

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
SANTY AUDITORIUM - PARK CITY LIBRARY
1255 PARK AVENUE
JULY 13, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser

EX OFFICIO:

Planning Director, Bruce Erickson; Francisco Astorga, Planner; Polly Samuel McLean, Assistant City Attorney, Jody Burnett, Outside Legal Counsel

=====

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Thimm who was excused.

ADOPTION OF MINUTES

July 13, 2016

Commissioner Band referred to page 16 of the Staff report, page 14 of the Minutes, first paragraph, and changed Mr. Mulling to correctly read **Mr. Mullins**.

MOTION: Commissioner Phillips moved to APPROVE the minutes of July 13, 2016 as amended. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioner Joyce abstained since he was absent on July 13th.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reminded the Planning Commission that the next meeting on July 27th would be held in the regular location at the Marsac Building. The Planning Commission meeting on August 12th would be held at the Santy Auditorium, depending on public attendance at the July 27th meeting.

Commissioner Phillips stated that he was unable to attend the next meeting on July 27th.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim items on the agenda this evening, and from 259, 261 & 263 Norfolk Avenue, due to a prior working relationship with the applicants.

Chair Strachan disclosed that he would be recusing himself from the Park City Mountain Resort Development Mountain Upgrade Plan and MPD amendment on the agenda due to a conflict of interest.

CONTINUATIONS - (public hearing and continue to date specified)

1. 158 Ridge Avenue – Steep Slope Conditional Use Permit for a new Single Family Dwelling (Application PL-16-03149)

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

MOTION: Commissioner Joyce moved to CONTINUE 158 Ridge Avenue – Steep Slope CUP to July 27, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 7101 Silver Lake Drive – Amendment to Record of Survey – 1st Amendment to the North Silver Lake Amended and Restated Condominium Plat amending Units 6A, 6B, 10, 11 and 13 to adjust building envelopes and condominium interiors from the existing plat. (Application PL-16-03169)

Planning Analyst Louis Rodriguez reviewed the application for the North Silver Lake Amended and Restated Condominium Plat. The applicant was requesting to adjust building envelopes and condominium interiors from the existing plat for Units 6A, 6B, 10, 11 and 13 to reflect approved building plans for the units.

Mr. Rodriguez reviewed a table on page 72 of the Staff report which showed the total increase in size was 351 square feet. The smallest change was a negative -2 square feet on lot 11, and the largest was 283 square feet on Lot 13. The Staff did not find issues with the expansion of 351 square feet as the density remains the same.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Tom Bennett, representing the applicant, stated that these were buyer requested changes. Mr. Bennet believed some of the prior approval dates listed in the Staff report were inaccurate. He would work with Planning Analyst Rodrigues to correct the dates prior to going to the City Council.

Chair Strachan opened the public hearing.

There were not comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the North Silver Lake Amended and Restate Condominium Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with the date corrections as mentioned. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7101 Silver Lake Drive

1. The site is located at 7101 Silver Lake Drive in Deer Valley.
2. The site is located in the Residential Development (RD) District.
3. The proposed Condominium Plat Amendment amends building envelopes and interiors from the existing plat approved by the City Council on October 13, 2015.
4. The proposed Condominium Plat Amendment adjusts the platted condominium units, common area, and limited common area for the development.
5. The proposed Condominium Plat identifies the private, limited common, support limited common and facilities, and common areas.
6. The current Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as

common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.

7. The Condominium Plat approved in 2014 was consistent with the 2010 approved Conditional Use Permit containing 54 units.

8. The proposed Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.

9. The proposed Condominium Plat Amendment is consistent with the 2010 approved Conditional Use Permit containing 54 units.

10. Even though the number of detached structures and multi-unit dwelling is changing from the Condominium Plat, the density remains the same at 54 units as specified in the Deer Valley Master Plan.

11. The massing remains in substantial compliance with the 2010 CUP approval.

12. The original CUP does not have to be re-reviewed as the proposal complies with the approved CUP. The density of 54 units still remains the same.

13. The size of the private units within the single-family, duplex, and multi-unit dwelling ranges from 1,997 - 8,686 square feet.

14. This adjustment is consistent with the 2010 CUP plan and layout.

15. The net increase in size is 351 square feet.

16. The Deer Valley MPD did not allocate a maximum house size or a UE allocation for each residential unit.

17. The Deer Valley MPD density allocation was based on a density of fifty-four (54) units.

18. The applicant is actively working on the project.

19. All findings in the analysis section of the staff report are incorporated herein.

Conclusions of Law – 7101 North Silver Lake Drive

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

Conditions of Approval – 7101 North Silver Lake Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the Condominium Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Condominium Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be added to the condominium plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this condominium plat amendment.
4. All conditions of approval of the City Council's July 1, 2011 order on the Conditional Use appeal shall continue to apply.
5. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.
6. All conditions of approval of the City Council's May 08, 2014 approval of the North Silver Lake Condominium Plat shall continue to apply.

Parcel numbers, PD-800-1, PC-364-A – Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-Station Sites – Sweeney Properties Master Plan (Application PL-08-00370)

Planner Francisco Astorga referred to pages 109 through 112 of the Staff report and explained how to use the links to access the exhibits. He explained the outline format and pointed to the questions throughout the Staff report that requested additional discussion by the Planning Commission. Planner Astorga

Planner Astorga stated that the plans were identical as before; however, Exhibits J, K, L, M, N, O through V were added since the last meeting. Planner Astorga referred to page 112 which outlined three added amendments to the master plan that were approved in 1987, 1992 and 1996. Some were a simple action letter from City Hall and others were more specific. Planner Astorga noted that this information was requested by the Planning Commission. The Staff was still trying to find records from 1985 as requested by the Planning Commission regarding the final MPD approval, as well as minutes and any additional information that would give the Commissioners insight on the discussions leading up to that final vote by the Planning Commission in 1985. Once those documents are found they would be uploaded to the website and included in the Staff reports. Planner Astorga noted that the public would also be able to access that information on the website.

Planner Astorga stated that at the last meeting the Planning Commission requested a copy of the 1986 Comprehensive Plan. Planner Astorga was able to locate that document and it was placed on the website. The hyperlink could be found on page 112 of the Staff report.

Chair Strachan suggested that the Staff include the information on pages 109-112 in every Staff report for every meeting.

Planner Astorga outlined the meeting schedule and specific discussion topics and criteria for each meeting as outlined at the June 8th Planning Commission meeting. The first criteria were site, scale and location of the site, which was the primary focus this evening. He noted that the Staff was not prepared at this time to discuss compatibility or any type of massing. They would only concentrate on looking at the numbers.

Planner Astorga stated that the Master Plan has a section identified as the Hillside Properties which consists of two sites, Creole Gulch and Mid-Station. The Master Plan indicates that Creole Gulch gets 161.5 residential unit equivalents and 15.5 support commercial equivalents. Mid-Station was allocated 35.5 residential unit equivalents, and 3.5 support commercial unit equivalents.

Planner Astorga stated that the Staff spent considerable time looking at Sheet P.16, which is a breakdown of all the uses submitted by the applicant in 2008. The Staff clarified the breakdown by providing a summary that could be found on page 97 of the Staff report. The Staff followed up with another summary that focused on the totals. The building area by use was divided into net residential gross, common space, and circulation, allocated commercial, support commercial, meeting space, accessory space, parking, and a specific subtotal. The application chose to break those two categories into standard versus a basement area.

Planner Astorga noted that page 98 of the Staff report contained a breakdown of the residential uses as indicated by the applicant. The breakdown was residences, hotel and club for a total of 305 residential units. The next table on pages 98 and 99 was a breakdown of all of the residential uses. Planner Astorga stated that page 99 of the Staff report outlined the total square footage of each of these specific uses.

Chair Strachan asked if there were definitions of each of the proposed uses. Planner Astorga replied that there were definitions of hotel and club. However, there is not a definition in the 2003 50th edition for residences, but he thought it was implied. In this case it is more specific to townhomes. He would verify that with the applicant.

Referring to the uses on page P.16, Chair Strachan asked if there were definitions for common space, circulation, meeting space, accessory space, etc. Planner Astorga replied that there were not specific definitions as adopted by Code for those specific categories. Chair Strachan asked if the applicant had provided definitions. Planner Astorga stated that the applicant looked at the 2004 MPD section of the LMC and used some of that Code language to show how it fits within each category. He clarified that they were not adopted definitions for each of the categories. However, they are mentioned in the Master Plan Development Chapter of the 2004 LMC.

Planner Astorga stated that the remainder of the Staff report makes points regarding the intent of the Master Plan. Some of the findings were taken directly from the approved Master Plan.

Planner Astorga referred to page 103 of the Staff report which identified a section of support commercial in compliance. The Staff had not deviated from what was written and published in September 23, 2009. The Staff report contained a specific hyperlink to that report. The Staff also provided another hyperlink to the Minutes of September 23, 2009.

Planner Astorga stated that the Staff believed there was generic compliance, but he wanted a more in-depth discussion at the next meeting regarding specific compliance. Planner Astorga remarked that the Staff report also talks about the differences between the

2004 application that was filed with the City and the total square footage of 849,000 square feet versus the current proposal, which is over a million square feet, and compares the two. Planner Astorga requested direction from the Planning Commission on the fact that the proposal has not decreased in size since the original submittal in 2004. The Staff report indicates that the project has increased in size. The Staff acknowledges that eventually there would be discussions regarding mass, volume and the compatibility analysis. The Staff asked the Planning Commission whether it was necessary for determination of compliance, or lack of compliance, as a CUP mitigating criteria.

Planner Astorga pointed out that the last section of the Staff report talks about back of house, accessory uses and circulation analysis. The Staff report also included an exhibit that was recently prepared by Staff based on the information by the former Planning Director several years ago as he compared other projects throughout town, such as the Montage, St. Regis, Sky Lodge, the Yarrow and the Marriott Mountainside. The Staff would like to bring that to the table to see if it was worth reviewing some of those figures in an effort to find something compatible.

Planner Astorga noted that the Staff had done an analysis regarding open space at the two sites where the Master Plan outlines a requirement of 70%. Based on the information submitted by the applicant, both sites comply. One site is barely 70% and the other site is approximately 84%. Planner Astorga stated that the Planning Commission could discuss open space this evening, or it could be tabled to another meeting.

Planner Astorga stated that the applicant had prepared a power point presentation this evening. The applicant had provided their presentation prior to this meeting and the Commissioners had it on their iPads.

Planner Astorga noted that Exhibit X was a position document prepared by the applicant in preparation for this meeting. He assumed the power point presentation would touch upon their official stance regarding this specific subject.

Director Erickson announced that hard copies of the Staff report with the tables Planner Astorga had reviewed were available for the public at the back of the room.

Planner Astorga reported that the Staff received three or four pieces of public input over the weekend after the Staff report was published. Those comments would be uploaded on to the website with all other public comment received throughout this application process. Planner Astorga noted that he had received on letter yesterday that he was not able to hyperlink because the sender made comments regarding Treasure Hill and the Alice Claim project. He handed out the correspondence to the Commissioners since it was not solely related to Treasure Hill.

Sean Ferrin, representing the applicant, stated that he was part of the team from MPE working on the conditional use permit application for Treasure, also known as Treasure Hill. Mr. Ferrin reiterated that Treasure is part of the Sweeney MPD. It two development sites; Creole Gulch and the Mid-Station site. Both sites are in the hillside development area of the Sweeney Master Plan.

Mr. Ferrin introduced members of the MPE team who were present and available to answer questions, including Pat, Mike and Ed Sweeney, the owners of Sweeny Land Company; Craig Call, legal counsel to PC2 and one of the owners of Treasure Hill; Steve Perkins, the land planner involved with the Treasure Hill project; David Eldridge, the project architect; Robert McMann, a civil engineer for the project; and his partners at Parsons Behle and Lattimer, Jeff Mangum, David Bennion, and Brandon Mark.

Mr. Ferrin handed out additional materials that included supplemental slides that were prepared after the materials were submitted for the Staff report. The architect had also prepared worksheets that Mr. Ferrin intended to show during the presentation.

Mr. Ferrin stated that the team walked about from the last meeting understanding that they needed to be prepared to discuss the CUP Condition #1, the size and scale of the site, including the concept of unit equivalents, and the calculation of square footage. Since that meeting the team worked hard on preparing the presentation and the discussion to cover those issues.

Mr. Ferrin thought the question was the scope of the 1986 MPD approval given by the Park City Council, as well as the size and scale of Treasure Hill from the MPD approval. Mr. Ferrin remarked that the Staff report addressed issues that went beyond what they thought they would be addressing this evening. He noted that they would briefly touch on those items in the presentation, and the applicant would address them in more detail either in writing or in a supplemental report.

Mr. Ferrin outlined the topics the applicant was directed to look at: 1) size and location of the site; 2) CUP #1; 3) unit equivalents and square footage; 4) usable open space which was discussed in the Staff report and appears to be well-under control; and 5) some reference to the comprehensive master plan in the Staff report.

Mr. Ferrin thought it was important to note that the Master Development Plan approved in 1986 imposed very rigid development restrictions on the site. Specific building zones were imposed and height limitations were imposed. Mr. Ferrin presented Sheet 22 from the MPD approval, which specifically says height limits, building limits. The building limits areas were highlighted in red. The MPD approval specifies that all of the buildings have to be located within that area. The MPD also set very specific limitation with respect to

height. He pointed out that each of the lines were the maximum building height. They are graded as it moves up the hill and stepped back. Mr. Ferrin reiterated that these were the limitations that were put on Treasure Hill in connection with the Master Development Plan. Mr. Ferrin stated that the MPD also imposed certain open space restrictions. It said that 30% of the area included was only developable, and 70% had to be open space. Therefore, of the combined allowed footprint for the entire 11.5 acres, only 3.45 acres is developable area. Mr. Ferrin remarked that 2.8% of the entire hillside portion of Treasure Hill is open space. 119.5 acres is open space. Mr. Ferrin stated that as noted in the Staff report, the CUP application fully complies with the CUP Condition #9, regarding usable open space.

In addition, the 1994 CUP application as refined by the 2009 amendments, complies with the MPD approvals for building areas and height zones. Mr. Ferrin stated that the next point in making the evaluation is understanding how the vested unit equivalents that were granted in the MPD approval fit on this development site. Mr. Ferrin remarked that 277 total unit equivalents were granted for the Sweeney Master Plan. Some of those have been used over the years. Today, a total of 197 residential and 19 commercial unit equivalents remain available for development at Mid-Station and Creole.

Mr. Ferrin stated that in addition to the limitations on building areas, height and open space, the MPD also vested a specified number of unit equivalents. And for the purpose of evaluating the CUP application in 2004, important questions must be answered, such as what do the MPD imposed limitations mean in the context of the current development of Treasure Hill, what do the 197 resident and 19 commercial unit equivalents vested under the MPD translate into in terms of the size and scale of Treasure Hill, and what did the MPD approval contemplate in terms of size and scale of the development of Treasure Hill.

Mr. Ferrin tried to answer those questions by starting with square footage. He stated that the first step in understanding the scope of the MPD approval is to convert the unit equivalents into square footage. The Staff report that was relied upon by the Planning Commission and the City Council at the time the MPD approval was given says, "At the time of the conditional use review, the Staff and Planning Commission shall review projects for compliance with the adopted Codes and ordinance in affect at the time of the CUP application". Mr. Ferrin believed that meant they were looking at the CUP application under the 15th Edition of the LMC adopted in July of 2003. Under that LMC, each residential unit equivalent is equal to 2000 net square feet of floor area, and each commercial unit equivalent is equal to 1,000 gross square feet of floor area. Mr. Ferrin stated that the calculation is made by taking unit equivalents and applying them to square footage.

Mr. Ferrin stated that for Treasure Hill this conversion results in 394 net square feet of residential space and 19,000 gross square feet of commercial space; a total of 413 square feet. He pointed out that it was net square feet. Mr. Ferrin remarked that all developments include not only net square footage specifically designated by their approval, but also additional square footage to make the development functional and operational. Mr. Ferrin believed this was particularly true of residential and resort developments and the concept was not new to the Planning Commission. Similar evaluations were made in connection with St. Regis and Montage. As mentioned earlier, Exhibit W of the Staff report makes a comparison of the square footage that was given as part of the approval, and the additional square footage that was used in connection with that development. Mr. Ferrin remarked that the comparison shows that the additional square footage granted for the St. Regis and Montage are very similar to the square footages requested in the CUP application.

Mr. Ferrin clarified that it was an initial evaluation by Staff and that the Staff has said they wanted the opportunity to go back and look at the calculations. Mr. Ferrin remarked that the applicant wanted to relook at it as well because they believe the square footage for the Montage project is probably greater.

Mr. Ferrin stated that the square footage is also called back of house and it refers to hallways, perimeter walls, elevator shaft, lobbies, underground parking, technical rooms, mechanical rooms and other areas that people do not typically associate with being excessive. Mr. Ferrin remarked that the additional square footage was permitted by the LMC in 1985, and it was permitted in the LMC in 2003.

Mr. Ferrin believed the question was how much additional square footage is appropriate. He noted that the Staff report made a comparison between the square footage requested in the 2003 Conditional Use Permit Application; and what ended up being requested through the evolution of the conditional use permit in 2009. Mr. Ferrin thought that was misplaced for the purposes of this comparison.

Mr. Ferrin noted that the Planning Commission asked what for the scope of the MPD approval comparing the CUP application to the MPD approval. He explained the formula for making that comparison is to first look at the MPD approval for the fundamental parameters and then understand the governing particulars of the 2003 Land Management Code.

Mr. Ferrin reviewed the MPD approval. The MPD application included a group of conceptual drawings. He presented a conceptual drawing showing the building footprints. The conceptual drawings included three sheets with respect to parking, showing the anticipated parking that would fit within the MPD. The conceptual drawing also showed sections of the building that was contemplated under the approval. Mr. Ferrin stated that these drawings have been historically referred to as the Woodruff Drawings because they

were prepared by Eugene Woodruff, the project architect at the time. In response to a question about white markings above the buildings, Mr. Ferrin explained that when the MPD went before the Planning Commission in 1985 the Commissioners required a reduction in the height of the buildings. When the application went before the City Council, the Council further reduced the building heights. Mr. Ferrin stated that the drawings were done on mylars and the white part was where the building heights were erased because the final approvals required less height than what was requested.

Mr. Ferrin stated that MPE's architect used the conceptual drawings and prepared a very detailed analysis because he was charged with the task of determining how much total square footage was contemplated when the MPD was approved in 1986. Mr. Ferrin noted that the architect had hand-marked up the various elevations, he added the intersection of the parking areas and the footprints and made a detailed analysis about the total square footage for the entire project that was approved in 1986. Mr. Ferrin stated that the conclusion of all that analysis was that the square footage contemplated by the Woodruff drawings in 1986, in addition to the 413 square feet that was derived from the unit equivalent conversions, the Woodruff drawings specifically contemplated an additional 463,419 square feet for a total gross square footage of 876,419 square feet. Mr. Ferrin emphasized that the Woodruff drawings attached to the MPD approval in 1986 contemplated a project of 876,419 square feet. He noted that the submittal handed out this evening explained how the architect, David Eldridge had worked through the calculations.

Mr. Ferrin talked about the square footage in the application. He stated that in addition the square footage allowed in converting unit equivalents into square feet, the 2003 LMC specifically authorizes additional square footage for a project. They are relying on the 2003 LMC when evaluating the CUP. Mr. Ferrin pointed out that the MPD was approved in 1986 and the LMC was adopted in 2003. He believed that if the City Council had not intended for that additional square footage to be applicable to a project that was approved in 1986, it would have been specified in the Code. Mr. Ferrin thought it was clear that additional square footage for this project was contemplated in 2003.

Mr. Ferrin presented a slide of LMC Section 15-6-8(c), the Definition of Support Commercial and how it applies with respect to additional square footage. Within a hotel or nightly condominium project, up to 5% of the total floor area may be dedicated to support commercial uses without the use of a unit equivalent for commercial space. Mr. Ferrin stated that a similar provision in the Code with respect to meeting rooms which allows adding an additional 5% of the total square footage without the use of unit equivalents. Mr. Ferrin remarked that in addition to meeting room space, the Code talks about accessory meeting uses, back of house, administrative uses, banquet offices. All of these uses can be added as additional space without the use of any unit equivalent. There is no

restriction on the amount of additional space as there is with respect to meeting space and support commercial.

Mr. Ferrin stated that there was a similar provision with respect to residential accessory space. Things such as lockers, lobbies, concierge, mechanical rooms, etc., do not require the use of unit equivalents, and there is no limitation on the amount that can be added.

Mr. Ferrin noted that it also applied to resort accessory space. Public restrooms, ticket offices, equipment check, circulation and hallways can be added to a project under the 2003 LMC without requiring the use of unit equivalent, and there is no limitation on how much can be added.

Mr. Ferrin pointed out that this same concept was used for the St. Regis and Montage.

Mr. Ferrin presented a site plan of the Treasure Hill project, as shown on Sheet BP01 in the submittal for the CUP application. A green line identified the boundary of the property. The red identified the boundary of the developable areas. He pointed out the Mid-Station development areas the Creole development areas, and the access from Lowell and Empire, as well as the amount of green space surrounding the development.

Mr. Ferrin showed a slide of Sheet P16 of the application that Planner Astorga previously mentioned. This sheet goes through all the detail calculating the square footage of each residential unit, each commercial unit, support commercial unit, meeting space, accessory space, parking square footage. Mr. Ferrin stated that the total square footage for the application is 1,016,887 square feet. He noted that the breakdown also shows that there is an additional 140,468 square feet in this application than there was in the Woodruff drawings. Mr. Ferrin stated that even though the square footage is higher, the breakdown on Sheet P16 shows that all of the uses are permitted by the 2003 LMC. Mr. Ferrin pointed out that the additional square footage represents a 16% increase in the gross square footage over what was shown in the MPD.

Mr. Ferrin presented a comparison of the total square footage from the Woodruff conceptual drawings with the total square footage from the CUP. The blue color represents square footage below grade, and the green represents square footage above grade. He noted that the 140,468 square feet of additional space was support commercial space, accessory space, meeting space, employee housing, resort accessory space, and circulation space. None of the additional square footage is in excess of the limits of the 2003 LMC. Mr. Ferrin thought it was important to note where that space is from a design and entitlement perspective. He noted that of the 140,468 additional square footage, 74,800 is above grade and 65,668 is below grade. This is an important fact because the 2003 LMC specifies that basement areas below final grade are not considered floor area.

Therefore, based on the 2003 LMC, there is only 74,800 additional square footage above grade from what was contemplated in the Woodruff conceptual drawings that were attached to the MPD approval.

Mr. Ferrin noted that there was considerable public clamor at the last hearing that the development contemplated by the CUP application is larger than and out of scale with the MPD approval; and he believed it was untrue. To illustrate that fact, MPE had computer generated 3D representations prepared showing the Woodruff conceptual plan in the MPD approval, and the CUP application. Mr. Ferrin presented the 3D representation of the Woodruff Plan if it were built out. It was front-loaded, the elevations were directly over the City, and considerable excavation was required. He then presented the 3D representation of the CUP application, which showed the buildings being scaled back and further away, and smaller buildings on the hillside. Mr. Ferrin remarked that the changes resulted from comments by the Planning Commission, the Staff and a redesign. Mr. Ferrin presented another slide of the two plans overlaid on each other. He pointed out that in addition to the CUP application design being moved back and further away, there were also significant places of open space areas. Mr. Ferrin stated that the CUP application is a less impactful design that maintains the vested development rights but mitigates the impact of the development, and better integrates into Old Town and the surrounding neighborhood.

Mr. Ferrin thought the comparison of the Woodruff Buildings was important to help everyone understand that the size and scale of the development contemplated by the CUP application is substantially similar in size and scale to the development contemplated in the MPD approval. Mr. Ferrin stated that it was important to understand the process that brought about the evolution of this design from 1986 to 2009. Like any development there is change and evolution. The Woodruff plan was conceptual in nature. Mr. Ferrin remarked that changing amenities, changing demand by resort operators, changing expectations by resorts, guests, and visitors, and changing Codes all mandate an evolution of a project over time. The more the project goes from conceptual to schematic to design to construction drawings, the details are refined and you begin to understand what is necessary to have a development that works.

Mr. Ferrin stated that the architect was also asked to take the Woodruff conceptual design plans and anticipate how they would have changed if they were evaluated and reviewed under the 2003 LMC, the same as the CUP application. Mr. Eldridge conducted that analysis and anticipated the needed additional space. He concluded that in the end the Woodruff plan would be substantially the same 1 million square feet.

Mr. Ferrin noted that MPE also obtained input from operators, management companies, and a 5-Star resort operator who vetted the design plans and said what they would need in order for the project to work successfully.

Mr. Ferrin pointed out that in the Staff report the Staff took an assertive position with respect to the fact that the proposed square footage of Treasure Hill does not comply with the purpose statements of the LMC and the goals listed in the General Plan. For all the reasons he just discussed in evaluating the design, he did not believe that was true. Mr. Ferrin stated that the 1985 Staff report that the Planning Commission and City Council used in approving the MPD, they specifically noted with respect to the General Plan. The City's General Plan identifies the Hillside property as a key scenic area and recommends that development be limited to the lower portion of the mountain. Mr. Ferrin believed the proposed Sweeney Properties MPD is in compliance with the Land Use designations outlined in the Park City General Plan. He stated that in addition, the Staff's assertion is contrary to the numerous previous Staff reports that MPE has been relying on for the last ten years as part of the CUP process. Those reports specifically states that the application complies with the General Plan. Finally, based on Utah's legally recognized concept of vested rights, this is not correct. The MPD approval is a vested right and the City cannot take subsequent action that unreasonably interferes with that vested right. Mr. Ferrin intended to submit an additional supplement position statement on that.

Mr. Ferrin stated that at the last meeting the Planning Commission asked the applicant to evaluate the scope of the 1986 MPD approval and how it compares to the CUP application. He noted that a detailed analysis of the Woodruff plans show that the MPD approval contemplated the development on par with the size and scale of the development proposed for Treasure Hill in the CUP application. The square footage, size and scale of the Treasure Hill CUP application complies with all the requirements of the 2003 Land Management Code.

Mr. Ferrin remarked that the Sweeney's deserve the benefit of the bargain they made with the City in 1986, and that is what they were trying to accomplish.

Planner Astorga requested that the Staff be given the opportunity to analyze the power point presentation that was given. It was not what the applicant had submitted on Friday and more than half of the presentation was new material. Planner Astorga wanted to confirm some of the exhibits that were presented. Mr. Ferrin stated that their intent was to be responsive to the Staff report. He would email Planner Astorga a copy of the presentation.

Planner Astorga stated that the Conditional Use Permit is subject to specific standards of review. He clarified that it was the CUP and not the MPD. His could not analyze the MPD for compliance because it is already a vested approval. Planner Astorga noted that one of the Standards of Review as outlined in the 2003 LMC calls for compliance with the General Plan at the time the Conditional Use Permit application is submitted. Planner Astorga

pointed out that for reference purposes he would be calling it the 1999 General Plan. He reiterated that the CUP has to be in compliance with the original Sweeney Property MPD, with the LMC at the time of application, and with the General Plan that was officially adopted in the 2003 50th Edition of the LMC. Chair Strachan believed the Planning Commission was in agreement with Planner Astorga.

Chair Strachan had read the applicant's position paper and he thought it invented a dispute as to what Code actually applies. Chair Strachan believed they were all in agreement regarding the 2003 LMC. He asked Mr. Ferrin if there was something that made him think that the Planning Commission was not looking at the 2003 LMC. Mr. Ferrin stated that he and Jody Burnett had some conversations about a potential distinction with respect to some small applications looking specifically at issues more related to the MPD. However, as it applies to the CUP he concurred that they were all in agreement on the 2003 LMC.

Jody Burnett, outside Counsel for the City, stated that the 2003 Code applies to the review of the conditional use permit criteria. Where it might need to be evaluated on an issue by issue basis is the extent to which any particular issue is addressed in depth in the MPD approval in order to carry that forward, as opposed to general CUP criteria in the 2003 Code. Mr. Ferrin did not believe that applied to any of the issues being discussed this evening.

Chair Strachan referred to Exhibit W, which compares the Montage, the St. Regis, and other projects, and asked if that included parking. Planner Astorga replied that parking was not included. Chair Strachan recommended that the Staff amend Exhibit W to include parking so they could see what percentage of the total square footage the parking consumes.

Chair Strachan had a question regarding the power point. He understood that Mr. Ferrin was asserting that the 2003 Land Management Code gives the applicant all the rights, benefits and obligations that any other applicant would have under that 2003 Code. If the City Council had meant otherwise it would have expressly excepted the Treasure Hill Development and specified that nothing in the Code applies to Treasure Hill and that it stands in and of itself. Mr. Ferrin replied that his understanding was correct. His assertion was also based on the fact that Treasure Hill was approved in 1986 and was existing at the time. Everyone knew it was there, and as a result anticipated that those additional square footages could be applied to Treasure Hill.

Chair Strachan asked if there was any evidence that the City Council ever considered Treasure Hill and expressly rejected that when it passed the 2003 LMC. Mr. Ferrin was not aware of any evidence and he offered to research it.

Commissioner Suesser asked about the Woodruff presentation. She asked if that was presented in connection with the MPD approval. Mr. Ferrin clarified that she was referring to the buildings shown in red. Mr. Ferrin explained that they took the conceptual drawings as part of Woodruff and used those conceptual drawings to prepare a 3D computer generated rendering. He stated that the drawings were not attached at the time. Commissioner Suesser asked if there were any renderings at the time. Mr. Ferrin believed the only renderings were the ones that were part of the MPD approval process. However, the sections, the parking and the footprints were part of those drawings.

Commissioner Joyce thought it was interesting to look at the red buildings. He noted that Mr. Ferrin had also shown the segmentation where Creole was cut into three slices with height limitations per section. Commissioner Joyce did not believe the heights synced with the some of the buildings in red. He thought the middle building looked like nine stories in a section that at the most is 65' above grade. Commissioner Joyce would like to see more detail on excavation, heights and other issues as they move forward. Mr. Ferrin was happy to provide that information. He also noted that Planner Astorga had not yet had the opportunity to look at the calculations.

Chair Strachan opened the public hearing.

Brian Van Hecke, with THINC, stated that he is an Old Town resident at 1101 Empire Avenue. His objective was to bring back what life was like in Park City in 1985. He presented a picture of the Old Town area, including Treasure Hill back in 1985 or 1986. Mr. Van Hecke stated that density is a critical issue and he was glad it was being with first; however, he thought it was a mistake to combine it with other CUP criteria such as open space. He had no idea that open space would be discussed this evening and he was unsure whether others in the public were aware. Mr. Van Hecke requested that the Planning Department and the Planning Commission not rush the process. It is too critical and there is too much at stake. He urged them to deal with CUP criteria at a time and let the public know what criteria will be discussed. Mr. Van Hecke reminded everyone what this project entails. He referred to the photo of what the town looked like in 1985 and noted that it was a very different place. He pointed to Main Street and the Treasure Hill area. He noted that there was not a lower Main Street in the photo because that area had not yet been developed.

Mr. Van Hecke stated that 413,000 square feet was approved in 1986, and this project has morphed into a sprawling complex of 1.2 million square feet. Mr. Van Hecke presented images of what Treasure Hill looks like today, and how it would look once the Treasure Hill project is built. It is a huge development that would loom over Old Town. He wanted everyone to be aware of the importance of what is at stake; and in his opinion it is wrong. Mr. Van Hecke showed renderings of the development that were provided by the applicant

and commented on what this current proposal would mean in terms of density and development. He also showed a picture provided by the applicant that showed a view of Treasure Hill coming into town, and the approximately 100-foot excavation scars in the hillside that would be required to make this project happen. He asked if this was really permitted. Another slide showed the excavation scars that would be visible from Old Town.

Mr. Van Hecke went back to the slide of the Treasure Hill images and pointed to a ski hole that was cut into the side of the hill, as well as more excavation and more scarring of the mountain. He hoped this was not what they had in mind for open space. Mr. Van Hecke asked if nearly 1.2 million square feet of development was worth the open space that was supposedly going to be provided. The massive scarring and the 100 foot excavations, the deforestation, the damage to wild life, water tables, traffic and pollution all comes with this development if it is approved. He did not believe it fit with the General Plan. With regards to allowable density, Mr. Van Hecke believes this would have a direct impact on the environment. The bigger they make it, the bigger the impact to the environment and to historic Old Town. He is certain there are lead and environmental concerns with this project and the amount of proposed density. The soluble lead levels in this area likely exceed those that are permitted by Park City and the EPA. Mr. Van Hecke thought there needed to be more due diligence and that it should not be rushed. They need more testing and a better understanding of the impact that this project will have on the people, the wildlife and water resources. Mr. Van Hecke pointed out that allowable density would also impact the amount of traffic. He requested new studies be done to determine the increased traffic, and take into consideration the additional traffic that will come with the buildout of the Park City Mountain Resort Base Area.

Mr. Van Hecke read a sentence from a letter that Jody Burnett presented to the City dated April 27, 2009 as it pertains to back of house calculation. "That means the provisions of the Land Management Code in effect as of that date of the original approval in 1986 should also be applied to the calculation of any meeting space and support commercial areas without requiring the use of a unit equivalent of density. As you move moves forward with the Conditional Use Permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which provide up to 5%".

Mr. Van Hecke stated that if a deal is a deal, as the applicant has said, then this project needs to be limited to the 1985 LMC that clearly states that back of the house is not to exceed 5%. Based on his calculation, that means this project should be no more than 433,000 square feet; and not the nearly 1.2 million being requested by the applicant.

Mr. Van Hecke introduced Charles Stormont, an attorney retained by THINC to represent the interests of their group and the hundreds of residents who want to see Treasure Hill protects and the historic integrity of Old Town preserved. Mr. Stormont would explain their

viewpoints and the many reasons why this project grossly exceeds the allowable and agreed to density.

Chair Strachan assured Mr. Van Hecke and the rest of the public that the Planning Commission would be addressing traffic, excavation and open space in subsequent meetings. He personally was not pleased to see an open space analysis in the Staff report or from the applicant because he the Planning Commission is not ready to have that discussion.

Chair Strachan requested that the public keep their comments focused on the square footage of the project this evening.

Charles Stormont, legal counsel representing THINC, appreciated the opportunity to speak this evening. He was recently retained and he apologized for not fully understanding the background and facts at this point. Mr. Stormont focused on the need for consistency in this process. He understood from Mr. Burnett's 2009 letter that the City's position is that there are right that have been vested by the 1986 MPD. THINC understands that it is the City's position, but they suggest that on the record that exists, that could easily be called into question. Similarly, the status of the 2004 CUP application was referred to in the presentation tonight as the 2009 CUP. Mr. Stormont stated that the Park City website highlights a number of gaps in time during this process. The MPD itself highlights that any gap of two years may result in essentially starting the process over. Mr. Stormont noted those concerns and at an appropriate time he hoped to be able to raise the questions and present them to the Planning Commission if the Commission has any inclination to grant the CUP application before them. If they deny the CUP application those issues become somewhat moot.

Chair Strachan encourages Mr. Stormont to submit whatever materials he has and what he believes is relevant.

Mr. Stormont walked them through a high level review. He stated that the MPD states that it is a phased project and the build out is expected to take between 15 and 20 years, yet it is 30 years later and construction has not begun on the final phase. It is still in a permitting stage. Mr. Stormont thought that raised serious concerns about the diligence that exists with respect to this project. He pointed out that while the MPD also states that while some flexibility is built into the approved master plan, any period of inactivity in excess of two years would be cause for the Planning Commission to consider terminating the approval. The City website states that on April 26, 2006 the Planning Staff outlined additional application requirements to be submitted, but a complete set was not submitted or received until October 1st of 2008. In excess of two years. Again on the City's website, from 2010 to 2014 the applicant and the City were engaged in buyout negotiations. He understood that

the CUP was put on the back burner. The conditional use application was not put back on the agenda until April 2016, which is a six-year gap from 2010 to 2016. Mr. Stormont remarked that in the July 6th letter from the applicant, concerns that reference back to the 2004 applicant, they state that the 2004 submission has been superseded by the current revision. In his opinion, that suggests considerable gaps and considerable questions about diligence with respect to the pursuit of this application that raises serious concerns about providing any vested rights based upon a 30-year approval from 1986.

Mr. Stormont believed there were sufficient grounds in the materials he had the opportunity to review to deny this application, specifically with respect to density. Mr. Stormont thought there was agreement that the approval, to the extent that it is valid, provided 197 residential unit equivalents and 19 commercial unit equivalents. He disagreed with some of the numbers in the applicant's presentation. For instance, the suggestion that they added 140,000 commercial unit equivalents based on an interpretation that Mr. Stormont believed was flawed. He noted that they were dealing with 140 additional commercial unit equivalents based on the applicant's own presentation, which is far in excess of 19.

Mr. Stormont reviewed a PDF he had prepared to show how he had reached this conclusion. The 1985 Staff report makes clear that the approval of the MPD was "predicated upon the terms and conditions set forth in the Staff report." It goes on to state that the applicant is, "bound by and obligated for the performance of the following..." Mr. Stormont focused on two highlighted portions that he believed spoke clearly about density and a number of issues that have already been discussed. He noted that the applicant's interpretation came from language stating "at the time of conditional use and or subdivision review the Staff and Planning Commission shall review projects for compliance with the adopted Code and ordinances in effect at the time". He noted that the applicant's quotation of that provision in the Staff report ends at that point. However, the applicant omitted the portion he had highlighted, which reads, "...in addition to ensuring conformance with the approved master plan". Mr. Stormont noted that language in the Staff report that provides support for the approved MPD states, "The approved densities are those attached as an exhibit and shall be limited to the maximums identified thereon". Mr. Stormont noted that through their presentation the applicant had conceded that those maximums are being exceeded. Mr. Stormont believed that provided more than sufficient grounds to deny the conditional use application with respect to the density being sought.

Mr. Stormont stated that in the applicant's letter dated July 6th, they claim that a portion of the 1985 LMC allows them to take advantage of changes and zoning that would permit greater density or more intense use of the land. Once again they were asking for more, which is why they cited that portion of the Code. However, taking a closer look at the Code, the language relates to a pending application for a master planned development. It does not apply to an already approved MPD. Mr. Stormont believed they were taking the

quote out of context to attempt to expand the density limits that were provided for in the 1986 MPD approval.

Mr. Stormont commented on the argument that the 2003 establishes a base line and allows for expansion of the square footage provided for in the 1985 development approval. He pointed out that his clients struggle with the idea that something 20 years later can somehow result in a right that vested in 1986. He suggested that the approach is incompatible with the vested rights doctrine that the applicant referred to this evening. That doctrine is about ensuring that rights that have been granted are not taken away. Mr. Stormont clarified that they were not suggesting that they should take away, but they did have concerns about whether or not the applicant had vested right.

Mr. Stormont commented that the discussion of support commercial, meeting spaces and reference to total floor area that was presented by the applicant. He noted that the maximums provided and those types of uses were not contemplated by the 1985 MPD. Instead, that type of support was provided only for hotels and not condominium projects. They are not permitted to expand density that was expressly limited by the approval that was actually received.

Mr. Stormont read from a provision Jody Burnett had prepared in April 2009, "In the 1985 MPD you were permitted 5% for support commercial". He noted that the applicant has requested 5% for support commercial, but they have also requested 5% for meeting space. In his opinion, that was double counting. In 1985 it was 5% in one category only, as the later LMC provided for. Mr. Stormont pointed out that the limitations that existed and the approval that was received required "ensuring conformance with the approved master plan" He stated that while it does say it will be reviewed under the then existing LMC, it also says, "in addition to ensuring conformance with the approved master plan". The applicant must meet both, not one or the other. That was the approval that was arguably provided. If there are vested rights, those rights required approval under both.

Mr. Stormont stated that the exacerbation and enhancement of density that is sought by the current application is compounded by reference to residential accessory uses and resort accessory uses. It totals over 300,000 square feet. These concepts did not exist at the time of the 1986 approval. Mr. Stormont noted that Section 10.12 of the 1985 LMC only contemplated circulation spaces and lobbies outside of units. He stated that rather than the limits that were provided for and the maximum densities provided for, instead of being circulation spaces and lobbies outside of units, are being expanded into back of house uses.

Mr. Stormont believed they were left with a situation where the density being requested is not vested. No argument could be made that it is vested if they were to give weight to the

actual approval at issue. As a result, any effects of the increased density must be mitigated. Mr. Stormont suggested that any attempt to expand upon the approved master plan is improper for a conditional use application. There is a modification process by which an MPD can be revisited, but it is not a conditional use application.

Mr. Stormont also commented on environmental and soils issues related to this CUP application that he hoped the Planning Commission would take under advisement. He stated that each of the problems standing alone was sufficient reason to deny the application.

Mr. Stormont believed the Staff's comments were appropriate and should be considered by the Planning Commission. He commended the Staff on an excellent report. They did a great job with very difficult information and he appreciated having that resource.

Mr. Stormont noted that in their July 6th letter the applicant talks about the amount of money they have spent. He assured the Planning Commission that they need to be too concerned about those issues.

Mr. Stormont emphasized that the primary focus should be on conformance with the approved master plan, and that the approved densities attached as an exhibit should be limited to the maximums identified thereon. He did not believe the applicant had sufficiently addressed that language of the MPD. They are requesting additional density in the amount of 140,000 square feet; or 74,000 square feet if they distinguish between above and below grade square footage. Mr. Stormont believed it was an incredible concession because they were exceeding the densities identified in the 1986 approval.

Mr. Stormont reiterated that the CUP application was an improper way to expand the MPD and the applicant should correctly follow the MPD modification process. Mr. Stormont remarked that the Utah Supreme Court has spoken on this issue in a 2014 decision, Keith versus Mountain Resorts Development, by stating that, "A development approval does not create independent free-floating vested property rights. The right obtained by the submission and later approval of a development plan are necessarily conditioned upon compliance with the approved plan". Mr. Stormont stated that they were in a free-floating zone, the applicant was trying to expand upon what was approved, and they were not complying with the approval that was arguably received.

Mr. Stormont noted that Jody Burnett's letter of 2009 and the July 6th letter from the applicant references the Western Land Equities case. He thought it was worth noting that the court has also held pre-construction activities such as the execution of architectural drawings, the clearing of land, or widening roads is not sufficient to create a vested right. Mr. Stormont believed that a careful inspection of the law and the facts makes it clear that

the application does not comply with the requirements of the LMC or the General Plan, and it imposes significant impacts that cannot be mitigated. It does not conform to the density limitations set forth in the 1986 MPD and for those reasons this application should be denied, and that any expansion efforts should follow the proper process.

Chair Strachan commented on the number of citations Mr. Stormont referred to and he encouraged him to make his case in writing.

Neils Vernagaard and his wife Pam agreed with the comments made by Brian Van Hecke and Charles Stormont. He stated that in every drawing or picture of Treasure, his is the house across the street. He remarked that the idea that Treasure is compatible with the Montage and St. Regis is a fallacy because those projects were not build in residential neighborhoods and they do not use residential streets for access. None of those properties have houses within 50 yards. Mr. Vernagaard understood that as part of the planning process his economic harm could not be counted, but the reality is that while this project is being built, the people living on Lowell and Empire will have zero equity in their homes. The applicant will walk away with millions of dollars but the ability to buy and sell houses in that neighborhood will be zero. No one would want to buy or build on any of those streets. He and his wife are full-time residents of 822 Lowell, and this will have a dramatic and very negative impact on the citizens living in those areas. Mr. Vernagaard stated that he has lived all over the United States and he has been involved in a lot of planning. Every project he has worked on has always been around a win/win solution. He has seen nothing in the Treasure project that is a win/win for anybody other than the applicant. It is all about what the resort needs and nothing about what the community needs. Mr. Vernagaard noted that Park City does not always have the best skiing in the world and they do not have the best scenery, but they do have the best brand around a real western town with western amenity and people can enjoy that whole experience. If a Las Vegas style convention center is put up over old town, he questioned what it would do their brand.

Mr. Vernagaard stated that he and his wife are members of THINC and the members are mad and upset. They are having to spend their own money on a lawyer to defend them and to help guide them more towards the facts and less on emotion. But he wanted the Planning Commission to hear the emotion part as well because it is real and raw, and this project is not right.

Mary Whitesides stated that she has lived at 812 Empire Avenue for 37 years. Mr. Whitesides read a letter she had written to the Planning Commission addressing the issue of density in the Treasure Hill development project. At the June 8th Planning Commission meeting the developer's lawyers, Mr. Bennion, said a deal is a deal. After examining what the deal was in 1985 she believed they do not have a deal under criteria

presented today. Ms. Whiteside presented a slide of the aerial footprint that was presented for approval in 1985. She noted that in 1985 the following was proposed: 413,000 square feet with 5% back of house. There was little excavation for the development. The buildings followed natural grade. One set of buildings was underground. There were retaining walls. The maximum height was 45 feet and one or two buildings were 75 feet. They provided aerial site plans, engineered pencil drawings and topo maps of anonymous buildings and how they sat on the hillside. The developers did not submit architectural drawings. There were no realistic elevations, no style of structure, no renderings of how the buildings sit on the landscape in height, density and mass from a 3-D viewpoint were never submitted for approval.

Ms. Whiteside presented another slide showing what the applicant was currently proposing. She pointed to a gray area that was excavation. She stated that the plans being submitted today are completely different. The current proposal includes a massive excavation of soils that need to be studied for stability and metals that meet EPA standards, plus water contamination. It includes 100-foot retaining walls and an increase of mass to 1.2 million square feet and building heights of 100 feet. The applicant provided architectural drawings and lifestyle renderings that were not presented in 1985 or 1986. Ms. Whiteside remarked that the style of the buildings are incompatible with Park City and resemble more New York City. She recalled that in 2009 this project was referred to as Little New York City. In her estimation this constitutes a negotiation of a new deal under the new criteria and current Codes, and the prevailing situation in Park City. Ms. Whitesides stated that in 1985 the population was lower than 5,000. The hotels were minimal and in the style of the Yarrow. Neighborhood density in Old Town was low but has greatly increased. Hotels have increased, the population has increased four-fold, and that has effected the water, the energy use and the traffic. To add a monstrous development of this size would jeopardize the water conservation efforts of the water department and the net zero energy efforts of the City Council. Ms. Whitesides believed all these criteria warrants submittal of the Treasure Hill property as shown now, not in 1985, to be considered under the current conditions and codes, which means it would be a new deal.

Steven Swanson, a 30-year design professional, yielded to the comments of his colleagues regarding the density. He thought it should be acknowledged that over the past 30 years the Sweeney project has grown considerably in size and density. He stated that in 1986 the Park City population was 3200. It is currently 8700. Cars were small and they had generic food in the grocery stores. There was one stop light, three ski areas, lunch was \$3 and you could buy an Old Town lot for \$20,000. Ronald Reagan was in the White House and when it came to drugs and other things that are bad for you, he and the first lady suggested that you just say no. Mr. Swanson commented on open space and the reason why it is valued so highly. He named wildlife habitat, water, air quality. It is a natural living system and the context of Historic Park City. Mr. Swanson stated that at 400,000 square

feet, the Sweeney properties MPD was one of the largest projects that had ever been considered at that time. He noted that the project as currently proposed is much larger and the impacts more far reaching with the included plans to cut more ski runs through the regrown spruce hillside, which is open space. Mr. Swanson stated that the question is whether it retains its inherent value and how the man made scarring extending outside the development envelope impacts the qualities or open space. He suggested that they investigate the impact of 20 feet of snow on the proposed cliffscapes. He asked that they talk about the mitigating effect of a localized accessible sub-Alpine Konifer Forest on a 30% slope on the micro-climb of a place like Historic Old Town. Mr. Swanson thought they needed a better understanding of the proposed clearing, grading and excavation on open space, and whether it alters the context of not only the Sweeney project but the entire historic core of the town to the extent that it can never be fully mitigated. Mr. Swanson commented on the possibility that the site could be excavated and for whatever reason the project might be stopped and the developer walks away. On the subject of environmental issues, Mr. Swanson read from an article in the New York Times. "One acre of trees annually consumes the amount of carbon dioxide equivalent to that produced by driving an average car for 26,000 miles. That same acre of trees also produces enough oxygen for 18 people to breathe for a year." He asked the Planning Commission to consider the impacts and the effects it might have if they lose 30 to 50 acres of open space to additional ski cuts. The effects might be minimal but they need to know the answer. Mr. Swanson asked the Planning Commission to take the time necessary to study and understand the more esoteric notions and to apply the lens of clear thinking and analysis. He also asked the Commissioners to carefully consider the Staff recommendations, as well as public comment both for and against this project.

Dana Williams stated that as the former Mayor he survived or 100 meetings on this particular project. Approximately half of those meetings were private and "eyeball to eyeball" with the applicants and attorneys. Mr. Williams formerly requested that the Planning Commission ask the City to release all the work product that was done in those four years between the City negotiating committee and the applicant. He would also like the applicant to support that request. Mr. Williams commented on the amount of work that was done regarding the specific topic this evening; as well as the other 15 chapters they would be reviewing in future meetings. He believed all the information was relevant and it would help the Planning Commission understand what they tried to accomplish during that time. Mr. Williams noted that he could be sued if he referred to any of that work product in his comments. He wanted it clear that he never wavered on being against the idea of looking at this project in terms of the Montage and St. Regis rather than a Holiday Inn. Mr. Williams thought it was important to try to look into the minds of the people who approved the project in 1985. He believed it was envisioned as small hotels and small amounts of back of house. Mr. Williams suggested that if they could utilize the 1985 agreement and original project with the 2003 LMC and apply the specifics of the Steep Slope ordinance, it

would become a less difficult project and they would be able to come up with a reasonable square footage. Mr. Williams stated that he agreed with the comments of the previous speakers.

Peter Marth, an Old Town resident and historic home owner stated that he generally agreed with the previous comments, particularly the comments related to density. He noted that the majority of his comments related to density because he believes the density proposed in the CUP doubles what was approved by the MPD. Mr. Marth stated that he has lived in, worked in, and defended this community for 35 years and he never imagined such an inappropriate development such as Treasure Hill would be proposed, which breaks with the General Plan and the LMC. He believed it was the opposite of the kind of sensitive, small scale growth they demand as a community. In his opinion, this monstrous and looming proposal was far more than inappropriate. The adverse impacts that it will impose upon not only the historic residential character of the surrounding homes, but the strategically superior historic nature of the Main Street commercial core are not mitigatable. Mr. Marth stated that the Historic District has small scale distinct qualities that both residents and guests see as unmatched anywhere in the world. These qualities are the life blood and precedent setting competitive advantage they hold near and dear for both the City's financial success and for the residents' quality of life. Mr. Marth remarked that as proposed, this massive density increase request was a deal breaker. It is insulting to him and every resident that he has spoken with to completely violate and not comply technically or emotionally with the original land swap and MPD, and/or every piece of protective wording that is littered throughout the LMC, the General Plan and the Historic District Guidelines, which is critical in guiding future progress. It is insulting that the community and Park City Municipal Corporation has to defend itself against this kind of high density over development. As submitted this project clearly defies the widely accepted Park City philosophy to Preserve and Protect. Mr. Marth stated that for years he has been saying that you cannot mitigate the negative effects of construction traffic, particularly with something this massive. You cannot mitigate the impact of 10 to 15 years of 350 trucks per day on residential streets spewing toxic diesel exhaust. You cannot mitigate 10 years of ear-splitting construction equipment noise, airborne soils and dust laden with metals, or the loss of commercial business activities. Mr. Marth believed these reasons alone were a reasonable argument for rejection of the CUP. He stated that the ambiguous nature of the word "mitigation" and its intent needs to be more carefully examined as they move forward in this process. Mr. Marth supports the denial of this Conditional Use Permit as presented on the basis that it violates the original MPD, the General Plan, the Land Management Code and the Historic District Guidelines specifically in terms of density. He urged the Planning Staff, the Planning Commission and PCMC to continue to help protect the community from this kind of outrageous and insensitive threat to their present and future quality of life or the sustainable competitive advantage they currently possess. Mr. Marth strongly suggested and supports any additional legal counsel to be hired by the City in

order to fight this threat to their unique and outstanding community of residents and businesses alike.

Jim Doilney stated that he was on the City Council that approved this project in 1985 and he could offer a unique perspective. The project passed by a 3-2 vote. He was against the project because he thought the buildable density that was being given up was far exceeded by the 400,000 square feet that was committed to in the agreement. To see this density exceed beyond that is totally inconsistent with the MPD. Mr. Doilney stated that the current proposal would never have been approved if the density was 600,000 square feet, and the MPD would have failed.

Brian Van Hecke noted that John Stafsholt was not able to attend this meeting but he had submitted a letter to the Planning Commission on July 13th. Mr. Van Hecke was unsure if Mr. Shafsholt's letter was included in the Staff report.

He was told that it was included.

Mr. Van Hecke noted that it was an important document from Mr. Stafsholt that represented their thoughts at THINC, and he encouraged the Planning Commission to carefully read the letter because it contained great information.

Bart Bodell, a full-time resident at 1025 Norfolk, stated for the record that he concurs with all of the members at THINC. They are working hard to put this together and they do not intend to stop. He concurred with Steve Swanson, Mary Whitesides, Neils, Brian Van Hecke, and specifically Charles Stormont, their attorney.

Scott Petler, a resident on Empire Avenue, agreed with the previous speakers opposing this project. Mr. Petler thought the comparisons to the St. Regis and Montage were out of line. Those projects are outside of the historic district, they are not visible from town, and they are not accessed through narrow residential streets. Mr. Petler believed that most people in Park City would consider the approval of those hotels a huge mistake. If they move forward and approve the Treasure Hill development as submitted, it would be an awful legacy to leave to the community.

Chair Strachan closed the public hearing.

Chair Strachan noted that the applicant had asked to respond to the public comments; however, in the interest of time they had agreed to submit their responses in writing.

Chair Strachan introduced Jody Burnett, special legal counsel who was retained by the City to represent the Planning Commission above and beyond the City's in-house Attorneys

Mr. Burnett stated that for the benefit of the Planning Commission and the public, he referred to his April 22nd, 2009 letter, and noted that the language quoted in presentations and comments was on the bottom of page 3. He noted that everyone has used for reference purposes the term "Back of House" in a very broad manner for convenience without having an agreed upon definition of what it is. Mr. Burnett thought the Staff and the applicant had done a good job in their submittals for this meeting trying to break it out in smaller pieces and categories. However, in his independent advisory opinion, Mr. Burnett noted that he intentionally did not ever use the term "Back of House". The language quoted from his letter is very specific to the computation of support commercial. They could discuss whether or not they want to include it as a sub-category of back of house, but it was not a comment broadly to what otherwise has been described as back of house. He clarified that was limited to the calculations of support commercial and meeting space.

Commissioner Joyce noted that the Planning Commission has talked about trying to understand what the real assumptions were in 1985, what people were thinking, and what the real agreement was. Understanding that it was a difficult task, he asked the Planning Staff to continue their efforts to find some of the Planning Commission meeting minutes where the discussion would reflect how they came to some of their conclusions. Commissioner Joyce believed it would clarify the assumptions where the applicant thinks they meant one thing and someone else thinks something different.

Commissioner Joyce did not believe there were issues with the residential and commercial unit equivalents, and they all understood that this was being reviewed under the 2003 LMC. The issue is with things that do not have specific counts, such as recreational accessory, resort accessory, and back of house uses. He noted that large numbers are being proposed for these spaces. Commissioner Joyce noted that even though "no more than 5%" is specified, at some point there is a limit. He provided an example to support his opinion that at some point the square footage crosses the threshold of being unacceptable. Commissioner Joyce thought the first step was how to determine what is acceptable. He believed part of it was industry norms, which was addressed by the applicant, but they have not addressed site specifics. He noted that the Treasure Hill has unique challenges that do not exist in other places and adding hundreds of thousands of square feet that does not count against UEs, it creates more employees, more building materials, a significant amount of additional excavation, and other things that impact mitigation. Commissioner Joyce had concerns with adding that much additional square footage to a place that has very steep slopes, that is in a Historic District, and that has environmental issues. He believed the proposed amount of square footage would make it much more difficult for the applicant to mitigate the impacts that will be discussed in the

following meetings. Commissioner Joyce stated that while the applicant may feel comfortable with it; however, for him personally it magnifies a lot of the issues when he goes back and looks at the original plans and drawings. He believed part of the problem is how the plans shows the holes in the ground. When he looks at the cross sections from the original exhibits that were used to build the 3-D models, he would like to see the difference in the excavation amount that would occur if they built the 3-D model as it was drawn, versus the excavation model presented. Commissioner Joyce thought it felt like an order of magnitude difference. He referred to page 18 of the Exhibits and noted that the meeting minutes support the fact that these buildings would follow the grade. However, the proposed plan cuts a 100-foot plus chunk out of the mountain and sinks the buildings to comply with the elevation requirements.

Commissioner Joyce stated that independent of whatever number is determined for density and total square footage, in looking at the volume, mass, and excavation, the applicant was not even close to following the original plan. He believed there was documented discussions showing how different approaches were looked at and how each one was visualized on the hillside before they chose the plan they approved. Commissioner Joyce was unsure how to work the below grade square footage into the specific density issue, but he believed they were tied together. Every time they bury density in the ground it digs up toxic dirt and it disturbs the water supply. He intends to bring up this issue many times throughout the process because it is the biggest deviation from the original agreement.

Commissioner Joyce commented on the Woodruff concept versus the current proposal. He noted that some things in the 3-D model did not make sense because in some cases there appeared to be a seven-story façade in an area that was supposed to be limited to 45 feet. Commissioner Joyce stated that if the applicant was basing their argument on what the original agreement was and how much volume and square footage was allowed, it is important that they get the numbers right.

Commissioner Joyce noted that the applicant was showing 52,000 square feet of commercial in the plan. Part of that was the 5% bonus and part was the 19,000 in the MPD. He stated that when he has previously seen this plan both as a Planning Commissioner and before that as a private citizen, one of the justifications for value to the community was that this project would bring hot beds to Main Street and use the services that Main Street provides for dining, rentals, etc. Commissioner Joyce asked the applicant to explain what they plan to put in 52,000 square feet of commercial space that would not directly compete with what is offered on Main Street.

Commissioner Joyce agreed that the applicant has the right to build a fairly substantial project on the hill. However, they do not have the right to build the proposed conditional use permit. He wanted the applicant to differentiate what is truly vested as part of the MPD

from what they would like to implement because the two are very different. Commissioner Joyce referred to Exhibit W, which was the comparison to projects such as the Montage and the St. Regis. He thought it would be interesting if they could add the year that each project was approved. He was primarily looking at the projects that were approved closer to the 1985 General Plan and LMC.

Commissioner Joyce stated that when he looks at this and tries to figure out what might fit, he sees a site that is very steep, in the Historic District next to residential property, and with marginal to substandard roads leading to it. He reiterated that the issue is not the fact that they have a right to some number of square, but rather, whether it can fit on the site in a reasonable fashion. Commissioner Joyce stated that it goes back to the hundreds of thousands of square feet that are not counted as UEs.

Commissioner Joyce stated that when he saw the 19,000 square feet of commercial, he found it interesting because the land did not have any commercial rights. It was zoned Estate and HR-1. He noted that the 1985 LMC allowed 5% of support commercial. Based on the 394,000 square feet of residential that was approved, 5% is exactly 19,000 square feet. He commented on various places where he thought the applicant was double counting, which is why it would be helpful to have the Minutes from the 1985 meetings to help them understand the original intent. Commissioner Joyce understood that the applicant had done the percentage calculations based on back of house and resort spaces. He pointed out that the applicant could decide that because they added unapproved space, they could justify adding more meeting room space and more support commercial space. Commissioner Joyce believed the applicant was using artificial numbers because they do not count against UEs and they have not been approved. The applicant was doing the math on those numbers as gross square footage to justify more space for their own building. Commissioner Joyce stated that every time they add 50,000 to 100,000 square feet to the project it opens another can of worms for mitigation. He did not believe they could put that amount of development on a hillside and think it could be mitigated.

Commissioner Band stated that given some of the new information presented this evening she was not fully prepared to comment until she has the opportunity to review it. Commissioner Band wanted to do what Dana Williams suggested and request that the documents be released so the Planning Commission could see what went on in those discussions.

Jody Burnett stated that he was not personally familiar with those negotiations, but there is a difference between disclosing confidential communications and having access to the same information that might be helpful. Mr. Burnett strongly recommended the disclosure of confidential information that was entered into on the premise of its confidentiality. That

is a different issue than whether there are specific objective calculations that might be reproduced in another form without disclosing the confidential communications themselves.

Commissioner Band clarified that she intended to request it understanding that legal counsel and the City could refuse the request.

Commissioner Band stated that based on what she heard from the applicant, she did not disagree with the Staff's conclusions in 2009 or the Staff's conclusions this evening. She could find no reason to change what was approved and it was difficult to agree with what the applicant was proposing now.

Commissioner Suesser concurred with Commissioner Joyce. She was concerned about the amount of square footage that was requested by the applicant. She had particular concerns with the calculation for the back of house. From the applicant's presentation it appeared that they were calculating 5% for meeting space and another 5% for support commercial and she did not believe that was contemplated in the Code. Commissioner Suesser agreed with Commissioner Band that it would be helpful to have the release of the work product as Dana Williams had suggested. Commissioner Suesser wanted to review the motion by the City Council on 10/16/86 for any revisions to the conditions of approval in the MPD. There was a note on the Exhibit of the approval indicating that there were revisions to the approval. She did not believe that information had been provided and she would like to see it. Commissioner Suesser reiterated her concerns regarding the amount of density being added to this project and she was also concerned about mitigating those impacts. Commissioner Suesser thought it would be helpful to see the depiction of the Woodruff excavation as described by Commissioner Joyce. She believed that amount of commercial space proposed was intended to draw more people to the project as opposed to just servicing those staying at the project.

Commissioner Campbell thought the most interesting testimony came from Jim Doilney, the former City Councilman, who provide some insight on what the Council was thinking at that time. Commissioner Campbell would like a mechanism that would allow the Commissioners to get deeper into that insight. He noted that the Commissioners have asked for minutes from Planning Commission meetings, but he was more interested in finding out what the City Council was thinking when they actually approved the MPD. Tonight was the first time he had heard that it was close in a 3-2 vote. He thought it was significant and he would like to learn more about it. Commissioner Campbell referred to Exhibit W and he was shocked to see that the Yarrow was a fourth of the size of the Treasure Hill proposal, because what has been presented feels more like 20 times as big as the Yarrow. He stated that all square footage is not created equal and the impact is greatly increased by the location of the site. Commissioner Campbell asked for guidance on how that works because the Yarrow does not seem nearly as big.

Planning Director Erickson stated that all of the calculations in the Exhibit are in square footage but that does not directly relate to volume. For example, a three-story volume could have the same square footage as a one-story volume. He explained that the relationships in the sizes of the building are more related to the volume of the building than the actual UE square footage. Director Erickson stated that if they look through the applicant's exhibits they would see large volume space which tends to drive the building bigger.

Commissioner Campbell thought it was important to have some sort of a numeric calculation. Director Erickson understood what he was asking for but he needed time to figure out the best way to do that analysis. He pointed out that aside from the analysis, the feeling of bigness was actually the calculation of volume. There were a number of two, three or four-story volumes inside this application.

Commissioner Phillips noted that the Staff report had several areas that requested discussion. On page 106 the Staff requested discussion and direction on the fact that the proposal has not decreased in size since it was originally submitted in 2004. The project has increased in size by 167,880 square feet. The Staff acknowledges that this is a numeric analysis and will be prepared to discuss the mass, volume, etc., changes from the 2004 submittal to the 2008 update should the Planning Commission find it necessary for the CUP review and determination of compliance.

Planner Astorga clarified that the question is whether it was necessary to have a discussion regarding how the project increased in size from 2004 to now. He did not believe that discussion was necessary because they have the numbers. At one point it was sensitive because the applicant indicated that he was responding to Planning Commission and Staff guidance. The Staff does not agree that any guidance would have given the applicant room to go bigger from 850 square feet to over a million square feet. Planner Astorga did not believe the question of how it got bigger needed further analysis at this point.

Regarding the second part of the question, Planner Astorga believed the Commissioners had already provided specific discussion that the Staff would be addressing.

Planner Astorga noted that the Planning Commission was requesting significant analysis. He would do his best to make August 10th his target date to provide all the requested information, recognizing that he may not be able to have it completed by that date. Planner Astorga pointed out that a site visit was also scheduled for August 10th.

Planner Astorga felt that he had received good direction from the Planning Commission regarding the second question on page 107 of the Staff report.

Commissioner Campbell noted that the next paragraph in the Staff report states that the Staff was still confirming the calculations in Exhibit W. He requested that the Staff not include information that has not been confirmed. Planner Astorga replied that it was prepared by a former Planning Director and the Staff would like to verify the calculation methods. Chair Strachan questioned whether the numbers could actually be confirmed. Planner Astorga reported that Exhibit W was used in some of the discussions the City had with the applicant, but it has never been presented to the Planning Commission. It was not compiled until 2011 or 2012. Commissioner Campbell thought Exhibit W was extremely relevant and he would like to know how much weight to put on it.

Jody Burnett did not believe Exhibit W was prepared for the purpose of addressing the volumetrics that was raised as an issue. He believed Exhibit W was solely intended to compare the percentage of the various back of house issues. He thought it was important to separate it from the volumetrics discussion.

Commissioner Phillips asked, as they look at the comparisons in Exhibit W, whether it was also possible to look at the types of residential units in those projects.

Commissioner Phillips referred to the next question on page 109 which asked if the Planning Commission agreed that the open space complies with the MPD. Planner Astorga believed there was consensus by the Planning Commission to discuss open space at a later time.

Commissioner Phillips agreed with the Staff conclusions, and he agreed with the comments by Commissioner Joyce, especially regarding the 5% additional square feet and the hypothetical square foot number. Commissioner Phillips thought the difference in excavation from the Woodruff drawings versus what is currently shown will be a major impact in many ways. He believed the buildings could be manipulated and pushing them back might also be a way to physically get to that million square feet. He would be curious to see whether they could actually get that much square footage if they follow the grading based off of the Woodruff maps. Commissioner Phillips was concerned by the amount of excavation.

Commissioner Phillips stated that massing would be a major discussion. He commented on the orientation of the buildings in the new plan and noted that they tend to run more horizontally across the mountainside, as opposed to the original drawings which ran more vertically up the hillside. Commissioner Phillips believed it would have a lot of impact on visual massing. He stated that the 140,000 additional square feet was a number that stood out in his mind, and based on his calculations it is 1/6th of the original amount, which is still in question.

Commissioner Phillips referred to the scheduled topics for each meeting and suggested that they break it down further to allow sufficient time to discuss the important issues. Planner Astorga understood from the Planning Commission that they were not going to follow that schedule. He recalled that the direction was to take as long as necessary for each topic.

Commissioner Campbell referred to a comment during the public hearing about the possibility of starting the project and then stopping it for whatever reason. In order to support this project, he would need a mechanism to keep that from happening.

Assistant City Attorney McLean stated that for North Silver Lake the Planning Commission instituted a remediation bond through the Building Department. It was not a bond to complete the project, which would be unreasonable to an applicant, but it would remediate the site back to how it was. Commissioner Joyce questioned how they would remediate 160,000 cubic feet of removed soil. Ms. McLean replied that it was the same issue in North Silver Lake. There was a huge hole and it was eventually remediated. Commissioner Campbell stated that the difference between Treasure Hill and North Silver Lake is that the whole town would see the hole at Treasure Hill. Ms. McLean agreed; however, she was answering the question about mechanisms.

Director Erickson explained that they would be dealing with construction impact mitigation. One item would be some sort of assurance before they put shovel to dirt that the project would be completed. He and Ms. McLean would review the mechanism for doing that.

Commissioner Band stated that they keep talking about the 5% number as if it is 5% of the maximum given. However, in reading the language she understood that it was actually up to 5%. Director Erickson replied that she was correct. Commissioner Band noted that it could be up to 5%, and that would presumably be if everything is mitigated fully. She thought it was important to remember that 5% is the maximum allowed.

Chair Strachan agreed with Commissioner Joyce and Commissioner Campbell. They need a volumetrics analysis and Exhibit W should either be amended or a new exhibit should be generated that takes into account the volumetrics and answers some of Commissioner Campbell's questions. Chair Strachan thought this meeting was indicative of what he thought would happen and they need to come to an understanding as a Planning Commission on what to do moving forward. They went beyond the strict discussion of square footage this evening and he believed it was inevitable that that would happen. Chair Strachan suggested that the Planning Commission as a body should be able to agree that they have enough information to determine what the square footage number should be, and then agree to move on to the next issue. He pointed out that at the end of

all of these meetings there would be one motion that would take time to craft. They will eventually get to a number and a volume, and they will figure out whether or not the traffic has been mitigated. Chair Strachan did not want the Commissioners to get into a position where they could not agree on the final square footage and, therefore, never move on to the other issues. He believed they needed to hear the rest of the issues and in the end make one motion that hammers it out. Chair Strachan clarified that he was not ready to move on from the issue of square footage. He was only pointing out that they may never reach a consensus on that number.

Chair Strachan thought the next meeting should continue to focus on square footage. He would like the Staff to come up with a square footage number because the Planning Commission cannot proceed without it. Whether or not the Commissioners agree with that number will be a topic for discussion but they do need a Staff recommendation and the basis for whatever number is recommended.

Chair Strachan thought Commissioner Campbell raised an excellent point that not all square footage is created equal. He thought this was the time to introduce the elephant in room, which is volume. They may come to a square footage number, but the volume of the building may be very different. He did not believe they could look at one without the other.

Director Erickson believed the Planning Commission had given the Staff enough direction on square footage UEs that they could start to talk about the implications of the volumes submitted, where larger volumes occur in the building, and the effect of additional unaccounted for square footage in the total volumes of the buildings.

Chair Strachan reminded the Planning Commission that the greatest discretion they enjoy under the Code and the CUP criteria is determining mass, scale and volume.

Planner Astorga noted that the site visit would be August 10th at 4:30 p.m.

MOTION: Commissioner Joyce moved to CONTINUE the Treasure Hill Conditional Use Permit to August 10th, 2016. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

3. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining Walls six feet (6') in height or more. (Application PL-15-02669)**
4. **Alice Claim Gully Site Plan, south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.**

(Application PL-08-00371)

5. **123 Ridge Avenue, Alice Claim Gully Site Plan property swap - Ridge Avenue Plat Amendment.** (Application PL-16-03069)

The Planning Commission addressed all three items together.

Commissioner Phillips recused himself and left the room.

Planner Astorga reviewed the applications for the Alice Claim subdivision and plat Amendment, the Ridge Avenue plat amendment, and the remanded conditional use permit for retaining walls six feet and higher. He noted that Exhibits U through Z were recently updated by the applicant as follows: Exhibit U identified the proposed density and number of lots as presented or explained by the applicant. Exhibit V provided an example of landscaped walls. Exhibit W talked about the negotiations with the neighbor. Exhibit X was the conditional use permit significant vegetation mitigation. Exhibit Y was the applicant's drafted findings of fact, conclusions of law and conditions of approval for CUP approval. Exhibit Z was the applicant's drafted ordinance for both plat amendments.

Planner Astorga noted that the Staff report also included the Staff's analysis of the density. He noted that a public hearing was noticed for all three items and he believed the Planning Commission could take public input on all three at the same time.

Planner Astorga stated that if the Planning Commission chooses to forward a positive recommendation for both the plat amendment and subdivision, the Staff could come back as early as July 27th with Findings of Fact, Conclusions of Law and Conditions of Approval. The same procedure would apply to the conditional use permit where the Planning Commission is now officially the land use authority on that conditional use.

Greg Brown with DHM Design, representing the applicant, introduced the other members of their team who were present to answer questions if necessary. Mr. Brown thanked Planner Astorga for his efforts on these applications.

Mr. Brown reported that the applicant has submitted three applications. One was a combined subdivision and plat amendment for 8 lots in the HR-1 zone with a maximum one-tenth of an acre. The maximum footprint for those homes is 1,750. One lot is in the Estate zone and it is clustered very closely to the HR-1 District. The Estate lot has a maximum of 7,321 square feet of disturbance allowed. They created and platted a disturbance envelope within that Estate lot. Mr. Brown noted that overall they were able to save the majority of the large significant evergreen trees, which will help to screen the view of the homes. Mr. Brown stated that the applicant is proposing public roadway

improvements to Sampson Road to assist with off-site traffic concerns.

Mr. Brown reported that the plat amendment is for the HR-L District which has existing platted lots. The applicant proposes to dedicate that land to the City with an allowance to do grading, erosion control, and landscape improvement.

Mr. Brown commented on the second application for a condition use permit for three terraced stone veneer soil nailed wall at a maximum of ten feet high. The intersection improvements caused them to extend that wall around the corner, and it will provide significant erosion control on a slope that he would talk about later in his presentation. Mr. Brown stated that the access where they are proposing the three terraced walls is the legal access for Alice Claim on to that site. The applicant was proposing substantial landscape mitigation on the walls.

Mr. Brown stated that the last application was a Ridge Avenue plat amendment for the purpose of adjusting the shape of Lot one, number 123 on the street. There is no change in the plat size for the Ridge Avenue subdivision or the Alice Claim plat.

Mr. Brown remarked that during the Planning Commission meeting on May 26, 2016 they heard positive feedback from the Commissioners on the revised Gully Plan that was presented; however, the Planning Commission also had concerns. Rather than going through the entire presentation that he gave in May, Mr. Brown preferred to spend the time addressing those concerns this evening. Mr. Brown outlined the concerns which related to density and why it was nine lots, the loss of significant vegetation, whether planting could be successfully done between the retaining walls, a request for a visual simulation of what those retaining walls would look like, a question of why the applicant was making improvements on King Road, a question about the negotiations on the existing gravel access road, and questions about construction mitigation.

Mr. Brown commented on the question regarding density and the reason for nine lots. He explained that this project started in 2005 and the Staff report from that time talks about the maximum allowed density of 56 lots, of which 41 were in the HR-1 zone. It was prefaced that site conditions may reduce the density and development must follow the LMC. Mr. Brown believed that the nine lots currently proposed are Code compliant. He noted that in 2008 Joe Tesch wrote a memo talking about vested rights from the 2005 application that was deemed complete. Mr. Brown explained that an underlying zoning sets the maximum number of lots, and the size and location of those lots is based on the LMC and Best Planning Practices. The 9 lots currently proposed are Code compliant and meet the direction provided by Staff and the Planning Commission for Best Planning Practices.

Mr. Brown stated that in January 2009 the applicant received an email from the City's Legal Department stating, "The Staff agrees that the underlying density allows for 9 lots; however, any lots must meet the subdivision and all other criteria of the Land Management Code and the location and potential development impacts need to be approved by the Planning Commission and City Council. The 9 lots currently proposed are Code compliant and meet the direction provided by Staff and Planning Commission for lot locations that minimize development impacts." Mr. Brown stated that an existing City plat that was included in the Staff report, and on that plat there are 12 full and partial lots within the HR-L parcel. There is one metes and bounds parcel. Mr. Brown clarified that he had used the wrong numbers in a letter he wrote to Planner Astorga six weeks ago. He had quoted 14 and 2 and he has since corrected that error. Mr. Brown stated that the HR-L parcel is encumbered by King and Sampson Road, but still has development potential under the existing plat. The applicant has offered to deed that parcel with the lots to the City.

Mr. Brown stated that in the Staff report for this evening, the density associated with these three areas, excluding the City owned parcel is as follows, assuming that optimal conditions for development exists and that every requirement in the LMC can be met. With that idea in the HR-L, there is a maximum of four lots. In the HR-1 a maximum of 82 lots. There is one lot in the Estate zone.

Mr. Brown noted that during the hearings and work session in 2015 they talked a lot about the HR-1 land use pattern and what it should look like. At that time, they had houses further up the hillside, but the Planning Commission felt it was not compatible with the HR-1. The applicant believes that the current plan creates a land use pattern that matches the HR-1 District and many of those areas within the City. They are smaller lots lined on the City street and they are clustered side by side. Mr. Brown believed that fewer lots would not achieve that same pattern. He pointed out that amending the Ridge Avenue subdivision and square out that lot further reinforces the HR-1 pattern.

Mr. Brown stated that density on this site is very low. Eight units are proposed in a cluster of 3.57 acres, which equates to a density of 2.2 dwelling units per acre. Mr. Brown commented on the amount of open space. Within the HR-1 it is 2.69 acres, which is 75% of the HR-1 area. Combining the HR-1 with the Estate zone, 7.85 or approximately 87% is open space.

Mr. Brown talked about equitable considerations. He noted that the voluntary cleanup cost was over \$1 million for this site. The City officials made assurances that a 9 lots subdivision was acceptable. The City was a co-applicant on the cleanup that showed 9 lots. He believed that manifests approval for development 9 lots.

Mr. Brown believed that 9 lots were well within the limits of the underlying zoning, meets the criteria of the Code, matches the HR-1 land use pattern, responds to Staff and Planning Commission concerns for Best Planning Practices, minimizes site disturbance, establishes and protects open space and trails, and it deeds the 12 HR-L lots to the City and clears title for the existing public roads, King and Sampson, thereby eliminating partial lots in that area.

Mr. Brown commented on the question regarding the loss of significant vegetation. He noted that they would be removing two mature evergreen trees, considered significant vegetation, for the entry road coming into the project. It still leaves 27 large evergreen trees on the site. He stated that the entry road is the legal access Code for this project. Mr. Brown noted that within the Code the Planning Director is authorized to allow mitigation for loss; and there has been precedence for this in the past.

Mr. Brown explained that the proposed mitigation for new landscape is based on the Staff recommendation that they add 20% more trees from what was shown in 2015. That brings the count up to 33 Evergreen trees and 31 deciduous trees, for a total combined minimum 212" of caliper. That would replace the two removed evergreen trees which have a combined caliper of 53". Mr. Brown pointed out that many projects in Park City use a 3:1 ratio. They were proposing a 4:1 ratio of additional trees.

Mr. Brown thought the mine tailing and revegetation should also be a positive consideration because it is a major additional benefit to the community, as well as to the existing vegetation on the site and the water quality coming off of it.

Mr. Brown referred to the concern about successful planting between retaining walls stepping up the hillside. He stated that he has over 30 years of professional experience working in the Rocky Mountain West. He worked on a lot of projects with similar situations and he has been very successful and has seen a lot of successful projects that are planted in these area. The trees will be irrigated and they will bring in special planting soil. They plan to use fir and aspen for drought resistant planting. There would also be shrub planting at the base of those trees. Mr. Brown used the Marsac building as an example of successful planting. He noted that the planting proposed for Alice Claim is a much denser planting and the trees are closer together.

Mr. Brown presented a simulation of what the retaining walls would look like. He noted that the simulation showed five years of growth. They would be planting 10-14' high trees in front of those ten foot walls. As those trees grow and fill in, they would substantially screen the visibility of the walls. He noted that the simulation did not show the shrubs that would be planted at the base of the trees, which would help mitigate the base of the wall.

Mr. Brown commented on the retaining wall height. He noted that the current Staff report states that, "The Staff finds that the walls as proposed at 10' are twice in excess of those four to six foot heights typically found within the residential historic district". Mr. Brown stated that during the meeting on July 22nd, 2015 they showed 30 photos of walls within the City, many within the residential historic district, that match or exceed what they were proposing for 10 feet walls. Many of those walls do not have any mitigation.

Mr. Brown referred to a question about the road coming into the project at King Road and why the applicant was proposing to improve it. Mr. Brown explained that the City Engineer requested these improvements primarily for King Road traffic. He stated that the primary purpose is that King Road has a 170 degree turn, and larger vehicles need additional space to make that tight turn. This was an opportunity to improve that section of King Road in conjunction with the construction of Alice Court and that entry. Mr. Brown pointed out that it would require additional retaining wall, but that would help resolve the existing erosion and debris flow problem that currently exists. Mr. Brown showed how the retaining wall would come around the corner and come down the slope; retaining the area and allowing for revegetation.

Mr. Brown commented on negotiations with the neighbor who owns the current roadway easement. He noted that at the meeting on May 25th, 2015, Ms. Levitan stated that, "There is a gross misrepresentation that the applicant has been negotiating in good faith us. It just hasn't happened. We haven't been involved in any real negotiations of any kind." Mr. Brown stated that the applicant was taken aback by her comment. The facts are that the applicant has made written and verbal offers, and written offers as recently as August of 2015. He noted that these offers were over four times the appraised value of the easement that the applicant obtained in May of last year. Mr. Brown pointed out that there was much more detail regarding this issue on page 194 of the Staff report.

Mr. Brown referred to the question regarding construction mitigation. He stated that there would be specific construction mitigation plans for infrastructure and each of the building permits on this site. Each of those plans will have specific and unique requirements. Mr. Brown remarked that this site has a lot of advantages over most of the lots in the Historic District. It is a large area of land and the adjacent lots can be used for storage and staging. Mr. Brown stated that there is very little through traffic on Alice Court, and materials can be delivered and stored on site. The daily material delivery seen for most sites in the Historic District will not be required for Alice Claim. They would be able to take larger deliveries once or twice a week and store the materials.

Mr. Brown stated that this applicant has a proven record of mitigating construction traffic, not only on this site when they did the cleanup project, but also on single family homes he built throughout the City.

Mr. Brown reiterated that all three applications meet the requirements of the LMC, including subdivision provisions, and they all meet the standards of good cause. Mr. Brown stated that the impacts from walls are reasonably mitigated by tiering, stepping back, adding vegetation, soil nailing and stone veneer.

On behalf of the applicant, Mr. Brown requested that the Planning Commission direct the Staff to prepare findings of fact, conclusions of law and conditions of approval for a positive recommendation for the subdivision and the plat amendments, and approve the CUP.

Chair Strachan opened the public hearing on all three applications.

Carol Sletta, a resident at 135 Sampson, stated that she had sent the Commissioners an email. She did not intend to read the entire email but wanted to highlight the key points. Ms. Sletta wanted to see what the retaining wall would look like at that five-point intersection rather than a view from across the canyon. She noted that where the walls are proposed there are existing large evergreens and natural vegetation that naturally take care of erosion without artificial walls. Ms. Sletta stated that that currently that corner is a beautiful Old Town landscape and the proposed retaining walls would take away that landscape. Regarding the erosion issue that occurred with the water line going in, Ms. Sletta noted that she has lived at 135 Sampson since 1980 and that uphill side of King Road/Sampson has always looked that way except in the gutter area where the line was installed. The gravel that was left does erode and wash down on the street, but that side of the hill has not eroded in her 40 year being a resident. Ms. Sletta commented on the five-point intersection being proposed. She did not understand why they would put a stop sign at the top of an uphill road. Widening the street takes away the historic look of Old Town streets. Ms. Sletta wanted to know who makes the decision to change public streets to accommodate a private development project. She asked how much more developments the neighborhood of Sampson Avenue, King Road, Ridge and Upper Norfolk could withstand. Adding 9 more homes would bring an excessive number of vehicles to the neighborhood, especially during construction. After construction there would be additional garbage and recycling pickup. As of now a small truck is used for the pickup, but adding 9 more houses would require more trucks and larger trucks. Ms. Sletta was concerned about night pollution up Woodside Gulch with 9 additional houses. Ms. Sletta asked at what point does CUPs and subdivision developments take precedence over an established, historic Old Town neighborhood.

Tom Gannick, a resident on Daly Avenue, stated that throughout this process he has been trying to address the issue of public safety, particularly in the event of an emergency. With regard to this particular development, the LMC defines good cause as providing public amenities and benefits resolving existing issues and non-conformities, and ultimately furthering the health, safety and welfare of the Park City community. Mr. Gannick stated that the current substandard width of Ridge and King Road as primary access and egress to the Alice Claim development make it impossible for simultaneous passage of vehicles in opposite directions on these roads. They are 12' wide at the narrowest. Mr. Gannick remarked that in the case of an emergency vehicle going up trying to access an emergency, the risk is that the vehicle may not get by and the delayed response ultimately affects the safety of the residents living above Ridge and King Roads. They have a higher risk of loss of property, injury, and loss of life because it would be harder for emergency vehicles to reach them in the case of an emergency. Mr. Gannick tried to find a way to calculate the risk, and in his mail he received a conflagration from the City of Park with the same concern. He stated that the City has to set the rules for development on these substandard roads because there is no emergency access when in fact there is a major problem and everyone is trying to leave in their cars at the same time. Mr. Gannick noted that in previous meetings he cited a fire in Oakland California that consumed 3,000 houses at an urban wildland interface. 20 houses were built on a substandard road and resulted in the death of 11 people caught in a traffic jam. Mr. Gannick believes the safety of residents living above these substandard roads are impacted negatively and that is not a benefit under the good cause definition of the LMC. Mr. Gannick suggested that the findings of fact, conclusions of law and conditions of approval require the Planning Commission to deny this subdivision at this point in time.

Brooke Hontz, a resident on Daly Avenue, thanked the Commissioners for all they do and for taking the time to listen to the public. She also thanked Planner Astorga for the detailed and linked Staff report. Ms. Hontz referred to page 132 and 133 in the July 13th Staff report and noted that the water and sewer issues that were continually raised by the public had finally been addressed in the Staff report. Ms. Hontz believed that at least 10 LMC and Subdivision issues remain outstanding and have not been appropriately addressed, and they were listed in the Staff report in various locations. Ms. Hontz focused her comments on the access and the retaining walls. As she sees it, the Alice Lode parcel requires meeting all aspects of the Land Management Code and subdivision standards to go from one to 9 homes, including compliance with the Streets Master Plan. She pointed out that this document was from 1984, not 1985.

Ms. Hontz noted that people could look at page 148 of the Staff report, which was the site plan; however, she was looking at a copy of the Streets Master Plan, Park City Utah that she was given years ago. On page 2-4 of that document, which the subdivision standard requires that it meets, it says, "The existing right-of-way owned by the City were laid out in

a grid system that frequently did not reflect the topography of the area. Where roads were built to conform to the topography they are often outside the dedicated rights-of-way". Ms. Hontz believed there was clear evidence of where the rights-of-way and other platted and unplatted roads exist. "Many of the platted rights-of-way are on ground too steep to allow construction of safe roadways. Park City's long and sometimes harsh winters require that streets be passable when snow covered or icy. In many areas the cost of construction would be very expensive because of the need for extensive regrading and retaining walls. In these instances the platted rights-of-way should be deemed unbuildable and should be retained as pedestrian corridors, fire breaks, open spaces or pocket parks or utility easements. In limited cases the rights-of-way should be sold or traded to provide formal rights-of-way on existing prescriptive easements". Ms. Hontz noted that the document then goes on to detail those rights-of-way. Ms. Hontz stated that the location of the new widened five-way intersection would be confusing. The use of the right-of-way instead of another access, and removal of half of a hillside and the hillside vegetation to access a site in order to increase the density as stated from one to 9, and the impacts of the property, does not meet the standards of good cause. Separately, the retaining walls must be consistent per the CUP standard with scale, mass and circulation, among other requirements, in order to achieve the CUP approval. Ms. Hontz stated that they would be creating the impacts of the retaining walls artificially. They do not need a 14% grade, three-tiered wall structure stretching from a 5-way new intersection all the way up into the project, removing the hillside and vegetation. She noted that the Staff's original analysis indicates the CUP walls are too tall and do not meet the vegetation requirements. Ms. Hontz pointed out that the walls are no better in design than they were the last time or at any time, because they do not need to exist at all. Further, traffic is indicated as a non-issue on page 138 of the Staff report. She disagreed as traffic and traffic patterns would significantly be changed by the new 14% grade, fifth entrance into a very steep and narrow intersection. Ms. Hontz requested that the Planning Commission utilize the mandatory review requirements to deny the applications and make findings that clearly show that good cause is not established, creating new negative impacts that are completely avoidable.

Jim Doilney stated that he authored the words that Ms. Hontz had read about when the City should give away public rights-of-way. He noted that this project would be impossible if the City did not give away public rights-of-way. There is no public benefit giving up these rights-of-way. Mr. Doilney remarked that he authored those words long before he lived in the neighborhood at 50 Sampson Avenue. Mr. Doilney believed the letter from the applicant starts with an assertion that is simply not true. The letter states that since the application was first filed in 2005, density has been raised and resolved in past work sessions and hearings with the Planning Commission, and also with the City's Legal Department. Mr. Doilney could not see how that was possible because it could not happen unless there was a vote and an approval by the Planning Commission. He believed that those types of assertions were misleading. He pointed out that there is no right to 9 lots

and it is a presumption of everything that goes on in this application. Mr. Doilney stated that those lots are not buildable unless they are replatted. The applicant has a right to what is buildable. There is no right to unbuildable platted density. He pointed out that no City hearings or approvals occurred and; therefore, there was no granting of 9 lots or a consensus opinion. It could not be done. Mr. Doilney remarked that this approval would constitute a granting of density increases beyond what is buildable under current platting. Were this to be approved by the City Council following a positive recommendation by the Planning Commission, Mr. Doilney believed it would be depicted as a pro-growth vote because it is granting density that could otherwise not be achievable unless the City gave away land and replatted to accommodate that growth. Mr. Doilney requested that the Planning Commission forward a negative recommendation.

Tom Bennett stated that he is an attorney representing Sherry Levitan and Lee Guerstein, the property owners at 135 Ridge Avenue. Mr. Bennett recalled that the last time he attended a meeting was a year ago the biggest issue was the access issue. He failed to see how anything has been done to resolve the access issue. The biggest problem is that several roads come in at the same location. They are all steep and there is a big curve. By its nature it is a hugely dangerous intersection. Mr. Bennett noted that there were some provisions in the Code that were not addressed in the Staff report. He suggested that there may be compliance, but there was no way to know that because it had not been addressed.

Mr. Bennett stated that the first was from Code provision 15-7.3.4, Road Requirements and Design, subparagraph G1 and 2. G1 says no more than two streets shall intersect at any one point unless specifically approved by the Planning Commission. He understood that the Planning Commission has the authority to grant it, but clearly there was a negative implication. Mr. Bennett stated that G2 says proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of the street. Mr. Bennett noted that the biggest problem is that it does not coincide with the intersection on the other side of the street if they use the proposed access. Mr. Bennett indicated that further language says that street jogs with center line offsets of less than 150 feet shall not be permitted. Mr. Bennett was unsure of the exact distance between the center line of those two roads, but at the very least it should be examined and addressed in the Staff report. Mr. Bennett noted that subparagraph 4 talks about in hilly or rolling areas at the approach to an intersection a leveling area shall be provided having not greater than 2% slope having not greater than 2% slope for a distance of 60 feet. He recognized that this was easier to comply with, but it needed to be addressed by Staff and the Planning Commission.

Mr. Bennett thought Brooke Hontz raised a very interesting question about the use of the platted right-of-way. There is an assumption that the platted right-of-way can be used for a

street; however, he was not convinced that was the case. This is was an usual situation where there was a historically platted road, but the actual road contours off to the west. Mr. Bennett stated that once the road gets built outside of the platted right-of-way and exists there over a significant period of time, he was not sure they could come back in and grab another piece that was never built and use it. He believed that question needed to be examined closely in more detail.

Mr. Bennett commented on the concern that the Levitan-Guerstein property potentially gets left as an isolated island. One of the provisions in the Code prohibits a lot from having frontage on, on two, on two streets unless it's a corner lot. He stated that potentially the home of Ms. Levitan and Mr. Guerstein could be surrounded by three streets. There is a platted street immediately to the west of Ms. Levitan's property that has not been built, but it does access historic lots that have not been developed. If that road, which runs along the ridge to the west of her home were to be built, she would be surrounded on three directions with roads. He believed this would violate Section 15.7.3.3, subsection E of the LMC, "Lot fronting two streets, except a corner lot, shall be avoided". Mr. Bennett was surprised that the issue of negotiations between the applicant and Ms. Levitan and Mr. Guerstein were part of this discussion, and thought it was inappropriate for them to be part of this discussion. They have had negotiations since 2008 but they have not been able to reach an acceptable agreement. Mr. Bennett understood why there was a rebuttal, but there should not be any implication whatsoever that Ms. Levitan and Mr. Guerstein are unwilling to negotiate and cut a fair deal.

Mr. Bennett noted that page 134 of the Staff had an interesting comment. "One must understand that the entire site contains various challenges including but not limited to access, slope, ridgeline protection, and that the numbers provided above having to do with lot size and numbers of lots are not vested or entitled as the entire estate and HR-1 areas required subdivision approval. Development over the HR-L area requires plat amendment approval as not one lot of record currently meets the minimum lot area of that District". Mr. Bennett believed it was odd that the Staff acknowledged that there were problems that had not been addressed, but they were willing to move ahead with consideration of plat approval, and the CUP to enable that consideration. Mr. Bennett argued that if there were that many problems with the project they should be resolved before this moves forward. Mr. Bennett recognized that it could be difficult from a legal standpoint to deny a conditional use permit. However, it can be denied if the Planning Commission concludes that there are not reasonable mediation steps that can be taken to mitigate a negative impact. Mr. Bennett clearly believed the proposed retaining walls were a negative impact, and he questioned whether the impacts could be mitigated. Mr. Bennett was not convinced that there should be a presumption that a conditional use permit is appropriate. He urged the Planning Commission to deny or issue an unfavorable recommendation with respect to these applications.

Peter Marth, a resident at 27 Hillside, stated that his living room looks across the gully at Sampson Avenue and King Road. He walks through this property once or twice a week and he was trying to understand and visualize development in that area. He recognized that it was a difficult situation and he was unsure whether precedent has been set for a subdivision in upper Old Town that expands the boundaries of upper Old Town. Mr. Marth had concerns about that and the density being proposed. While he appreciated the applicant's work to clean up the area, he would like to see a smaller project that might open up the possibility for negotiations in that easement and eliminate the retaining walls. Understanding the applicant's right to build, he had a hard time accepting the size and scale and the volume and mass of what was being proposed. Mr. Marth believed more deliberation was needed between the applicant, the easement holders, and the City to come to some resolution for appropriate development.

Sherry Levitan addressed the negotiation issue. Their lawyer, Mark Gaylord had sent a letter on July 7th. If the Planning Commission had any questions she believed the letter would shed some light on what has transpired.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that he started this process very negative towards the project. However, the applicant has revised the plan to address his concerns and he now supported the project. Commissioner Joyce noted that people keep saying that one lot should not be divided into 9 lots, but that is a City Council decision. He pointed out that the County Council has done things to explicitly freeze density and not expand beyond what has already been allocated. Commissioner Joyce stated that he has spoken informally with the City Council but there is no evidence that the City would take that step. He was not comfortable as a Planning Commissioner overriding the City Council. He understood the public's desire, and if they truly believe the existing density should be frozen they need to take that issue to the City Council. Commissioner Joyce commented on why he believes that sometimes good cause is a weak excuse for allowing development. He noted that in public comment people have questioned why the City would allow this development in such a beautiful area. He reminded everyone what this area looked like before this applicant spent a million dollars cleaning it up. In his opinion, that is legitimate good cause, along with fixing the mine, and giving land to the City to fix a disastrous intersection. Commissioner Joyce pointed out that people complain that the road is too narrow for fire trucks to pass, but when someone offers to widen the road they object to it. They cannot have it both ways. Commissioner Joyce clarified that when the applicant first presented plans to put nine houses on the hillside with steep slopes he could not support it. The applicant heard their concerns and did a good job doing what was asked of them. Commissioner Joyce commented on the comments regarding traffic. He is not a traffic

expert but the City Engineer spoke to the Planning Commission a number of times and answered all their questions regarding traffic impacts and the overall rating of the road. The City Engineer believes that fixing the intersection would actually make it safer. Commissioner Joyce would not argue with the City Engineer since he does not have that expertise. Commissioner Joyce commented on the 30' retaining wall. He noted that the Planning Commission asked the applicant to break up the retaining wall and they broke it into 10' sections. They asked them to over-vegetate the wall and they complied. The Commissioners were concerned about the sewer lines going along the base of the wall and having to push back further into the hill, and the applicant soil nailed it to address that concern. In his time on the Planning Commission, Commissioner Joyce could not recall giving this level of scrutiny to any other projects, and he did not believe this applicant should be held to a different level than anyone else. Commissioner Joyce thought the retaining wall was the largest piece, and the proposed condition gives the Planning Department the ability to approve a certified landscape plan that would be inspected at some point. He favored that condition and believed it help alleviate some of the concerns about trying to mitigate the wall.

Commissioner Band agreed with many of Commissioner Joyce's comments. She stated that after many meetings the Commissioner asked the applicant to come back with the Gully Plan and they complied. She believed the City has been talking about the nine lots all along and she did not think it was fair at this point to question it. They have been moving forward with nine lots and she thought it was fair. Commissioner Band agreed that the applicant has made every attempt to do whatever they've been asked to do. Commissioner Band had visited the City's retaining wall that was shown on page 193 of the Staff report and she measured between the walls. One is 9'10" and another section is 7' wide. The trees are thriving and she did not think it looked bad. Commissioner Band stated that her biggest concern has always been the substandard roads and safety. However, at some point they need to defer to the City Engineer and he has approved the plan. She noted that they did get cleanup, they will get dedicated land and a large amount of open space. She would still prefer access across the easement if it would be negotiated because it would make for a better plan. Commissioner Band understood how the people who live in Old Town feel about this, but this is a reasonable plan and the applicant came to the table with everything the Planning Commission asked.

Commissioner Suesser still had concerns with this project. Being the newest Planning Commissioner and newer to this project she had not had the opportunity to look at this project as long and as closely as the other Commissioners. Her primary concern was that they were not looking at the various steep slope conditions for the subdivision. She felt they were kicking the can on that aspect of the approval to the CUPs for the homes to be built. Commissioner Suesser was concerned that the very steep slope conditions of this area may not comply with the subdivision approval under the Land Management Code.

She also had concerns about the impact of that retaining wall and whether it could be fully mitigated. Commissioner Suesser had a remaining concern about the platted right-of-way being used for a street. She was not fully convinced that this projects was ready for approval.

Commissioner Campbell agreed that it would be nice if the applicant could negotiate the easement with the neighbors. At this point he did not believe those negotiations were not possible. Commissioner Campbell hoped that if the Planning Commission sends a positive recommendation to the City Council that it might encourage the applicant and the property owner to negotiate and come up with something that is better for the entire neighborhood. Commissioner Campbell stated that in his 2-1/2 years on the Planning Commission this is the most collaborative project he has seen. The applicant comes back each time with the revisions that the Planning Commission requested. It was impossible to maintain the ability to ask people to make changes if they reject this applicant after they revised the project as requested. Commissioner Campbell supported the project.

Chair Strachan stated that while he did not necessarily agree with the density determination of 9 units, he has been on the Planning Commission long enough to be overturned several times by both the City Council and the courts when they try to limit something due to light pollution, emergency access or any other reasons raised by the public. In such a pro-property rights State it cannot be done. He found it to be a sad situation but true. He wished it were different, but for the purposes of getting a project to be as good as it could possibly be, this was as close as they would get. Chair Strachan thought the impacts had been mitigated to some extent. It was looking like a 3-1 vote and he was not going to fight it at this point. Chair Strachan believed the access point was still the sticking point. He agreed with Mr. Bennett that denying a CUP in Utah is incredibly difficult to do because in this State it is build, build, build all the time. Chair Strachan pointed out that as the Chairman he would not be voting.

Planner Astorga requested that the Planning Commission continue these items to the July 27th meeting where based on their direction the Staff would draft findings, conclusions and conditions for approval.

MOTION: Commissioner Joyce moved to CONTINUE the three applications for the Alice Claim; the CUP for the wall, the plat amendment, and the subdivision plat, to July 27th, 2016, and to direct the Staff to prepare Findings of Fact, Conclusions of Law and Conditions of Approval for a positive recommendation. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioner Phillips was recused.

6. Park City Mountain Resort Development Agreement Mountain Upgrade Plan and MPD. (Application PL-14-02600)

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Planner Anya Grahn reported that the Planning Commission approved the MPD with a Condition of Approval #4 that outlined the preservation of some of the mine sites. The Condition of Approval was amended in April 2016 to extend the date to July 23rd. The applicant was before the Planning Commission to request a 66-day extension to September 28th. Planner Grahn stated that the extension would allow additional time to complete the stabilization work on the California Comstock, which is predicted to be completed by the end of this month, and finalize the inventory of historic structures and update the preservation plan to acknowledge any structures that might have been overlooked. It would also allow the Staff time to work through the preservation easements.

John Sail with Vail Properties introduced Sally Elliott with Friends of the Ski Mountain Mining District. Ms. Elliott had displayed boards showing seven pictures of the first seven priorities. Ms. Elliott stated that the California Comstock was the first priority because it was the most in danger of blowing away. She had also provided the Commissioners with a copy of a report prepared by Clark Martinez regarding a machine that he had found and his progress.

Ms. Elliott noted that they would not be able to complete the stabilization of the California Comstock as they plan to do it because the project is \$150,000 and she had only raised \$50,000 at this point. She asked the Planning Commission to understand that they had done \$50,000 worth of work to make sure the structure will stand up during the winter. They also protected all of the materials.

Vice-Chair Joyce felt that the extension the Planning Commission was voting on this evening had nothing to do with the construction work being done. He pointed out that the issues were having time to identify the significant structures and complete the inventory and easement work.

Vice-Chair Joyce stated that when the applicant requested the first extension there was a question of how comfortable Vail and others were that it could be accomplished in that time frame. Vice-Chair Joyce pointed out that this was an important issue when the Planning Commission approved the Gondola and the Miners Camps. Both of those projects were completed on time and now they were asking for another extension for the historic structures.

Assistant City Attorney McLean clarified that Ms. Elliott represents the Friends of the Mining Structures and not Vail. On behalf of the Staff, Ms. McLean thanked Ms. Elliott for staying late to show the pictures and explain what has been done and prioritized with the \$50,000 that was part of this agreement. Ms. Elliott's intent was to show the Planning Commission that progress has been made. Ms. McLean stated that unless the Commissioners had questions for Ms. Elliott they could move forward to discuss the extension request.

Commissioner Suesser asked if the Inventory was complete. Planner Grahn replied that it was close to being complete. They were waiting on a map and trying to figure out the boundaries of Vail's leasable and owned areas to make sure they have not overlooked any mine sites.

Vice-Chair Joyce asked if the Staff was comfortable that they would not have to request another extension. Director Erickson noted that there were rigorous conditions of approval for this extension, including not accepting any additional planning applications until this work was completed. He stated that the Staff report provided an explanation for the 66 days, which breaks down to 30 days to complete all of the technical requirements and 36 days for Planner Grahn to complete her Staff report. Director Erickson clarified that if Planner Grahn was not confident, the Staff would not be making this recommendation.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the updated Condition of Approval #4 of the PCMR Master Planned Development Agreement Mountain Upgrade Plan amendments that were approved on April 27th, 2016, extending the deadline 66 days to September 28th, 2016, with the added Condition of Approval that no further planning applications will be accepted or reviewed by the Planning Department until the Planning Commission finds that the applicant has complied with Historic Preservation Condition of Approval #4 of the 2015 MPD. Commissioner Band seconded the motion.

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

Updated Condition of Approval #4

Historic Preservation

In furtherance of assisting the developers in meeting their obligations under

Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC Lease Co LLC) by September 28, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than September 28, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

7. **1450 Park Avenue – Conditional Use Permit application for limited access on Sullivan Road** (Application PL-16-03162)
8. **1460 Park Avenue – Conditional Use Permit application for limited access on Sullivan Road.** (Application PL-16-03161)

Chair Strachan returned and resumed the Chair.

The Planning Commission reviewed these items together.

Planner Grahn noted that the site plan was provide on page 290 of the Staff report; however, the applicant had submitted an updated site plan. She pointed out that the only

major difference was the two tandem car parking configuration off of 1450 Park Avenue. The updated site plan also corrected some of the snow storage.

Planner Grahn reported that both applications were conditional use permits for access off of Sullivan Road. The applicant proposes to rehab both historic houses and construct three new single family dwelling behind each historic structure for a total of four homes on each lot. This project would be 100% affordable housing.

Planner Grahn stated that the historic properties were exempt from providing parking, however, single family dwellings require two parking spaces. The applicant is providing six parking spots on each lot. Two will be accessible off of Park Avenue and the remaining four will be off of Sullivan Road.

The Staff found that the proposal complies with the CUP criteria outlined in LMC 15-1-10(E), as well as the CUP criteria for Sullivan Road access. The Staff added a number of conditions of approval to help comply with those criteria. One is requiring that additional landscaping is added to conceal the parking, as well as the transformer and utilities. Another condition requires the dedication of façade easements. A condition of approval also requires that they retain existing landscaping to address concerns about losing the mature landscaping.

The applicant is Park City Municipal Corp., and representatives were present to answer questions.

Commissioner Joyce noted that the Planning Commission had not approved this as a subdivision plat. Assistant City Attorney McLean explained that it did not require a subdivision because they were the original existing lots. Commissioner Joyce pointed out that there was not a condominium plat for these lots. He thought the Planning Commission was looking at doing curb cuts for a layout they have never seen before. He thought the access off of Sullivan made sense, but he might have issues with the parking and he was unsure when those would be addressed. He was uncomfortable approving the access without understanding the parking solution.

Planner Grahn remarked that the reason for not doing the condo plat first is because the buildings are not constructed. She stated that it was not unusual to do condo plat amendments and then come back to the Planning Commission for revisions as things change during the construction phase. Planner Grahn noted that the parking meets the LMC requirements for parking. However, if the Commissioners find that the parking configuration off of Sullivan Road is too intensive, this would be the appropriate time to have that discussion.

Commissioner Joyce emphasized that he is always careful on any project they review for the City because he does not want the perception that City projects get special treatment. Commissioner Joyce understood that they get away with providing six parking spaces rather than eight spaces because parking is not required for the two historic houses. He noted that the solution is to park two cars outside the house. One space will be assigned to each house and the other two spaces would be available parking. Commissioner Joyce remarked that in his opinion, starting with three spaces for each lot and immediately giving one away for the historic house sounded a little sketchy. He thought it appeared to be a way to get around the parking requirement.

Commissioner Joyce explained why he had concerns with the parking layout. He did not believe it would flow well at all.

Commissioner Band understood that each lot had one assigned parking space and two floating spaces. She asked if that included the tandem cars. Planner Grahn explained that the new development on the site dictates the amount of parking required for the site. The HOA will assign one parking spot for house and allow the additional parking to be free floating. She did not believe it was much different than a multi-unit dwelling where the amount of square footage would dictate the number of parking, and each unit might have a designated parking spot.

Commissioner Band clarified that her question related to the tandem parking. It is impractical to have to ask the neighbor to move their car so the person in front can get out. Planner Grahn replied that the HOA would have to decide how to handle that issue. She noted that tandem was not supported by the City Engineer; but it does meet the Land Management Code requirements. Commissioner Band was comfortable with the one assigned parking spot per house.

Commissioner Joyce was comfortable allowing access off of Sullivan; but it would be difficult to vote in favor at this point because he would have other issues if they were reviewing the condominium plat.

Chair Strachan clarified that the applicant was only requesting access with these applications. Rhoda Stauffer, representing the applicant, replied that this was only for access and they would be coming back with the condominium plat.

Commissioner Band wanted to know why they were making these homes condominiums. Planner Astorga stated that a condominium plat is required in order to sell the houses individually.

Chair Strachan agreed that there were flow problems with the layout. However, if the Planning Commission was being asked whether a curb cut was appropriate off of Sullivan Road, he believed the answer was yes. Regardless of how the configuration ends up, it will still need to access off of Sullivan Road. Chair Strachan stated that if access was the only request this evening he could support it. He encouraged the applicant to pay close attention to the comments made by Commissioner Joyce because there will be issues with the configuration when they come back to the Planning Commission.

Commissioner Phillips suggested that they assign the front four spots to help mitigate the problem of people having to drive around to find a parking space. Commissioner Band did not believe that tandem spots would be assigned. Mr. Stauffer clarified that they would never assign a tandem spot. The intent is to have a total of eight spots assigned and everything else would be shared. Ms. Stauffer noted that it would be clearly detailed in the CC&Rs; and in selling the units, preference would be given to people who choose to only have one car.

MOTION: Commissioner Band moved to APPROVE the 1450 Park Avenue conditional use permit application for limited access on Sullivan Road. Commissioner Phillips seconded the motion.

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

Commissioner Joyce clarified that he was not comfortable voting on a curb cut before seeing the parking plan. He reiterated that he did not have an issue with access off of Sullivan Road.

MOTION: Commissioner Band moved to APPROVE the 1460 Park Avenue conditional use permit application for limited access on Sullivan Road. Commissioner Phillips seconded the motion.

VOTE: The motion passed 3-2. Commissioners Joyce and Campbell voted against the motion.

Findings of Fact – 1450 Park Avenue

1. The property is located at 1450 Park Avenue.
2. The zoning is Historic Residential-Medium (HRM) Density District.
3. The lot at 1450 Park Avenue currently contains a historic house. The site is designated as Significant on the City's Historic Sites Inventory (HSI).

4. The property is identified as Lot 2 of the Retreat at the Park Subdivision, and contains 9,212 square feet. It has street frontages along both Park Avenue and Sullivan Road.
5. The Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation of the historic house on December 8, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1450 Park Avenue. The relocation of the historic house 8'6" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application has not yet been approved.
6. On May 2, 2016, the Planning Department received a Conditional Use Permit (CUP) application for access off of Sullivan Road; the application was deemed complete on May 12, 2016.
7. No HDDR application for the construction of the three (3) new houses on the site has been submitted to the Planning Department.
8. The existing lot size at 1450 Park of 9,212 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).
9. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
10. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road. Two (2) parking spaces in a tandem configuration will be accessible from Park Avenue, and the remaining four (4) spaces will be accessible from Sullivan Road.
11. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
12. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.
13. The applicant requests that most of the direct access to the site come from Sullivan

Road. The applicant is proposing two (2) parking spaces in a tandem configuration accessible from Park Avenue.

14. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

15. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

16. Trash storage and recycling pick areas will be located on the rear (south) elevation of the new houses. Trash collection will occur along Sullivan Road.

17. Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

18. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

19. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The proposed design of the three (3) new single-family dwellings meets the Design Guidelines for Park City's Historic Districts and Historic Sites.

20. The applicant is not proposing to alter the Historic Structure to minimize the residential character of the building; rather, the applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure.

21. The new buildings and addition to the historic structure will be in scale and compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the

development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.

22. Parking requirements of Section 15-3 will be met. The required amount of parking for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces in a tandem configuration accessible from Park Avenue.

23. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved as possible.

24. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.

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

Conclusions of Law – 1450 Park Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1450 Park Avenue

21. The new buildings and addition to the historic structure will be in scale and compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.

22. Parking requirements of Section 15-3 will be met. The required amount of parking

for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces in a tandem configuration accessible from Park Avenue.

23. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved as possible.

24. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.

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

Conclusions of Law – 1450 Park Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning

Conditions of Approval – 1450 Park Avenue

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
2. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
3. Snyderville Basin Water Reclamation District (SBWRD) review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance. A 21-foot-wide utilities easement shall be dedicated to SBWRD along the shared property line of 1450-1460 Park Avenue.
4. No building permits shall be issued for this project until the final plans for the proposed house are reviewed and approved by the Planning Department staff for

compliance with the Design Guidelines for Historic Districts and Historic Sites.

5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of occupancy for the house. The landscape plan shall provide mitigation of the visual impacts of the driveways, parking areas, and mechanical equipment.

6. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1450 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.

7. The applicant is responsible for providing an updated landscape plan as part of the building permit application. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree. The updated landscape plan shall incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site. If possible, the applicant will preserve the lilac bushes.

8. Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.

9. All ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.

10. All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.

11. All Standard Project Conditions shall apply.

Findings of Fact – 1460 Park Avenue

1. The property is located at 1460 Park Avenue.

2. The zoning is Historic Residential-Medium (HRM) Density District.

3. The lot at 1460 Park Avenue currently contains a historic house. The site is designated as Significant on the City's Historic Sites Inventory (HSI).

4. The Retreat at the Park Subdivision was recorded with the Summit County Recorder

in 2007.

5. The City purchased the property in 2009.
6. The property is identified as Lot 1 of the Retreat at the Park Subdivision, and contains 9,083 square feet. It has street frontages along both Park Avenue and Sullivan Road.
7. The Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation of the historic house on December 8, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1460 Park Avenue. The relocation of the historic house 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application has not yet been approved.
8. On May 2, 2016, the Planning Department received a Conditional Use Permit (CUP) application for access off of Sullivan Road; the application was deemed complete on May 12, 2016.
9. No HDDR application for the construction of the three (3) new houses on the site has been submitted to the Planning Department.
10. The existing lot size at 1460 Park of 9,083 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).
11. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
12. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road. Two parking spaces will be accessible from Park Avenue, and the remaining four (4) spaces will be accessible from Sullivan Road.
13. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
14. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan

Road and no additional access is required.

15. The applicant requests that most of the direct access to the site come from Sullivan Road. The applicant is proposing to maintain two (2) existing parking spaces accessible from Park Avenue.

16. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

17. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

18. Trash storage and recycling pick areas will be located on the rear (north) elevation of the new houses. Trash collection will occur along Sullivan Road.

19. Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

20. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

21. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The Planning Director has found that the proposed design of the three (3) new single-family dwellings, reviewed by Staff at the Design Review Team meeting, meets the Design Guidelines for Park City's Historic Districts and Historic Sites.

22. The applicant is not proposing to alter the Historic Structure to minimize the residential character of the building; rather, the applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure.

23. The new buildings and addition to the historic structure will be in scale and

compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.

24. Parking requirements of Section 15-3 will be met. The required amount of parking for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces accessible from Park Avenue.

25. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved to the greatest extent possible or replaced in kind per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.

26. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.

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

Conclusions of Law – 1460 Park Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1460 Park Avenue

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.

2. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
3. Snyderville Basin Water Reclamation District (SBWRD) review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance. A 21-foot wide utilities easement shall be dedicated to SBWRD along the shared property line of 1450-1460 Park Avenue.
4. No building permits shall be issued for this project until the final plans for the proposed house are reviewed and approved by the Planning Department staff for compliance with the Design Guidelines for Historic Districts and Historic Sites.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of occupancy for the house.
6. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1460 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.
7. The applicant is responsible for providing an updated landscape plan as part of the building permit application. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree. The updated landscape plan shall incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site. If possible, the applicant will preserve the lilac bushes.
8. Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.
9. All ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.
10. All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.
11. All Standard Project Conditions shall apply.

9. **259, 261 & 263 Norfolk Avenue – A Conditional Use Permit for construction in a platted, un-built City ROW of a shared driveway which will be a single shared drive from the northern section of the lots connecting to the single shared driveway towards the south side of the lots. (Application PL-16-03145)**

Commissioner Phillips recused himself and left the room.

Planning Tech Makena Hawley handed out public input that was received after the Staff report was prepared.

Planner Hawley reviewed the application for a shared driveway for three lots in Upper Norfolk; 259, 261 and 263 Norfolk Avenue. In addition to this application the City was requesting that this project implement a connection to the existing shared driveway for emergency access only. Ms. Hawley stated that public comment included concerns for where the three lots on the southern side would put their snow storage. Another concern was the potential loss of informal parking.

Scott Adams with the Fire District was present to answer questions. Commissioner Joyce asked Mr. Adams to address fire issues in Norfolk and what this proposal would either help or hinder.

Mr. Adams stated that Norfolk is already a challenging area in terms of firefighting. He noted that the applicant currently meets the requirements for access and turnarounds. However, when they saw that what could become a shared driveway would make access easier, the Fire District suggested that the City look at a possible connection. Mr. Adams explained that if there was a fire, they would be able to get emergency equipment in from either side. They would also be able to go straight down or, if necessary, have the apparatus come up the other way. If Norfolk is blocked or people have to evacuate the area, that would be another route to get out. Mr. Adams clarified that the Fire District saw this as an opportunity to make the area a little safer.

Commissioner Joyce understood that under the current condition the Fire District could still access and turn around, but it would be easier with the connection. Mr. Adams answered yes.

Chair Strachan opened the public hearing.

Paul DeGroot stated that he was representing the owners of 221 and 223 on the Upper Norfolk Spur. These properties are to the south of the proposed project. He noted that in 2013 one or two public parking spaces were approved across from 226 Upper Norfolk in the public right-of-way. All three owners at that time were opposed because according to

the approved plat the property owners were responsible for the maintenance of the driveway, which is in the public right-of-way. Mr. DeGroot remarked that a private driveway in a public right-of-way has always been a curious conundrum. He explained that the issue the owners have now is that the parking space that was approved has aggravated access, making snow storage worse than it was. Mr. DeGroot referred to the public comments attached to the Staff report and noted that Mr. Chick Hill complained about a problem with emergency access, which he was told happened in the parking space. Mr. DeGroot stated that the people he was representing were approved to that public parking space because it involved a retaining wall which help up the driveway in the Norfolk Spur. Because the owners were required to maintain that driveway, they were then responsible to maintain the retaining wall that the City approved. He stated that the proposal now is to have a connector with either a gate or bollards to facilitate emergency vehicles. Mr. DeGroot thought another question for the future is the increase in traffic due to construction vehicles. He believed the largest issue was maintenance. Three owners have maintained this driveway since it was built and now those three people would be obligated to maintain that driveway for other owners moving in. Mr. DeGroot stated that snow removal is an issue because people have taken full advantage of the empty lot to store snow, and that lot would no longer be available. He understood from the Staff report that the proposal is to have a heated driveway on the three new proposed projects, but it does not help the snow storage issues for the properties to the south. Mr. DeGroot pointed out that the snow would be pushed up against the connector, which could prohibit emergency vehicles from accessing that area if necessary. Considering the maintenance issue, Mr. DeGroot believed it was a lawsuit waiting to happen. He wanted to know who would enforce the maintenance. The driveway as it exists now is substandard because it was built to driveway standards. He stated that the matter is confusing and his clients were concerned about snow storage, liability, and why they should have to assume or accept the liability.

Chair Strachan closed the public hearing.

Planner Makena noted that the public comment she handed out this evening was additional comments from the same people whose comments were included in the Staff report.

Assistant City Attorney McLean stated that this application was before the Planning Commission because it was a CUP for a driveway in the City right-of-way. Despite the fact that each lot is owned by different entities and have their own LLC, a condition of approval on the plat states that they all have to be built at the same time in order to mitigate the construction impacts.

Commissioner Campbell asked the applicant why they would not spend the money on widening the road instead of building a shared driveway. Jerry Fiat, one of the applicants,

replied that widening the road was an idea that had not been discussed. Commissioner Campbell thought widening the road would solve all the problems regarding access to the three driveways and the concerns of the neighbors. Mr. Fiat stated that it was originally proposed as three individual driveways. They later proposed it as a shared driveway and a single driveway, and that proposal was rejected. Mr. Fiat noted that they were asked to make it one shared driveway primarily to protect the berm. He pointed out that since that section was only a small part of the road, widening would not solve many of the problems on the road. Commissioner Campbell asked if the elevation change was too great for the parking areas and the road. Michael Demkowitz with Alliance Engineering explained why widening the road would not resolve the problems.

Mr. Fiat noted that all the public comments submitted were about the connection between the two driveways. He remarked that the connection being proposed was at the request of the City. It is a concrete snow melt driveway with bollards on both sides so only emergency vehicles can get through it. The connector is expensive but they were willing to build it. Mr. Fiat referred to the snow storage concerns expressed by the three neighbors. He noted that there is 180 linear feet of driveway and the connector only takes up 12 feet.

Chair Strachan asked who would maintain the connector. Mr. Fiat replied that it would be the responsibility of the HOA and controlled by the CC&Rs.

Commissioner Joyce believed there were two questions. One was the CUP for putting the shared driveway on the City right-of-way. The second question was that the currently designed proposal interconnects to the one next door. He thought they needed to separate the two for discussion purposes. Commissioner Joyce stated that he was comfortable with the driveway and he understood that the applicant needed a CUP to do it. As a separate issue, the fire department has said that an interconnection is all gain and no loss for Norfolk. Commissioner Joyce had visited the site and walked the substandard driveway. It is narrow, there is no space for parking, and it is tight for turning around. He could definitely see a downside for the people next door. Commissioner Joyce thought it would be nice if the City would widen Norfolk and fix it right. He found it unfortunate that it was not part of the plan. Commissioner Joyce did not have a problem with the applicant building the driveway that the Planning Commission previously told them to build on the City right-of-way. However, he did have a problem interconnecting the driveways where it does not seem to be necessary. It would be nice to have but it puts an undue burden on the neighbors.

Mr. Fiat reiterated that the interconnection was requested by the City and not the applicants.

Commissioner Band wanted to know the alternative if the CUP is not approved. Mr. Fiat stated that the alternative would be to have dead-end driveways. He pointed out that their proposed driveway meets Code as it currently exists, but the other driveway does not. It is a non-conforming driveway.

Mr. Adams reiterated that this proposal was better from the standpoint of fire safety and meeting fire code. Chair Strachan understood that from a fire safety perspective it would be better to have the driveways connected. Mr. Adams answered yes, because it would be easier to bring up fire apparatus.

Commissioner Band believed that based on safety concerns, the smartest solution was to go with the safest route. Mr. Fiat explained the current parking situation on Norfolk and how the road could potentially be blocked. He noted that the proposal provides an alternative route for an emergency vehicle if the road was blocked. Mr. Fiat remarked that in addition to benefiting their property, it also benefits everything that is down stream of the entrance into the historic.

Chair Strachan thought it made sense, and it was important to hear the fire department say that that it would make a safer access for everyone. That opinion alleviated some of his concerns and he supported the CUP. Commissioner Band agreed. Commissioner Suesser was comfortable with the proposal. Commissioner Campbell had nothing further to add.

Commissioner Joyce heard nothing that justified putting the burden on the three houses next door. If Norfolk is broken, putting the burden on three people who live on the upstream side of the problem was not the right answer.

Commissioners Campbell did not understand why Commissioner Joyce thought it was a burden to the neighboring property owners. Commissioner Joyce replied that the road is narrow and the turnarounds are difficult. Commissioner Campbell pointed out that this proposal would not change any of that. Commissioner Joyce disagreed and explained why. Mr. Fiat reviewed the site plan to show Commissioner Joyce that the area he was concerned with would not be affected. Commissioner Joyce stated that if the intent is to have an emergency access the neighbors could not push snow there or park there. Mr. Fiat pointed out that they could not store snow in that location anyway because they would not be able to get into their driveway and garage.

Mr. Fiat reiterated that the CUP was only for the shared driveway. The City had requested the connector and he was only supporting their request. It makes no difference to him whether or not they have the connector.

Mr. DeGroot stated that there would be no place to put snow in front of the house immediately to the south.

Director Erickson reviewed the site plan to show what was being proposed and what currently exists. Mr. DeGroot thought it would be an onerous burden on three owners by taking away their snow storage. Chair Strachan understood that the CC&Rs would address the newly proposed driveway. Commissioner Joyce stated that it would only address issues on the applicant's side but not the other side. Chair Strachan indicated the outlined where that would be the applicant's responsibility under the CCRs, including snow removal. Mr. Fiat answered yes. They would remove all the snow from the proposed driveways for 259, 261 and 263 Norfolk and the connector. Chair Strachan did not believe this proposal would put a new burden on the neighboring properties.

Planner Hawley noted that the gray shaded area was the shared driveway. The spotted portion was the connector piece. She indicated where the driveway would stop if there was no connector.

Commissioner Band pointed out that the driveways are in a City right-of-way and the biggest concern is safety. She agreed that that it was difficult to put an additional burden on people to remove snow, but that is Old Town.

Mr. Fiat stated that the applicants were before the Planning Commission for a CUP on shared driveway. If the Commissioners approve the CUP they would not need to come back for the connector. It is on City property and the City has the decision on whether or not to add the connector. Mr. Fiat stated that they were a year away from building the driveway and he would do whatever the City wanted at that time.

Community Development, Director Anne Laurent, stated that she had an extensive conversation with the City Engineer and this was the appropriate time to discuss safety and access. She noted that the Planning Commission could approve the CUP for a shared driveway without the connector; but this was the time to address the safety concern as proposed by the Fire District and the City Engineer, and determine whether or not to have the connector.

MOTION: Commissioner Band moved to APPROVE the conditional use permit for 259, 261, and 263 Norfolk, for construction in a platted unbuilt City right-of-way of a shared driveway which will be a single shared driveway from the northern section of the lots connecting to the single shared driveway toward the south side of the lots in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Campbell seconded the motion.

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

Findings of Fact – 259, 261, 263 Norfolk

1. The property is located at 259, 261, and 263 Norfolk Avenue.
2. The zoning is Historic Residential – One (HR-1).
3. The approved plat is Upper Norfolk Subdivision.
4. There is one amendment to the plat which is in the process of being recorded as Ordinance 15-56.
5. The driveway is 14 feet wide. The right-of-way ranges from 13 feet to 17 feet between the proposed private drive and the existing Norfolk Avenue..
6. There will be a maximum slope of 10% for the private driveway.
7. The slope will rise to a maximum of 18% to connect the proposed drive to the existing private drive Upper Norfolk Avenue.
8. The driveway will be paved in concrete.
9. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law – 259, 261, 263 Norfolk

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 259, 261, 263 Norfolk

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. The City Engineer will review the transition slopes to the 18% grade before building permit issuance.
5. Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer.
6. Snyderville Basin Water Reclamation District review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
7. A final utility plan is required to be approved by the City Engineer prior to issuance of a building permit.
8. An Encroachment Permit for the driveway, snow melt, landscaping and any retaining walls will be approved with the City Engineer and recorded.
9. A building permit will be required to build the road and retaining walls.
10. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted and anticipated utilities will be located in accordance with the plans as submitted.
11. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots. The landscape plan shall provide mitigation of the visual impacts of the driveway and any retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation.

12. Parking is restricted to the private driveways of each lot. No parking shall be allowed on the shared drive.

13. All conditions of approval of the Upper Norfolk Subdivision Plat (Ordinance No. 06-55) and the 2015 Plat Amendment (15-56) which includes the Construction Mitigation Plan must be adhered to.

14. The Conditional Use Permit will expire on July 13, 2016, if a building permit has not been granted.

15. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.

10. 2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building that if approved will replace the old well filtration buildings at Creekside Park in the Recreation Open Space (ROS) zone.
(Application PL-16-03198)

Commissioner Phillips returned to the meeting.

Planning Tech Hawley reviewed the CUP for the Creekside Well Filtration Building. She noted that a previous CUP was approved for a structure; however, the online update of the amended Code from 2007 was not complete, and therefore the approved building location was non-conforming with the SLO requirements. The original CUP was withdrawn and the applicant was proposing a new location.

The Staff recommended that the Planning Commission conduct a public hearing and approve the CUP for an essential Municipal Public Utility Use Facility, Service, and Structure greater than 600 square feet located at 2392 Holiday Ranch Loop Road.

Alison Kuhlow, representing the applicant, reminded the Planning Commission that the biggest issue was the wetlands. The issue was raised by Commissioner Joyce and following the meeting Assistant City Attorney was able to find the related Code amendment that was not put through. Ms. Kuhlow stated that they were able to relocate the building to the south of the playground and completely away from the wetlands.

Chair Strachan thought it looked like a slightly different building. Ms. Kuhlow replied that the difference is the shade structure to the north. They believed that adding the shed roof was appropriate and would add an amenity to the Park. A representative from public works

noted that there were also minor changes to the building materials to better compliment the adjacent restrooms.

Chair Strachan about windows. He was told that there were a couple of fake windows on the upper sides. Otherwise there were basically no windows. He noted that one window was previously requested by the Planning Commission, but with this configuration and building orientation it was not practical to include that window.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Suesser asked if this item was properly noticed. Planner Hawley replied that it was noticed in the Park Record and courtesy notices were also sent to property owners within 300 feet of the project. Ms. Kuhlow noted that since this was a new application all of the noticing was redone.

MOTION: Commissioner Joyce moved to APPROVE the conditional use permit for an essential Municipal Public Utility Use Facility, Service and Structure greater than 600 feet located at 2392 Holiday Ranch Loop Road, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Creekside Well Filtration Building

1. Applicant requests the conditional use of an Essential Municipal Public Utility Use greater than 600 square feet to be used for the operations and storage of the Park Meadows and the Divide wells.
2. The property is located at 2392 Holiday Ranch Loop Drive but relocated would become 2392 Creek Drive.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit.
4. The property is located within the Sensitive Land Overlay Zone and is 125 feet away from the delineated wetlands within the parcel.

5. The lot is described as Parcel #CRKSD-2-X, Lot 2 of the Creekside Subdivision approved in March 2007 in the Park Meadows neighborhood.
6. The 6.71 acre parcel holds the Park Meadows well and the Divide well, along with recreational areas and is across the private street from the Park City Fire District firehouse.
7. The size of the proposed structure is 2,652 square feet.
8. The property is within the Sensitive Lands Overlay. The existing landscape is comprised of low shrub vegetation growth and minimal significant vegetation that will need to be replaced in kind.
9. The topography begins to climb a small hill towards the south/east end of the lot.
10. This building will not impact the wetlands. Prior to disturbance of the land the applicant will be required to submit a letter from the Army Corp approving the structure with building plans.
11. Access to the new well house will be from the private drive, Creek Drive accessed off Holiday Ranch Loop Road. This is a private drive that allows public use because it is on City Property.
12. The neighborhood is characterized by a mix of public parks, the Park City Fire District firehouse, and single-family dwellings.
13. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed filtration building is 30 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.
14. The minimum setbacks from all sensitive lands are fifty feet (50'). The proposed well house is 125 feet away from the closest wetland area.
15. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of nineteen point five feet (19.5') in height.
16. The proposed well filtration building is compatible with the surrounding structures. The well house uses the same materials as the surrounding structures and is

generally similar in size to most of the adjacent buildings.

17. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is minimal significant vegetation existing on the lot which will be required to be replaced in kind.

18. Lighting is proposed in one exterior area. The lighting on the entry door with a motion sensor which will be down lit and shielded.

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

20. The building size consists of 2,652 square feet.

21. The applicant will be required to submit a Permit Application and Mitigation Plan for Wetland Impacts prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements.

22. The applicant stipulates to the conditions of approval.

Conclusions of Law – Creekside Well Filtration Building

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approvals – Creekside Well Filtration Building.

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. The project will be reviewed by the Park City Fire District and require approval during the building permit process.
4. Prior to building permit issuance, wetland delineation is required by a certified

delineator and approved by the US Army Corps of Engineers. During construction, the edge of the wetlands shall be lined with silt fence so the contractor does not impact the wetlands.

5. Any development shall adhere to all requirements of the Sensitive Lands Overlay Zone.

**11. 4 Thayne's Canyon Way – Plat amendment of Lot 2 of the Thayne's Canyon Subdivision No. 6 to abandon the current temporary turnaround easement and create a new easement to serve as a turnaround for fire apparatus.
(Application PL-16-03196)**

Planning Tech Hawley reviewed the application for a plat amendment at 4 Thaynes Canyon Road. She reported that when the plat was recorded in 1981 a turnaround easement was approved for fire apparatus. This applicant was requesting a plat amendment to abandon the current easement and to create a new turnaround easement to allow proper turnaround for fire apparatus, as well as additional use of their property.

Planner Hawley stated that the Internal Development Community reviewed and approved this application. She noted that the requested plat amendment only affects this lot. It does not affect the other lot or the road that has the protection strip.

Chair Strachan opened the public hearing.

Director Erickson reported that the adjacent property owner, Herb Armstrong, was in attendance earlier in the evening and indicated to Mr. Erickson that he had no concerns as long as the protection strip remained in place.

Chair Strachan closed the public hearing.

MOTION: Commission Band moved to APPROVE 4 Thaynes Canyon Way plat amendment of Lot 2 of the Thaynes Canyon Subdivision No. 6 to abandon the current temporary turnaround easement and create a new easement to serve as turnaround for fire apparatus, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Thaynes Canyon- Subdivision No. 6

1. The property is located at 4 Thaynes Canyon Way within the Single Family (SF)

District.

2. The Current structure on 4 Thaynes Canyon Way does not comply with the 20 foot setback per the plat and lies 8 feet into the 20 foot setback.
3. The existing easement for 4 Thaynes Canyon Way will be abandoned and replaced with a new easement for the proposed Acceptable Alternative to 120' Hammerhead turnaround if this plat amendment is approved.
4. The Thaynes Canyon Subdivision No. 6 was originally approved by City Council and was recorded on January 9, 1981 as entry No. 175075.
5. The total area of the Lot 2 Thaynes Canyon Subdivision No. 6 is 24,952 square feet.
6. On May 26, 2016, the applicant submitted an application to amend the existing Thaynes Canyon Subdivision No. 6 Plat.
7. The application was deemed complete on May 26, 2016.
8. The proposed plat amendment would memorialize the new Acceptable Alternative to 120' Hammerhead easement for the fire apparatus turnaround.
9. At the time the plat amendment is recorded, an abandonment of the existing temporary easement and a new temporary easement reflecting the hammerhead will be recorded.

Conclusions of Law – Thaynes Canyon Subdivision No. 6

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

Conditions of Approval – Thaynes Canyon Subdivision No. 6

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All notes and conditions of approval of Thaynes Canyon Subdivision No. 6, recorded January 9, 1981, as Entry No. 175075 in the office of the Summit County Recorder shall continue to apply.
4. The Acceptable Alternative to 120' Hammerhead turnaround shall be approved and constructed to Fire Code and City Standards and shall meet the requirements of Appendix D Fire Apparatus Access Road from the international fire code prior to building permit issuance.
5. The final easement will be adjusted to meet IFC requirements. Physical adjustments (length, width, squaring of turnaround, pavement standards) to the existing turnaround will be required to be completed by the owner.
6. The turnaround space shall not be used for parking and shall not be signed as private.
7. A public snow storage easement of five feet deep shall be provided at the north end of the turnaround.
8. Once completed, turnaround will be maintained by the City.
9. At the time the plat amendment is recorded, an abandonment of the existing temporary easement and a new temporary easement reflecting the hammerhead will be recorded.

The Park City Planning Commission Meeting adjourned at 11:45 p.m.

Approved by Planning Commission: _____