

Alice Claim CUP application

Findings of Fact

1. The Alice Claim property is located approximately at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue, within the Historic Residential (HR-1) and Estate (E) Districts.
2. The Alice Claim plat includes nine (9) single family home building lots on 8.65 acres and a plat amendment of 0.38 acres.
3. A City water tank and land owned by the City is adjacent to the property on the south end, and a City-owned parcel bisects the applicant's property.
4. The applicant previously undertook a voluntary remediation of contaminated soils within the Alice Claim property and the City's property. Following the cleanup, applicant revegetated the remediated areas.
5. The applicant would never have spent upwards of \$1 million in the middle of The Great Recession to complete the voluntary cleanup if it had no assurance from Park City of developing nine homes to recover applicant's cleanup costs.
6. As a Voluntary Cleanup Co-Applicant with King Development in cleaning up the Park City parcel in Alice Claim and applicant's property, the City manifested its approval of developing nine homes in Alice Claim.
7. The extensive cleanup and revegetation of Alice Claim property and the City's property completely changed the site from an unsightly polluted mine dump to a beautiful vegetated site with significant improvements to water quality.
8. The property can only be accessed through the platted Sampson Avenue aka King Road that is depicted and dedicated on the Plat of Subdivision No.1 of Millsite Reservation, Park City, Summit County, Utah recorded with the Summit County Recorder on August 13, 1884.
9. The applicant's entry way requires three retaining walls up to 10' in height each to stabilize cut and fill slopes. The first retaining wall will be adjacent to Sampson Avenue on its north side and starts as a four foot (4') wall and then gradually increases to a ten foot (10') wall towards the south. The other two (2) retaining walls will be next to the first wall, and each wall will not exceed ten feet (10') in height. The walls are designed to align to the contouring of the slope.
10. The walls will be separated by three (3) tiered landscaping areas between each wall consisting of coniferous and deciduous trees as well as shrubs. As recommended by Planning Staff, an additional 20% of tree planting with a minimum height of 10 feet has been added to what was originally identified. This applicant's May 25, 2016 landscape plan and these conditions will reasonably mitigate visual impacts of the walls.
11. The walls will be constructed by soil nailing and overlaid with decorative stone veneer. This process is less disruptive to existing vegetation above the walls and does not require extensive footings that could conflict with utilities at the base of the wall along roadway.
12. The lowest wall along the roadway will extend around the corner created by the intersection with King Road. This public improvement will widen King Road to improve the existing roadway turn movements at King Road, will improve visibility of the Alice Court entry way, and was designed in consultation with the City Engineer.
13. The application for the Alice Claim CUP was deemed "complete" by the Planning

Department on January 23, 2015 and the modified application was deemed complete on March 23, 2016.

14. The reasonably anticipated detrimental impacts of the CUP are reasonably mitigated by tiering walls, stepping back walls, substantial vegetation, soil nailing walls, and stone veneer.
15. The walls as conditioned, designed, and mitigated are compatible with walls within the HR-1 zone and the surrounding neighborhood.

Conclusions of Law

1. The CUP, as conditioned, is consistent with all requirements of the Park City Land Management Code and is compatible with surrounding wall structures and the Park City General Plan.
2. The reasonably anticipated detrimental effects of the retaining walls are reasonably mitigated by the conditions imposed in accordance with applicable standards, including LMC § 15-1-10.E, by tiering, stepping back, substantial vegetation, soil nailing, and stone veneer.
3. The only legal access to the property is through the platted public road, Sampson Avenue aka King Road, as depicted and dedicated on the Plat of Subdivision No.1 of Millsite Reservation, Park City, Summit County, Utah recorded with the Summit County Recorder on August 13, 1884. This public road has not been vacated.
4. The Alice Court entry to Alice Claim requires the retaining walls. Applicant cannot place its property to economically viable use without approval of this CUP for the entry walls.
5. Equitable considerations support approval of the CUP. Applicant's substantial change in position by incurring all of \$1 million in costs to complete the cleanup of Alice Claim that included the City's property and the City's direct participation in the State Voluntary Cleanup as a Co-Applicant with King Development support approval of the CUP.

Conditions of Approval

1. All Standard LMC Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. The City Engineer will need to approve the engineered construction plans for the walls prior to issuance of any building permit.
4. Historic District Design Review will be needed prior to issuance of a building permit.
5. City Engineer and SBWRD approval of the engineering plans of the walls and utility plan will confirm that there will be no material impacts to utilities and infrastructure. However, if any changes to the utilities or infrastructure significantly change the location and heights of the walls, as determined by the Planning Director, then the applicant will need to amend this CUP application which will require Planning Commission review.
6. Prior to issuance of a building permit, final landscape plan prepared and wet-stamped by a licensed landscape architect with the complete plant list showing botanical name, common name, quantity, size and spacing and guarantee shall be submitted for Historic District Design Review and approval by the Planning Department. All plant materials labeled or keyed to the plant list and the quantity for that group must be shown in the landscape plan. The applicant shall submit a

letter from the landscape architect indicating that the requested plants and trees between the retaining walls can be appropriately accommodated to ensure a successful life span of each tree, plant, vegetation.

7. Prior to issuance of a building permit, existing Significant Vegetation and mature landscaping shall be preserved per a tree preservation plan completed by a certified arborist and approved by the Planning Department.
8. The Conditional Use Permit will expire two years after the date of recording of the Alice Claim Subdivision Plat, unless (i) the Conditional Use construction has commenced; (ii) a building permit has been issued; or (iii) an extension is granted by the Planning Director in accordance with LMC §15-1-10.G.
9. All significant trees that will be lost due to construction of the walls shall be replaced in kind with multiple smaller trees (3 to 1 ratio) the caliper size of the trees removed and located in the planting areas between the new walls within 1 year of tree removal or the spring planting season following 1 year of tree removal, whichever last occurs.
10. The Applicant will need to receive from the Utah Department of Environmental Quality (“UDEQ”) under the UDEQ Voluntary Cleanup Program a final Certificate of Completion for remediated soils within Applicant’s property prior to building permit approval. In conjunction with its approval of this Application, if required by UDEQ, the City will cooperate in allowing for the Certificate of Completion to cover remediated soils inside the City’s property within the Alice Claim Subdivision.
11. A Steep Slope CUP will be required for Lot 5, which is adjacent to the retaining walls to ensure that the walls are stepping to the contours of the land and will not negatively impact any future homes in that area.
12. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ-approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
13. If the applicant secures alternate access over the historic roadway through Lot 3 of the Ridge Avenue Subdivision Plat (135 Ridge Avenue, Park City, Utah), then that change to the access depicted on the Alice Claim Plat may be approved solely by the Planning Director, and upon recording of the modified Alice Claim Plat, the Conditional Use Permit for the Alice Court entry walls will automatically vacate and become null and void.