

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
August 8, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, Sarah Hall, John Kenworthy, John Phillips, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Tippe Morlan, Planner; Elizabeth Jackson Planning Tech; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Band called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

638 Park Avenue

Chair Band reported that prior to the meeting, the Planning Commission held a Work Session and Site Visit at 638 Park Avenue. They met with the developer who gave them a tour of the building. The Commissioners looked at the storage space and the indoor and outdoor space; and the developer showed the mitigations.

The Planning Commission would take public comment specifically on the Work Session, and continue this item to September 26th.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE 638 Park Avenue to September 26, 2018. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

ADOPTION OF MINUTES

July 11, 2018

MOTION: Commissioner Suesser moved to APPROVE the Minutes of July 11, 2018 as written. Commissioner Sletten seconded the motion.

VOTE: The motion passed. Commissioners Thimm and Phillips abstained since they were absent from the July 11th meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Assistant City Attorney McLean was back from participating in an Employee Exchange Program in Courchevel France. Ms. McLean reported that she had a great time and learned so much. She will be giving a report to the City Council on her experience and she will share her report with the Planning Commission.

Assistant City Attorney McLean stated that she was placed in the Planning Department in Courchevel. The person coming from France for the other half of the exchange is the Assistant Planning Director in Courchevel, and he will be in Park City in October or November. Ms. McLean found the experience to be fascinating. Some things are very different but many things were the same. She thought it was interesting to see how Courchevel deals with Historic Preservation and their planning processes.

Chair Band stated that she would be recusing herself from the Consent Agenda item; however, she would not leave the room unless someone requests that it be pulled off the Consent Agenda.

CONSENT AGENDA

Kings Crown at Park City Housing Mitigation Plan – Staff recommends the Planning Commission review, hold a public hearing and forward a positive recommendation to the Park City Housing Authority for the mitigation plan to fulfill the housing obligation generated by the Kings Crown at Park City project.

MOTION: Commissioner Sletten moved to APPROVE the Consent Agenda, Kings Crown at Park City Housing Mitigation Plan. Commissioner Kenworthy seconded the motion.

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

Assistant City Attorney McLean asked for a minute to make sure that one item was corrected in the Staff report regarding the Kings Crown item. She recalled a discussion with the City Housing Specialist, Rhoda Stauffer, and the applicant representative, Rory Murphy, addressing the issue of making sure there was sufficient interior storage space. She thought the issue had been resolved, but she could not find it in the Staff report. Ms. McLean pointed out that what the Planning Commission approves needs to match what will actually occur. She asked Ms. Stauffer if the report was accurate based on their previous discussion.

Rhoda Stauffer replied that the report is accurate and a condition of approval requires the issue to be resolved.

Assistant City Attorney requested that the Planning Commission rescind their previous motion and pull Kings Crown off the Consent Agenda so she could speak to the issue.

Chair Band recused herself and left the room. Chair Phillips assumed the Chair.

MOTION: Commissioner Suesser moved to Remove the Kings Crown at Park City Housing Mitigation Plan from the Consent Agenda. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Assistant City McLean stated that the only issue was that one of the interior storage units shall not be counted as part of the overall affordable employee units; based on the housing resolution and based on feedback. She referred to the table on page 25 of the Staff report and wanted to make sure the issues had been clarified so it is correct when it goes to City Council.

Ms. Stauffer stated that Mr. Murphy will figure out how to resolve the issue before it goes to City Council. The square footage would be made up by either adjusting some of the units or converting a larger attainable unit to an affordable unit to make up the square footage. Ms. Stauffer noted that resolution is required as part of the conditions of approval. Condition #7 reads, "The square footage of the affordable residential units will increase by 680 square feet. City Attorney McLean thanked Ms. Stauffer for the clarification. She was looking at the table and had not noticed that it was addressed in the Condition of Approval.

Rory Murphy stated that if one of the larger attainable units does not make up the square footage, there will be seven attainable units and eight affordable units. Mr. Murphy emphasized that the applicant would make up the square footage.

Assistant City Attorney McLean understood that the pricing was based on the housing plan. Ms. Stauffer replied that she was correct.

MOTION: Commissioner Thimm moved to APPROVE the Kings Crown at Park City Housing Mitigation Plan in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Sletten seconded the motion.

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

Chair Band returned to the meeting and resumed the Chair.

Findings of Fact – Kings Court Housing Mitigation Plan

1. The applicable Development Agreement was recorded June 14, 2018.
2. A total of 8.55 Affordable Unit Equivalents (AUEs) in the form of seven condominiums fulfill the housing obligation generated by Kings Crown at Park City in accordance with Housing Resolution 03-2017.
3. The Housing Mitigation Plan was recommended for approval by the Planning Commission to the Park City Housing Authority on August 8, 2018 attached as Exhibit A.

Conclusions of Law – Kings Court Housing Mitigation Plan

1. A Development Agreement between CRH Partners, LLC and Park City Municipal Corporation recorded on June 14, 2018 is in effect.
2. Affordable Housing must comply with Park City Housing Resolution 03-2017

Conditions of Approval – Kings Court Housing Mitigation Plan

1. The Affordable Housing building will be the first building to draw a building permit.
2. No CO will be granted for the Crown Homes (market townhomes) prior to receiving the CO for the affordable/attainable building.
3. CRH will post a Performance Bond in a form acceptable to the City for the construction of the Affordable Housing building.
4. If the construction timing of the affordable housing building deviates more than

120 days from the proposed construction guideline, then the Applicant shall first appear before the Park City Housing Authority to explain the timing discrepancy and the Council shall at that time have the right to request that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.

5. Units will be sold at pricing as follows:

Unit #	Sq Ft	# of Bedrooms (size of household)	AMI	Sales Price	Max Household Income
A-101	1,349	3 (4)	80%	\$ 303,647.00	\$ 85,680
A-102 ADA	1,000	2 (3)	60%	\$ 197,881.00	\$ 57,834
A-201	1,000	2 (3)	70%	\$ 239,122.00	\$ 67,473
A-202	998	2 (3)	70%	\$ 239,122.00	\$ 67,473
A-203	1,174	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-301	989	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-302	987	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-303	1,000	2 (3)	80%	\$ 263,841.00	\$ 77,112
A-304	997	2 (3)	80%	\$ 263,841.00	\$ 77,112
A-401	671	1 (2)	60%	\$ 182,188.00	\$ 51,408
A-402	959	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-403	1,174	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-404	1,189	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-501	1,160	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-502	1,163	3 (4)	150%	\$ 569,338.00	\$ 160,650
Interior Storage units	680				
Total	16,490				
Total Affordable	7,695				

6. Deed Restrictions shall be recorded against all 15 units in a form approved by the City Attorney.

7. The SF of the affordable residential units will be increased by 680 SF.

8. CCRs for the Affordable/Attainable building will include a provision that HOA fees won't increase more than three percent (3%) per year.

9. Units shall be sold to eligible households as defined in the recorded Deed

Restrictions.

10. All sales shall be approved in writing by the City Affordable Housing Office.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 1. 341 Ontario – Steep Slope Conditional Use Permit – The applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%. (Application PL-15-02915)**

Anya Grahn, the project planner, was out of town. Planner Liz Jackson presented this item in her absence.

Planner Jackson reviewed the application for a Steep Slope Conditional Use Permit at 341 Ontario Avenue. The Staff had not received any public item for this specific application.

The Staff recommended that the Planning Commission conduct a public hearing and approve the conditional use permit for 351 Ontario with the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the Steep Slope CUP for 341 Ontario Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as contained in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 341 Ontario

1. The property is located at 341 Ontario Avenue.
2. The site is located in the Historic Residential-1 Density (HR-1) Zoning District.
3. The site is designated as “Significant” on the City’s Historic Sites Inventory.

4. The lot contains 3,750 square feet. It is a downhill lot.
5. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
6. The applicant is proposing to build an addition on the east side of the historic house, creating a total gross house size of 3,938 square feet.
7. The existing footprint of the historic house and its non-historic additions is 483 square feet; the footprint of the house following construction of the addition will be 1,519 square feet. The maximum allowed footprint for this lot is 1,519 square feet.
8. The construction is proposed on a slope greater than 30% and in some areas; the slope is approximately 93%. The slope directly behind historic house is 52%.
9. On April 17, 2018, the Board of Adjustment approved three variances for this site: (1) a variance to LMC Section 15-2.2-3 (E) to the required ten foot (10') front yard setback exception to allow for an addition to be constructed at the front of the lot; the addition includes a one-car garage on the top level, adjacent to Ontario Avenue. The BOA granted a variance to the required front yard setback to 4 ft. 6 inches; (2) a variance to LMC Section 15-2.2-5 to the maximum building height of 27 feet above Existing Grade to 35 feet above Existing Grade; and (3) a variance to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters to 39 feet 6 inches.
10. On September 3, 2015, the applicant submitted a Steep Slope Conditional Use Permit; the application was deemed complete on September 22, 2015, but it has been on hold while the applicant worked through the HDDR redlines and variance process.
11. The minimum Lot Size required in the HR-1 Zoning District is 1,875 square feet; the existing Lot is 3,750 square feet.
12. The applicant is proposing a 4.5-foot front yard, as granted by the variance; a 10 foot rear yard, as required by the LMC; 5-foot north side yard setback, as required by the LMC; and 1-foot south side yard due to the historic structure.

13. Per LMC 15-2.2-4 Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

14. The maximum Zone Height for the HR-1 is 27 feet; the variance granted 35 feet; the applicant is proposing 35 feet, as permitted by the variance.

15. The maximum interior height allowed in the HR-1 Zoning District is 35 feet; the variance granted 39 feet 6 inches; the applicant is proposing an interior height of 39 feet, as granted by the variance.

16. The final grade must be within 4 vertical feet of the existing structure, and the maximum difference will be 4 vertical feet.

17. The LMC requires a 10-foot horizontal step in the downhill façade at 23 feet, and the applicant is proposing this on the new addition.

18. The location of the development reduces the visual and environmental impacts of the Structure. The historic house is located on the southwest corner of the lot, facing Main Street and with its back to the canyon wall. The historic house sits some 32 feet below paved Ontario Avenue. The proposed addition is setback behind the historic house and separated from it by a transitional element. The mass and bulk of the structure is partially buried in the canyon wall to minimize its appearance. The mass and bulk is further broken up by patios, roofs, and decks that provide shadow lines and help conceal the size of the house. Along Ontario Avenue, the house appears to be one-story in height with emphasis on its pedestrian entrance over its garage.

19. The applicant provided a visual analysis of the project from key Vantage Points to demonstrate potential impacts of the project and to identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope and neighboring structures. The applicant has broken up the mass and scale of this house as it climbs the hill. The mass of the structure is broken into modules that are reflective of the mass and scale of the historic house. The proposed design is visually compatible with the neighborhood. There is only one aspen tree that meets the definition of Significant Vegetation identified on this property. The applicant is proposing a robust landscape plan that will visually buffer and screen the view of the addition in a way that emphasizes the historic house. The landscape plan proposes to incorporate seven (7) new aspen trees on site to

replace the two aspen trees on the survey to be replaced. The street view of the house is simple in design and creates vehicular and pedestrian access to the property from Ontario Avenue.

20. Access points and driveways have been designed to minimize Grading of the natural topography and reduce overall Building scale. The existing access to the site is from a pedestrian path off of Shorty's Stairs; there is currently no access from Ontario Avenue. The applicant has proposed an addition that includes a one-car garage along Ontario Avenue. The design of the façade along Ontario Avenue emphasizes the pedestrian entrance over the garage, which is consistent with the Design Guidelines. A bridged driveway connects the new garage to Ontario Avenue.

21. The design minimizes the need for retaining Structures in order to maintain Natural Grade. The design of the addition incorporates outdoor living spaces, preventing the need to terrace the grade to create patios and decks. The applicant has proposed landscaped stairs that connect different elevations of the yard, but these stairs are built into the hillside and do not require structure or terraces. The north and south sides of the house act as retaining walls and allow the applicant to maintain the existing grade in the narrow side yards.

22. Buildings, access, and infrastructure are located to minimize cut and fill that would alter the perceived natural topography of the site. The structure has been designed in order to be setback and visually separated from the historic house at the southwest corner of the lot. The location of the addition was driven by the need to access Ontario Avenue and the steep slope of the site; the mass and bulk has been broken up to reduce the overall scale of the new addition. The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition. The design has provided opportunities for open space and there is only one aspen tree that meets the definition of Significant Vegetation. The driveway and parking area has been minimized and will be shielded by new vegetation.

23. Where Building masses orient against the Lot's existing contours, the Structures are stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The garage is subordinate in design to the main pedestrian entrance along Ontario Avenue. The mass of the new addition steps up the hill, terminating at Ontario Avenue; the mass and bulk have been broken up as the addition climbs the hill. The new addition reflects the historic character of Park City's Historic Sites with its simple building forms, unadorned materials, and restrained ornamentation.

24. The design prevents a “wall effect” along the Street front and/or Rear Lot Lines. The new addition is largely tucked behind the historic house and only appears as one-story in height from the Ontario Avenue right-of-way. It does not create a wall effect at the front or rear property lines because the mass and bulk have been broken up into modules that reflect the mass and scale of historic buildings. Further, decks, overhangs, and roof projects help break up the mass and provide shadow lines to minimize the visual bulk of the structure. Changes in material, color, and design help distinguish the new addition from the historic house.

25. The maximum volume of the Structure is a function of the Lot Size, Building Height, and Setbacks. The proposed design is articulated and broken into compatible massing components, similar in size and proportion to those of the historic structure. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of the single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

26. The maximum Building Height in the HR-1 District is 27 feet. The interior and exterior height of the structure is consistent with the variances granted. The height of the new addition is approximately 35 feet above existing grade, and the remainder of the addition is buried in the hillside and the grade steps uphill to Ontario Avenue. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.

27. The property was posted and notice was mailed to property owners within 300 feet on June 27, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 23, 2018.

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

Conclusions of Law – 341 Ontario

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The building is consistent with the variances granted by the Board of Adjustment on April 17, 2018.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 341 Ontario

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures, including the historic structure on this lot.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on August 8, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on August 8, 2018, and the Final HDDR Design.
6. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
7. The Preservation Plan must include a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
8. An encroachment agreement may be required prior to issuance of a building permit for projects utilizing soils nails that encroach onto neighboring properties.
9. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
10. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
11. Historic buildings which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.

12. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

13. The applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five (5) days of any relocation or alteration to the cribbing and/or shoring.

14. The applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.

15. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties and the historic house on this property.

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

17. No utility meters shall be located under the bridged driveway; all utility meters shall be located on the applicant's property.

18. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department to reduce the duration of necessary staging and deliveries. Two separate traffic control personnel will be on site for any construction related deliveries.

19. The applicant shall notify the neighbors 48 hours in advance prior to any street closures for the project.

2. **875 Main Street – A request for modification to an existing Conditional Use Permit to allow a rooftop deck and to convert 196 square feet of common area to private area. (Application PL-15-02915)**
3. **875 Main Street – A request for a plat amendment proposing to establish a new common rooftop patio area for the residential units and to convert 196 square feet of internal common area to private area. (Application PL-17-03673)**

The Planning Commission discussed the CUP and the plat amendment for 875 Main Street simultaneously.

Planner Tippe Morlan stated that her presentation would include both items. However, each item required a separate motion because the CUP is an action by the Planning Commission and the Plat requires a recommendation to the City Council.

Planner Morlan reviewed the application for the Lift Lodge Condominiums at 875 Main Street. The applicant was requesting a modification to an existing CUP, as well as a plat amendment for the addition of a rooftop deck to those condos. The area will be identified as residential common area and facilities, and it will be for residents only. Condition of Approval #4 under the CUP states, "The rooftop deck shall be used in conjunction with the existing residential units only and shall not be leased out separately, unless leased to residents, to ensure that the use of this space is a residential accessory use; not a commercial use, and that the use does not cause overflow parking onto adjacent properties".

Planner Morlan reviewed the plan for the roof top area. The applicant was proposing an outdoor kitchen, hot tub, and fireplace with seating. The existing mechanical equipment would remain, but it will be moved around on the deck. The area totals approximately 2,431 square feet of unenclosed area. Because it is unenclosed, it does not add to the total square footage or total floor area of the site, and it does not require additional parking.

Planner Morlan reported that the applicant was also proposing to convert a total of 196 square feet of common hallway area to private area over 11 units. They would take the divets in the entry areas and the hallway and allow the owners to build out their unit to be flush with the hallway.

Planner Morlan thought it was important to note that even though the zoning is Historic Resort Commercial, this site falls under the Historic Commercial Business Zone (HCB) because of the 1982 agreement, which allowed the property in this area to be regulated under HCB. This was originally approved under those regulations as a conditional use mixed use residential and commercial building.

Planner Morlan stated that the proposed addition meets HCB requirements, and the structure met all HCB requirements at the time it was constructed. The proposed changes also meet HCB standards, including no change to the overall square footage of the structure and no additional parking. The applicant is proposing two separate access points to meet fire code requirements. All proposed additions are within the height. The elevator shaft will be extended several feet, but it still falls within the 8' height exception for elevator shafts in the zone.

Planner Morlan noted that all the conditions of approval from the original McIntosh Mill conditional use permit still apply. In addition, HDDR approval is required and that application is currently in process.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for the Plat and approve of the CUP modification with good cause, as conditioned, finding that it meets the standards of the zone and the original conditions of approval.

Doug Clyde, representing the applicant, stated that they have been working with Staff for a long time to clean up past issues with this building. He believed the Staff report adequately addressed the complexities and the long history; and how they reached this point.

Commissioner Thimm asked if the use of the deck was specified. Mr. Clyde replied that it is clearly only for the residents and their invitees. Commissioner Thimm asked about the chance of having a live band on the deck. Mr. Clyde stated that no music is proposed, and there will not be a sound system. He pointed out that it would also be governed by the noise ordinance. The only way to have a live band would be to apply for a Special Events permits. Mr. Clyde emphasized that the use would be limited to the residents.

Commissioner Kenworthy clarified that if this CUP is approved, someone could still apply for a Special Event permit. Mr. Clyde remarked that a resident could request a permit, but it was up to the City to grant it. Commissioner Kenworthy asked for the maximum occupancy of the deck. Mr. Clyde replied that it is based on square footage, which is why they were required to put in the second stairway.

Chimso Onwuegbu, representing the applicant, believed the maximum occupancy was 96 based on the square footage. Mr. Clyde had argued that a second exit was not needed because the occupancy would not exceed the maximum occupancy load; however, the Building Department rejected that argument and required the second stairway. Mr. Clyde stated that in that complex they could not reach the maximum occupancy without a Special Events permits.

Commissioner Kenworthy asked about the building occupancy. Mr. Clyde replied that there were 16 residential units and two commercial units. He reiterated that the commercial units would not have access to this site. It is a limited common site available only to the residents. Mr. Kenworthy calculated that the occupancy on the roof was more than four people per unit. Mr. Clyde answered yes, because it is based on what is called assembly occupancy. When the Building Department looks at a set of plans, they have to consider the occupancy. They determined that the rooftop deck is a place of assembly, and therefore, the Building Department could not grant occupancy for less than the maximum occupancy of the Code for a place of assembly. Mr. Onwuegbu explained that the applicant had proposed limiting the occupancy to 49 people to avoid having the additional stairway construction, but the Building Department rejected that because they have to base it off the square footage.

Commissioner Suesser wanted to know how many people are permitted on the deck per the Fire Code. Mr. Onwuegbu believed it was 90-something at 15 square feet per person. Commissioner Thimm had calculated 106 people based on the square footage. Mr. Onwuegbu pointed out that more than half of the deck will be cornered off for mechanical units, but those areas are still counted in the 2400 square feet. Based on the actual area for people, he believed the occupancy was approximately 96.

Assistant City Attorney McLean stated that if the Planning Commission had concerns about impacts related to the deck, they could add a condition of approval limiting the occupancy to 49 people as a way to mitigate the impacts. However, the second stairway would still be required as a Building Department regulation because more people would be allowed under the Building Code.

Planner Morlan noted that the project was originally approved with 13 condo units totaling 12,381 square feet. She did not have a total square footage on the amendment to the original approval that changed it to 16 units.

Commissioner Thimm asked if the applicant was still willing to limit their space to 49 occupants. Mr. Clyde stated that he not discussed that further with the applicant after being required to build the second stair tower, because that construction had added

considerable cost to the project. He asked that there be some rational nexus between the limitation and the conditional use permit process.

Director Erickson asked if some of the units were in the nightly rental pool. Mr. Clyde answered yes. He did not have an exact number but all the units were available for nightly rental. Director Erickson suggested that they think about the impacts related to potential nightly rental units. If the Planning Commission takes action, he suggested that they clean up the language in Conditions #4 and 5. Condition #5 is clear that it is residents and guests. Condition #4 ties it to the residential units. Director Erickson offered to draft a new condition of approval to address nightly rentals. He explained that the intent to say that no external commercial use could occur without a special events permits. However, if four units are rented out as nightly rental and the renters wanted to rent out the space for a private wedding, it would be allowed. Director Erickson remarked that uses that occur on the deck are limited to the uses inside the condominium project, which includes nightly rental.

Assistant City Attorney stated that if the Planning Commission could address impacts related to that issue. For example, if someone decided to have a big party and invite 142 of their friends, she assumed the Commissioners would have concerns about the impacts on the deck. She pointed out that the noise ordinance exist, but the impacts still occur. Commissioner Phillips suggested that they could limit to a specific number, with the exception of allowing for a Special Event permit.

Chair Band opened the public hearing.

Wendy Carney, representing the Marriott Summit Watch, had concerns regarding noise. She had envisioned a loud music party, but after hearing the discussion she was a little more comfortable. Ms. Carney was in favor of limiting the occupancy to 49 people.

Chair Band closed the public hearing.

Chair Band understood that three conditions of approval needed to be modified. She asked if they should also add a condition prohibiting live music. The applicant was comfortable with prohibiting live music. Commissioner Thimm suggested saying "no amplified music." He reiterated that there is not a wired sound system on the deck, but someone could bring a boom box.

Commissioner Thimm was in favor of limiting the number of occupants, and also adding language stating "no amplified music".

Commissioner Hall understood that the deck could be leased to one resident to the exclusion of the other residents. Mr. Clyde explained that the deck is limited common area but only for the residential units. The commercial units do not have the ability to use the deck area. Assistant City Attorney McLean clarified that it is limited common area appurtenant to all of the residential units. Commissioner Suesser thought Commissioner Hall was referencing Condition #4 which states, "...leased out separately unless leased to residents". Commissioner Hall asked if a resident could have a wedding for 50 people and exclude the other residents. She was told that the deck could be reserved by one resident for a private event. Mr. Clyde thought the best language would be "reserved to the owners and their invitees", to clarify that "invitees" could be their guests or someone who might rent their unit. He emphasized that the deck could not be rented out to anyone who is not an owner or an invitee of the unit. Ms. McLean thought the needed to add language that would prevent someone using unit to reserve it for a house party and charge their guests.

Mr. Clyde stated that he asked the owners about limiting the time to 10:00 p.m., and all the owners favored having everyone off the roof by 10:00. He explained that the owners only want to replace the existing hot tub uses.

Mr. Sletten thought Condition #4 had a limiting mechanism by not allowing parking to overflow onto other properties. He believed it would be difficult to have 96 people, and a large number not being residents, without parking overflowing onto other properties. Mr. Clyde did not think the applicant would be opposed to a condition limiting the occupancy to 49 people.

Commissioner Suesser thought the conditions needed to be strengthened. They also needed to know more about lighting on the deck, the propane heaters, etc. Mr. Onwuegbu stated that a lighting plan had already been submitted. Mr. Clyde noted that the gas barbeques are required to be sprinkled, and the Building Department would add the standard life safety requirement.

Director Erickson stated that the Planning Commission could add a condition of approval requiring that all lighting must be downward, shielded, and must comply with the Lighting Section of the Architectural Guidelines. Planner Morlan noted that lighting was addressed in Condition #15. Director Erickson clarified that his concern was more with Christmas lights rather than permanent lighting. Planner Morlan stated that the layout of the rooftop deck may change with the building permit; which is why she had added language stating "All lighting must be approved by the Planning Department and must meet the standards". Commissioner Phillips noted that the LMC specifies lighting requirements and those requirements must be met. He pointed out that the site was not highly visible from many locations. They tend to be more restrictive with highly

visible sites. Director Erickson pointed out that the LMC allows seasonal lighting but it must be taken down within a certain timeframe to be compliant. In addition, most of the deck is hidden under the existing parapets and the gable roofs.

Director Erickson thought they should also restrict independent commercial use. He understood that the conditions should be revised to prohibit amplified music; to limit the occupancy of the deck to 49 people. Director Erickson suggested that they change the language in Conditions #4 and #5 to specify "owners, residents and invitees".

Commissioner Suesser thought the sign mentioned in Condition #5 should mention that the roof deck occupancy is limited to 49.

Considering the number of changes, Chair Band thought the Board needed to see the redlined revisions before taking action. Planner Morlan offered to redline the conditions per their discussion while they discussed the Plat Amendment.

The Commissioners moved to the Plat Amendment.

Assistant City Attorney McLean asked if the CC&Rs were being redone. Mr. Clyde understood that the CC&Rs were already redone and they had gone through their Legal Department. He did not believe they had been filed, but it would be part of the Plat Amendment. He suggested adding a condition of approval to address the CC&Rs and reflect that the area is limited common and restricted to the residential units.

Director Erickson recommended that the conditions of approval be referenced in the HOA documents.

For the CUP, Planner Morlan asked if the Commissioners wanted to change the term "leased" to "reserved" in Condition #4. Commissioner Suesser did not think the language needed to be changed because sometimes a fee is charged to reserve a space.

The Planning Commission agreed to move on to the next item on the Agenda to give Planner Morlan the opportunity to revise the conditions of approval for their review.

NOTE: The Planning Commission returned to the CUP and Plat Amendment for 875 Main Street following their discussion and action on the Flagstaff Master Planned Development Construction Mitigation Plan Technical Report #15 – amendments.

Planner Morlan reviewed the redlined conditions as follows:

Condition of Approval #4 – Added sentence “Residential common areas and facilities shall not be used for independent commercial use. Any complaints regarding overflow parking issues or commercial use may result in the CUP becoming void.

Assistant City Attorney McLean replaced complaints with evidence to read, “Any evidence regarding....”

Added Condition of Approval #5 stating “Occupancy of the rooftop area shall be limited to 49 persons, and the hours shall be limited to between the hours of 7:00 a.m. to 10:00 p.m.

The remainder of the conditions were renumbered.

Condition #6 – was revised to read, “Prior to issuance of a final certificate of occupancy the owner shall provide a sign on the deck limiting use of the roof top deck area to owners and guests of the residential units, and only between the hours of 7AM and 10 PM, and limiting occupancy to 49 persons.

Added Condition #18 – “No amplified sound system shall be allowed on the rooftop deck area”.

Added Condition #19 – “CC&Rs for the Lift Lodge Condominiums as amended shall refer to these Conditions of Approval”.

MOTION: Commissioner Kenworthy moved to APPROVE the Conditional Use Permit for the rooftop deck at 875 Main Street, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment for 875 Main Street, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Assistant City Attorney McLean recommended that the motion include “as amended, with the additional condition of approval that the amended CC&Rs include the conditions related to the Conditional Use Permit for number of people and use of the deck.

Commissioner Kenworthy amended his motion as stated by Assistant City Attorney McLean. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 875 Main Street - CUP

1. In 1991, the Planning Commission and City Council approved a concept plan for the Town Lift Project which included the Lift Lodge Condominium project currently under review.
2. On June 11, 1997, the Planning Commission approved a CUP to allow a mixed use structure at this location. This CUP was subsequently modified on May 26, 1999 concurrent with the condominium plat, and the building was constructed in 1998.
3. The Parking Management Plan for this location was approved by the Planning Commission on July 8, 1998.
4. The subject property falls under the 1982 Huntsman-Christensen Agreement which specified HCB zoning for the site and established an artificial natural grade for height measurements.
5. The 1982 Agreement was amended on April 16, 1992 to redefine artificial natural grade.
6. The Lift Lodge at Town Lift condominium conversion plat was recorded on August 3, 1999.
7. On January 30, 2018, the City received a complete application for a modification of the approved CUP.
8. The proposed rooftop deck is a significant change to the common area approved with the original CUP and needs Planning Commission approval.
9. The modifications include the addition of 2,431.8 square feet of "Residential Common Area and Facilities."
10. Modifications also include a conversion of 196 total square feet of common area to private area incorporating hallway entry areas into private space for 11 units.
11. The proposed modifications to the existing CUP do not change the number of residential or commercial units within the development.
12. The subject property falls within the HRC zone, but is subject to HCB regulations according to the 1982 Agreement amended in 1992.
13. All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development.
14. The parking structure beneath the building provides a total of 28 code compliant spaces, which is sufficient for the proposed changes. A total of 24 spaces are required for the 16 residential units and retail space.
15. The proposed changes to the rooftop do not add to floor area of any livable space within the development and do not increase parking requirements.

16. Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue.
17. The capacity of the deck requires two separate fire access points which are met with a primary elevator and stairway access and a secondary stairway access.
18. All new structures proposed fall within the 45 feet maximum building height with a 5 foot exception for pitched roof structures and an 8 foot exception for elevator access.
19. A concurrent Historic District Design Review application is under review for these modifications.
20. A concurrent plat amendment application is also under review for these modifications.
21. Proposed exterior lighting proposed is down-directed and shielded.
22. The applicant has not violated any terms of the original CUP approval and all original conditions of approval continue to apply, including restriction of the commercial area to no restaurant uses.
23. As conditioned, the proposed modifications meet the criteria for Conditional Uses as stated in LMC Section 15-1-10(E).
24. On July 25, 2018, the property was posted and notice was mailed to affected property owners within 300 feet.
25. Legal notice was published in the Park Record on July 21, 2018.
26. As of this date, no public input has been received by Staff.
27. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law – 875 Main Street – CUP

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.
4. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits.

Conditions of Approval – 875 Main Street – CUP

1. All Conditions of Approval of the McIntosh Mill CUP and any subsequent modifications continue to apply.
2. All construction requires a permit issued by the Building Department. All structures must be inspected by the Building Department prior to occupancy. The Building

Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.

3. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the CUP becoming void.

4. The rooftop deck shall be used in conjunction with the existing residential units only and shall not be leased out separately, unless leased to residents, to ensure that the use of this space is a residential accessory use, not a commercial use, and that the use does not cause overflow parking onto adjacent properties. Residential Common Areas and Facilities shall not be used for commercial use. Any evidence regarding overflow parking issues or commercial use may result in the CUP becoming void.

5. Occupancy of the rooftop area shall be limited to 49 persons, and the hours shall be limited to between the hours of 7AM and 10PM.

6. Prior to issuance of a final certificate of occupancy the owner shall provide a sign on the deck limiting use of the roof top deck area to owners and guests of the residential units only between the hours of 7AM and 10 PM, and limiting occupancy to 49 persons.

7. All mechanical equipment, vents and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to the public, shall be painted to match the roof and/or the adjacent wall color and shall be screened or integrated into the design of the structure.

8. Community Development Department approval of the final building plans is required prior to building permit issuance.

9. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address construction staging, time lines, special signs, parking, fencing, and other construction related details as required by the Community Development Department.

10. This approval shall expire one year from the date of Planning Commission approval of the Conditional Use permit modification, unless a building permit is issued for this project prior to the expiration date or a one-year extension is requested and granted subject to Section 15-1-10 (G) of the LMC. Approval was granted on August 8, 2018.

11. All new construction must match the existing color palette of the building.

12. All proposed changes must meet building volume and height requirements within the HCB zone using artificial natural grade established by the 1992 Agreement and plans approved for the original construction.

13. Any and all damaged public improvements, such as roads, sidewalks, curbs, and gutters on or adjacent to this property shall be repaired to the City's standards prior to issuance of a certificate of occupancy.

14. The City Engineer review and approval of the structural plans for the deck and of all changes to the utility and drainage plans for compliance with City standards is required prior to building permit issuance.
15. The Park City Fire District shall review and approve of the addition, including access and the outdoor kitchen, prior to building permit issuance.
16. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and shall comply with the Land Management Code, including proposed and existing exterior lighting that currently does not comply. All existing exterior lighting shall comply with the Land Management Code.
17. Soffit overhangs (eaves) shall be a minimum of 24" deep.
18. No amplified sound system shall be allowed on the rooftop area.
19. CC&Rs for the Lift Lodge Condominiums as amended shall refer to these Conditions of Approval.
20. Final Historic District Design Review plans shall be approved prior to issuance of a building permit for these uses.
21. All Standard Project Conditions shall apply.

Findings of Fact – 875 Main Street – Plat Amendment

1. In 1991, the Planning Commission and City Council approved a concept plan for the Town Lift Project which included the Lift Lodge Condominium project currently under review.
2. On June 11, 1997, the Planning Commission approved a CUP to allow a mixed use structure at this location. This CUP was subsequently modified on May 26, 1999. The existing building was constructed in 1998.
3. The Parking Management Plan for this location was approved by the Planning Commission on July 8, 1998.
4. The subject property falls under the 1982 Huntsman-Christensen Agreement which specified HCB zoning for the site and established an artificial natural grade for height measurements.
5. The 1982 Agreement was amended on April 16, 1992 to redefine artificial natural grade.
6. The Lift Lodge at Town Lift condominium conversion plat was approved by City Council on March 4, 1998 and recorded on August 3, 1999.
7. On November 29, 2017, the City received a complete application for the subject plat amendment.
8. On January 30, 2018, the City received a complete application for a modification of the approved CUP.
9. The proposed change to the rooftop area adds 2,431.8 square feet to the structure as a new type of common area called "Residential Common Areas and

Facilities.” This area is common only to the residential owners.

10. Since this is unenclosed deck area and does not increase the occupancy of the structure as common space, it does not add to the parking requirements.

11. The proposed changes to the common hallway areas range in size from 2 square feet to 118 square feet.

12. The Lift Lodge was constructed with 16 residential units averaging less than 1,000 square feet and ranging in floor area from 681 square feet to 1,455 square feet.

13. The Lift Lodge was constructed with approximately 2,515 square feet of commercial uses (reduced from 5,100 square feet) and located at the south end of the building. The CUP included a condition that does not allow restaurant use in the commercial area.

14. The proposed changes amount to units which still average less than 1,000 square feet.

15. The units now range in size from 799 square feet to 1,457 square feet.

16. The size of the commercial space has increased to 2,551 square feet.

17. The proposed changes do not increase the parking requirements.

18. The proposed rooftop deck is a significant change to the common area approved with the original CUP and needs Planning Commission approval through a CUP Modification.

19. The proposed modifications to the existing CUP do not change the number of residential or commercial units within the development.

20. The subject property falls within the HRC zone, but uses the HCB regulations according to the 1982 Agreement amended in 1992.

21. All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development.

22. The parking structure beneath the Lift Lodge provides a total of 28 code compliant spaces, which is sufficient for the proposed change in use. A total of 24 spaces are required for the 16 residential units and retail space.

23. The proposed changes to the rooftop do not add to floor area of any livable space within the development and do not increase parking requirements.

24. Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue.

25. The capacity of the deck requires two separate fire access points which are met with a primary elevator and stairway access and a secondary stairway access.

26. All new structures proposed fall within the 45 feet maximum building height with a 5-foot exception for pitched roof structures and an 8-foot exception for elevator access.

27. A concurrent Historic District Design Review application is currently under review

for these modifications.

28. A concurrent Conditional Use Permit application is also currently under review for these modifications.

29. No signs or lighting are proposed with this application.

30. The applicant has not violated any terms of the original CUP approval.

31. On July 25, 2018, the property was posted and notice was mailed to affected property owners within 300 feet.

32. Legal notice was published in the Park Record on July 21, 2018.

33. As of this date, no public input has been received by Staff.

34. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law – 875 Main Street – Plat Amendment

1. There is good cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.

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 – 875 Main Street – Plat Amendment

1. All Conditions of Approval of the original Lift Lodge at Town Lift condominium plat and any subsequent modifications continue to apply.

2. The City Planner, City Attorney, 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.

3. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat 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.

4. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

5. Approval of this plat amendment is subject to the concurrent approval of the modification to the Conditional Use Permit to allow the unenclosed rooftop common area.

6. CC&Rs for the Lift Lodge Condominiums as amended shall refer to the Conditions of Approval associated with the modification to the Conditional Use Permit approved by the Planning Commission on August 8, 2018. These conditions include limitations to the occupancy, hours, and the use of the deck.

4. Flagstaff Master Planned Development Construction Mitigation Plan Technical Report #15 – amendments. (Application PL-17-03664)

Planner Kirsten Whetstone noted that this item was an amendment to the technical report for the Flagstaff Development Agreement. The Planning Commission reviewed this item and conducted a public hearing on June 13th, when it was integrated into the Twisted Branch Staff report. Twisted Branch was continued to a date uncertain and she was able to extract this information into a separate report.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Amendments to the Flagstaff Master Planned Development Construction Mitigation document, subject to the findings of fact and the condition of approval outlined in the Staff report.

Doug Ogilvy was present to represent the applicant.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Kenworthy read from page 194 of the Staff report, “The following sites are not approved for the tipping of mine soils”. He noted that there were no sites listed. Planner Whetstone noted that the sites were listed above. The language was corrected to read, “The above sites are not approved for the tipping of mine soils”.

MOTION: Commissioner Thimm moved to APPROVE the Amendments to the Flagstaff Master Planned Development Construction Mitigation Plan Technical Report #15, according to the Findings of Fact, Conclusions of Law, and the single Condition of Approval. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Flagstaff Technical Report #15

1. Council adopted Ordinance 99-30 on June 24, 1999 that annexed the Flagstaff Mountain project, also known as the Flagstaff Mountain Resort, into Park City.
2. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain specified that the developer is granted an equivalent of a Large Master Planned

Development.

3. Ordinance 99-30, Section II, 2.1: Large Scale MPD—Flagstaff Mountain requires the developer to submit the following studies, prior to or concurrent with Small-Scale MPD process for City approval:

1. Mine/Soil Hazard Mitigation Plan
2. Detailed Design Guidelines
3. Specific Transit Plan
4. Parking Management Plan
5. Detailed Open Space Plan
6. Historic Preservation Plan
7. Emergency Response Plan
8. Trails Master Plan
9. Private Road Access Limitation Procedures
10. Construction Phasing
11. General Infrastructure and Public Improvements Design
12. Utilities Master Plan
13. Wildlife Management Plan
14. Affordable Housing Plan
15. Construction Mitigation Plan

4. In December of 2001, the Planning Commission approved and adopted these Technical Reports as required by Ordinance 99-30, Section II, 2.1: Large Scale MPD—Flagstaff Mountain as listed in finding of fact #3.

5. On February 25, 2004, the Planning Commission conducted a public hearing, reviewed and approved amendments to technical reports #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15 the Construction Mitigation Plan, as the development of Empire Pass had begun to take shape and these three reports became substantially out of date.

6. Technical report #15, Construction Mitigation Plan, was adopted requiring site specific

Construction Mitigation Plans (CMP) to be submitted with the Conditional Use Permit applications and specifying that downhill truck traffic shall be addressed with each site specific CMP.

7. In 2008 the Planning Commission approved amendments to Technical Reports #1, the Mine/Soil Hazard Mitigation Plan and #15 the CMP.

8. On March 8, 2018, the Applicant submitted a request to amend Technical report #15 to clarify construction access, contractor parking, construction staging, construction parking, and excavated materials, as well as to identify approved tipping sites and address waste and trash management, including recycling of materials.

9. On June 6, 2018 the Applicant submitted a revised Addendum to Technical

report #15 further clarifying excavated materials tipping sites and requiring grading plans, storm water plans, City approval to relocate public trails, and construction mitigation plans consistent with Technical Report #15 to be submitted for all grading permit applications.

10. The proposed Addendum lists the following locations as tipping sites, specifically for clean, excavated soils, to be subject to grading permits and property owner approval (map of sites is added as an Exhibit to the CMP):

- Proposed Twisted Branch Subdivision Lot 2 (“Hot Creek”)
- Proposed Twisted Branch Subdivision Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs
- B2 East Subdivision
- City water tank site in lower Empire Canyon

11. On June 13th and July 11th the Planning Commission opened a public hearing to receive input on amendments to Technical Report #15. There was no public input provided on these amendments.

12. The Flagstaff Master Planned Development Technical Reports, and amendments to them, were reviewed and approved by the Planning Commission and recorded with the City Recorder, City Attorney and Planning Department.

Conclusions of Law – Flagstaff Technical Report #15

1. The Planning Commission finds the proposed Addendum to Technical Report #15 required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD– 197 Flagstaff Mountain, to be consistent with the provisions and intent of the Annexation Resolution adopted by Council on June 24, 1999 and the March 2007 Amended Agreement.

2. The revised and updated Technical Report #15 required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain, does not change or adversely affect the density, development locations, or project design as set forth in the Annexation Resolution adopted by Council on June 24, 1999 as well as the March 2007 Amended Agreement.

Condition of Approval – Flagstaff Technical Report #15

1. The final amended 2018 Technical Report #15 shall be recorded with the City

Recorder, City Attorney and Planning Departments along with the other technical reports and Development Agreement.

NOTE: The Planning Commission returned to 875 Main Street to continue their discussion and review of the conditions of approval. The continued discussion can be found under their initial discussion prior to the Flagstaff item.

The Park City Planning Commission Meeting adjourned at 5:30 p.m.

Approved by Planning Commission: _____

APPROVED