



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
September 28, 2022**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, Sarah Hall, Bill Johnson, Christin Van Dine, John Frontero

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Lillian Lederer, City Planner I; Spencer Cawley, City Planner; Jason Glidden, Housing Development Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. and reported that all Planning Commissioners were present.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from September 14, 2022.

Commissioner Hall asked if the minutes could be amended to reflect what she intended by a comment as opposed to how it was reflected in the meeting. Senior City Attorney, Mark Harrington, stated that the minutes should be left as-is as they cannot clarify the context of the comment if it is accurately reflected. Mr. Harrington stated that Commissioner Hall could comment and reflect if the comment was material in nature. Commissioner Hall stated that her context would not materially change anything from the meeting. She referenced page 9 of the minutes and stated that the component that was missing was that she wanted to keep the Frontage Protection Zone in line with the height.

Chair Suesser suggested including this in the minutes and called for a motion to approve the minutes, as amended, by Commissioner Hall.

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes from the Planning Commission Meeting of September 14, 2022, as amended by Commissioner Hall. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

Bill Ciraco reported that two weeks earlier at the City Council Retreat there was discussion regarding three items. The first was a Feasibility Study for the Arts & Culture District. Item number two was a Small Area Plan for the Bonanza Park/Iron Horse District, which was discussed as running concurrently with the aforementioned Feasibility Study. The third item involved updates to the General Plan. He requested that the Planning Commission prioritize considering the Small Area Plan and stated that the feasibility of the Arts & Culture District is a direct function of what will get planned for the overall area. In addition, he stated that the process for the Small Area Plan was expected to take four to six months, whereas the Feasibility Study was expected to take three to four months.

Mr. Ciraco reiterated that the Small Area Plan needs to be a priority and stated that the Planning Commission should consider giving feedback to the City Council that a moratorium for that area would be in order. He noted that as soon as they discuss updating the zoning in the area, they will likely see additional applications for redevelopment. He recalled prior Planning Commission and City Council Meetings where he spoke about the Doubletree Hotel being functionally obsolete and likely to be redeveloped. He noted that as he stated, there is an application to demolish the Doubletree Hotel. Without a moratorium, he felt there would be no need for a Small Area Plan because all they would be planning for would be the five-acre Arts & Culture District and potentially the Munchkin Lot.

Diego Zegarra identified himself as the Vice President of Equity and Impact with Park City Community Foundation. He expressed general support for affordable housing and thanked the Commission for being champions for families and the workforce. He noted that the Community Foundation is a partner with the City in the advancement of affordable housing. They are at the table because community members are asking for this and the issue has reached critical levels. He lives in affordable housing and expressed support for future projects. He believed in the value of the mixed-income housing project in King's Crown, where he resides. Mr. Zegarra commented that some units are affordable and some are attainable. He reiterated his gratitude for the work of the Commission in looking out for the community. Mr. Zegarra encouraged them not to let perfection be the enemy of progress.

Helen Nadel identified herself as a recent full-time Park City resident. She voiced her strong support for both affordable and attainable housing. She understood that the City Council set an exciting goal of 1,000 units by 2026 and felt that having that support for affordable and attainable housing for the workforce and others was very important and one she was excited to support.

Commissioner Kenworthy asked if now was the appropriate time to find out about any existing Master Planned Developments ("MPD") that do not have sunset clauses. Mr. Harrington stated that the issue would be addressed in the Staff Report as part of the Area Plan or Strategic Plan. Planning Director, Gretchen Milliken, reported that Staff is currently researching the answer to Commissioner Kenworthy's question and would bring the matter back before the Commission when they present the overview of the Bonanza Park Small Area Plan.

In response to Chair Suesser's request for clarification, Director Milliken confirmed that the Small Area Plan included the Art & Cultural District. She also noted that the Feasibility Study for the Bonanza Park area and the Small Area Plan were intended to complement each other, which was why they proposed running them concurrently. She explained that the Feasibility

Study would look at the feasibility of an Art & Cultural District in that specific location. It would also raise the question of whether that District is still the direction the community wants to take for that site. Director Milliken added that because the Feasibility Study was specific to that one site and will run concurrently but separate from the Small Area Plan. She averred that the Art & Cultural District will be included in the Small Area Plan. She stated they might retain a Consultant who can take on both plans.

Chair Suesser asked about short-term plans for the Bonanza Park area, specifically the Art & Cultural District that discussed utilizing the property for something prior to developing it. Director Milliken was unaware of any short-term plans but believed there had been discussions. Mr. Harrington commented that both the Implementation Department and Special Events have a program to utilize the site for programming. The Transportation Department is always looking at sites for short-term remedies and it was part of the annual process in terms of evaluating what will be done during the upcoming winter. He did not feel that any specific decisions had been made. Mr. Harrington observed that the Code was not intended for temporary uses and for that reason, they would be confined by the Code in terms of how they can use the site. He noted that it remains within the realm of Special Events.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Director Milliken reported that the City Council would be announcing the new Planning Commissioner at the October 6, 2022, City Council Meeting. They expect the new Planning Commissioner to attend the October 26th meeting. She stated that they will add three new Commissioners and hoped to schedule a special meeting in which they could conduct some training and introduction to the Planning Department and other Departments that touch on applications that come before the Planning Commission. She stated that Staff would reach out to the Commission to schedule the special meeting, which would be in addition to a regularly scheduled Planning Commission meeting. Chair Suesser noted that there were to be two new Commissioners, not three.

5. CONTINUATIONS

- A. 220 King Road – Plat Amendment and Conditional Use Permit – The Applicant Proposes to Combine Two Parcels into One Lot and Amend Existing Plat Note Requirements to Construct a New Single-Family Dwelling Located off King Road, which will replace the Two Existing Dwellings at 220 King Road. (PL-22-05318, PL-22-05319).**

Director Milliken announced that Senior City Planner, Alexandra Ananth, was not present and asked that she communicate that Staff recommended a continuation of the above item as a Work Session on a Plat Amendment and Conditional Use Permit (“CUP”) to October 26, 2022. The continuance was requested to allow additional time to research the Sweeney MPD, in which the property is located. Mr. Harrington added that this item was not scheduled for a public hearing, so they just needed a motion to continue.

Chair Suesser noted that the New Planning Commission Member would be present at the October 26 meeting.

MOTION: Commissioner Hall moved to CONTINUE 220 King Road to October 26, 2022. Commissioner Christin Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. REGULAR AGENDA

A. 569 Park Avenue - Plat Amendment - The Applicant Proposes to Remove an Interior Lot Line to Create One Lot Of Record. PL-22-05320.

City Planner, Lillian Lederer, presented the staff report and stated that the subject property is located in the Historic Residential (HR-1) Zone. The home sits on Lots 17 and 18 of Block 5, and the applicant proposed to combine them into one Lot. This is a Significant Historic Site built around 1917. She presented photographs of the home. On September 7, 2022, the Historic Preservation Board ("HPB") approved the relocation of the structure four feet to the north, as well as material deconstruction of a portion of the rear and south side façade to accommodate a rear garage and basement addition. The approval occurred prior to the pending Plat Amendment. After the Plat Amendment, Staff would review the pending Historic District Design Review ("HDDR") application.

Planner Lederer reported that the proposal complies with the Land Management Code ("LMC") Chapter 15-2.2 in terms of Minimum Lot Size, Lot Width, and Maximum Building Footprint. Additionally, she referenced the analysis in the Staff Report that the proposal complied with the Front Setback as Legal Non-Complying. She added that the Rear Setback and Side Setbacks were in compliance, as well as Building Height.

Planner Lederer stated that there was good cause for the Plat Amendment and noted that no public street right-of-way or easement would be vacated or amended. This Plat Amendment would allow the applicant to create one 50-foot-wide lot for the Significant Historic Site. In addition, the Plat Amendment would allow the applicant to rehabilitate the Significant Historic Structure, construct a rear garage and basement addition, and rehabilitate and preserve the Significant Historic Site to enhance the historic feel and character of the HR-1 Zoning District.

The Development Review Committee reviewed the proposal on August 2, 2022, and did not identify any issues. She added that the Planning, Engineering, and Legal Departments reviewed this application and no significant issues were raised. She reported that on September 14, 2022, Staff published notice to the City website, City Hall, *The Park Record*, and the property, and mailed courtesy notices to property owners within 300 feet. Staff did not receive any public input prior to this meeting. Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for Council's consideration on October 27, 2022.

Chair Suesser asked Planner Lederer to address the public input submitted to the Historic Preservation Board. Planner Lederer stated that there had been a number of different proposals for the property and in the past, some residents did not support the proposal. Based on changes made by the applicant, there were three comments in support of this design.

Mr. Harrington added that in addition to the written comments in favor of the proposal, there was comment at the HPB hearing in opposition, which was based on the enabling nature of a Lot combination similar to what the Commission heard at the last meeting. He stated that a majority of the HPB decided that the single-story addition and the recessed garage outweighed any

concern about the shift of several feet that would be enabled by the HDDR and this Plat Amendment. He reported that the HPB voted 4-to-2 to approve the application at that level.

Chair Suesser asked if the applicant would be allowed to build outside the footprint of the historic home. Planner Lederer explained that the applicant would only be adding an addition and a recessed garage. The specific design would be subject to approval by the HDDR, and the applicant would not be allowed to go outside the scope of what was approved by the Historic Preservation Board. Commissioner Johnson asked why they could not require the applicant to make the Front Setback compliant, as opposed to Legal Non-Compliant since part of the proposal was that they would move the building four feet. Planner Lederer stated she was unsure of the answer and could do some research on whether they could require that.

Mr. Harrington explained that there was a determination of legal non-compliance, which the applicant was allowed to maintain, and there was already a determination made that would not allow the increase in the degree of non-compliance. The design was more compliant with the Code because it allowed the recessed parking that was supported by the redevelopment. He noted that this was the focus of the HPB discussion.

Commissioner Johnson mentioned that there were also concerns at the HPB level with regard to a tree and significant vegetation. He asked if there were any trees larger than six inches in diameter. Planner Lederer responded that there is one tree toward the front of the property, and understood it would remain. Director Milliken added that the applicant would likely have to remove a tree on the back part of the property that would be considered Significant Vegetation. She explained that when Significant Vegetation is removed, there must be a replacement to compensate for the removal.

Director Milliken remarked that the basement under the home will not continue underneath the front porch of the Historic Structure, so the new foundation would be compliant with the Front Setbacks. A new foundation would be poured for the home and the basement would be compliant with Front Setbacks.

Commissioner Johnson understood why the front setback could remain legal non-complying, but read the plans as showing that the foundation from the edge of the porch was still one foot within the setback. Director Milliken stated that this was changed recently, so he could be referencing old plans. She provided assurance that the applicant pulled back the foundation so that it was only under the structure, which is not within the Front Setback. Commissioner Johnson stated that based on that representation, he had no issues.

Mr. Harrington referenced Condition of Approval 5, which specified that new construction must comply with the current Code. Planner Lederer added that much of the information in the Staff Report came from the HPB as background information, and did not contain the more recently updated information.

Commissioner Kenworthy requested confirmation that the "significant" designation remain intact. Planner Lederer confirmed this.

Commissioner Frontero asked about access to the proposed garage at the rear of the home. Planner Lederer understood that a driveway would be added to access the garage. She noted that the home does not currently have a garage. Planner Lederer referenced the plans regarding the location of the driveway. Commissioner Johnson read the plans as showing that

with the shifting of the home to the right, the driveway would be to the left of the home. He added that the new structure would not increase the height of the existing house. Director Milliken commented that currently there is a concrete parking pad to the right of the home that would be removed when the home is shifted.

Chair Suesser asked for a visual of the proposed garage, which Planner Lederer presented. Commissioner Frontero observed that the driveway would be a cement or paved area from the street leading to the garage. Director Milliken reiterated that there is currently a fairly large concrete area to the right of the home where the concrete pad merges with the neighbor's driveway. Based on the plans, the neighbor's driveway would be smaller and the house would be moved over into the concrete pad area. She noted that the Historic District Design Guidelines recommend that the garage be set back from the front façade and preferably in the back of the Lot.

Chair Suesser opened the public hearing.

Angela Moschetta appeared virtually and stated that she resides in Old Town. She was opposed to the application before the Historic Preservation Board. She felt that the matter was not dissimilar from many others and presented an area of opportunity to defend the character and integrity of Old Town. She acknowledged that this particular home is beautiful and felt that the plans were appropriate from the street view. The issue was one of development, the changes they are seeing in Old Town, and situations where the Code fails the community. She stated that as the City government looks at changes to the General Plan and Code, she hoped something would resonate and they actually start to do something. Her issue was that Planner Lederer simply stated there was good cause for this application, which she felt was disingenuous. Simply stating that there was not tremendous harm or obvious violation of the Code was not the same thing as "good cause." Every time they consider lot combinations and plat amendments, it is only to allow someone to add to the existing footprint of their home.

Ms. Moschetta acknowledged that the proposed additions can be beautiful but they should consider the cultural implications, which is why she looked to the Historic Preservation Board. The HPB exists to preserve the integrity of the City's mining era. It was not just about aesthetics, but culture as well. Back in that era, people did not have SUVs and did not need to park on driveways with parking pads and indoor garages. People also did not have gear for multiple family members and multiple sports. She stressed that every time they allow lot combinations and plat amendments, they allow home values to increase and the use of the home to change. She mentioned nightly rentals, more guests, cars, and people. If they truly want to uphold the General Plan that prioritizes community, at some point they need to take a stand.

Ms. Moschetta stated that whether it is this project or one in the future, she hoped that the day will come when they take a stand because they are running out of options and she was running out of neighbors and workforce neighbors. She commented that those who have remained are rich and white and it is not very interesting in Old Town anymore. She suggested that if an application like this were to be approved, it be conditioned on preserving the integrity of the home by preserving the existing footprint and allowing it to be raised so that the foundation could be assured. She did not agree with the idea that there is "good reason" to move a home simply to accommodate a lifestyle. She apologized to her neighbors and reiterated that there home is beautiful.

There were no further public comments. Chair Suesser closed the public hearing.

Chair Suesser sought clarification of the plans for the sub-level. Planner Lederer explained that part of the addition will be a basement and a garage on the ground level. Chair Suesser asked if there was something that requires the applicant to maintain the home at current grade. Planner Lederer explained that deconstruction must match the existing grade, so it could not exceed the height, which is usually 27 feet in the HR-1 Zone. The applicant proposed to match the height of the Historic Structure, which is 14 feet.

Commissioner Kenworthy understood the history of the home and that the owners won an appeal against the "significant" designation. He felt that the owner was working well with the City and they proposed a nice solution. He acknowledged the public comment on the combination of lots and stated that it is something they will be addressing as they go forward with the General Plan and Land Management Codes. He commented that this particular property has such a beautiful significant home that he found what is proposed to be a great compromise. Commissioner Kenworthy was pleased that this lot will retain its "significant" designation. If they move forward with the understanding that it remains "significant" he would support the request.

Commissioner Van Dine agreed with Commissioner Kenworthy.

Mr. Harrington clarified that the appeal was stayed pending the outcome of this application. He referenced Exhibit D to the Staff Report and stated that the City received an adverse opinion from State Private Property Ombudsmen. He added that the active discussions were primarily between the owner and the neighbors to reach a compromise as opposed to pursuing two stand-alone homes on the individual lots. He stressed that they allowed the lot combination and HDDR stand on their own merits.

Commissioner Frontero commented that since a driveway is being added, he asked if they could condition approval on the existing car park area being removed. He would not want to see a driveway on the left and a cement carport on the right housing other vehicles. Planner Lederer stated that since the home is being shifted, there would not be room to use the existing concrete pad to park vehicles, so the pad should be eliminated. Commissioner Frontero asked that a Condition be added to specify that the car park on the right is converted to landscaping. Mr. Harrington suggested a Condition of Approval affirmatively prohibiting use of the remaining side area in combination with the adjacent lot for parking. He noted that the plans show a water or sewer lateral in that location that might prevent landscaping in the area. Prohibiting the parking should be sufficient to address the concerns. Commissioner Frontero felt this was a good suggestion.

Commissioner Hall would support a positive recommendation as presented in the Staff Report and felt it would be superfluous to make that change. She would support a small bike parking area to the right.

Chair Suesser stated that the suggested amendment was to prohibit car parking. Commissioner Hall was satisfied with what was proposed in the Staff Report.

Commissioner Johnson observed that when the home is shifted there will be no room for cars. He mentioned the removal of the tall, old-growth tree. He noted that the HPB did a good job of mitigating the issues and was complimentary of the design.

Commissioner Frontero was satisfied that once the home is moved, the ability to park cars on the right side will be eliminated. He withdrew his requested Condition of Approval.

MOTION: Commissioner Hall moved to forward a positive recommendation for City Council's consideration on October 27, 2022, for 569 Park Avenue Plat Amendment and Conditional Use Permit, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 569 Park Avenue within the Historic Residential (HR-1) District.
2. The 569 Park Avenue Plat Amendment consists of Lot 17 and 18 of Block 5.
3. On July 19, 2022, the Applicant submitted a Plat Amendment application to combine two existing lots into one lot of record containing a total of 3,748.5 square feet.
4. Staff deemed the Plat Amendment application complete on July 19, 2022.
5. The subject parcel is PC-82.
6. The HR-1 Zone requires a minimum lot area of 1,875 square feet for a single-family dwelling. The proposed lot area meets the minimum lot area for a single-family dwelling. The Use of the current structure on the lot is a Single-Family Dwelling, which is an Allowed Use in the HR-1 Zone.
7. The minimum lot width allowed in the HR-1 Zone is twenty-five feet (25'). The proposed combined lot width is 49.98'. The lot depth is 75'.
8. The minimum side setbacks for a 49.98' wide lot are 5' each.
9. The minimum front and rear setbacks for 75' deep lot are 10' each.
10. New construction must comply with the HR-1 Zone setbacks.
11. The proposed plat amendment will not cause undo harm to adjacent property owners.
12. The proposed lot area of 3,748.5 square feet is a compatible lot combination as the entire HR-1 Zone has an abundance of sites with the same or similar dimensions and lot area.
13. The existing Single-Family Dwelling has a footprint of 1,085 square feet.
14. The maximum footprint allowed in the HR-1 zone is 1519.74 square feet for the proposed lot.

15. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because the combination of the two lots creates one lot for a Significant Historic Structure.
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1- 6, and Chapters 15-2.2, and 15-7.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney's Office, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The applicant will record the plat 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. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review application if required, is submitted and approved for the property.
4. The property is not located within the Park City Soil Ordinance Boundary and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste-impacted soils, they must handle the material in accordance with State and Federal law.
5. New construction must comply with Lot and Site Requirements outlined in Land Management Code Section 15-2.2-3, including Setbacks.
6. Any construction on the property requires submittal and approval of a Historic District Design Review application.
7. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards for new construction is a condition precedent to building permit issuance.

Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. 1201 Stonebridge Circle - Condominium Plat Amendment - The Applicant Proposes Amending the Stonebridge Condominium Plat to Accommodate a 54 Square Foot Addition to Unit 14F For The Purpose of Adding an Exterior Elevator. PL-22-05265.

City Planner, Spencer Cawley, reported that Stonebridge is a Planned Unit Development ("PUD") approved by the City Council in 1981. It has 26 units and is located in the Residential Development ("RD") Zoning District. The request to amend the plat was for the purpose of adding an exterior elevator, which would allow the property owner to have accessibility access to the interior and exterior. The addition is approximately 54 square feet. Planner Cawley reported that the property owner received 79% approval from the Homeowners' Association ("HOA"). Planner Cawley presented images depicting the existing plat for Unit 14F, as compared to the image showing the addition for the elevator.

He reported that the proposed Plat Amendment, as conditioned, complies with the RD Zoning District requirements. A 20-foot sewer easement is platted between this unit and the neighboring unit, and he advised that the proposed elevator will not visually impact the neighbors, will not impact the Side Setback, and will not impact the sewer easement. Staff recommended a Condition that ensures that the elevator addition will not exceed the height of the existing structure.

Planner Cawley stated that the proposal complies with the Stonebridge Plat requirements and maintains all platted easements. The HOA approved the change from common to private for the elevator addition, and although the City does not enforce the CC&Rs, the applicant received HOA support and approval. He noted that private ownership for other units would not change as part of this proposal.

Planner Cawley reported that the proposal complies with the LMC regulations governing Plat Amendments. There was good cause for this Plat Amendment because it will not increase density, will not increase off-street parking requirements, preserves the character of the neighborhood, ensures the safety and quality of life for the property owner, will aid in accessibility, provides variation to the housing stock, and no right-of-way will be vacated or amended. He stated that the Development Review Committee met on July 19, 2022, to review the application, and did not identify any concerns. The Planning, Engineering, and City Attorney's Office reviewed the Staff Report. On September 14, 2022, Staff published notice on the City's website, the Utah Public Notice website, posted notice to the property, and mailed courtesy notices to property owners within 300 feet. Notice was published in *The Park Record* published the same day. At the time the Staff Report was published, Staff did not receive any public input.

Planner Cawley reported that Staff recommended that the Planning Commission review the proposed Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on October 27, 2022.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed the public hearing.

Commissioner Johnson asked if the proposed elevator would impact the pine tree next to the unit. Planner Cawley responded that the elevator will be located further down behind the pine tree and will not impact it. He confirmed that no significant vegetation will be impacted by the addition.

MOTION: Commissioner Hall moved to forward a positive recommendation for City Council's consideration on October 27, 2022, for 1201 Stonebridge Circle Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

Background:

1. The property is located at 1201 Stonebridge Circle.
2. The Parcel is listed with Summit County as SBG-14-F.
3. The property is in the Residential Development (RD) Zoning District.
4. No easement is vacated or amended as a result of the Plat Amendment.
5. The LMC regulates the RD Zoning District Lot and Site Requirements per LMC Chapter 15-2.13.
6. On May 20, 1981, the Planning Commission forwarded a positive recommendation for the Stonebridge Plat to the City Council.
7. On August 20, 1981, the City Council approved the Plat.
8. The Applicant proposes amending the Stonebridge Plat for the purpose of adding an exterior elevator for Unit 14F.
9. The maximum density in the RD Zoning District is three units per acre. The Stonebridge Planned Unit Development has approximately 9.2 Units per acre.
10. The required Front Setback is 10 feet.
11. The required Rear Setback is 15 feet.
12. The required Side Setback is 12 feet.
13. Maximum Building height in the RD Zoning District is 28 feet measured from Existing Grade.
14. The existing Structure is 2,650 square feet. The Applicant proposes adding approximately 54 square feet of non-livable space to the Building Footprint to accommodate an elevator addition.

15. There are two existing off-street parking spaces for Unit 14F.
16. The proposal complies with the Stonebridge Plat requirements.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13, Residential Development (RD) District, and LMC § 15-7.1-3(B), Plat Amendment.
2. Neither the public nor any person will be materially injured by the proposed amendment.
3. Approval of the 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

1. The City Planner, City Attorney's Office, and City Engineer will review and approve the final form and content of the Subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Subdivision.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this Subdivision approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction, to be approved by the Chief Building Official.
4. A non-exclusive ten-foot (10') public snow storage easement on Stonebridge Circle shall be dedicated on the Plat.
5. City Engineer review and approval for Lot grading, utility installation, public improvement, and drainage plans are required for compliance with City standards prior to issuance of any building permits.
6. The Applicant shall ensure the exterior elevator will not exceed the height of the existing structure.

Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- C. 1875 Homestake Road - Affordable Master Planned Development and Conditional Use Permit - The Applicant Proposes Constructing Approximately 200,436 Square Feet on Lot B of the Yard Subdivision for 123 Units Totaling 103,060 Square Feet (46 One-Bedroom Units, 74 Two-Bedroom Units, and 3 Three-Bedroom Units), 6,461 Square Feet of Amenity Space, and 42,237 Square Feet for 125 Parking Space in the General Commercial Zoning District. 80% of the Units are Proposed to be Affordable; 20% are Proposed to be Market Rate. PL-22-05288, PL-22-05300.**

Mr. Harrington reported that given the focus on trees in this meeting, the City has a Tree Program that provides an opportunity to have trees subsidized for \$40. Information was available through links in the media or on the City's website, www.parkcity.org. Commissioner Kenworthy noted that the subsidized trees were required to be planted in Park City.

Planner Cawley reported that this project proposes 123 units, 99 of which will be affordable. This project is located in the Bonanza Park neighborhood. The Park City General Plan addresses the purposes of the Bonanza Park neighborhood. He specifically referenced the purpose and stated that the overriding goal for the neighborhood is to create new housing opportunities while maintaining the existing affordable housing units. The General Plan also identifies the neighborhood as a mixed-use neighborhood, where locals live and work.

Planner Cawley reported that the applicant has gone through various public outreach events and had one-on-one conversations. That information was included in the packet. He referenced the Work Session on July 27, 2022, and a site visit on August 24, 2022, and noted that the applicant had done a great job of supplying additional information. This marks the first Planning Commission review and public hearing on this item. He mentioned that Staff anticipated Planning Commission action on October 26, 2022, with a public hearing conducted on that date. The Staff Report set forth the requirements for both the CUP and the Affordable Master Planned Development ("AMPD"). He stated that the LMC requires the Planning Commission to make 15 findings to approve the AMPD, and review 16 criteria for the CUP.

Planner Cawley noted that the criteria are outlined in detail in the Staff Report, and he would highlight compliance. Following his presentation, the applicant would present the project to the Commission. For the October 26th meeting, Staff anticipated that the City Engineer will address the Traffic Study and provide additional detail on the overall plans for connectivity improvements for the neighborhood. Planner Cawley reported that the City Engineer was available at this meeting to answer questions in addition to the City's Environmental Regulation Program Manager who was present to answer questions regarding soils.

Planner Cawley addressed the issue of protecting affordability and deed restrictions. He explained that a deed restriction is a provision to ensure continued affordability. The LMC requires that deed restrictions be recorded prior to receiving a Certificate of Occupancy for any market-rate or affordable unit. This was in alignment with the Affordable Housing Resolution and remains in full force for a period of not less than 40 years.

Deed restriction requirements also provide that the City shall have six months upon expiration to determine that the affordable units in the AMPD are no longer necessary to satisfy the affordable or workforce housing needs of the City. He identified the City Council as the body that will make the final determination. If no determination is made, the deed restrictions will renew at an interval of consecutive 10-year terms.

Planner Cawley explained that the AMPD Code was enacted in 2021 to incentivize development of affordable units based on a three-year project with consultant research, evaluation of best practices, Planning Commission recommendation, and City Council enactment. The AMPD Code requires a mix of market-rate and affordable units that give opportunities to a wide range of incomes. He explained that the Code also allowed for increased Height and Density, and decreased parking requirements if the impacts are mitigated. He added that the AMPD Code also uses the General Plan as a guide to find neighborhood compatibility. Affordable housing development is intended to be mixed-use, walkable, sustainable, and reduce the impacts of vehicles on the community.

Planner Cawley reported that the Code requires that 50% of the Residential Unit Equivalents (RUEs) be affordable. He referenced a table showing the applicant's proposal that 80% of the units be affordable and noted that the Staff Report includes a breakdown by type of unit by bedroom, number of affordable, and number of market-rate units. The Staff Report also included the RUEs and the square footage totals for the different unit types. The LMC provides that front setbacks for the General Commercial Zone are 20 feet; however, this requirement could be reduced to 10 feet if all parking is satisfied at the rear of the project or underground. Rear and side setbacks are 10 feet as well. He reported that the applicant had not requested exceptions to any of the setbacks. Building Height within an AMPD must comply with the underlying Zoning District for perimeter building façade planes. The General Commercial Zoning District height is capped at 35 feet from existing grade. The building height may increase to 45 feet when there is a 10-foot step back on all Building Façade planes. Additionally, building height may increase if infrastructure is in place or can be updated to meet the increased demand. The proposal must also comply with the Building Façade variation requirements.

Planner Cawley reported that the applicant achieved the 10-foot step back and proposed roof overhangs that go into the step back. Additionally, the Park City Water Department verified that the infrastructure will accommodate the height of the building. The Snyderville Basin Water Reclamation District verified that the infrastructure in place could be updated to accommodate the height of the building. Within the AMPD Building Height, the building may exceed 45 feet by up to five feet above the highest point for items such as antennas, chimneys, and flues. Water towers, mechanical equipment, Solar Energy Systems may extend up to five feet provided they are screened, and Elevator Penthouses may extend up to eight feet above the 45-foot building height.

In terms of Façade Variation, Planner Cawley stated that the Code requires that buildings that exceed 120 feet in length on any façade provide a prominent shift in the mass of the building reflecting a change in function or scale and a 15-foot change in façade alignment, height change or a combination of both. With regard to the CUP, Planner Cawley did not touch on all 16 criteria but highlighted the ones that required more explanation. In terms of size and location of the Site, he noted that this site is smaller than the surrounding lots; however, the General Plan encourages this type of development because it is located within one-quarter mile of transit and within walking distance to grocery stores, pharmacies, restaurants, and trails. He noted that Traffic and Circulation will be reviewed by the Commission on October 26, 2022.

With respect to utilities, Planner Cawley reiterated that they received information from Snyderville Basin Water Reclamation District and the Water Department that the infrastructure could be updated to support the height of the building. For emergency access, the Fire

Department requested updated landscape plans, which were prepared and scheduled for review by the Fire Department on October 4, 2022. The applicant proposed rooftop screening for all proposed mechanical equipment as well as a proposal to screen or partially screen the Substation. For mass, bulk and orientation, AMPDs may exceed the mass and bulk of other properties as allowed by Code. He noted that sign permits will be required if the applicant proposes any signs in the future. For lighting, Staff recommended a Condition of Approval to ensure compliance with the Dark Sky Code.

Planner Cawley stated that the Homestake AMPD will align with future developments, thereby satisfying the Compatibility criteria for a Conditional Use Permit. As this area is redeveloped, they will see other applications where Building Height will be at the allowed 35 feet in this zone. With regard to the noise, vibration, and odors criteria, the Code specifies that the proposal cannot affect any building or person off-site. He stated that there is nothing in the proposal that will affect people off-site, and the applicant proposed to mitigate any issues with the substation for those who live on-site. He commented that the units will be long-term rentals and nightly rentals or timeshares will be prohibited in both the affordable and market-rate units. He reiterated that this proposal is consistent with the General Plan.

Planner Cawley referenced the AMPD Code that requires at least ten RUEs and noted that this application proposed 41.1 affordable RUEs and 10.1 market-rate RUEs. The Code also requires that at least 50% of the units be affordable and this application proposes 80% affordable. The Code allows affordable units to differ from market-rate units with regard to interior amenities and gross floor area if the differences are not apparent in the general exterior appearances. This does not include differences in insulation, windows, heating systems, or other energy-efficiency items.

Planner Cawley mentioned that they are required to look at 16 criteria for site planning and stated that Internal Circulation, Transportation Amenities, and Service and Delivery will be addressed at the next meeting. For Internal Circulation, the applicant provided information about how the residents will access the site. Staff requested additional information regarding whether the ground-level units will have access from the street level, at the internal courtyard, or at the external boundaries along the Ironhorse Commercial Park Subdivision and Substation. The applicant provided information regarding Snow Removal, which they proposed to be located along Homestake and Munchkin Roads, as well as within the public plaza area. The proposal included enclosed Trash and Recycling located on the ground level. He explained that although Child Care is not proposed as an amenity use with this project, because it is allowed under current zoning, there was a possibility for Child Care in the future.

With regard to Design Guidelines, Planner Cawley stated that the Planning Commission could request the following three things:

- Exterior cladding material, style, dimensions, and materials of a roof structure and roof pitch;
- Exterior non-structural architectural ornamentation, location, design, placement, and styling of windows and doors; and
- Location, design placement, and styling of garage doors.

He noted that Staff did not recommend Design Guidelines but recommended a Condition of Approval that the applicant would show compliance with the Architectural Design Guidelines contained in LMC Section 15-5-5.

The Open Space requirement calls for 20% on-site open space and amenities, which could include playgrounds, trails, and landscaping. The Homestake AMPD sits on a 1.86-acre lot. The applicant proposed hardscape plazas with raised planters, as well as additional Open Space, for a total of 32.64% of Open Space on the site.

Planner Cawley represented that there was no Significant Vegetation on the Homestake property but some exist on the Homestake right-of-way. The mature trees along Homestake Road will be removed when the City expands Homestake Road and introduces a 12-foot multi-use path. The applicant proposed new and varying vegetation to the site in the plaza area and along the perimeters of the project, which will improve what is now a concrete parking lot with no vegetation.

With regard to Non-Vehicular Transportation, he explained that AMPDs are required to incorporate existing trails into Open Space elements. This application includes planned improvements for connectivity within the neighborhood for the Rail Trail. He added that there are also planned improvements for roadways, which would further increase connectivity to Kearns Boulevard.

The Poison Creek Trail is accessible from Iron Horse Drive or Bonanza Drive. He added that the applicant proposed bike storage and potential bike-share and bike repair amenity space. The LMC requires the applicant to install bike racks for 13 bikes, and there are requirements for bike storage. He reported that Staff suggested adding both of these as Conditions of Approval.

Planner Cawley reported that Park City has an ambitious goal to be 100% renewable electricity by 2022 within the municipality and community-wide by 2030. The applicant met with the Sustainability Department and proposed several strategies including:

- Walkability and multi-modal connectivity to basic life amenities supported through bike storage and electric bicycle stations;
- Electric Vehicle ("EV") charging stations for residents;
- Building orientation to maximize passive solar strategies; and
- A design that meets the International 2021 Energy Conservation Code.

The applicant provided a report from Blue Ledge Consulting regarding the Physical Mine Hazards, and the report stated that there were no features that met the definition of Mine Hazard; however, the abundance of mill tailings in the Prospector Subdivision warranted further study of the Homestake site and mitigation if proven to be required. It was noted that lead and other metals could prove to be hazardous if exposures occur under the right circumstances.

With respect to Historic Mine Waste, Planner Cawley advised that the applicant supplied a report showing that lead concentrations in excess of the Soil Ordinance in 7 of the 17 testing sites. The Park City Soils Ordinance requires development to comply with methods of remediation and/or removal, subject to the requirements of State and Federal regulations as well as the Municipal Code of Park City, Chapter 11-15. He added that the Soils Boundary Ordinance establishes additional requirements for landscaping and topsoil, and the City's

Environmental Regulatory Program Manager was present to discuss how contaminated soils could be handled and removed from the site for disposal.

Planner Cawley stated that Commonwealth Heritage Group provided a report showing that there are no above-ground historic structures that would be affected by this project. This site was historically used as a rail yard and stockyard. He referenced LMC Section 15-6.1-9, which requires an AMPD to comply with the LMC requirements for off-street parking unless the Planning Commission grants reduced parking based on a Parking and Traffic Study and Parking Demand Mitigation. The applicant did not request a reduction in parking and planned to satisfy the parking requirements onsite.

Planner Cawley referenced a table in the Staff Report that demonstrated the parking requirement and noted that anything less than 1,000 square feet requires one parking space. Anything between 1,000 and 2,000 square feet requires 1.5 parking spaces and 2,000 square feet or greater requires two parking spaces. The bulk of the units fall within the less than 1,000 square foot category. He noted that the applicant proposed a total of 131 off-street parking spaces.

The applicant provided a Parking Management Plan ("PMP"), and Staff recommended that the PMP be outlined in the Conditions of Approval, with a modification to Condition of Approval 5 to read as follows: "Residents will be granted no more than one parking space for those units 1,000 square feet or less." He reported that EMF Utah, LLC completed a Magnetic Field Survey on August 23, 2022. Staff requested that the Commissioners indicate if they felt that the Survey provided enough information or if more was needed. If necessary, the applicant could provide any additional requested information at the next meeting.

Planner Cawley presented a rendering of the proposed Substation Wall, which is a board-form concrete wall approximately eight to 10 feet in height, with a mural that might include painted scenes. Staff recommended that the Planning Commission review the proposed project and identify additional information needed for possible final action on October 26, 2022. In addition, Staff recommended the Planning Commission open a public hearing and continue it and Item review on October 26.

Housing Development Manager, Jason Glidden, reported that the most recent Needs Assessment for Affordable Housing was completed in December 2021. The study showed that even with the progress made there was still a need for development of 800 to 1,000 more units in the next five years to maintain 15% of the workforce living within City limits. The study also showed that 80% of the need must be rental units and this need continues to increase. He acknowledged that the Planning Commission recognized these needs and referenced the Commission's approval of the Affordable Master Planned Development Section of the Code as well as its support of the Housing Team and approval of the Moderate-Housing Plans.

Manager Glidden remarked that the City identified public/private partnerships as one of the most efficient tools to move toward the City's goals. These partnerships are the most efficient financially and in terms of timing. He noted that units could be delivered at a much lower price based on a per-unit cost to the City than any other method and they can have multiple projects going on at one time. With respect to the Homestake project, he acknowledged there had been questions from some of the Commissioners as to what the ground lease might look like. He stated that a ground lease cannot be completed until they get through the planning process. A

number of things need to be in place in terms of design before they can actually get to the specifics of a ground lease.

That being said, Manager Glidden stated that they have begun work on the ground lease and identified items that will be incorporated into the document. They will be looking at a ground lease for the property that will be provided to the developer for an extended period of time, yet to be established; however, he stated that it would be greater than 50 years. In exchange for that agreement would come the construction of the units. He referenced Planner Cawley's explanation of deed restrictions and stated that they will require the deed restrictions be in place as long as the ground lease is in place.

Manager Glidden addressed the questions regarding soil mitigation and reported that it was expected that the City will bear the financial burden of soil mitigation on the site so that it could deliver a site that has been fully mitigated for the development of this project. He explained that a Soil Mitigation Plan would be developed and approved in accordance with the Soil Ordinance. The City plans to upgrade Homestake Road, which is a project that has been evaluated and funded by the City Council. The project is currently in the design process but he stressed that it was a funded project that will occur in the next couple of years.

Manager Glidden referenced questions regarding the relocation of the Recycle Center and stated that it is a high priority for the City. Staff was currently working on this issue and have identified a couple of options. They would be going before the City Council in the coming months to present those options.

With regard to the Kimball Arts Center, Manager Glidden explained that a parking lease with the Kimball Arts Center, which the City intends to honor, encumbers this property. He noted that the lease allows the City to relocate the parking spots to another location. The City plans to exercise that option within the confines of the lease. The Housing Department sees the Homestake project as providing 99 affordable rental units at 60% or below Area Median Income ("AMI"). The City does not have that type of inventory now. He emphasized that the location of the project is centrally located near major employment hubs and transit and is exactly the type of property the City is looking to identify to build these types of projects. He added his belief that this is the type of location the Planning Commission intended for these types of projects.

It will be a mixed-income property that will help the project pencil financially and noted that these projects are very difficult to finance especially when rental properties are offered at such a low AMI. More importantly, however, mixed-income housing is beneficial in helping to increase diversity and build community. Manager Glidden stressed that regardless of the financial aspect, the City will strive to push mixed-income types of development moving forward.

Rory Murphy, on behalf of the applicant, J Fisher Companies, addressed Commissioner Hall's comments and questions raised at the last meeting. He recalled that Commissioner Hall was okay with the proposed commercial uses, which they have since determined were not in the best interest of the building or the neighborhood. In addition to the increased traffic and parking the commercial uses would have demanded, the mixed-use building would trigger an upgrade in the building construction type and add considerably to the cost of construction. As a result, the applicant elected to not pursue any commercial uses in the building. With regard to Electric and Magnetic Fields ("EMFs"), Mr. Murphy advised that they submitted a very detailed report as part of the submittal package.

Commissioner Hall also expressed support for the separating wall and indicated that the applicant submitted several proposed designs for consideration. Mr. Murphy commented that they decreased the size of that wall as it was determined that a higher wall would create a canyon atmosphere and they would like to use that open space for people to enjoy. He addressed parking reduction and stated that although the AMPD allows for up to a 50% reduction in parking, the applicant elected to park the project as though it were a conventional project and not seek any reduction in parking.

Mr. Murphy recalled Commissioner Hall's question about expanding the footprint given that the current proposal was under the required Open Space commitment. With regard to a sunset of the approval, the applicant agreed to this and would adhere to the LMC and City Attorney's office.

Mr. Murphy next addressed Chair Suesser's request for greater detail on the City's plans for Munchkin Road, the Homestake expansion, and changes to the Recycle Center. He stressed that this project will not affect the Recycle Center as it is not part of this property. He added that the Recycle Center is entirely within the City's purview. He stated that the Park City Engineering Department has undertaken a considerable amount of work on the improvements to the roads. The City has primacy on the road improvements and the future of the Recycle Center. In terms of parking enforcement, Mr. Murphy ensured that they would meticulously police the parking on the site, and added that they were within the conventional standards of parking as outlined in the Land Management Code. He stated that the applicant concurred with Chair Suesser's comments that there should be no ambiguity regarding the ground lease.

With respect to Open Space percentage, he stated that while the Open Space plan was entirely within the Code, the applicant would remain open to suggestions and additional considerations regarding building design. Mr. Murphy added that Chair Suesser also inquired about EMFs and the status of the Traffic Study. He reported that the Traffic Study was completed in June and was being reviewed by a third party in conjunction with the City Engineer. He expected to receive comments on the Traffic Study in the near future. He reported that the applicant completed the Phase 2 Environmental Study, which was submitted to Planning Staff. As the landowner, the City would be expected to absorb the cost to remediate the site. He recalled that Chair Suesser expressed support for a sidewalk on Homestake Road, as well as a visual of the Substation wrapping, which they included in the Staff Report.

Mr. Murphy reported that Commissioner Van Dine expressed strong support for daycare facilities. The applicant agreed and there were plans to include a children's play area both inside and outside the building. He clarified that this would not be a daycare facility because that would initiate a commercial use in the building; however, they would include sitting areas, games, toy areas, and toddler areas both inside and outside the building. The applicant agreed that this needed to be a part of the fabric of the building.

With respect to Commissioner Van Dine's request for clarity on the connections to Poison Creek, Mr. Murphy explained that those connections would be from Munchkin Road and from behind the drugstore. They would work with the Windsors to ensure that the project is properly fenced and people are not cutting across the Windsor's property. He stated that the current parking on the site was being used by a combination of the residents of Homestake and Claimjumper Condominiums; workers and patrons of the restaurants and Kimball Arts Center; local area contractors to park trailers and large vehicles; and residents from other areas for long-term parking.

Mr. Murphy stated that Commissioner Kenworthy pointed out that the Historic Park City Alliance (“HPCA”) has 220 parking stalls in that lot and expressed concern about the parking plan as well as how the Recycle Center will be addressed in sync with this project. Mr. Murphy reiterated that the Recycle Center is not part of this project.

He recalled Commissioner Kenworthy’s request for a comprehensive parking study of the area, as well as his concerns about quality of life considerations for the neighborhood. Mr. Murphy stated that the maximum number of residents in the building will be two people per bedroom. With a total of 203 bedrooms, which could result in a maximum of 406 total occupants. Mr. Murphy explained that the average occupancy across J Fisher Companies’ affordable portfolio is 1.4 occupants per bedroom; therefore, he felt that a more accurate number would be around 280 residents.

He acknowledged that parking was a significant issue. While they can only plan their small piece of the area, the applicant does not have the authority or the land to come up with a comprehensive parking solution for the District. Mr. Murphy observed that the Council was embracing this issue and he had been emphatically reminded that it is the Council’s business to determine. After extensive communication, the applicant was confident that the Council, Staff, and Commission would come up with a plan that would address the current uses and allow for a solution that would be acceptable to everyone.

Mr. Murphy noted that Commissioner Johnson expressed support for interior bike storage that is a planned amenity. The applicant produced a formal EMF Report, floor by floor, which is included in the Staff Report. He explained that they used a scissor-lift to get the readings for that report. Mr. Murphy explained that the wall is intended to be 10 to 12 feet in height and will include a decorative mural as shown in the submittal for this meeting. He noted Commissioner Johnson’s suggestion that it would be advantageous to concurrently review the Windsor property. In response to the question about improvements to the Utah Department of Transportation (“UDOT”) intersection, Mr. Murphy advised that this issue was to be addressed with the City’s Homestake Road plans. He noted that they would support a four-way stop at that intersection, but he was asked to “keep in his lane” regarding that issue.

He stated that former Chair John Phillips requested an EMF Report and information on what impacts the future upgrades to Utah Power would have to be made to the current plan. Mr. Murphy stated that the future upgrade would either follow the current alignment or go through the east side of the yard property. In either case, it would not affect the Homestake property. With regard to questions regarding the “life term of the wall,” Mr. Murphy could not recall what former Chair Phillips was referencing. Mr. Murphy recalled that former Chair Phillips implored Staff to communicate plans for the surrounding properties and stressed that quality of life was a primary concern.

Mr. Murphy confirmed that a Parking Plan for the project was included in the latest submittal to the Commission. He mentioned that the contamination on the site resulted from petrochemicals from the rail operations and tailings that might have fallen off the trains. He added that while there were some hotspots, the contamination was consistently at 12 to 18 inches deep. The Environmental Officer for United Park City Mines Company confirmed that the vast majority of the tailings from the Ontario Mine bypassed the property to the east.

Mr. Murphy next addressed public comments from the last meeting. With respect to Mark Fischer's comments regarding soil remediation, Mr. Murphy stated that it was proposed to be the first action completed on the site. He referenced Mr. Fischer's concern about the garbage location and any impact on the existing businesses to the north of the project, as well as the sewer issues and the importance of the Recycle Center. Mr. Murphy stated that infrastructure issues would be resolved by the City Council in order for the project to proceed and the project will not receive occupancy permits without that infrastructure in place. He reiterated that the applicant has no control over the Recycle Center and that the City Council would determine the future of that facility.

Mr. Murphy thanked Linda Rosepink, Vice President of Homestake, for her participation in the informal public process and the thoughtful and considerate concerns she raised. He noted that she was refreshingly civil and polite throughout the process. She advocated for the project traffic to leave the project and take a right to Munchkin Road rather than onto Homestake Road. The traffic considerations were noted and the street improvements were within the purview of the City and the Council. There was mention by Deb Rentfrow that the infrastructure should be put in place prior to, or concurrently with the project's construction. He reiterated that they could not receive their occupancy permit without the necessary infrastructure.

Mr. Murphy acknowledged that the overriding concern was parking and the position that every occupant that resides at this project would have a car. He mentioned the comments of the owner of the Boneyard Restaurant that the residents and guests would use the Boneyard parking lot that is already fully utilized.

Mr. Murphy stated that he had no intention of making the parking situation at the Boneyard Restaurant any more difficult. While it might seem unlikely that there will not be multiple cars per unit, the fact is that the situation currently exists and works at the affordable housing projects at Silver Star and King's Crown. Neighborhood parking is tighter at both of these locations and it works. He noted that the working population is extraordinarily adept at using public transit, and the concept of reduced availability to cars works in practice.

He stated that there was not a single parcel in the City that could accommodate a meaningful contribution to the affordable housing problem that does not have obstacles, blemishes, or concerns. This project is an opportunity to provide a substantial amount of affordable housing that will be extraordinarily beneficial to this community for many years to come. Permanent residents and projects that only allow for yearlong plus rentals are the heart and soul of a community. Affordable housing and traffic are recognized as the two most significant concerns facing this community.

Mr. Murphy opined that meaningful contributions to affordable housing would not happen 20 units at a time. In an effort to address this problem, the Planning Commission passed the AMPD Ordinance last year. The Homestake application was submitted under the new Code and precisely meets its intention and the letter and spirit of the ordinance. He stressed that the application does not seek a single variance. He thanked and appreciated the efforts of the Staff and the Commission to understand and improve this project.

Chair Suesser invited questions from the Commission prior to opening the public hearing.

Commissioner Kenworthy asked how many parking stalls currently exist on the property. Mr. Murphy would have the answer to that question at the next meeting.

Chair Suesser opened the public hearing.

Matthew Nagie stated that he lives in affordable housing in Old Town and is a Physics teacher at Park City High School. He expressed his support for the project. He felt that there might be concerns expressed about this project that are not made in good faith. With respect to the concern about parking, he stated that people that need affordable housing generally cannot afford to own a car. Families that live in affordable housing are not the traditional Park City families who are buying their children BMWs. He also stated that there will likely be comments in support of affordable housing but just not this project. Mr. Nagie emphasized that people that need affordable housing do not have the luxury of picking the perfect project. He echoed the statements made during the presentation that there has to be a continual push forward with housing.

He added that for people in single-family homes to say they are concerned about their commute into Park City because of the density or to say they are concerned about open space is disingenuous and misses the point. There is an incredible need for affordable housing in the community for people like him. He stated that he is the only one from the Park City High School class of 2011 who owns a home in Park City. He explained that he was very fortunate to have chosen a path in education and getting into the Affordable Housing Program. Mr. Nagie did not like the fact that his classmates no longer live in the community. He stressed that the housing need is so drastic that it truly overrides some of the petty concerns that the Commission will likely hear from others.

Steve Bolton asked if this project would be coordinated with the development at Sundance and noted that there is a large empty lot in that location. It was clarified that he was referring to the former Arts & Cultural District known as Bonanza Park. He also asked if the Homestake Road project will begin before this project. Chair Suesser explained that the present application was what was before the Commission and there were no development applications for the Bonanza Park parcel. She added that the Planning Commission and the City Council were considering it.

Megan McKenna identified herself as a Housing Advocate for the Housing Resource Center. She echoed the points made by Staff and Mr. Murphy and stated that the Center was in support of this project. She felt it was an excellent example of the type of projects that the City Council set out as one of the strategies going forward.

Jane Burdon stated that she has been a homeowner at Claimjumper Condominiums since 2005 and she currently resides in Midway. She is also the HOA Board President for Claimjumper Condominiums. She likes the project location but was concerned about height, density, and traffic. She also expressed concern that the infrastructure will not follow the development. Ms. Burdon commented that the sewer and water lines are not that great along Homestake Road because she has had to replace two of them in the past couple of years. Ms. Burdon asked if the improvements were in the City's Capital Plan. Manager Glidden responded that the improvements were in the Capital Plan that was approved by the City Council. The Water Department planned to upgrade the two-inch line to a 10-inch line and was coordinating with the City Engineering Department, which is working on the upgrades to Homestake Road.

Manager Glidden stated that there was coordination between this project and the construction mitigation of that project noting that they do not want to put in a new road while running heavy machinery for the excavation of this project. The utilities will be upgraded during the road

improvements. He reiterated that there was an approved project for the upgrade of the waterline in that area. He explained that there is a capital budget that is approved on an annual basis, and the waterline improvements are a line item that is approved by the City Council.

In terms of the building height, Ms. Burdon asked if it was possible to limit it to 35 feet. She felt that the height would impact view corridors and sun exposure for Claimjumper. She understood that the project was trying to get the maximum number of units in that space, but they should also consider people's quality of life. She also expressed concern about green space and did not feel there would be much in this project. Mr. Burdon stated that traffic is already a problem in that location, and people use the Claimjumper complex for day skier parking. She expressed concern as to how parking will be managed on this site. She felt that the occupancy for this project would be larger than what was estimated.

Ronnie Wedig was present representing the No Name Saloon, Annex Burger, Butchers Chop House & Bar, and Boneyard Saloon. He stated that he also served multiple terms on the HPCA, and deals with such issues as employee housing. He was currently serving on the HPCA but was not representing the HPCA at this meeting. He expressed complete support for employee housing and saw a need for a more diverse community. His issue was the total occupancy as it relates to the parking. He stated that there are not enough stalls to accommodate the project. Mr. Wedig stated that he has issues with cars parking illegally at Boneyard throughout the year.

To complement this development and others, he hoped the City took the opportunity to work on the parking and transit for the Arts & Cultural District. The current funding to activate the area was not being utilized to the area's full potential. He felt that a more useful utilization of the City's money would be to activate this space for parking and transit while setting aside the needed spaces for the Sundance Institute and the Kimball Arts Center. Mr. Wedig stated that this project will benefit the much-needed employee housing in the area while serving the community.

David Werksman stated that he has lived at Homestake for 24 years. The presentation did not state how much the developer will charge for the units. He referenced a meeting between the developer and Homestake months ago where the applicant stated that the rent would be \$1,600 per month for the units. He asked if that was still accurate. Mr. Werksman stated that the applicant also previously indicated that the people they were hoping to house at this new affordable housing development were people who work for Vail Resorts. With the ski seasons getting shorter, this housing will not be affordable. He knows people who work on Main Street who are leaving the community because they cannot make enough because the seasons are not long enough. He stressed that employees working the lifts for Vail will also not be able to make enough money to live.

Mr. Werksman questioned the calculations regarding occupancy shared by Mr. Murphy. He offered that there would be over 400 residents in this project and more than 131 cars. Displacing all of the cars parked around Homestake Road and in that lot will not work. He mentioned that the City has plenty of room by the Movie Studio and suggested that this project go in there, and then they could bus the residents to Vail Resorts where they are going to work. He mentioned that they have at least 12 baskets from the market on his complex's property and there would be more at this property. He contested the representation that the developer will police unit overcrowding. He predicted that some of the units will have eight to 10 people and it will be a mess. Mr. Werksman stressed that this project will not work in this location. He

commented that once they start digging, everyone will breathe in the contamination from the site.

Tal Adair identified himself as the Government Affairs Director for the Park City Board of Realtors. He stated that the Board of Realtors supports this project as it meets a critical need and forms a community. He added that the developer has been in the area for years and loves Park City. He reiterated that the Board fully stood behind this project.

Heather Scholz identified herself as a Business Manager and Broker in Park City. She has lived in the community for a decade and in the State of Utah for 20 years. She is also a member of the Park City Board of Realtors' Affordable Housing Committee that was formed recently. She has always been a supporter of balance. She has heard stories of people being hired in the community but not having a place to live. She has also heard of restaurant owners housing employees in their own homes because there were no other options. Ms. Scholz stated that a town cannot run off of fluff. There is definitely a need to strike a balance and she supported this project. She preferred ownership but rentals are still great. She felt that the location was good and that this project will add beauty and community to the area. She added that residents will likely not have to commute as far to their places of employment. The City needs these types of developers to bring projects into the community. Her parents are both teachers, and she empathized with the prior speaker. They need people in the community who know the community and help make it vibrant. Parking is a reality and she wondered if it is possible to issue a certain number of parking spaces and then potentially allow for a different rent structure for those who do not need a parking space.

Bill Jahsman stated that since 2004, he has been an owner of 1900 Homestake Road. He felt it interesting that the remarks made in support of Stonebridge, heard earlier in this meeting, do not apply to this project. He offered that this project would visually impact the neighbors, increase density, impact traffic, and most importantly, would impact parking. He stated that the parking issue was acknowledged by the developers as "the elephant in the room." He found it difficult to understand how it was overlooked in the developer's presentation. Mr. Jahsman was a fan of affordable housing and did not come to this meeting in bad faith.

Ryan Landis stated that he manages property in Park City, Salt Lake City, and elsewhere and felt it would be helpful to understand the allowable occupancy per bedroom for this zone as it relates to affordable housing. He reported that one-bedroom units have a much different housing structure for occupants than two or three-bedroom. As the Commission evaluates affordable housing in Park City, he suggested they consider which families or individuals are in need and try to provide housing needs for that demographic. He stated that if the need were greatest for families with three children, they would not want to build a lot of one-bedroom units. Mr. Landis urged the Commission to consider this breakdown of need by groups in affordable housing projects moving forward.

Linda Rosepink identified herself as an owner at Homestake and a very proud resident of Park City. She suggested that another session be held where they can address all of the issues. She commented that the prior speakers were only recently made aware of the project and other residents along Homestake Road were not even aware of this project. She felt that those people would have comments and concerns that would also need to be addressed. Chair Suesser stated that the application was on the agenda for the October 26th Planning Commission meeting, and they would hold another public hearing at that time.

Ms. Rosepink understood that the October 26 meeting will address traffic concerns and plans for Homestake Road. She asked if the funds for Homestake Road will be used regardless of what happens with this project. Manager Glidden confirmed that those funds were dedicated separately from the housing project. Ms. Rosepink raised the issues of density and height and questioned whether the schools will be ready for the population that will come with the project. She stated that there are other options for sites for this type of project. They all want affordable housing; however, it is not appropriate for this particular site. She acknowledged that Mr. Murphy and his company have spent a lot of time and money on this plan and she raised the possibility of moving this project to Bonanza.

She also mentioned available land on the backside of Wells Fargo going up the hill. Most of the taller buildings in the community are built against a hill. She commented that the surrounding area buildings are only two stories, and there were other locations with three-story buildings where this project would be a better fit. She referenced her handwritten comments provided to Staff and felt that the public needed more time to learn about this project so that they could be a part of this process. It was confirmed that Ms. Rosepink's written comments would be made part of the public record.

There was discussion about the submission of additional written comments. Chair Suesser advised that this item was scheduled for final action on October 26th, but it would be up to the Commission as to whether they were ready to take action at that time.

Ms. Rosepink asked about further on-site visits. Chair Suesser advised that the Commission conducted an on-site walk of the property that was open to the public, and got a good feel for the location, the neighborhood, and the applicant's proposal. Ms. Rosepink asked how they could remedy the issue of making sure everyone receives notice of these items so that the public can be more aware of the timeline. Chair Suesser stated they would look into compliance with the notice requirements and confirm that everyone within 300 feet of the project received notice of the application. Ms. Rosepink stated that while Mr. Murphy and this project might meet the Code that does not make this project right. She felt there was an opportunity to build these projects to disperse people rather than create so much density.

John Paris reported that he manages 15 of the Homestake condominium units. He felt that every part of this made sense. He owns a company, and it is difficult for him to find employees. He noted that they always find overcrowded units. Mr. Paris noted, however, that there has not been talk about a smaller project in the same location. He felt that the overall amount of occupancy proposed could be dispersed in other locations. He commented that transit and parking in that area could be phenomenal and then they could move people in from other housing to that transit point. He felt the better option was a smaller, less aggressive project. As the City addressed the need for housing, he suggested that they do not just jump into it and cause overflow in density and parking. Mr. Paris stated that traffic will likely be a significant issue.

Elizabeth Felice stated that she is a resident at Homestake and her family has been an owner there since 1987. She wanted to know why the scope of this project needs to be so large, who will be making the money off of the project, who is getting kickbacks, and why Bonanza Park cannot be used as the location for this project. She stressed that the City has space at Bonanza Park, as well as the ability to have a flow of traffic that would be easier than at Homestake. Ms. Felice understood the need for affordable housing; however, many do not understand that the units would not be limited to two people, and these units would be used as

Airbnbs. She stressed that even people who cannot afford housing drive vehicles in the City. Workers have to rely on more than just public transportation to get around. She noted that public transportation had taken a back seat recently. Ms. Felice stated that the public input was not being made in bad faith; they are citizens who are tired of the City becoming a parking lot.

Andre Dumas [via Zoom] is a long-time Park City resident and a firm supporter of affordable housing. He felt that this project raised some issues of concern, namely parking. He stated that the lot is currently advertised as a Park & Ride for employees throughout the City. By eliminating 123 parking spaces for employees of the City, he questioned whether other areas could be utilized as public transit hubs for the employees. He asked if the proposed Open Space will be open to the public, or simply for the residents. He uses the parking in the area as overflow and noted that this project would eliminate two currently advertised overflow parking lots for employees and patrons of the Boneyard. Mr. Dumas reiterated that he is a supporter of affordable housing and was interested in seeing how the development at the Movie Studio works out. He felt that the other location was more functional than this one. He stressed that this location already had a function and questioned why they would use it for this project.

He commented that the design renderings have looked like a four-story concrete parking garage with windows, and others have looked like a parking garage with some aesthetic amenities. He recognized the desire for more affordable rentals than ownership but felt the breakdown should be 50/50. He noted the desire for home ownership, but also the difficulties with lending and the strict income requirements. Mr. Dumas felt that the current use of the lot and access should be taken into greater consideration, especially with other options available in the City.

Pat Matheson [via Zoom] introduced himself as the Executive Director of the Mountainlands Community Housing Trust. He supported the project and thanked the Planning Commissioners for their hard work. He felt this was a critical issue and appreciated everything that was being done to address it.

Mike Wong [via Zoom] stated that he is been a long-term resident of Park City. When he moved here in 2005, he was able to purchase an affordable unit at Redstone where they had one assigned parking spot. That worked out well and he was in full support of the project. The City needs affordable housing and the proposed size and scope work well.

Mary Christa Smith [via Zoom] supported this affordable housing project and stated that she was the lucky recipient of affordable housing, which was transformative for her and her family. Ms. Smith hoped this opportunity would be available to others in the community. She commented that there is a tremendous sense of urgency for affordable housing. Ms. Smith commended Mr. Murphy and the developer for complying across the board with the Land Management Code and the process. She stressed that there was not a single request for an exception or variance. The application complies with the height requirement, setbacks, density, and parking. She implored the Planning Commission to approve this project to meet a critical need for affordable housing in the community. She thanked the Commissioners for their time and efforts.

Angela Moschetta [via Zoom] expressed support for the comments made by Mr. Nagie and Ms. McKenna, which she felt were spot on. She was a convert on the project but wanted to see this as part of a more holistic look at the entire Bonanza Park District. It seemed evident to her that many are not aware of the direction the City was looking to move in terms of an Area Plan and a Master Plan for an area. She mentioned Bonanza Park, Snow Creek, the entire

commercial district in Prospector, and potentially The Yarrow and the Windsor's property. She felt this was where they could start to look at some big solutions in terms of housing and smart solutions in terms of traffic and anchoring transit. Ms. Moschetta was happy with Mr. Murphy's presentation. The Yarrow recently made a presentation under the AMPD and they asked for a number of exceptions, which raised the question of whether The Yarrow was a for-profit developer trying to manipulate and exploit the new AMPD tool to make as much money as possible, or whether they were a non-profit developer trying to bring a community solution.

This project was presented differently because the applicant offered to remove the commercial, max out the residential, and potentially bring in early childhood care, which is a huge community need. She believed this was the most functional site for dense affordable housing, not just in terms of the parcel, but also in terms of the entire area. Ms. Moschetta would love to see two more stories in this building with smaller units that created more density. She stated that she is an authentic affordable housing advocate and considers the quality of life concerns of those who face tremendous housing insecurity over views. She commented that this site is adjacent to Old Town and Prospector, which are places where they traditionally have had smaller, denser homes. The people who want views, space, and quiet could go to Park Meadows or Thanes, as there is a different type of lifestyle to support in this district.

Ms. Moschetta felt that the tremendous changes and acknowledgments of the concerns by this developer were the best they could hope for from developers in Park City. She felt they needed to get some heads around the table to try and come up with bold, creative solutions. She referenced the parking concerns raised by Mr. Wedig and did not doubt that parking was a real concern; however, it might take something as simple as not putting up a fence between the Homestake Residential Development and any mixed-use development that comes online by the Windsor's property. She also suggested closing off the Boneyard and Blind Dog parking lots, and requiring that part of this development would include paying for a parking lot attendant to ensure that patrons used those lots. Ms. Moschetta emphasized that solutions involved getting people to the table to discuss what does not work and giving those bringing much-needed solutions the opportunity to provide these solutions. She mentioned a property in Old Town that is owned by Mark Stengler, who uses it as a living space for locals. That property was sold and was being used as an Airbnb, and now two men, who are known in the community, are homeless. She has seen one of these men pushing a shopping cart, and the other was seen feeding a family of ducks with some food that was given to him by 7-Eleven employees. Ms. Moschetta stated that there are bigger issues than the views in town. They have to start caring about these issues and stressed that she supports this project in every direction.

Jo Ann Stack-Askins [via Zoom] stated that she has been a resident of Park City for nearly 30 years. Recently, her daughter and family had to relocate out of Park City due to the lack of affordable housing. She voiced her support for this project and felt it was the City's opportunity to take a big step forward to address the need for affordable housing. This project will offer 99 units to people making less than 60% of AMI and will be key to addressing the urgent need for housing. This project will complement the Arts & Cultural District along with Kimball and Sundance, and there will be additional room for parking. She understood the concerns raised by some of the residents but felt that letting this project go due to a lack of parking would be a shame and set the City back several years. She lauded Mr. Murphy's reputation and felt he would do what is right for the community.

Andre Dumas [via Zoom] provided additional comment on a walkable community for the City. He was a firm believer in having a bikeable and walkable community; however, only having 13 bike spaces for 123 units was ridiculous.

There were no further public comments, Chair Suesser closed the public hearing.

Commissioner Kenworthy appreciated the public comment and the applicant's presentation. He acknowledged that they have a great opportunity here and they have to get it right. He referenced Manager Glidden's comments over the past year. There was agreement that the City desperately needs affordable housing. He directed his attention to Manager Glidden and noted that roads, traffic, transit, and basic infrastructure usually need to be defined and accounted for prior to projects being approved. Commissioner Kenworthy felt that there were some unresolved issues.

Mr. Harrington asked that Commissioner Kenworthy delineate those issues since it was presented that these are off-site issues. He stated that this happens often with City projects because they want to get it right; however, he cautioned the Commission that its review authority is technically the same. If this were a private party applicant, the Planning Commission's review authority would be limited to the AMPD section and nothing more. He added that the Commission could still provide recommendations about these external issues beyond those requirements; however, if they could not tie it back to a specific requirement of the Code, the policy issues of getting it right are issues for the City Council. The Planning Commission could weigh in on those issues, but not in reviewing a third-party application.

Mr. Harrington cautioned the Commission about using comments such as "getting it right," because that is not the standard for the Commission; rather, the standard is whether the application complies with the Code and the comments must be grounded in that standard. He stressed that if they could tie it back to the Code and "get it right," then they could hopefully achieve both. He commented that Staff was here to bridge that gap but the offsite requirements and broader planning principles are policy questions. The Planning Commission and the City Council already decided that this project was appropriate for this site if it complies with the Code. Everything outside of the site would be a policy matter and the Commission could provide recommendations to City Council but not in the context of approval or denial of a particular MPD application.

Commissioner Kenworthy commented that the Traffic Study was required by Code. Mr. Harrington disagreed and averred that the Transportation Study was only required if there was a parking reduction, which was initially contemplated for this project. Since it was no longer contemplated, technically the Parking section of the AMPD would not require a Traffic Study for this application. He referenced the last of the 15 findings listed. He stated that the applicant submitted a Traffic Study because Mr. Murphy wanted to appease the Planning Commission and provide it with as much information as he could. Mr. Harrington noted that the Commission asked the applicant for a lot of information that was not a technical requirement to make sure they address crossover mitigation issues. He reiterated that if the Commission could tie a specific deficiency to the Code, there might be some relevance, but he was not sure that the Traffic Study was technically required to make this a complete application.

Assistant Planning Director, Rebecca Ward, stated that Staff could confirm these requirements at the next meeting. She noted that there was a required finding that traffic would be mitigated

through a review of the internal access plan. She stated that Staff would address that at the next meeting.

Chair Suesser requested confirmation of what would be addressed at the next meeting and felt it would be helpful to keep the comments to what was presented at this meeting. She felt that the impact of the disturbance of the soils and the mitigation of disturbance at the site would be something within the Planning Commission's purview in their consideration of this application. She would like to understand where they stood with regard to the Soils Study and the projected cost to the City of the cleanup.

Manager Glidden reported that they undertook a Phase 1 and Phase 2 Study and the tests were submitted. The City would then determine how much would need to be excavated to attach a cost to the cleanup. He stated that the City was in the process of calculating this and they did not yet have a cost estimate. He added that he would rely on the City's Soils Expert with regard to the plan to meet the standards of the Soil Ordinance. He stated that the soils testing provided a map on which they could overlay the design of the project to determine how much they would need to excavate and move to another location.

Chair Suesser asked if the building had been designed and positioned so that the excavation could be as minimal as possible. Manager Glidden stated that when talking about underground parking, a majority of the site would be excavated. He clarified that based on the testing results, there could be a plan to mitigate different types of soil on the site that could possibly affect cost. He reiterated that they do not yet have an idea of the potential cost of soil remediation. The Commission was reminded that a Soils Report was included in the packet and the consultant found seven samples to be above the 200 Parts Per Million ("PPM") standard set in the Soil Ordinance, with the vast majority of samples well below that standard. The contamination was located primarily on the eastern and northern portions of the site, while the rest of the property was comparatively clean.

Commissioner Kenworthy addressed the issue of quality of life and noted there were huge community issues. He asked the applicant if the project would have 24-hour security. Ryan Davis, J Fisher Companies, responded that there would be full-time onsite management that would work a standard 9 to 5 shift, and in addition, there would be security systems in place. The building would be locked from the exterior, there would be key card access at all points, and there would be 24-hour monitoring through video to ensure security on the site. Physical security personnel would be on call, but not on-site during the overnight hours.

Commissioner Kenworthy noted that International Building Code ("IBC") showed occupancy at 570 and asked if occupancy would be capped at 406. Mr. Davis explained that capacity was set by the Utah Housing Corporation which oversees the Low-Income Housing Tax Credit Program, which sets a standard of two occupants per bedroom with exceptions for dependents, foster children, caretakers, and the like. Occupancy cannot exceed two per bedroom plus one. He recalled that in their portfolio of approximately 1,400 units, the average occupancy per bedroom is 1.4, so they do expect the standard to be below that. Mr. Davis stated that they were not in a position to put in guidelines beyond what is required by the Federal Program that would bring the equity to develop this project and the State authority that manages compliance.

Commissioner Kenworthy stated that it had been repeatedly represented that the occupancy number was 406, and now he was hearing something different. He requested a hard cap number because he does not want to play games with the community. Mr. Davis stated they

would provide that once they have a final unit count and unit mix. Mr. Davis stated that the plus-one occupancy was an exception and would be taken on a case-by-case basis. He did not recall that the applicant presented an occupancy number of 406 at the prior meeting. Mr. Murphy stated when they calculated occupancy at the last meeting, he was unaware of the plus-one exception.

Commissioner Kenworthy stressed that he would like to have a conversation on this so that the community, the City, and the developer were all on the same page. He offered that currently, they were not on the same page because the applicant did not have an occupancy number. He emphasized that he is all for affordable rental units being put in this community and this location; however, he wanted an honest understanding of the numbers so that City Council can take this on realistically with what the area needs. He mentioned that the City Council was about to do a major land use visioning for this area, and they all have to have an equal understanding of this to make this better. The City has to get this right, so the Commission has to get it right regardless of the Codes.

Commissioner Kenworthy understood his role but wanted to talk about quality of life, the occupancy numbers, the security, and the impacts on the neighbors so that they could move this forward with an equal understanding between them all. Assistant Director Ward clarified that the Staff Report contained an occupancy number calculated by Staff in coordination with the Building Department and the IBC. Prior to the October 26th meeting, Staff would work with the applicant and the Utah Housing Corporation requirements that might lead to a different result. Commissioner Kenworthy expressed understanding with this clarification, and that Staff understood the need to have a number that is capped so that they have equity across the board. He would also like the City to address the streets and what will be done with the adjacent property so that the neighbors have that information. Many have mentioned the electrical substation and the Recycle Center. While these issues are not part of the LMC analysis, it remains the reality of what they are doing as a community and he hoped the City Council is listening and would address these issues for the community.

Commissioner Hall thanked Staff for a thorough Packet and thanked the applicant for addressing the Commissioner's questions. She also thanked the public for their comment and agreed with the fact that they need teachers in the community and they need affordable housing. She listed her top five reasons why she liked this project. She emphasized that this would be potentially the first AMPD for final action that has 80% as opposed to 50% affordable units. She felt that fact had not been highlighted enough. This would result in more affordable units than market rate. She also liked the fact that these were rentals. They have not processed many applications for rental projects and they know from the Housing Department that the City needs rental units. She felt that a bonus with the rentals was compliance with the Code.

Commissioner Hall loved the fact that this was taking up current concrete instead of green space, and felt that this was a prime location for transit and walkability. There were also no requested exceptions, and no variances for height, setbacks, parking, or open space. She stressed that the proposal fully complied with the Code, and she felt that the Commission's job was to process this application for Code compliance.

With respect to the Conditions of Approval, Commissioner Hall liked the fact that there appeared to be an agreement on a sunset clause. She liked the concept of a sidewalk around the entire perimeter and also liked the wall. She assumed that the Conditions of Approval would state that

soil mitigation and sewer would be required. Commissioner Hall requested the applicant look at more secure covered parking than the 13 minimally required by the Code. She noted that could be included as a Condition of Approval as mentioned in the Staff Report. She felt that the location for bike parking was a prime location, and if the project offered more covered secure parking, it would be a better mechanism to reduce cars to lessen the parking issue. She reiterated that the applicant did not request a parking reduction and was providing more parking than required by Code.

Since the Federal guidelines set forth maximum occupancy, she wondered if they could, in lieu, set a maximum number of vehicles for a tenant. She felt this could be enforceable since everyone would have a year-plus lease. She wondered whether this could be a mechanism to mitigate some of the parking issues. She liked the public comment that suggested selling back a designated parking spot to reduce their rent.

Commissioner Hall asked about the needs identified in the studies, and the breakdown between unit types. Manager Glidden stated that across the board there was a need at every level. The larger units generally helped out the families; while, in looking at the workforce, much of it is currently single. He stated that they continue to evaluate the specific needs as more inventory becomes available and stressed that the great thing about public/private partnerships was that they could negotiate toward the need.

Mr. Harrington added that the Housing Authority and City Council would approve the final deed restrictions, and in doing so they would evaluate the disbursement with the Final Affordable Housing Plan. Manager Glidden clarified that it would be negotiated through the ground lease, which would be approved by City Council. All of these details including the number and type of units, rental amounts, and AMI level would all be included in the ground lease.

Commissioner Hall observed that the application complies with the Code and she had no further requests for information. She requested that if they could reduce the area for mechanical on the roof and get to a building height closer to 35 feet the happier people would be. She noted that as proposed, the building height with the mechanical was Code compliant. With regard to Open Space, she noted the proposal was for 32%, which excluded the sidewalks around the full perimeter. She suggested potentially spreading out the building footprint to possibly reduce the Building Height.

Commissioner Van Dine echoed many of Commissioner Hall's comments. She felt that this was the type of project they were looking for when they passed the amendment a year ago. She stated that the applicant brought everything that was put in the Code. She understood that not everyone would agree on a location for this type of project, but noted that there was not a perfect site. She did not have an issue with the 45-foot building height but agreed that if the mechanical could be lowered as much as possible, that would help. She emphasized that this project met what the City was trying to do, and the need was greater than the choice of location.

Commissioner Van Dine liked the location for this project and felt it would provide easy accessibility to the Resort Center, Main Street, and the schools. She stressed that they need teachers and workers to live in town. She agreed with the suggestion of selling back parking spots and felt it would be a good incentive that could provide a parking solution. She also agreed that more bike parking was needed. Mr. Davis stated that the 13 bike parking spots was the Code requirement, but the project would have significantly more parking and they would provide an exact count. He added that they intended to have outdoor bike parking and indoor

secured bike storage with a mechanical room. Commissioner Van Dine added that with regard to the indoor bike storage, there needed to be outlets everywhere for e-bikes. She appreciated the effort for the daycare center and felt that a secure play area was ideal and would be appreciated by the community.

Commissioner Van Dine stated in response to the public comment about notice, that Staff does a great job of getting notice out to people and encouraging participation. She noted that they could not force people to participate in these meetings, and felt that Staff and the developer had done a good job trying to let people be heard.

Commissioner Frontero thanked the applicant for the presentation and responses to the questions from the prior meeting. He felt this was a complex application and he thanked Staff for their work. He appreciated the public comments, and while many were focused on community impacts as opposed to the Code, they were helpful. He noted that to encourage affordable housing the City created the AMPD, and this application met almost everything that the ordinance seeks. He stated that it was hard to find much fault with this application, other than people do not want it in their backyard. While he understands that, he noted there was a balance to be struck and he believed the developer has done a reasonable job trying to strike that balance.

Commissioner Frontero recognized that this project would not meet everyone's approval, but felt they were on the right track with this application. He shared Commissioner Kenworthy's concern regarding traffic and referenced LMC Section 15-6-1-11(D), highlighted by Staff, that discusses adequate interior vehicle passage, pedestrian and bicycle circulation, and the like. He did not see a report that addresses these issues but stressed that this was one of the 16 criteria considered by the Commission. He stated that this remained an open item for him.

Another open item was LMC Section 15-6-1-11(C) regarding trails and connectivity of trails. He would like to see connectivity, which he currently did not see in this application. He stressed that these were Code items that as a Commissioner, he would want to see to ensure that it is being addressed. Commissioner Frontero observed that it seemed aggressive that this would all be presented at the next meeting and there would be a vote. He understood that timing was important and supported trying to get it done.

Commissioner Johnson appreciated everything the applicant presented. With regard to the wall, he asked the applicant to look into some sort of sound barrier along the Power Plant to reduce the buzzing. Mr. Murphy stated they would look into that.

Commissioner Johnson addressed the EMF Study and asked for more information. He referenced the Statement of Purpose in the Code at Section 15-1-2, "to promote the general, health, safety and welfare of the present and future inhabitants, businesses and visitors to the City." He felt that further information was needed for the public and for the City as the owner of the land. Specifically, he requested the distances from the various rows. He would also like more information on the volts per meter for the Electric readings since that was the biggest discrepancy he saw in the report. He referenced the ground-level analysis of locations B – K and requested they show the safety level was being reduced. He would like to know if the value of 449 was safe. He stressed that they want to ensure that they were providing a safe environment for this housing. Commissioner Johnson strongly encouraged the public to review the Packet and the provided analysis because there would be no control over future output since Utah Power owns that adjacent property.

Commissioner Johnson reiterated the Code requirement that they were providing a safe environment for the community. Mr. Murphy agreed and stated they would provide the requested information. With regard to the sound barrier wall, Commissioner Johnson stated that it was a nationwide issue, and they want to be mindful of the reflector technology that could bounce the sound to another area of town. He suggested there was likely newer technology that could be investigated. He expressed frustration that the burden was not on the Power Company.

Commissioner Johnson sought confirmation that there was adequate space for snow storage along the side and rear setbacks. It was clarified that there was adequate space for snow storage within the Setbacks.

Chair Suesser reiterated her request to see the details of the ground lease at the next meeting.

MOTION: Commissioner Kenworthy moved to CONTINUE this item, and the public hearing, to October 26, 2022. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

7. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 9:00 p.m.