1 <u>Term of Agreement</u>. Construction, as defined by the Uniform Building Code, is required to commence within two (2) years of the date of execution of this Agreement. After Construction commences, the Woodside Park Affordable Housing Project Phase I Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The Master Plan approval for the Project shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

4.2 <u>Agreement to Run With the Land</u>. This Development Agreement shall be recorded against the Property, as described in Exhibit D attached hereto, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

4.3 <u>No Joint Venture, Partnership or Third Party Rights</u>. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

4.4 <u>Integration</u>. This Development Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

4.5 <u>Severability</u>. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

4.6 <u>Attorney's Fees</u>. If this Development Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

4.7 <u>Minor Administrative Modification.</u> Minor administrative modification may occur to this approval without revision of this Agreement.

## 5. **Phasing.**

5.1 <u>Project Phasing</u>. The Project will be developed in one (1) phase.

5.2 <u>Construction of Access</u>. Developer may commence grading access to the Project from Park Avenue and Woodside Avenue, as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of

the LMC, the International Building Code/ Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

5.3 <u>Form of ownership anticipated for the project.</u> The Project will consist of twelve residential units. Units are anticipated to be included in the condominium plat for individual ownership.

6. <u>Water</u>. Developer acknowledges that water development fees will be collected by Park City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Developer or to individual building permit applicants developing within the Project.

7. <u>Affordable Housing</u>. This Master Planned Development, as submitted, is subject to requirements of Housing Resolution 13-15. Developer has submitted a Housing Mitigation Plan to the Park City Housing Authority that was approved at the October 29, 2015 meeting of the Park City Housing Authority. A deed restriction shall be recorded against the plat prior to the issuance of building permits. The Developer shall comply with the Affordable Housing Mitigation Plan requirements, prior to receiving any certificates of occupancy.

## 8. <u>Physical Mine Hazards.</u>

There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner.

## 9. <u>Notices.</u>

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

## To Developers:

Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, UT 84060 Attn: City Attorney

To Park City:

Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, UT 84060 Attn: City Attorney Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

## 10. List of Exhibits.

- Exhibit A Plat
- Exhibit B MPD plans approved by Planning Commission on August 23, 2017
- Exhibit C MPD Action letter Planning Commission Approval from August 23, 2017
- Exhibit D Legal Description of subject property located at the Woodside Park Phase I Subdivision

**IN WITNESS WHEREOF,** this Development Agreement has been executed by the Developer by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the \_\_\_\_ day of \_\_\_\_\_, 2018.

## PARK CITY MUNICIPAL CORPORATION

By: \_

Andy Beerman, Mayor

ATTEST:

By: \_

City Recorder

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney

## **DEVELOPER:**

Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, UT 84060 Attn: City Attorney On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, personally appeared before me\_\_\_\_\_, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that \_\_\_\_\_ is a member/manager of Park City Municipal Corporation.

Notary Public

# Exhibit A:

Plat approved by Planning Commission on August 23, 2017



# Exhibit B:

MPD Plans approved by Planning Commission on August 23, 2017

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Woodside Park













Packet Pg. 1



Aerial View 1 From Park Avenue



Aerial View 2 From Woodside Avenue

Packet Pg. 1 1

Woodside Park

CONTEXTUAL ANALYSIS MPD-009 January 28h, 2017 (Rev. 05.04/2017)



Courtyard View 1



Courtyard View 2

CONTEXTUAL ANALYSIS MPD-010 January 28h, 2017 (Rev. 05.04/2017)

Packet Pg. 1

Woodside Park



Park Avenue View



CONTEXTUAL ANALYSIS MPD-011 January 28h, 2017 (Rev. 05.04/2017)

Woodside Park

Packet Pg. 1 3



Woodside Avenue View

Packet Pg. 1

Woodside Park

CONTEXTUAL ANALYSIS MPD-012 January 28h, 2017 (Rev. 05.04/2017)
CONTEXTUAL ANALYSIS MPD-013 January 28h, 2017 (Rev. 05.04/2017)



Woodside Avenue View



Packet Pg. 1

Woodside Park



Woodside Park

CONTEXTUAL ANALYSIS MPD-014 January 28h, 2017 (Rev. 05.04/2017)









Woodside Park

Packet Pg. 1



Packet Pg. 1 1

# Exhibit C:

MPD Action Letter from Planning Commission Approval on August 23, 2017



August 25, 2017

Park City Municipal Corporation 445 Marsac Avenue P.O. Box 1480 Park City, UT 84103

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CC: Elliott Workgroup, Project Architects

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On August 23, 2017 the Planning Commission conducted a public hearing and approved the Woodside Park Master Planned Development (MPD) according to the following findings of fact, conclusions of law, and conditions of approval:

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- The proposed site location consists of 1333 Park Avenue ("Significant" Single-Family Dwelling), 1353 Park Avenue (the former Park Avenue Fire Station parcel), and 1364 Woodside Avenue (vacant lot)
- 2. The site is known as the Woodside Park Affordable Housing Project Phase I.
- Phase I of the Woodside Park Affordable Housing Project will consist of 10.68 Unit Equivalents to be located between Woodside Avenue and Park Avenue. The scope will include: Demolition of the former Park Avenue Fire Station; Four (4) Single-Family Dwellings; An eight-unit (8-unit) Multi-Unit Dwelling; A Thirteen-car (13-car) Parking Lot and An Access Easement running east-west.
- 4. During a Work Session on August 25, 2016, City Council provided the Lower Park Avenue Affordable Housing Project Team (Elliot Workgroup, Economic Development, Housing, Planning, and Community Development) with direction to pursue a preferred concept for affordable housing on the former Park Avenue Fire Station Parcel.
- 5. At the October 20<sup>th</sup>, 2016 meeting, City Council provided affirmative direction to pursue the preferred concept, as amended, and begin the Land Use process.

- 6. The Project Team met weekly to develop the required Land Use application submittals and conduct further LMC pre-reviews with Planning Department staff as required by the Land Management Code 15-6-4.
- 7. There are eight (8) applications total for the entire scope of Phase I.
- 8. On January 26, 2017 Elliot Workgroup submitted the MPD application as the representative for Park City Municipal Corporation. The application was deemed complete on March 2, 2017 after staff worked with the applicant on the requirements for the submittal.
- The Planning Commission reviewed and continued this Master Planned Development application during a Work Session on July 12<sup>th</sup>, 2017. The Planning Commission held a public hearing and continued the Master Planned Development application on July 26<sup>th</sup>, 2017.
- 10. On June 28th, 2017, July 12th, 2016, August 9th, 2017 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on June 24th, 2017, July 8th, 2017, and August 5th, 2017 according to requirements of the Land Management Code.
- 11. At the July 12<sup>th</sup>, 2017 Work Session, the Planning Commission reviewed the entire scope of the project and discussed specific items with the applicant. The specific discussion items included, but were not limited to Snow storage, Area context on a neighborhood scale, Parking Requirements based on unit type, Solar panel glare, other examples of similar Affordable Housing projects, and Sound mitigation between units of the Multi-Unit Dwelling.
- 12. On March 1, 2017, the Historic Preservation Board (HPB) reviewed the Historic District Design Review (HDDR) application and approved the Material Deconstruction and Relocation of the "Significant" Single-Family Dwelling at 1323 Woodside Avenue to 1353 Park Avenue.
- 13. On March 1, 2017, the HPB reviewed the HDDR application and approved the Material Deconstruction of the "Significant" Single-Family Dwelling located at 1333 Park Avenue.
- 14. The remaining HDDR applications are under review by Planning Staff pending additional modifications and/or reviews by Planning Commission for the Conditional Use Permits.
- 15. The proposal complies with Land Management Code (LMC) § 15-6-5(A) Density as the proposed Density of the MPD does not exceed the maximum Density in the zone. The proposed MPD consists of 5.25 Residential Unit Equivalents.
- 16. Land Management Code (LMC) § 15-6-5(B) Building Footprint is not applicable as the site is not located in the HR-1 or HR-2 District. The proposed MPD is located in the HR-M Zoning District.
- 17. The proposal complies with Land Management Code (LMC) § 15-6-5(C) Setbacks as Per LMC 15-6-5(C)(2), for parcels less than one (1) acre in size and located inside the HRM, HR-1, HR-2, HR-L, HRC, and HCB, Districts, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures.
- 18. The Woodside Park Affordable Housing Phase I MPD area is less than one (1) acre in size in the HRM Zoning District, therefore, the setbacks shall be determined by the Planning Commission.

- 19. The two (2) Single-Family Dwellings located on Lot 1 abutting Park Avenue (1343 Park Avenue and 1353 Park Avenue) shall have an 10 foot rather than the Zone required15 foot Front Yard Setback which is consistent with many of the existing single-family dwellings on Park Avenue (including the neighboring "Significant" Single-Family Dwelling located at 1359 Park Avenue).
- 20. The two (2) Single-Family Dwellings (1343 Park Avenue and 1353 Park Avenue) will comply with all other applicable Setbacks, will comply with the minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D). No additional density is achieved by the decreased setback and all other requirements will still be met.
- 21. Parking Space 13 of the Parking Lot abutting Woodside Avenue on Lot 1 shall have a minimum Front Yard setback of12 foot 8 inches. The remainder of the Parking Lot will comply with all applicable Setbacks. Parking Space 13 encroaches into the Front Yard Setback by a maximum of approximately 2 feet 4 inches. The Parking Lot is compatible with the streetscape and is appropriately screened. The Carport Structure will comply with all applicable HRM Zone required Setbacks.
- 22. The Front Yard setback of 12 feet 8 inches for Parking Space will not result in greater project density and will be properly buffered/visually mitigated through vegetative and fenced screening that is compatible with the Design Guidelines for Historic Districts and Historic Sites.
- 23. The Setback for Parking Space 13 will result in an additional Parking Space for the project, which the project team is contemplating potential uses as electric car charging station, car-share, and other uses that are compatible with goals set forth in the General Plan (ex. Goal 5 Environmental Mitigation objectives and implementation strategies). Parking Space 13 will allow for one (1) additional car to park off-street rather than on the street.
- 24. The proposal complies with Land Management Code (LMC) § 15-6-5(D) Open Space because the proposed MPD is considered a redevelopment of existing Development; therefore, the Planning Commission shall reduce the required open space to 30% in exchange for project enhancements. The proposed MPD area is a total of 26,940 square feet. The applicant is proposing 52.41% Open Space which equates to 14,119 square feet.
- 25. The total required Parking Spaces of the entire project is 13.5 (14 when rounded to the next whole number) Parking Spaces. The total number of Parking Spaces provided by the project is 15 Parking Spaces.
- 26. The proposed MPD is providing one (1) additional Parking Space in excess of what is required by the Land Management Code.
- 27. The two (2) Historic Single-Family Dwellings located on Park Avenue (1333 Park Avenue and 1353 Park Avenue) do not have a Parking Requirement per LMC 15-2.4-6 Existing Historic Structures; therefore, no parking is provided for these structures.
- 28. The non-Historic Single-Family Dwelling located at1334 Woodside Avenue has a single-car garage and driveway providing the required two (2) parking spaces on its own site.
- 29. The Multi-Family Dwelling (1354 Woodside Avenue) and non-historic Single-Family Dwelling (1343 Park Avenue) combine for a total of 11.5 Parking Spaces required

which will be provided in the 13-car Parking Lot.

- 30. One (1) of the Parking Spaces is ADA compliant for van accessibility in accordance with the ADA requirements.
- 31. Per LMC 15-3-9 Bicycle Parking Requirements, the Multi-Unit Dwelling must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles. The applicant is proposing to provide five (5) Bicycle Parking Spaces.
- 32. The proposal complies with Land Management Code (LMC) § 15-6-5(F) Building Height because the proposed MPD complies with the Building Height requirements for the HRM Zoning District. No Height exception is requested.
- 33. The proposal complies with Land Management Code (LMC) § 15-6-5(G) Site Planning because; the units are sited in such a way that is compatible with other residential structures in the Historic District, specifically respecting the Historic rhythm and scale of the streetscape on both Woodside Avenue and Park Avenue; Due to the relatively flat topography, very little retaining will be necessary. All retaining walls on site are no higher than 4 feet in total height. All retaining walls will be stacked stone consistent with those found in the Historic District; Roads, utility lines, and Buildings are designed to work with the Existing Grade. Cuts and fills are minimized; The project scope includes an Access Easement running east-west which will link the City Park and Park Avenue bus stops to Woodside Avenue; ample snow storage areas are provided in accordance with the requirements of the LMC for the Access Easement, internal sidewalks, and Parking Lot; An enclosed trash and recycling structure has been provided on site which included a total of 12 cans (6 Recycling and 6 Trash).
- 34. The proposal complies with Land Management Code (LMC) § 15-6-5(H) Landscape and Street Scape because there is no existing significant vegetation. There is a landscape buffer for the Parking Lot and landscaping throughout the remainder of the project that is consistent with that found in the Historic District, including, but not limited to, natural turf, native grasses, deciduous trees, shrubs, and other alpine perennials.
- 35. Land Management Code (LMC) § 15-6-5(I) Sensitive Lands Compliance is not applicable as the site is not located within the Sensitive Lands Overly District.
- 36. Land Management Code (LMC) § 15-6-5(J) Employee/Affordable Housing is not applicable as Eleven (11) of the twelve (12) proposed units are designated as Affordable Housing.
- 37. Land Management Code (LMC) § 15-6-5(K) Child Care is not applicable as the scale of this project is minor and much less than the allowed Zone Density. The Park City Library has Child Care which is located within walking distance and there is significant open space within the vicinity and on the proposed project site (City Park, Library Park, etc.).
- 38. Land Management Code (LMC) § 15-6-5(L) Mine Hazards is not applicable as there are no known Physical Mine Hazards on the property.
- 39. Land Management Code (LMC) § 15-6-5(M) Historic Mine Waste Mitigation is not applicable as there are no known Physical Mine Hazards on the property. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance which is standard for all Development and is Condition of Approval #5 of the Plat Amendment.
- 40. The proposal complies with Land Management Code (LMC) § 15-6-5(N) General

Plan Review as the proposed MPD fulfills the following Goals 3, 5, 7, 8, 15 of the General Plan and the applicable Objectives and/or Implantation Strategies of each as further described in the Analysis section of this report.

- 41. The proposal complies with Land Management Code (LMC) § 15-6-5(O) Historic Sites as the applicant submitted a Historic Preservation Plan and Physical Conditions Report for the Historic Single Family Dwellings located at 1333 Park Avenue and 1353 Park Avenue. 1333 Park Avenue will be rehabilitated and 1353 Park Avenue will be relocated from 1323 Woodside Avenue and reconstructed at the new site. As a part of the Plat Amendment application, Condition of Approval #4 requires that both structures (1333 Park Avenue and 1353 Park Avenue) shall have Façade Preservation Easements placed on them prior to sale to a new property owner. Both structures are already listed as "Significant" on Park City's Historic Sites Inventory.
- 42. The property is located in a FEMA Flood Zone A.

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- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements 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;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

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- 1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
- 2. A conditional use permit is required for the Multi-Unit Dwelling and Parking Area of five (5) or more spaces prior to issuance of a building permit.
- 3. A development agreement as described in LMC Section 15-6-4(G) shall be ratified by the Planning Commission within 6 months of this approval and prior to issuance of a building permit for the project.
- 4. All vehicle access to the site shall be off of Woodside Avenue.
- 5. Parking Space Allocation within the Parking Area shall be established as a part of the CC&Rs.
- 6. That the basic infrastructure for electronic charges to be installed in the parking lot and for e-chargers to be installed at a later date.
- 7. An e-bike location should be located somewhere on the site.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at (435)615-5059 or contact me by email at <u>hannah.tyler@parkcity.org</u>.

Sincerely,

Hannah M. Tyler Project Planner

Exhibit D:

Legal Description of subject property located at the Woodside Park Phase I Subdivision

# BOUNDARY DESCRIPTION

## PARCEL 1

Beginning at a point which is North 54°01' East 350.00 feet and South 35°59' East 222.00 feet from the Northwest corner of Block 24, SNYDER'S ADDITION TO PARK CITY, said point also being on the Westerly right-of-way line of Park Avenue; running thence South 35°59' East along said right-of-way line 92.99 feet; thence South 54°01' West 150.00 feet; thence North 35°59' West 91.55 feet; thence North 53°28' East 150.1 feet to the point of beginning.

## PARCEL 2

Beginning at a point which is South 54°01' West 329 feet and South 35°59' East 325.0 feet from the Northeast corner of Block 24, SNYDER'S ADDITION, Park City, Utah, and running thence South 35°59' East 39 feet; thence South 54°1' West 150 feet; thence North 35°59' West 49 feet, more or less, to a wooden fence; thence North 54°1' East along said wooden fence 150 feet; thence South 35°59' East 10 feet to the point of beginning.

## PARCEL 3

All of Lot 2, SERNYAK SUBDIVISION, according to the official plat thereof, on file and of record in the Summit County Recorder's Office