

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 6, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kayla Sintz, Planning Manager, Kirsten Whetstone, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney

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The Planning Commission met in work session prior to the regular meeting. The work session discussion can be found in the Work Session Minutes dated November 6, 2013.

REGULAR MEETING

ROLL CALL

Vice-Chair Thomas called the meeting to order at 6:35 p.m. and noted that all Commissioners were present except for Commissioners Savage, Strachan and Worel. With four members the Planning Commission had a quorum to conduct business.

ADOPTION OF MINUTES

September 25, 2013 – Work Session Minutes

Commissioner Hontz noted that the Work Session minutes had her listed as being in attendance. She corrected the minutes to remove her name and replace it with Commissioner Wintzer since he had attended but was not listed.

MOTION: Commissioner Wintzer moved to APPROVE the Work Session Minutes of September 25, 2013 as corrected. Commissioner Thomas seconded the motion.

VOTE: The motion passed. Commissioner Hontz abstained since she was absent on September 25th.

September 25, 2013 – Regular Meeting Minutes

Planner Whetstone referred to page 128 of the Staff report, page 24 of the minutes, regarding 70 Chamber Avenue, and noted that Condition #15 was added during the meeting and states that the fireplace will meet the 10-foot setback. She noted that it was for the fireplace that provided articulation into the 10-foot setback. Since that approval the Planning Commission forwarded language to the City Council about what could be in that area. Planner Whetstone suggested that

the minutes somehow address that the fireplace will meet the 10-foot setback as per the LMC in effect at the time of the building permit.

Assistant City Attorney stated that the minutes could not be amended to reflect something that had not occurred. The minutes reflect what actually occurred at that moment. Planner Whetstone pointed out that even though the condition says "setback", it was more of a "stepback". She request some type of reconsideration, otherwise, the applicant would have to bring back their conditional use permit to address the LMC that was moving forward. She explained that the chimney extension was in the horizontal setback. The chimney that was part of the wall extended two feet.

Assistant City Attorney McLean suggested that they re-listen to the recording. If setback was used in the discussion then the minutes could be amended to reflect what was actually said. However, if the minutes are correct and it was setback, the Staff could address the issue internally.

MOTION: Commissioner Thomas moved to CONTINUE the minutes of the Regular Meeting of September 25, 2013 pending verification with the recording regarding the issue of setback versus setback that was raised by Planner Whetstone this evening. Commissioner Wintzer seconded the motion.

VOTE: The motion passed. Commissioner Hontz abstained.

October 9, 2013

Commissioner Hontz noted that due to a problem with the recording equipment the majority of the October 9th meeting was not recorded. Due to the length of that meeting there was a significant amount of information that would have been on the recording. Unfortunately, she had not taken in-depth notes assuming that that the meeting was being recorded. Commissioner Hontz had nothing further to add to the minutes, but she wanted it on the record that a lot of discussion occurred that evening that was not reflected in the minutes.

Director Eddington clarified that there was a recording of the Work Session and the General Plan discussion. However, because of equipment failure, there was no recording for the remainder of the meeting and that portion of the minutes was prepared from notes.

MOTION: Commissioner Hontz moved to APPROVE the minutes of October 9, 2013. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

October 23, 2013

MOTION: Commissioner Hontz moved to APPROVE the minutes of October 23, 2013 as written. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Worel applauded the Staff for their amazing effort on the General Plan and the copy that was provided to the Planning Commission. Planning Manager Sintz stated that it was primarily the efforts of Director Eddington.

Director Eddington reminded the Commissioners that due to the Thanksgiving holiday, their second meeting in November would be held on November 20th, which is the third Wednesday.

Planning Manager Sintz reported that the winners of the 2013 Jack Kemp Work Force Housing Models of Excellence were announced and Park City was recognized among that group. It is a great honor and the result of the great work Phyllis Robinson and Rhoda Stauffer have done over the years to bring that recognition to Park City.

Planning Manager Sintz commented on the length of the agenda for the November 20th meeting. She asked if it would be possible to start the meeting at 4:00. The Commissioners agreed to meet at 4:00.

Commissioner Hontz stated that she has been checking the City website and she did not believe it was in sync with their current meetings. Also, she no longer receives notices through E-notify. Commissioner Hontz suggested that the calendar be updated because it does not show future meetings, even the ones that are regularly scheduled.

Commissioner Wintzer disclosed that he would be recusing himself from 1105 Iron Horse Drive this evening.

CONTINUATIONS – Public Hearing and Continuation to date specified.

1. 115 Sampson Avenue – Plat Amendment
(Application PL-13-01893)

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

MOTION: Commissioner Wintzer moved to CONTINUE 115 Sampson Avenue – plat amendment, to December 11, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1105 Iron Horse Drive – Conditional Use Permit for a Brewery in the LI Zoning District** (Application #PL-13-02065)

Commissioner Wintzer recused himself and left the room.

Planner Ryan Wassum reported that the applicants, Shades of Pale Brewing Company, would like to operate a beer brewery in an existing and vacant building at 1105 Iron Horse Drive within the Light Industrial Zone. A brewery is a light manufacturing use within the LMC and requires a conditional use permit. Planner Wassum noted that the Brewery currently operates in a smaller space at 1950 Woodbine Lane, with a conditional use permit that was approved by the Planning Commission on October 28, 2009.

Planner Wassum stated that in addition to beer production, the applicant would like to accommodate space for offices and have a minor retail space that may eventually offer product beer tastings, which is not an allowed use. As indicated in the Staff report, the proposed use is not expected to increase traffic in the area. The 14 spaces provide more than adequate parking. The physical design compatibility will compliment the surrounding area.

Planner Wassum referred to Criteria #12 – noise, vibration, odor, steam or other mechanical factors that affect people and property off site, and noted that the impacts would be mitigated per Condition of Approval #1. Condition #1 states, “A hazardous material management plan must be approved by the Building Department, the Fire Marshall, and the Snyderville Basin Water Reclamation District prior to the issuance of a business license.”

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for brewery in accordance with the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz was comfortable with the conditions of approval. However, she suggested revising Condition #6 to remove the word “possible” from the second sentence. The revised sentence would read, “All impacts of the CUP must be mitigated.” Commissioner Hontz was uncomfortable with the wording in the third sentence, which read, “The City may void this CUP if impacts are found in the operation which may cause harm to the public.” Planning Manager Sintz suggested that they could reference Condition #6 to the additional information in Condition #1 regarding the hazardous mitigation plan.

Commissioner Hontz thought the intent of Condition #6 related to complaints from the public regarding noise, odor, vibration and other nuisances outside of hazardous materials. Planning Manager Sintz suggested revising the language to say, “A one year review of the CUP will be

scheduled for review by the Planning Staff within one year of issuance of the certificate of occupancy of the brewery. The Staff will update the Planning Commission of any complaints received.”

Commissioner Gross asked for clarification on the process if a CUP is revoked. Assistant City Attorney McLean stated that the impacts would have to be mitigated and there is an established process. She explained that once a CUP is granted the Planning Commission has the rights to assess the impacts. In this particular case, there is an existing brewery across the street. Therefore, the impacts that would occur from a brewery within that district already exist, and there have been no complaints. Ms. McLean was comfortable revising the condition with the language to include a Staff review.

Commissioner Hontz favored the review, but suggested a review in 18 months rather than one year.

Commissioner Gross referred to page 220 of the Staff report and the mention of 200 additional square feet possible for retail space. However, after reading further it talks about adding a second floor for office space. Commissioner Gross asked for the real square footage.

The applicant, Trent Fargher, replied that he was currently proposing to lease 2,000 square feet. They need extra height for the tanks which requires a second level of open space within the facility to put the larger fermentation tanks inside the building. Commissioner Gross understood that there would also be offices on the second level. Mr. Fargher replied that this was correct. It would be a mezzanine type area that would actually support the walls of the lower level.

Commissioner Gross noted that page 221 states that 14 spaces would be adequate for up to 4 employees. He was more concerned about Code and preferred that the language state that it meets or exceeds the Code, rather than just saying it is adequate.

Commissioner Gross stated that when he pulled up the assessor's plat, it was difficult to figure out where the 14 spaces were located. There was a parcel, but nothing that references any type of cross access easements or parking easements between parcels. He wanted to know what would happen in the future if the owners decide to split up the holdings and there were four or five different parcels. Commissioner Gross wanted to know where the 14 parking spaces were and that the parking is per Code and includes the 200 square foot additional space.

Director Eddington stated that the parking requirement is two parking spaces for employees. The retail space is 200 square feet and requires one parking space. The total parking requirement per Code is three spaces.

Commissioner Gross asked if the architectural vision shown on page 222 of the Staff report was compatible with everything they have been talking about the past few years with regard to the District. Director Eddington replied that it is conceptual. He thought it was a good design. Commissioner Thomas thought the design was very appropriate.

Commissioner Gross asked if there was a perception that the micro-brewery could eventually become a tourist attraction. If so, would there be tours and would that create an additional parking need. Mr. Fargher noted that he had people stop by today. He was unsure how often that would happen. Director Eddington stated that it would be part of the 18 month review.

MOTION: Commissioner Hontz moved to APPROVE the Conditional Use Permit for a Brewery at 1105 Iron Horse Drive in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval with the modification to Condition of Approval #6. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1105 Iron Horse

1. The subject property is located at 1105 Iron Horse Drive, Park City, Utah.
2. The property is located in the Light Industrial (LI) zone.
3. A brewery is a light industrial manufacturing use within the Land Management Code (LMC) and requires a CUP approval by the Planning Commission.
4. Retail use is an allowed use in the LI zone.
5. There are exterior changes to the existing building proposed within the application, including a second story addition to accommodate production equipment and offices. The proposed exterior changes do not alter the building footprint and comply with the LI zoning requirements.
6. Four parking spaces are required for this use, minor retail space, and number of employees (4). There are 14 available onsite parking spaces.
7. The internal vehicular and pedestrian circulation system will not be altered.
8. No outdoor storage of goods or mechanical equipment is proposed.
9. There are no significant traffic impacts associated with the proposed use or production output.
10. No significant additional utility capacity is required for this project.
11. The proposed development will not interfere with existing access routes for emergency vehicles.
12. No signs are proposed at this time.
13. The applicant will be renting the space from the owner of the property.
14. The proposal exists within the Park City Soil Ordinance Boundary.

15. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1105 Iron Horse

1. The application satisfies all Conditional Use Permit review criteria for a Light Industrial Manufacturer as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The Applicant complies with all requirements of this LMC;
4. The Use is consistent with the Park City General Plan, as conditioned; and
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1105 Iron Horse

1. A hazardous materials management plan must be approved by the Building Department, the Fire Marshall, and the Snyderville Basin Water Reclamation District prior to the issuance of a business license. If a hazardous materials management plan is not approved within 3 months of the Planning Commission approval of a conditional use permit, the conditional use permit will become void.
2. All standard conditions of project approval shall apply to this project.
3. All signs associated with the brewery must comply with the City's Sign Code and be issued a sign permit by the Planning Department.
4. No outdoor storage of goods or mechanical equipment is allowed onsite.
5. All County, State, and Federal Permits required for the use must be obtained by the owner prior to start of operations (brewing).
6. A review of the CUP will be conducted the Planning Staff within 18-months of issuance of occupancy for the brewery. The Staff will update the Planning Commission on any complaints received.

2. **Park City Heights Subdivision – Amendment to Master Planned Development and a one-year extension of the Master Planned Development Approval** (Application PL-13-02010)

Planner Whetstone stated that the Planning Commission reviewed this item during a Work Session, and again at their regular meeting on October 9th. At that time the Commissioners discussed the

amendment and suggested changes to the Findings of Fact, Conclusions of Law and Conditions of Approval of the original Park City Heights MPD.

Planner Whetstone noted that the second page of the Staff report outlined eight items that were discussed at the October 9th meeting. Due to time constraints, The Planning Commission continued the item to allow time to discuss the design guidelines.

The Staff had done an analysis of the changes and redlined the findings of fact, conclusions of law and conditions of approval to include the suggested changes from the October 9th meeting, as well as changes that the Staff made based on additional information from the applicant.

Planner Whetstone noted that the requested extension was included in the plat amendment and it would automatically be approved if the Planning Commission approves the amendments to the preliminary subdivision plat.

Planner Whetstone informed the Commissioners that if they needed to make additional changes, she could type it into a Word document for their review during the discussion.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the amendments and the extension of the Park City Heights MPD, according to the findings of fact, conclusions of law and conditions of approval as stated and amended in the Staff report.

Chair Worel referred to page 249 of the Staff report, Item (i) and the wording, "intentionally left blank." Planner Whetstone replied that the crossed out language in red was left with that phrase so they could see the language that was being removed. If the amendments are approved, Item (i) would be removed and the space would be left blank. That lets everyone know that (i) was not included in the amendment, but (j) stayed the same.

Chris Gamvroulas with Ivory Development introduced Planning Consultant, Spencer White; Environmental Consultant, Amy Findley; Project Manager, Brad Mackey; and Ben Hathaway, legal counsel. Mr. Gamvroulas stated that the objective this evening was to show the changes that were made to the plan following the meeting on October 9th, and to respond to some of the items outlined in the Staff report. He requested approval this evening so they could move forward with the preliminary plat in December in order to meet the timeline of closing homes in 2014.

Spencer White reviewed the changes to the master plan based on comments and concerns expressed on October 9th. He noted that due to the size of the repository they had proposed to eliminate two commercial parcels that had the potential for a daycare center or some other commercial function for the development, and replaced it with small lot single-family detached Park homes. Mr. White indicated the location of the community gardens in the last plan. Based on comments at the last meeting, the community gardens were removed from that location. There will be places around the clubhouse that could accommodate smaller community gardens. The original approval called for 15,000 square feet of community gardens and that area could now be used for a commercial function.

Mr. White stated that another issue was the repository and how the trails would function around the repository. The concern related to snow storage and the detention basins. Mr. White pointed out that the detention basins create a buffer between the homes, the streets, the trails, and the repository. They were also proposing a two rail fence that would run along the edge of the trail as a visual barrier between the manicured landscape and what will be a natural seeded landscape on the repository.

Mr. Gamvroulas noted that it would be a grass seed mix over the top of the repository, but it will not be manicured. He stated that a two rail fence still allows permeability on to the repository site, but provides a visual queue that something is on the other side.

Mr. White commented on the eight discussion items from the last meeting that were outlined in the Staff report. One was the reluctance to increase the size of the clubhouse for a daycare facility, or the ability to add on to the clubhouse. He stated that they would rather build one clubhouse of the proposed size, and have the ability on a separate parcel to do a daycare or any other type of commercial use in that area. That was a change from the last plan to the current plan.

Commissioner Wintzer wanted to know why that was preferred over building a full size clubhouse. Mr. Gamvroulas replied that a 3,000 square foot clubhouse would be sufficient to provide for this community. There was no guarantee that there would be a demand for a daycare. To build a 5,000 square foot clubhouse was cost prohibited. If there is a demand for some type of support commercial or a daycare, they could construct a building in a different location for that use. Commissioner Wintzer asked if the developer would pay for the daycare or support commercial when there is a demand. Mr. Gamvroulas answered yes.

Mr. White stated that the original language in the findings of fact addressed the conditional use permit process and other things, and that would remain the same.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz referred to page 267 of the Staff report and Conditions 63, 64, 65, 66. She appreciated the language regarding the easement. She suggested revising the language to read, "An easement to the parcel to the south shall be provided at the request of Park City Municipal if all property provided accesses within the Park City Municipal boundary."

Assistant City Attorney McLean offered a legal recommendation that also pertained to Finding #9. She had looked through the Code to see if there was anything to link this to annexation of the Gilmore property. The Code talked about construction of dead-end roads in 15-7.3-10. Ms. McLean suggested that Planning Commission request that the applicant offer for dedication an easement for emergency access only. The City Engineer will analyze the offered easement of dedication to determine whether it is warranted per the County and City master streets plans. Under the Code the City Engineer can make a recommendation. It will be offered up for dedication and the City Council

will have the ability to review it and determine whether it is warranted to accept that dedication based on the streets master plans. She pointed out that the Fire District asked for it from the standpoint of emergency access; but not for street connectivity.

Commissioner Hontz stated that she would support taking out the entire requirement. She assumed they would want the adjacent property owner to meet the standard and the City would want to understand what they were trying to do. She did not think they should make it easier at this time to provide the emergency access, since they might not necessarily deem what they were doing as annexable into the City. Commissioner Hontz understood that they were trying to be good neighbors, but the Fire District is not the Planning Commission and they do not have to include their recommendation.

Assistant City Attorney McLean stated that the Planning Commission could leave the easement between the parties as another alternative. Ms. McLean was unsure whether the property was within the annexation declaration area.

The Commissioners agreed to eliminate the last part of Finding of Fact #9 that was written in light blue in the Staff report, and to eliminate Condition of Approval #63 entirely.

Commissioner Hontz referred to Condition #64 and asked if the Voluntary Cleanup Program would become a public document if it is submitted to the City. Assistant City Attorney McLean replied that she was not familiar with the Voluntary Cleanup Program.

Amy Findley stated that it is a public document. All documents pertaining to the site are currently public documents. The Voluntary Cleanup Program is publicly accessible.

Commissioner Hontz referred to Condition #66, and she assumed that the VCP was different than the actual report. Ms. Findley explained that the VCP is the Voluntary Cleanup Program run by the State. It is a document that documents the work that is required by the Voluntary Cleanup Program. The report documents exactly what is on the property and the lateral/vertical extent of any soil and ground water impacts.

Commissioner Hontz turned to page 15 and 16 of the report. She believed this was the type of information a citizen would be looking for if they were a prospective buyer. She was certain it met State standards and Federal guidelines; however, the information in the conclusion is exactly what the impacted soils contained in the summary. She expected to see the exact wording of what was found in the soils, instead of the words "impacted soils" or "concentrations". Commissioner Hontz did not think the information provided was clear, but she would read it and know there was an issue. Commissioner Hontz stated that her concern was making sure that someone who takes the time to understand the situation can actually understand the information. She did not believe the report was clear enough for the average person to understand.

Assistant City Attorney McLean stated that the Voluntary Cleanup Program is a well-established program. It is State mandated and they are very thorough. They make sure that what is proposed meets safe standards and they follow through on what is proposed. Ms. McLean noted that the document was prepared for the State for a specific purpose, and she did not believe the Planning

Commission could mandate what should go into the report and/or what could be disclosed. The State has certain requirements on what needs to be disclosed for soils and Ms. McLean did not think it was appropriate to pick on one project. If they want those types of changes and disclosures, she would recommend that the Planning Commission apply it throughout the City and make all areas with remediated soils and/or heavy soils have such disclosures.

Commissioner Hontz respected Ms. McLean's comments; however, she personally has extensive background in environmental studies and development. Commissioner Hontz noted that the report clearly states what was found on the site. She was simply asking that it be stated again in the conclusion in a concise format.

Commissioner Hontz remarked that throughout the Country multiple projects have been built in areas that have needed to be cleaned up. However, she does not like how the government treats the public after it is cleaned up by saying that everything is fine and the public does need to know anything more. Commissioner Hontz stated that there is an application before the Planning Commission under which they were allowed to address this issue. She did not believe she was asking for anything beyond the standard of what would be expected of any developer. Commissioner Hontz stated that she was not asking for an unrealistic disclosure. She wanted disclosure of what exactly happened in the cleanup in a format that the average person could understand.

Ms. Findley remarked that all the information was contained in the report, and Section 4 talks about the results. She explained that it was a complex investigation and they had collected over 1200 soil samples in four distinct investigation areas, as well as ground water samples. Ms. Findley stated that it was not something that could be summarized clearly in a paragraph in the conclusion; however, the result section details where all the samples were collect and the concentrations. All the tables clearly define the extent of impacts in each area and the site was gridded.

Commissioner Hontz stated that she had read the entire report, and she disagreed with Ms. Findley about not being able to summarize a conclusion. Planner Whetstone clarified that the entire report was 700 pages with appendices and figures. She had only provided the Planning Commission with the text.

Mr. Gamvroulas noted that this report had been accepted by the EPA and the EQ. He understood Commissioner Hontz's concern in terms of what a lay person should be able to read and understand. Mr. Gamvroulas stated that the purpose of the Site Characterization is not what it will be in the future, but what it is and how it is found today. The Remedial Action Plan is the other report of what happens. A final report is the Certificate of Completion, at which time the site characterization is no longer valid because it is the past.

Commissioner Hontz stated that for Condition #66, she wanted a condition of approval that supports informing the public in a way that is not overly inflammatory or restrictive.

Mr. Hathaway stated that if they were dividing up and selling the property as is, there would be obvious concerns. However, that is not the case. The property for sale would be remediated, clean property and posted with a certificate of completion. It would be cleaned up according to EQ

standards, and by Utah Statute, no one acquiring the property would ever be responsible for what occurred in the past, once the certificate of completion is issued. He was not aware of any requirement that would require a seller of remediated property to disclose anything. However, Ivory Development has a practice of disclosing everything about all pieces of property and they make available to all prospective purchasers, all information related to ground water, soils, master plan issues, etc. Ivory has a library of for each of their projects and this would be included in that library and available to any prospective buyer who requests to see it. Mr. Hathaway stated that in addition, they have drafted language that would be included in the contract itself. It is a statement that would go to the prospective purchasing public. Mr. Hathaway passed around copies of the drafted statement.

Commissioner Hontz understood from Mr. Hathaway's comments that there was no required disclosure. Mr. Hathaway replied that case law in Utah requires disclosure of anything material to the buyer. It is left up to the developer to decide what is material to the buyer because it is not specifically defined.

Commissioner Hontz suggested that they eliminate Condition #66 on page 267 regarding all required disclosure requirements. Planner Whetstone noted that Condition #66 was written for the soil repository. The Staff understood that the concern was with the repository and that people knew what was there. The requirement was not for the lots because those would be cleaned and issued a certificate. Commissioner Hontz did not believe there was a required disclosure for the repository either.

Director Hontz suggested revising Condition #66 to incorporate the statement Mr. Hathaway submitted into the condition and say, "similar to this language." She thought the draft statement did a good job of indicating that something was there and it is now clean. She still had concerns with the last part of Condition #66 because this was not the type of information she would want to see in community noticing. She preferred to indicate a place where people could go to look up all the information that is available.

Mr. Hathaway clarified that in the contract packet that goes to all prospective purchases is a property condition that is unique for each subdivision. He assumed that Condition #66 as it relates to the cap would be included on one of those conditions. It is part of the neighborhood and part of the master plan and it would be disclosed. Mr. Hathaway stated that the language they have been discussing would also be included in those disclosures, along with all the other disclosures that would be made. He emphasized that it would be contained in a contract that the buyer receives and reviews before they can make an offer to purchase the home. It also invites them to the library to look deeper into the issues.

Ms. Findley remarked that all documents pertaining to the site characterization and the cleanup action would be available online on the State of Utah website.

Commissioner Hontz suggested revising Condition #66 to say, "...a disclosure, similar to the handout, shall be provided to prospective buyers and home buyers regarding the soils repository and site conditions." She preferred to eliminate or reword the last part of the condition regarding community noticing at the clubhouse.

Assistant City Attorney McLean advised the Planning Commission that this was a Master Planned Development amendment. She understood Commissioner Hontz's concern about transparency, but she was unable to find a provision in the Code that would support Condition #66 because it is not an issue that the Code addresses. Commissioner Hontz noted that the Counsel representing the applicant stipulates that they intend to provide the information regardless. Ms. McLean stated that the applicant could choose to stipulate to a certain condition. However, she understood that the information was provided as part of the sales packet, but it is not typically posted in clubhouses. Ms. McLean stated that if the Planning Commission puts conditions of approval on the applicant, they need to make sure it can be supported by Code.

Commissioner Hontz asked if the applicant was willing to stipulate to Condition #66 as amended. Mr. Gamvroulas replied that it would depend on the language. He stated that generally speaking they would agree to stipulate to some type of language indicating that the applicant would provide disclosure either through the sales process or through covenants of the remediated site and the existence of a repository within the boundary of the MPD.

Commissioner Hontz was comfortable with the wording Mr. Gamvroulas suggested, but adding, "more historical and environmental contamination." Mr. Gamvroulas stated that the applicant would disclose that it was contaminated and cleaned up, but they would not add a page showing every place where it was contaminated, because it is no longer contaminated. They would disclose within the sales contracts and/or the covenants of the community. He noted that this was not a negative for Ivory Development because they would be able to issue a certificate to the buyer letting them know that the area is clean. However, he did not want the Planning Commission to wordsmith his sales contracts because it is a private contract with another private person or entity.

Commissioner Hontz clarified that she was only trying to use the language that was drafted that hit on the key words to address her concerns. Mr. Gamvroulas stated that the language would be in a sales contract with a personal buyer, and he believed it was a relationship between Ivory Development and the buyer. He pointed out that disclosure ends with the buyer because when that person sells to someone else, at that point Ivory Development had no control over whether or not the seller discloses it to a future buyer. Anything meaningful or long lasting should be in the Covenants because that is a lasting document that affects everyone within the development.

Mr. Gamvroulas was not opposed to a condition that generically requires them to disclose within the Covenants the existence of the repository, that the area went through the VCP, and that they have received a certificate of completion. Ms. Findley stated that the area the repository lays on will be reported on the Covenants as a requirement of the Voluntary Cleanup Process.

Planner Whetstone drafted language for Condition #66 to read, "That the applicant stipulate to a condition that a disclosure regarding the Voluntary Cleanup Program, shall be included in the CC&Rs concerning the remediated site and the soil repository." The sentence regarding noticing in the clubhouse was removed.

Mr. Hathaway suggested "...regarding the developer's participation in the Voluntary Cleanup Program and received a Certificate of Completion shall be included in the CC&Rs." He deleted the remaining language, "concerning the remediated site and the soil repository." The Commissioners

and Mr. Gamvroulas were comfortable with Condition #66 as amended.

Mr. White referred to page 250 of the Staff report, Finding of Fact #1(o). He was unsure how the Planning Commission felt about the proposed commercial site, but if that was approved, the underlined language in red would not be necessary. Finding 1(o) was changed to read, "A 3,000 sf community center/club house shall be constructed by the developer. Exterior bathrooms will be available for park users." Mr. White suggested that they move the last sentence of #1(o) regarding the daycare and add it as #1(u). The Commissioners concurred. The language was revised and expanded to read, "Construction of support commercial such as a daycare facility, café, or other support commercial/offices would be the responsibility of the owner/developer of said property."

Mr. White referred to page 253 of the Staff Report, Finding #26 regarding the geotechnical study. He noted that there were two different soil studies in the same paragraph and that needed to be clarified and changed. Mr. White was comfortable with the first sentence as written; however, the redlined language beginning with "Further soils investigation work was conducted..." was a different type of soils study and should be moved to Finding #49, which talks about the historic mine soils. Mr. White suggested adding language to Finding 26 to say, "A new and an additional Geotech report was prepared on December 20th, 2011 and provided to Staff."

Mr. White explained that one study was the Geotechnical Soils report to build structures on the site. The second study was the Site Characterization Report related to the contaminated soils. It was important to keep the two studies separate. Commissioner Hontz preferred to address the Site Characterization report as a separate Finding #50.

Mr. White referred to Finding #37 on page 255 of the Staff report and noted that the language references Parcels I and J, which no longer exist. Mr. Gamvroulas stated that when they do the new preliminary plat, it would replace the current preliminary plat and parcels I and J would not be reflected. He thought the entire Finding could be removed. Mr. White agreed, since the same issues were addressed in the revisions to Finding 1(o) and 1(u).

Planner Whetstone questioned whether someone looking back might wonder why Parcels I and J were not shown. Commissioner Wintzer thought they should wait to address the issue when they review the new preliminary plat. He did not believe it was necessary to have the history in these Findings of Fact.

The Commissioners were comfortable deleting the language in Finding #37 and replacing it with "Intentionally deleted."

Chair Worel asked if the extension was part of these amendments or if it was a separate issue. Assistant City Attorney McLean remarked that it was within the MPD and addressed in Condition #36 with the extended date.

MOTION: Commissioner Thomas moved to APPROVE the proposed Amendments to the Park City Heights MPD and the Extension of the approval based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report, with the edits and revisions that were made this evening. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

It was noted that Condition #36 had October 26, 2014 as the expiration date of the extension and that needed to be changed to reflect one year from the date of approval, which would be November 6, 2014. Assistant City Attorney McLean recommended that the Planning Commission make an amended motion to change the date in Condition #36 to reflect the correct date.

MOTION: Commissioner Thomas amended his previous motion to include changing the expiration date in Condition #36 regarding the extension, from October 26, 2014 to November 6, 2014. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Chair Worel called for discussion or comments on the Design Guidelines. Mr. White referred to a previous comment by Commissioner Hontz regarding the small lot single family detached homes and privacy issues with the yards. Mr. White stated that they looked at those and made minor adjustments to the site plan. More depth was added to the lot lines and because of that, the applicant was proposing a small change to the fences in the small lot single-family detached Park Homes only. Mr. White noted that previously the design guidelines did not allow for privacy fences. It only allowed for open or rail fencing to provide physical separation, but not visual separation. Mr. White stated that the rear yard setback was approximately 15 feet. The homes would be tight together and they believe a six foot privacy fence makes sense in that location only. Mr. White proposed adding language to that affect under Fences, Gardens, Walls and Gates.

Commissioner Hontz asked about the width of the lot. Mr. Spencer replied that the widths vary. The widest is 54', the middle lot is 42' and the end lot is 46'. The lots themselves are 67' deep.

The Commissioners accepted the proposed change.

Findings of Fact

1. The Park City Heights MPD includes the following:

a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.

b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.

c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse

units. These units will be configured as Single Family Detached Cottage Homes and dispersed throughout the cottage homes area.

d. 35 additional non-required deed restricted affordable units in a mix of unit types. These units will be configured as small lot Single Family Detached Park Homes.

e. All units (including all deed restricted units) will be constructed to, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.

g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.

h. A dedicated 5.70 acres () of public neighborhood parklands with fields, tot lot and playground equipment, shade structure, paths, natural areas, and other amenities to be designed and constructed by the developer and maintained by the City. This parkland is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the public park users. Community gardens may be developed by the HOA in close proximity to the parkland within open space areas adjacent to the small lot Park Homes or the Park Homes.

i. intentionally left blank

j. 3 to 4 miles of soft surface trails within and around the property and an additional mile or so of hard surfaced sidewalks and paths along the Project's streets.

k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the

Road from the project to the Rail Trail. Trail connections to the south property line for future connections to the Jordanelle area. Trail easements on north side of Richardson Flat Road from Rail Trail to the east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.

l. A Transit bus shelter along Richardson Flat road including “dial-a-ride signs” (City bus service is expected to be extended to Park City Heights and the Park and Ride).

m. Bike racks at the club house and Public Park.

n. Cross walk across Richardson Flat road at the rail trail.

o. A 3,000 sf community center/club house shall be constructed by the developer; Exterior access bathrooms will be available for park users.

p. Water infrastructure improvements that enhance the City’s overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.

q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.

r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.

s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.

t. No sound barrier walls or structures along US 40 within or related to the MPD.

u. Construction of support commercial such as a daycare facility, café, or other support commercial/offices would be the responsibility of the owner/developer of said property.

2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.

3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities,

restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.

4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.

5. On June 30, 2010, the applicants submitted a complete MPD application.

6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.

7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011.

8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements.

9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. No access is proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.

10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities.

11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan.

12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users.

13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park areas, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design.

14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are excluded in this analysis the net density is 0.67 units per acre (160 units on 239 acres).

15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.

16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with.

17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with.

18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife. An updated report was submitted by Logan Simpson Design, Inc. on July 7, 2011. The purpose of the updated report was to provide additional recommendations on mitigating impacts of the development on the wildlife in the area; to validate the observations of the earlier biological reports; to further study and identify wildlife movement corridors, evidence of species of high public interest such as Elk, Moose, Deer, and other small mammals; locations of dens or nesting sites; and to identify any areas of high native species diversity.

19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (greater to the south property line).

20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.

21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual

analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units along this perimeter that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.

22. Intentionally left blank.

23. Design Guidelines for the Park City Heights MPD address site planning, setbacks, house sizes, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.

24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department prepared a Short Range Transit Development Plan to study demand for transit, routes, efficiency of the transit system, etc. This Transit Plan addresses the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City.

25. Construction traffic is required to be addressed in the Construction Mitigation Plan.

26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study. An additional geotechnical report was prepared by AGECE dated December 20, 2011 and submitted to the City.

27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site.

28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160

market rate units). These affordable units are configured as a mix of single-family detached, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be configured as the small lot Park homes as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. All units are proposed as for sale units. Defining the configuration of units to be as follows:

- a. 35 Deed restricted units will be configured as Small Lot Single Family Detached Park Homes.
- b. 28 Deed restricted townhouse units will be configured as attached Four-plex Park Homes.
- c. 16 Deed restricted units will be configured as Single Family Detached Cottage Homes dispersed throughout the development.

29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.

30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.

31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.

32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues.

33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.

34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.

35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management policies and plans and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.

36. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance.

37. Intentionally deleted.

38. A master sign plan is required for Planning Department review and approval and all individual signs, including subdivision identification signs, require a sign permit prior to installation.

39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.

40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.

41. The applicant stipulates to the conditions of approval.

42. The discussion in the Analysis sections of the March 23, 2011, October 9, 2013, and November 6, 2013 Planning Commission Staff Reports are incorporated herein.

43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Power line setbacks as required by this Utility.

44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character".

45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City.

46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries.

47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices.

48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex.

49. The MPD provides for remediation of historic mine soils for the good of the greater Park City community.

50. Further soils investigation work was conducted and a Site Characterization Report was prepared by IHI Environmental (May 6, 2013) to identify and locate historic mine soils and to draft a remediation plan to submit to the State Department of Environmental Quality as part of the Voluntary Cleanup Program.

Conclusions of Law

1. The amended MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5.

2. The amended MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.

3. The amended MPD, as conditioned, is consistent with the Park City General Plan.

4. The amended MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement in terms of uses, density, housing types, site plan, affordable housing, open space, trail connections, road and intersection improvements, interconnectivity within the neighborhood, and provided neighborhood amenities.

5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City by providing a residential neighborhood of mixed housing types and prices connected by trails to parks, schools, recreation facilities, employment centers, medical facilities, and commercial areas and that is buffered by larger interconnected areas of open space that preserve entry corridor views of the resort areas and provide wildlife movement corridors.

6. The amended MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.

7. The amended MPD provides amenities to the community so that there is no net loss of community amenities in that trail improvements, parkland, affordable housing, potential for neighborhood support daycare/commercial are provided, and remediation of historic mine soils on the site will be undertaken at a benefit to the community at large.

8. The amended MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed. Additional affordable house, above that required is provided within the neighborhood.

9. The amended MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible. Seventy percent of the property remains in open space, with much of the undeveloped land containing significant vegetation and characterized by steeper slopes, visible hillsides, and sensitive ridgeline areas.

10. The amended MPD promotes the Use of non-vehicular forms of transportation through the pedestrian friendly site design and by providing trail connections, sidewalks, access to the Rail Trail, and easy access to parks and open space areas.

11. The MPD and MPD amendments have been noticed and public hearings held in accordance with the LMC.

Conditions of Approval

1. All standard project conditions shall apply (Attached).

2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.

3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.

4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.

5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of

Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score.

Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.

7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance.

8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(I) and 15-3-3(c) and the Park City Heights Design Guidelines.

9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.

10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.

11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping

and Maintenance of Soil Cover. A detailed Limit of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent unnecessary disturbance of native vegetation.

12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments.

13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.

14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats.

15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground.

17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat.

18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These

boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer.

19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.

20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).

21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies.

22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system.

23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; cleanup of degraded areas; and new nesting habitat/bird and small mammal boxes.

24. Lots 89 and 90 of the amended preliminary subdivision plat have been shifted to match the trail phasing plan to locate the trail connection on the open space.

25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.

26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire

protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.

28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department.

29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats, unless they are located within designated public open space parcels. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan.

30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement.

31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.

32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD.

33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.

34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.

35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation

constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines.

36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire on October 26, 2014, unless Construction, as defined by the Uniform Building Code, has commenced on the project.

37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.

38. The Park City Soils Boundary shall be identified on the final plats (if applicable).

39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.

40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.

41. A re-vegetation plan for all disturbed areas (existing and newly disturbed) that are not landscaped with finished landscaping shall be submitted with the final road and utility plans for each phase. Re-vegetation of all disturbed areas within Phase One, that are not planned to be landscaped with finished landscaping, such as road and utility installation, soil remediation, other existing disturbed areas, shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.

42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs.

43. One additional site visit was required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report, provided to the Planning Department by Logan Simpson Design Inc. on July 7, 2011, included additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report was provided to the Planning Department on July 7, 2011.

44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist and any active nests are protected during construction

45. Left blank intentionally.

46. Due to the visual exposure of lots on the minor ridge, lots on the western perimeter, namely Lots 23, 24, 30, 31, 66, 67, 76, and 77 of the preliminary subdivision plat prepared by Ensign dated 1/17/11, shall be required to obtain a conditional use permit prior to building permit issuance, if proposed building heights are greater than twenty-eight feet (28'). Reconfigured Lots have been moved down the hill farther away from the minor ridge as much as possible and the concern for visual exposure is lessened with the revised plan. Lots 76 and 77 remain the same.

47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location.

48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible.

49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources, as described in the Park City Heights Design Guidelines.

50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.

51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities.

52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD.

53. The Applicant must meet all applicable bonding requirements.

54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters.

55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance.

56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve Points, solar access of adjacent lots, onsite snow storage, and ability to solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3..

Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following: (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet
Lots 130 thru 154- 4000 square feet
Lots 163 thru 164- 4000 square feet
Lots 70 thru 72- 5000 square feet
Lots 105 thru 129- 5000 square feet
Lots 155 thru 156- 5000 square feet
Lots 77 thru 98- 6000 square feet

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) "best practices" in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town.

57. The Park City Heights Design Guidelines were approved by the Planning Commission prior to ratification of the Development Agreement by the Planning Commission and shall be used to review all activity and permits for compliance with the MPD.

58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval.

59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City's Public Works Director. The soil repository shall not be utilized for snow storage. Storm water detention areas to the west of the designed repository shall be allowed to be utilized for snow storage as well as storm water.

60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program.

61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn's Junction region.

62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan.

64. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.

65. The results and report of the soils investigation work prepared by IHI Environmental May 6, 2013) that identifies and locates historic mine soils, and the remediation plan submitted to and

approved by the State Department of Environmental Quality as part of the Voluntary Cleanup Program, shall be provided to the Building Department prior to issuance of any building permits for development of streets, utilities, lots, trails, parks, and all construction that requires disturbance of soil.

66. The applicants stipulate to a condition that a disclosure regarding the developer's participation in the Voluntary Clean-up Program and receipt of certificate of completion shall be included in the CCRs.

3. General Plan – Overview of draft changes

Neighborhoods

Maps of the individual neighborhoods were on display through the room.

Planning Manager Sintz stated that a lot of the issues that were raised when discussing the different elements filtered down to neighborhoods. A number of items that were marked had been discussed or modified in previous discussion. For that reason there were less neighborhood issues in this section of the General Plan. Other than changes to the maps, the discussion was primarily a confirmation of some of the smaller items. She encouraged the Commissioners to speak up if an item was missing so it could be incorporated into the final draft.

Thaynes

Planning Manager Sintz referred to page 314 of the original General Plan Draft. She commented on a request to define different types of open space and there was a specific reference to the barn that was listed on page 314. Since that discussion took place, the Staff added a new section under the Natural Setting Strategy Section on open space. Planning Manager Sintz noted that this was new information that came out of the discussion, and she asked for comments on the breakdown of open space.

Director Eddington remarked that the Staff worked with COSAC and they looked at some of the old definitions from Summit Land Conservancy. They also looked at the City's definition for different open space from open space documents. The Staff tried to define passive and active open space. He noted that "urban" was a little more focused on what the Planning Commissioner deals with in MPDs, etc. Director Eddington stated that the Staff compiled all the information into a simple format that could serve as a guiding document for passive, active and urban.

Commissioner Hontz referred to page 23 of the Green Section. She thought pools were a good representation of active space, but she questioned whether private pools should be considered the same as public pools. Commissioner Wintzer suggested adding the word "public" in the language to make the distinction. The Commissioners concurred.

Planning Manger Sintz asked if Commissioner Hontz had the same concern with Fields and Courts. Commissioner Hontz thought the word "public" should also be inserted in that language. Planning Manager Sintz suggested revising the language on the previous page under Active Open Space to

read, "Active Open Space consists primarily of public recreation facilities. The Commissioners felt that was appropriate because it would specify "public" for all the recreation categories.

Planning Manager Sintz referred to page 318 of the draft copy of the General Plan, and the bullet point that related to their discussion regarding removing co-housing as a housing type.

Director Eddington noted that another modification was the anticipated future conditions map. Initially it just said Future Conditions. The maps were changed to say, Anticipated Conditions. Director Eddington referred to pages 4 and 5 of the new draft and noted that they had left in Natural Conditions. However, they simplified some of the mapping and changed "open space" to "amenities", because it is not always open space when they discuss the amenities.

Commissioner Wintzer referred to page 11 of the new draft and language on the right hand side stating, "The Planning Commission shall consider adopting increased rear yard setbacks." He asked for clarification on where exactly that could occur, or whether it was all the lots. Director Eddington stated that it was talking about a general philosophy for most of the large lots in the Thaynes neighborhood to keep the back side protected. It was a recommendation that the Planning Commission consider looking at that for future LMC changes.

Commissioner Hontz stated that most of her changes were minor and she had clearly identified them on the front page. She pointed out that it was mostly regarding the photos. In the interest of time, she would submit her changes to the Staff following the meeting.

Planning Manager Sintz noted that the task force contacts for Neighborhoods were Commissioners Thomas and Hontz. Since the Planning Commission had decided on a hard stop at 10:00, the Commissioners could submit their changes or questions to their task force representatives if they were not addressed this evening.

Commissioner Wintzer asked to make a general comment on neighborhoods. He noted that in the Resort Center neighborhood the Staff had included plan principles, and he thinks it makes people focus on what those are. He suggested that they consider doing that for all the neighborhoods because the rest drift through the neighborhood without any focus points. Commissioner Wintzer provided examples of plan principles that could be considered for specific neighborhoods. He thought they should try to identify one or two important items for each neighborhood. Commissioner Wintzer had ideas for all the neighborhoods that he would share with the Staff.

Park Meadows

The Planning Commission agreed with the changes made to the Park Meadows Neighborhood as summarized on page 302 of the Staff report.

Bonanza Park and Prospector

Director Eddington commented on a previous discussion about separating these two neighborhoods. He asked if the Commissioners wanted to separate Bonanza Park and

Prospector, or whether they wanted the Staff to focus on area plans for this area. He noted that an area plan was done for Bonanza Park and that would be coming back to the Planning Commission early next year when they talk about Form Based Code. The Planning Commission could choose to divide these two neighborhoods or they could recommend that the Staff do a Prospector area plan for everything to the east of the Bonanza Park line that bifurcates Bonanza Park and Prospector.

Director Eddington stated that the idea of having mixed-use connected is ideal because it makes a true neighborhood. The Staff thought it was better to leave them together and do two area plans. However, the Staff would support dividing the two.

Chair Worel believed the residents think of themselves as being separate. She did not think the Prospector residents consider themselves part of Bonanza Park. Commissioner Gross agreed. Commissioner Wintzer thought a primary goal for all the neighborhoods is to protect the existing affordable and attainable housing. If they lump all of Prospector into one neighborhood, it creates a tendency to look at general things that might encourage more growth. Commissioner Wintzer felt it was important to keep the areas that function as middle class housing areas from morphing into second homes or other things where they end up losing what they have. He was concerned that it could take five years to get an area plan, and he was uncomfortable talking about an area plan in the General Plan. Commissioner Wintzer stressed the importance of protecting Fireside and similar areas.

Chair Worel remarked that Bonanza Park and Prospector each have their own unique sense of community. Commissioner Thomas agreed. Director Eddington asked if the majority of the Commissioners favored separating the two. Commissioner Gross thought they should be separated as long as they have neighborhood connection as one of their goals.

Planner Astorga asked if they considered Snow Creek separate or part of Bonanza Park. Commissioner Gross thought it made sense to bring Snow Creek into the mix. Director Eddington pointed out that Snow Creek was actually in Bonanza Park.

Commissioner Wintzer thought pages 24 and 26 of the new draft supported the reason for keeping the two together, because it showed the transportation system going through the entire neighborhood.

City Attorney Mark Harrington suggested that they keep the two together, with the distinction of Sub A and Sub B as previously discussed. Director Eddington stated that establishing plan principles for Bonanza Park was easy, but they would have to establish some plan principles for Prospector. Commissioner Wintzer did not believe the principles would be much different. Commissioner Thomas remarked that the point is that it should not be homogenized into one large massive zone.

The Staff would modify this neighborhood based on their comments.

Planning Manager Sintz referred to page 303 of the Staff report and the second bullet point, which was to modify the language on page 338 of the General Plan Draft. The new language

read, "The City has the responsibility to incentivize local businesses via existing and new economic development tools." The Commissioners were comfortable with the revised language.

Planning Manager Sintz reported that when the Planning Commission used the voting mechanism in the earlier General Plan meetings, there was no consensus for the principle in the old draft page 340, 3.5 – Bonanzas Park and Prospector, "A central hub for public transportation." It was a 50/50 split vote. Commissioner Wintzer recalled that some of the Commissioners needed more information which contributed to the split vote. The question asked if they were interested in a public transportation hub, but it never said what it was connected to, where, etc. Commissioner Wintzer believed all the Commissioners were interested in a transit hub, but if they were not careful, it could be a non-stop to Salt Lake. It needed to be more defined before they could make a decision.

Director Eddington stated that the idea is for some type of transportation hub that would serve initially as Bus Rapid Transit and possibly move to street car and trolley. It would possibly connect Bonanza Park to the Main Street Transit Center. It could potentially have a future connection to Kimball Junction. Planning Manager Sintz understood from the minutes that the concept was whether or not the location was ideal due to perceived development that would occur in that specific neighborhood. Planner Astorga clarified that the question was asked because this District has two major corridors; SR224 and Kearns Avenue.

Commissioner Thomas noted that others have talked about ways to connect Bonanza Park to Main Street and to the Resort and how that component has a relationship with the other parts of the community. He believed there was a big difference between that idea and transit connecting to Kimball Junction or Salt Lake City, which is an entirely different discussion. Commissioner Hontz thought another important question was where to collect the people.

Commissioner Thomas stated that for him the answer was still unknown. Commissioner Hontz concurred. Commissioner Thomas thought the issue required a broader discussion at another time. The Planning Commission thought the language should be to explore a central hub for public transportation. City Attorney Harrington thought they could eliminate the very last phrase of Principle 3.5, because there was enough generality in the rest of the language regarding transportation options.

Planning Manager Sintz asked if the Commissioners would consider changing the bolded language to read, "Explore a central local hub for public transportation." The Commissioners were comfortable with that language. Director Eddington asked if they would consider "throughout Park City and Snyderville Basin." Commissioner Hontz answered no. Commissioner Wintzer thought they should consider Snyderville Basin because it is the closest big stop from Kimball back into town. Director Eddington recommended that they at least explore it because it has the majority of affordable housing and their work force. Director Eddington offered to draft language that would include possibly connecting Park City to Snyderville Basin. He would remove Salt Lake City from the current language.

Commissioner Thomas stated that one of the things they heard from the consultants was for a

better cross section of housing and more affordable and attainable housing within the City limits. If they encourage pushing the transit to Snyderville Basin, it changes that goal. Director Eddington clarified that he was only suggesting that if they were exploring a hub, it could probably go both ways from Bonanza Park. It could go south to Main Street and it could go north to the Canyons or Kimball Junction. He thought they should want that from a regional perspective. Commissioner Thomas believed there would be consequences. One is that affordable and attainable housing component would be pushed further and further out of the community because people could ride mass transit to come into town. Director Eddington remarked that an advantage would be to utilize some of the affordable housing that could be in Bonanza Park to go to a professional job at the junction, as well as connect to Main Street.

City Attorney Harrington separated the infrastructure policy decision from the implementation of connectivity and use. He stated that from a general perspective, the last phrase says nothing other than "especially if". The General Plan is only guidance, and they were talking about infrastructure for a hub that will facilitate connectivity between this area and the resorts. They can decide at a later date whether that should be primarily from an intra-city perspective or interconnected regionally. Mr. Harrington stated that the infrastructure for the vision is increased infrastructure for connectability. How much connectivity to add could be a subsequent policy decision. Mr. Harrington recommended that they separate that from the neighborhood issue and address the connectivity discussion regionally in the regional section.

Commissioner Thomas suggested that they keep it simple and remove the last paragraph without adding anything new. Planning Manager Sintz asked if the Commissioners were comfortable with the language in 3.5, with the exception of the last phrase. Commissioner Hontz noted that they were also adding the word, "Explore a central hub for public transportation." The Commissioners concurred.

Resort Center

Planning Manager Sintz noted that there were clarifications on some of the maps, and the removal of community co-op and community gardens, per previous discussions.

Commissioner Wintzer read the list of planning principles he had written: Protect Prospector single-family housing as primary residence; protect existing affordable and attainable housing in the area; protect entry corridor; protect views from entry corridor; limit nightly rental and timeshare; improve the entry experience into town. The Commissioners concurred.

Old Town

Chair Worel liked the idea of having a new strategy to update the ridgeline map. Director Eddington stated that it was also added as an overall strategy to the Natural Setting section. Commissioner Wintzer was unsure why they listed vantage points for Old Town. He thought it was better to add language, "To limit or discourage development on ridgelines". It should not matter where you see it from. He suggested a map that calls out the ridgelines. Director Eddington clarified that Staff was recommending re-examining the ridgeline map and subsequent Code language. Commissioner Wintzer reiterated that they should eliminate the

vantage points and limit or discourage development on the ridgelines. Commissioner Hontz concurred.

Chair Worel was not convinced that vantage points were not important. Commissioner Thomas recalled a concern many years ago about the steep slope criteria and the sensitive lands ordinance. He believed they were expressing the same concern for building on ridgelines. If the General Plan discourages building on ridgelines, it can be explained further and more definitively in each of the neighborhoods.

Masonic Hill

When the Planning Commission voted with keypads in a previous meeting, it was a 50/50 split on whether or not to improve pedestrian connectivity to Old Town. Commissioner Gross asked if the main issue was connectivity across Deer Valley Road. Planning Manager Sintz believed it was the steepness of the grade. Commissioner Hontz thought it was unrealistic to expect that people would walk from homes on the hill down the entire road, across Deer Valley Drive and then somewhere else.

Planning Manager Sintz asked if there was consensus to delete "improve pedestrian connectivity to Old Town." The Commissioners concurred.

Lower Deer Valley, Lower Deer Valley, Quinn's Junction

The only changes were minor graphic modifications. The Commissioners had nothing new to add.

Commissioner Wintzer stated that as they reviewed the neighborhoods he made notes on items where he had questions or comments. He asked if the Staff wanted to discuss those this evening or if he should come into the Planning Department. Director Eddington stated that in the interest of time it would be best if he could meet with Staff in the office. Commissioner Gross noted that he had also made notes for discussion. Director Eddington asked the Commissioners to provide their notes to their task force representatives or schedule time with Staff.

Commissioner Hontz referred to page 113 of the new draft dealing with the EPA. She requested another map or an additional line that identifies the Voluntary Cleanup Program area. Director Eddington stated that they would have to make sure they could get the parcel map overlay to identify property. The Staff could look into it. Commissioner Gross asked if there was potentially more than one. Commissioner Hontz replied that there would be if someone else was to do soils testing. She noted that as it was presented, it is public information that is readily accessible by anyone with a computer and skill set to type in the State website. She thought it should be included in the General Plan because it is so readily accessible and available to all members of the public.

City Attorney Harrington stated that there was a fundamental difference in the sense that the

VCP program evolves and changes rapidly. Therefore, the General Plan would likely be quickly out of date. Mr. Harrington believed there was a public policy difference in terms of incorporating this in the General Plan versus a VCP or something going through the soils ordinance in the City. The true question is imparting notice on things that are governed by either State or Federal law versus making sure the public or prospective buyers are aware of areas impacted by soils.

Commissioner Hontz noted that pages 112-113 basically talked about this area. She agreed that the map referenced something very specific regarding the EPA; however, she believed that there was additional information relevant to this historical contaminated area that was appropriate to add.

Commissioner Wintzer referred to page 212, first column, and noted that it had Items 1 and 2 and then it skipped to Item 5. Director Eddington clarified that there were no missing items, they were just mis-numbered.

Chair Worel clarified that the Commissioners would submit their individual comments to the task force representatives or personally go into the Planning Department to meet with Staff. She asked if there were other comments.

Commissioner Thomas assumed they would eventually review the Introduction section of the General Plan.

Chair Worel opened the public hearing.

Steve Swanson was concerned that this might be the last opportunity for a General Plan review, but he was certain they would need at least one more meeting. Mr. Swanson had comments on Natural Setting, but he believed it crossed over into the neighborhood issues because they live in a natural area. He commented on the wildlife habitat x-crossings and noted that one item that was not mentioned was a study of the local service water system, primarily for the riparian habitat. Mr. Swanson stated that most of the wildlife habitat movement occurs in these areas and he did not believe it was well understood. He speaks to that from a neighborhood standpoint in Holiday Ranch. Holiday Ranch has a surface water system that has inefficiencies, but it also serves the needs of the riparian habitats for wildlife. Mr. Swanson clarified that he was looking at page 7 – City Implementation. Since it mentioned community planning strategies he felt a study of this type could be included.

Mr. Swanson commented on a general quality of life issue in terms of the rise of the intensive service sector industry and the industries that have come up in Park City within the last five to ten years. He would include all types of services that have to do with property management, high intensity gasoline powered equipment, anything to do with construction, and equipment supplies. Vehicle travel through neighborhoods is an issue that goes to speed and safety. Mr. Swanson noted that a night-sky ordinance was discussed as a strategy and he felt strongly that it should be enacted. He did not believe the City currently has a night sky ordinance. He was told by someone at the City that Park City has a lighting ordinance. Mr. Swanson referenced a specific industry called Bright Nights. He stated that this issue seriously needed to be looked at in the context of neighborhoods and it deserves to have a place in the Plan.

Chair Worel closed the public hearing.

Director Eddington noted that the Introduction was the only section left to discuss. The Planning Commission had reviewed the other sections extensively and made changes. Director Eddington reviewed the outline and structure of the Introduction.

Commissioner Gross asked about the Triple Bottom Line. Director Eddington stated that in 2007 the United Nations adopted a Triple Bottom Line philosophy and recommended that communities use it as a concept. Currently 1200 communities in 84 countries are using it as a concept. Director Eddington stated that Park City used the concept as a basis for visioning and the four core values were built off of the Triple Bottom Line. It was mentioned in the Introduction so people would know where it came from and what it was about. The idea behind it is that instead of just balancing the budget with revenue and expense, you are supposed to take into account social and environmental equity and the types of projects that focus on those.

Commissioner Thomas asked how you would measure the impacts to people and the environment in terms of dollars. Director Eddington replied that it would be measured through the core values because that was the fundamental basis. It is a hard measure that has started to go more qualitative than quantitative, but that was the challenge moving forward. It is much more difficult than working with straight up revenues.

Commissioner Thomas felt the Introduction was an important piece of the General Plan and it needed further discussion. Commissioner Wintzer agreed. He thought they should have started the General Plan review with the Introduction rather than end with it. Chair Worel suggested that they start with the Introduction at the next meeting. Commissioner Thomas thought it should be noticed to make sure that the public is involved in this part of the process. He thought the philosophy of the Triple Bottom Line needed to be discussed in detail, and the discussion should include who supported it and what were the strengths and weaknesses. Director Eddington stated that it was only included as background information because it helped create the four core values.

Commissioner Thomas stated that the core value came from the community, but the Triple Bottom Line did not. Director Eddington replied that the core values had a basis in Triple Bottom Line. There is some correlation but it is more of a planning philosophy and they should definitely talk about it.

The Park City Planning Commission meeting adjourned at 10:00 p.m.

Approved by Planning Commission: _____