



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 28, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, Vice Chair Sarah Hall, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Rebecca Ward, Assistant Planning Director; John Robertson, City Engineer; Spencer Cawley, City Planner; Lillian Zollinger, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She announced that all Commissioners were present, with the exception of Commissioner Bill Johnson, who was excused.

Chair Suesser reported that Commissioner Sarah Hall was attending remotely.

2. PUBLIC COMMUNICATIONS

There were no public communications.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward, reported that there were no communications from Staff.

Chair Suesser mentioned that Commissioner Johnson was in the Commission's thoughts.

4. WORK SESSION

A. Traffic Impact Study Criteria – The Planning Commission will Review and Provide Input on Proposed Traffic Impact Study Criteria for Land Use Applications.

City Engineer, John Robertson, stated that he would be discussing Traffic Impact Study ("TIS") Guidelines and Criteria proposed by the Engineering Department to help establish a consistent set of criteria for the preparation and analysis of Traffic Studies. This was being done to help address concerns raised in the past regarding discrepancies arose from study to study. He explained that Traffic Studies had been prepared using different days throughout the year, which could sometimes lead to differences in findings because of the different volumes that might occur. Their goal was to prepare consistent guidelines that would be followed in the preparation of all

Traffic Studies to provide a more consistent analysis for the Planning Commission to consider when making its determinations.

City Engineer Robertson stated that Charles Allen, Senior Engineer for Parametrix was present. Mr. Allen and Parametrix prepared the Guidelines and worked with the Transportation Planning, Engineering, Sustainability and other departments to provide something that would meet their needs.

Engineer Allen explained that a purpose of the Guidelines was to have clear expectations of the developers who would submit Traffic Studies to ensure consistency from study to study. Additionally, the Guidelines would help ensure that the City and the developer were on the same page. They wanted the Guidelines to be brief, understandable and not too burdensome on the development community, while also providing the necessary information important for making good decisions for the City.

Engineer Allen explained that Traffic Impact Studies describe how proposed developments would contribute to the overall transportation system. There were a number of factors that play into that, such as vehicular operations, parking, traffic safety, walking and biking, and transit use. He added that a big piece of the Traffic Impact Study was identifying possible mitigation or strategies to counter an impact that a development might have. These could include roadway improvements or traffic control changes. Additionally, they could include aspects outside of their normal thinking, such as transportation demand management to encourage mode shifts from vehicular travel to transit or walking and biking. The study process itself was one where they gather data, build traffic models and analyze conditions. They often repeat that for a forecast year; and if it involved a large development, they might move into a future conditions analysis to understand what impact the development would have when it is fully built out.

Engineer Allen expressed the limitations on what Traffic Impact Studies could do, and mentioned that traditionally they were only able to capture a specific time period where traffic volumes could fluctuate from month-to-month or hour-to-hour. When they look into the future, they make estimates that could change when they actually reach the future. These reasons could include, but would not be limited to economic factors, changes in technology, or changes in driver behavior. He stated that a Traffic Impact Study was required to balance mitigating for all traffic conditions against over-building the transportation system for the peak or worst-case scenario.

In terms of traffic volumes in the Park City area, Engineer Allen stated there was quite a bit of fluctuation from month-to-month, day-to-day, and from hour-to-hour across the day. He presented graphs that illustrated those fluctuations at two major gateway corridors at State Route ("SR")-224 and SR-248. They had seen some months when traffic volumes were higher, and on a day-to-day basis they tended towards higher traffic volumes near the weekend. Across the 24-hour day, there was a morning peak and an afternoon peak; however, the afternoon peak was generally higher. Engineer Allen expressed that part of the challenge of a Traffic Impact Study was trying to figure out the right time frame they would want the developers to address. He commented that there were a variety of issues in the Guidelines for the applicants analyze, ranging from data collection and establishing the time period, to classic issues such as trip generation and distribution.

He explained that the threshold that developers or redevelopers were required to conduct a Traffic Impact Study was when the development would generate 25 or more net new vehicle trips during the weekday AM or PM peak hour. He presented a table that demonstrated the threshold

correlated with various land uses. Typically 25 Single-Family homes would generate approximately 25 net new vehicle trips for the roadway. In terms of other uses, he advised it was the equivalent of a 40-room hotel, or 15,000 square feet of office space.

Engineer Allen mentioned that one of the big steps they were excited about was for the applicants to develop a scoping memo, which would be approved by City Staff prior to beginning the TIS process. He stressed that this was important because it would put the City and the developer on the same page in terms of the assumptions that would be built into the Study, as well as the elements that would be analyzed. He reported that they selected a non-holiday Friday during winter months as the timeframe for all developments to analyze. This would include both the AM and PM peak hours. He commented that they know there are many unique conditions that contribute to variable traffic volumes in Park City. He mentioned ski traffic, snow events, weather conditions, and special events such as Sundance. The timeframe they selected tracked well with a day that would be pretty busy, thereby capturing some of the peak demand; however, it was also a timeframe that would not be influenced too much by the extreme days. He noted they would not want to identify mitigations for the developer in response to some of those extreme days.

In terms of the scope of the analysis, Engineer Allen stated that they would require all developers to analyze five core intersections. He referenced a map showing these intersections, and noted that they included the following intersections with Kearns Boulevard: SR-224, Comstock Drive, and Bonanza Drive. He mentioned that along Deer Valley Drive, they included the intersections with Empire Avenue and Bonanza Drive.

Engineer Allen stressed that all developments required to prepare a Traffic Impact Study would need to analyze these five intersections. Additionally, if a proposed development's traffic would add more than 20 peak hour trips to intersections outside of the five listed intersections, the developer would be required to analyze those as well. He stated that another element they were using to standardize these studies was that the City would provide the developer the count data for the five listed intersections. Therefore, all studies would operate on the same base assumptions.

Engineer Allen explained that the amount of trips generated by developments would be calculated consistently across projects according to the ITE (Institute of Transportation Engineers) Trip Generation Manual. They would also ask developers to calculate walking, biking, transit and carpool trips as a part of the normal trip generation process. He added that they included an accommodation for redevelopers to receive a discount for any of the trips that would be eliminated based on the land use they would be replacing. He commented that they would be looking at the net new trips that a development or redevelopment would create.

In terms of the Traffic Operations Analysis, Engineer Allen explained that would evaluate intersection Levels of Service on the A to F scale. Developers would be required to identify the Level of Service for the impacted intersections, and build to the City's own Level of Service D standard. For any intersection that would be impacted to operate at less than Level of Service D, the developer would need to identify some mitigations in the report.

Engineer Allen noted that in some instances, physical mitigations such as turn pockets might not be a realistic response for a developer due to issues such as space constraints or cost. In those situations, developers could also look at what strategies could be implemented to try and reduce traffic volumes generated by a development during peak times. He commented that some of

these strategies could include things like efforts to promote more biking to the developer's land use, or more use of transit. It could also include options to shift some of the vehicular trips to outside the peak times. Some additional sections required in the TIS would include safety, evaluating a crash history, and analyzing walking, biking and transit accessibility. This would be a common standard across the Traffic Studies received by the City. Engineer Allen invited questions from the Commission.

Commissioner Kenworthy thanked Engineer Allen and City Engineer Robertson for getting this before the Planning Commission. As someone who has sat on Transportation Boards for 10 to 12 years, he stressed this was long overdue. He felt that for new Commissioners and Council Members coming in, they would have a baseline that they would all understand. He offered that this would advance the City in a great number of ways.

Commissioner Kenworthy offered that it would be clear in terms of the mitigation efforts needed for the growth. He noted that the Commission does a lot of "checking the boxes" with the Land Management Code ("LMC"); however, they also need to plan for this growth. The mitigation efforts would be critical, and to have the City Council and the Planning Commission come in and hit the ground running would be a big step forward. He noted that the Guidelines were set up using ITE recommended practices and the Utah Department of Transportation ("UDOT") standards. He also saw that the Guidelines were reviewed and revised by Park City Staff and third-party engineering, and asked someone to speak to the Guidelines that were revised.

City Engineer Robertson deferred to Engineer Allen for specifics, and offered that the standards and guidebooks covered the nation. There were always discrepancies because each city operates differently, and Park City's traffic definitely operates differently than a typical city. He explained that they wanted to look at the Guidelines and take the approach based on what Staff recognized and noticed, which led to some revisions.

Engineer Allen commented that the biggest revision was the analysis timeframe. The standard practices call for the collection of data and an analysis of the development impact for when the data was collected. They recognized that they could collect data in May, which was very different from collecting data in January. He highlighted that customizing and standardizing the timeframe for analysis was somewhat unique.

Commissioner Kenworthy stressed that this was desperately needed and questioned the cadence. He stated that they had seen Traffic Studies come in on the last day, and sometimes on the first day. He suggested that when an application is submitted, it would be critically important that the Traffic Study be submitted within a defined period of time. This would help with the issues they have had with site planning and circulation at the end checking the LMC boxes. He wanted to see the cadence come in at the beginning, so they would not have these conflicts at the end.

City Engineer Robertson commented that the proposed Guidelines have an example of the traffic memo, and would require that the memo be prepared and submitted with the application.

Commissioner Kenworthy asked when they were planning to provide the Planning Commission and the City Council with the traffic counts and street capacity numbers. He also asked if the City would prepare the baseline study. City Engineer Robertson explained that the City would provide the baseline traffic volumes for the five major intersections. Those traffic volumes would then determine the Levels of Services at those five key intersections and would become the set

standard. Commissioner Kenworthy understood, and asked if the City would provide a study showing Levels of Service at areas during specific times. City Engineer Robertson advised that the traffic volumes provided to the applicants would be subject to the same formulas that the City would use to come up with Levels of Service. The applicant's study would reflect the Levels of Service at those intersections.

City Engineer Robertson explained that the traffic volumes determined the Level of Service. Commissioner Kenworthy asked if the City would calculate the Level of Service for a particular intersection at a particular time. City Engineer Robertson stated the City could determine Level of Service, or the applicant could include it in the Report; either way, the Level of Service would not change depending on who determined it. City Robertson reiterated that the traffic volumes would be provided to the applicant, who would then include it in the same analysis that the City would use to determine the Levels of Service. He stressed that the traffic volumes set the Level of Service, and the City would provide the volumes to the applicant.

Commissioner Kenworthy commented that he was trying to make it easier for the public and for new members of the Commission to look at the data and know how a traffic count would reflect a Level of Service at a particular intersection. In response to Chair Suesser's inquiry, City Engineer Robertson advised that the City would collect the data over several Fridays throughout the winter at the listed intersections.

Commissioner Sigg asked if the data would be published in a report. He appreciated that the City would provide applicants with this data; however, he felt the crux of the question was where the data was located. Many of the matters that come before the Commission might not be related to a specific project, but there was a need to understand traffic and traffic volumes. He felt that people want to have the data, and asked whether the data would be project specific. City Engineer Robertson stated they could share the data in a report available for everyone to see. He stressed that the applicant would use that data to determine the Level of Service based on the traffic volumes. The City could also make that determination to provide a comfort level, and noted that the City's analysis would be the same as the applicant's analysis.

In response to a further inquiry from Commissioner Sigg, City Engineer Robertson advised that they were committed to gathering the data. Commissioner Sigg understood that they would gather the data in non-holiday time period; however, he felt there was a curiosity about the busy times, and there was an argument that the busy time was approaching 50% of the year. He wanted to know what the impacts would be during the busy time, because it impacted a lot of macro decision-making.

City Engineer Robertson stated that the traffic volumes would be collected on non-holiday Fridays during the winter months, where they see the greatest and most consistent high levels of traffic. He noted the adage that you do not build the church parking lot for Easter weekend; rather, you build it for a time when there would most often have volumes. He stated that they do not typically select holidays to collect traffic volumes, because it would then require mitigation for those extremely high levels of traffic that do not occur that often.

Commissioner Sigg felt they were trying to mitigate the busy times. He commented that there should be a baseline for the non-busy times; however, to not include the holiday numbers and factor them in would be an injustice because that is the traffic that drives everyone crazy. He felt this was information the Commission needed to evaluate applications.

Commissioner Kenworthy would like the public to have the information so they could make decisions about their trips around town. He felt that the A to F coding for Levels of Service was easy for the public to understand and would give people a chance to plan their lives a little better. City Engineer Robertson recalled that this year, the City provided peak day information to help people. He noted that the information came from a number of sources. He cautioned that when you design the church parking lot for Easter Sunday, there would be significant mitigations that for the rest of the year might not be needed, at a significant cost. He understood the concerns raised; however, he cautioned about what they should actually mitigate, because the mitigation could become very expensive and challenging. Commissioner Kenworthy felt that providing that information would be good for transparency.

Commissioner Van Dine understood City Engineer Robertson's point that they should not mitigate for the heaviest days of the year. She felt that utilizing other measures, such as information on peak days, was a better use of that data for the community. She felt that the community could see the project specific information during the application process; however, she did not feel that a community member would look at the data used for the project to plan their travel. She agreed that providing peak day information for the public was more reasonable than trying to mitigate for all the busiest days. She noted that Park City is a tourist town, and they would never be able to mitigate for the busiest days. While they could try to improve the situation by shifting modes, trying to force projects to mitigate for those 10 to 15 busy days would overburden applicants.

Commissioner Van Dine asked how often the Department would review the data. City Engineer Robertson advised that they would review and collect data yearly during the peak times in the winter.

Commissioner Frontero asked about the timing for the collection of data. City Engineer Robertson explained that they collected data over President's Day weekend, which was the data they would provide applicants moving forward. Although this data would be somewhat high, he indicated that was the information that had, and which would be provided to applicants for analysis in their Traffic Impact Study. He added that moving forward, they would collect data throughout next winter.

Commissioner Frontero commented that the current baseline data was from President's Day weekend of 2023. He understood that going forward, further data would be collected, they would blend the aggregate data and that would be provided to applicants. He would like for the Commission to receive quarterly updates on the new data being collected, and how the aggregate was moving Levels of Service either up or down. Engineer Allen understood the comments to be that they need data for the developers' Traffic Impact Studies, but also to allow a better understanding the day-to-day and season-to-season fluctuations in the City to allow for residents to plan their travel and for the City to monitor conditions. He suggested a dashboard of some sort that could help monitor conditions over time.

Commissioner Van Dine stated that would be helpful. She questioned, however, what they would do with the information in a quarterly report if there were no applications before them. She wondered if the Commission expected a quarterly report or a dashboard. She also asked whether this information would be provided quarterly so that they could be ensured that when a project came before them, they were doing something with the information. She wanted the Commission's expectations regarding their planned use of the quarterly data clarified.

Commissioner Kenworthy remarked that Commissioner Frontero's suggestion was wise because they were creating the baseline. The Commission could then review the baseline as the data

comes in. He reiterated that this was long overdue and would be a great tool for City Hall, applicants, and the public.

Commissioner Frontero understood Commissioner Van Dine's comments and felt it would be interesting to have some context. If they continually see an intersection as an F, or certain intersections improving, they could then focus on those as they see them moving. The quarterly report would provide some context in terms of identifying an intersection that might be deteriorating, and then address it and mitigate it regardless of applicants.

Chair Suesser commented that if the Commission were provided that information on a quarterly basis, then as projects came online they could look at what was forecast. Commissioner Van Dine did not disagree, and reiterated that her comments were to focus the Commission on why they wanted the quarterly report, and what purpose it would serve.

Commissioner Van Dine added that as a Commission, they would not change anything on its own if, for example, they see in a quarterly report that an intersection was an F. Chair Suesser offered that they could brainstorm other mitigation strategies to apply to the next project. Commissioner Van Dine was not opposed to receiving the quarterly report; rather, she wanted clarification on the Commission's use of the information in the quarterly report. Chair Suesser observed that currently they review Traffic Studies as they review applications and they do not revisit it to understand a project's actual traffic impact. She felt it would be helpful going forward.

Commissioner Sigg added that it would be good information to have as a reference for any matter. He also felt it would be good to measure how effective some of the mitigation strategies were working. He clarified he was not stating that it was the Commission's task to monitor those consistently, but if they had the data readily available, they could see the results of the mitigations. City Engineer Robertson commented that part of the mitigations they have proposed with the larger developments has been to require a Transportation Demand Management Program to track how well the conditions to improve transit or shift modes were working. It also allows them to revisit what was being done to determine if they could make changes to improve these mode shifts.

Chair Suesser mentioned the example of the Park City Base and the significant reduction in traffic volumes going to the Base because of the paid parking. She felt that seeing the numbers would be helpful in looking at the mode shift or strategy that was put in place that made a dramatic impact.

Chair Suesser asked Engineer Allen for his advice with respect to proposed developments and failing intersections, and the contribution of these developments to the failing intersections. She noted that the Commission often faced the dilemma of devising more mitigation strategies so the development does not add to the failing intersection. She noted that at least three of the five intersections failed all the time.

Engineer Allen advised that in a classic case, they would look at a failing intersection and require the developer to provide additional turn lanes or other capacity improvements. When the conditions limit that opportunity, they then have to look at some of the other strategies, such as asking the developer to encourage more biking and transit use for those coming to the proposed development.

Other than mass transit, biking or pedestrian improvements, Chair Suesser requested information on some of the other strategies he had seen implemented. Engineer Allen stated that it depended on the development. For example, an office park could establish a carpooling program to reduce vehicle trips to their office, or they could join forces with properties around them to establish carpooling programs. He added there could also be methods to try and shift the main traffic flow to other times of day that were less busy. For example, an employer could employ a shift strategy where employee shifts turn over during the middle of the day, or later in the evening when traffic is less. He also mentioned partnerships with the transit agency that could be helpful, as well as contributions to improvements to bus stops.

Chair Suesser also mentioned incentives, to which Engineer Allen agreed. He mentioned a parking policy to try and encourage fewer people to drive.

In response Commissioner Frontero's request for clarification regarding timing, Assistant Director Ward confirmed that for an application that would result in 25 or more additional trips during peak hours, the application would require a Traffic Impact Study when it is submitted to the Planning Department.

Commissioner Kenworthy expressed an issue with the language on the memorandum that "until final approval of the Traffic Impact Study." Action would not be taken on the application until the end, and he did not want it to go all the way to the end. Rather, he would like it accomplished by a certain point so they do not have it drag on until the end of the application. Assistant Director Ward noted that was the proposed change. She explained that currently, applicants submit a Traffic Impact Study, and then a third party consultant reviews that Study to provide input. These Guidelines would require an applicant to submit a Traffic Impact Study that meets these standards with their application.

Commissioner Kenworthy sought assurance that the mitigation discussions with the Planning Commission would occur well before the end of the application process. Assistant Director Ward explained that it would depend on the project; however, the Commission would have a Traffic Impact Study with the application submittal. She noted that the proposed development and the application might undergo some changes, depending on parking reduction requests or similar requests that might require updates to the Study. She stressed that there might be flexibility after a study was submitted, with subsequent project specific reviews that would require updates throughout the process. Commissioner Kenworthy stated that sounded like a fair enough compromise.

Chair Suesser referenced the instance of a failing intersection and a new project that would have an impact on that intersection or multiple failing intersections. She noted that it was great that the applicant would provide mitigation strategies; however, she wondered where they should draw the line. She wondered if the Commission could ever say that the intersections could not handle a particular project, and queried how many more cars would be acceptable to add to a failing intersection.

Engineer Allen commented that it is difficult to ask a developer to solve a problem that already exists. They could look at the delta or the change in the metrics that feed into the intersection Level of Service. He added that the A through F scale was built around a measurement of average vehicle delay. Therefore, if an intersection was a Level of Service F, it might have 80 seconds of delay per vehicle. In the traffic analysis process, they could analyze the delta, and he used the example of a project resulting in 87 seconds of delay per vehicle. The delta might

provide a starting point for discussions about mitigations to at least get it back to the baseline condition of 80 seconds delay per vehicle.

In response to a question from Commissioner Frontero, Engineer Allen stated that providing shuttles and buses as a mitigation strategy comes up occasionally, but was rare and was often associated with a very large development, or a development like a stadium that would hold special events. The solutions for those types of developments tend to be different than just widening an intersection. Other mitigation strategies for these large developments have included contributing to law enforcement traffic control. Assistant Director Ward added that the LMC consultant would come back this fall for a Work Session on transportation demand management strategies. These would include tools available to the Planning Commission when evaluating these projects for different types of developments.

Chair Suesser commented that the Commission struggled with this a lot, and they have talked about remote parking lots to help the conditions. The issue was when a new project is proposed that would contribute to an existing congestion problem. She noted the question was whose responsibility it was to address the additional congestion that the project might cause.

City Engineer Robertson added that it was a partnership between the City and the developments. There were already existing failing intersections at peak times, and he regularly tried to come up with solutions to address those issues without doing typical things like road widening. He noted that widening would help, but it was not a solution desired by the City. He expressed that it was a strategy effort and partnership with the applicants to help the City solve the problems with existing intersections. He added that they were looking at other things as well, and mentioned corridor studies with UDOT, changes in signal timing and other measures to address congestion at peak times. They were constantly looking for opportunities to improve those baseline failing intersections at peak times.

5. CONTINUATIONS

A. 2346 Park Avenue - Conditional Use Permit - The Peaks Hotel Proposes Changes to an Existing Conditional Use Permit to Install a Tent in the Hotel's Rear Courtyard for Private Events and Hotel Guests. PL-23-05669,

Chair Suesser opened the public hearing, with the understanding that the item would be continued to July 26, 2023. There was no public comment. Chair Suesser closed the public hearing.

MOTION: Commissioner Van Dine moved to CONTINUE 2346 Park Avenue – The Peaks Hotel Conditional Use Permit – and the public hearing to July 26, 2023. Commissioner Kenworthy seconded the motion.

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

B. 729 Rossie Hill Drive – Conditional Use Permit – The Applicant is Requesting a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-23-05604.

Chair Suesser opened the public hearing, with the understanding that the item would be continued to July 12, 2023. There was no public comment. Chair Suesser closed the public hearing.

MOTION: Commissioner Frontero moved to CONTINUE 729 Rossie Hill Drive – Conditional Use Permit – and the public hearing to July 12, 2023. Commissioner Sigg seconded the motion.

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

C. 755 Rossie Hill Drive – Conditional Use Permit – The Applicant is Requesting a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-23-05605.

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

MOTION: Commissioner Sigg moved to CONTINUE 755 Rossie Hill Drive – Conditional Use Permit – and the public hearing to July 12, 2023. Commissioner Frontero seconded the motion.

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

6. REGULAR AGENDA

A. 2200 Monitor Drive (Holiday Village Apartments) and 1776 Kearns Boulevard (Parkside Apartments) – HOPA Affordable Master Planned Development and Conditional Use Permit – The Applicant Proposes Redevelopment of the Holiday Village and Parkside Apartments to Construct 317 Affordable Units in the Residential Development Zoning District and Frontage Protection Zone Overlay. PL-22-05473 and PL-23-05511.

Assistant Director Ward reported that the above item is for an Affordable Master Planned Development (“AMPD”) and Conditional Use Permit (“CUP”). The project is located north of Kearns Boulevard and east of Monitor Drive in approximately seven acres. The applicant proposed to subdivide the four parcels into seven separate Lots for the construction of seven buildings, with shared underground parking. The applicant also proposed redeveloping the Holiday Village Apartments, which currently has 80 affordable units, with 217 affordable units. The proposal also included redeveloping the Parkside Apartments, which currently has 42 affordable units, with 100 affordable units. The applicant has proposed construction to occur in phases to allow for resident relocation.

Assistant Director Ward indicated that the applicant provided information on the existing occupancy, and currently the apartments were 1, 2 and 3 bedrooms, with occupancy of 248 residents. The proposal included the creation of 84 studio apartments, 108 one-bedroom, 99 two-bedroom, and 26 three-bedroom units. The total of 317 units had an estimated occupancy of 451 residents. She recalled that this project came before the Planning Commission on the following dates:

- March 22nd for a Work Session;
- April 26th for a site visit, and review of the updated Site Plan changes, Traffic Impact Study, and Parking Study and Management Plan; and
- May 24th for Sustainability, Significant Vegetation and Landscaping, and updates to the Parking Management Plan.

In response to Planning Commission input and requests, the applicant provided a list of items to provide additional information for Commission review. She planned to provide a high level review of the information in the Staff Report before turning the time over to the applicant for their presentation. Assistant Director Ward explained that one of the criteria for AMPD and CUP review was looking at the project through the lens of the General Plan. General Plan Goal 1 was to direct growth in order to strengthen existing neighborhoods and to direct complementary development into existing neighborhoods that have available infrastructure and resource capacity. She also highlighted Goal 7, which was to create diversity of primary housing opportunities. Objective 7.B. was to focus that primary housing stock within primary residential neighborhoods. She commented that the General Plan identified Park Meadows neighborhood as one of the primary residential neighborhoods.

Assistant Director Ward stated that Goal 8 was to increase affordable housing opportunities and associated services for Park City's workforce. Objective 8.A. was to provide increased housing opportunities affordable to a wide range of income levels within all Park City neighborhoods. She mentioned that this project was located within the Park Meadows neighborhood, and was the only affordable housing in that neighborhood. She explained that AMPDs were required to provide at least 50% of the residential Unit Equivalents ("UEs"), or the square footage within the project to be affordable. The applicant exceeded this requirement, as the project would be 100% affordable.

Assistant Director Ward noted the recommended Conditions of Approval 7 through 9 that outlined the required deed restrictions to protect long-term affordability of these units. In terms of the Setbacks, she advised that there were 25-foot perimeter Setbacks that would buffer the development from the adjacent properties. There would be a 100-foot Setback from Kearns Boulevard to comply with the Frontage Protection Zone, and 10-foot internal Setbacks pursuant to the Residential Development Zoning District. She noted Planning Commission discretion to vary the Setbacks within the development and have internal Setbacks that complied with adjacent zoning districts.

Assistant Director Ward advised that AMPDs could be constructed to a Maximum Building Height of 45 feet if the perimeter meets the underlying zone height with a 10-foot step back. She stated that this project met the zone height for the perimeter building façade, includes the 10-foot step back, and would have a Maximum Building Height of 38 feet. She added that the applicant submitted an exhibit showing the proposed structure overlapping existing structures, which were 22 feet. The exhibit also showed the Maximum Building Height of 45 feet and the project below that allowable height.

In addition, façade variations and shifts in form were required for the architecture of the structures. She advised that the applicant showed compliance with this requirement and also made modifications to the proposed materials to comply with the architectural guidelines. She explained that AMPDs were required to provide 20% Open Space, and the applicant proposed 40% Open Space.

The resort character of Park City was another criteria to be evaluated by the Planning Commission. In the City's 2021 Housing Needs Assessment, it was noted that the 11,000 workers outnumbered the population of 8,500. Over 8,000 workers earning less than \$40,000 per year commuted from outside Summit County. The Housing Needs Assessment also noted that 1 in 5 renters had a severe cost burden, and pay more than 50% of their income for housing. She reminded the Commission that there are currently 122 affordable units on this site. Applicant's proposal would increase that number to 195 units, for a total of 317 affordable units.

Assistant Director Ward reported that the applicant proposed 266 parking spaces, which was a reduction of 64 parking spaces required under the Code, or 19 percent. The applicant listed several Conditions of Approval to help with long-term parking management. These include:

- Assigning the underground parking spaces;
- Requiring residents to register their vehicle with management;
- Limiting each unit or household to no more than one car on site;
- Marketing the project as ideal for local workers and their families who use transit and active transportation;
- Keeping two separate waiting lists, and allowing for people to apply on both waiting lists; and
- If someone's name comes to the top of the "no car" waiting list, they would then have the option to accept residence and get rid of their car.

The applicant also proposed an additional 20 surface parking spaces after the last buildings were completed, should the Planning Commission find at that time that an updated Parking Study demonstrated increased parking demand. She added that Para transit and micro transit turnarounds were provided from Kearns Boulevard, and the applicant would provide enclosed indoor bike storage and outdoor bike parking. The applicant also proposed a Park City bike share pass for residents without a vehicle, and would provide that on an annual basis. The applicant was also coordinating with Summit County and City Staff on a future potential bike share location on the site. In addition, if a car share program became available, the applicant would allocate parking spaces on site for car share.

Assistant Director Ward stated that the proposal also included a remote controlled gate at the entrance of the parking structure to help manage parking, camera installation for monitoring within the parking structure, numbered parking stalls, and an allowance in the annual operating budget for parking maintenance. The applicant submitted information on the transit stops within proximity of the development, as well as information on schools, services, grocery stores and other facilities within walking distance of the project. She recalled the Planning Commission discussion regarding a potential bus pullout on Monitor Drive. She reported that the applicant met with the Engineering, Transportation, and Transit Departments, and as outlined in the Staff Report, a bus pullout was not recommended along Monitor Drive because of the limited routes and ridership; however, a concrete bus stop pad and bench along Monitor Drive was recommended to better serve the limited ridership.

An evaluation was also done regarding the bus stop in front of the Parkside Apartments, and at this time, no improvements were planned. In the future, as ridership increases, one of the Conditions of Approval provided that the applicant would commit to improving the internal pedestrian connectivity, once the upgraded bus stop features and location were determined at a later time.

Assistant Director Ward advised that in addition to the 266 parking spaces, the applicant would also provide 16 motorcycle parking stalls within the underground parking garage. These would also serve as e-bike chargers. The bike requirements in the Code at the time the applicant submitted their application required outdoor racks for 33 bikes. She noted that applicant proposed bike parking for 220 bikes; 188 of those spaces would be indoor within the buildings and structures parking, and there would be four outdoor sheltered and secure bike storage facilities for 32 bikes,

or more. There would also be bike racks for temporary outdoor parking. She noted that the applicant was already in the process of registering cars for current tenants, so those vehicles could be managed during Phases 1 and 2 of construction. They have registered 114 cars for Holiday Village and Parkside Apartments.

Phase 1 construction was proposed to occur over the existing Holiday Village parking area. The applicant proposed to construct 12 stalls on that site and direct overflow parking into the Parkside parking area. Seventy-three cars from Holiday Village would be directed to park at the Parkside excess parking, and to the lot to the south. She indicated that 1700 Park Avenue, which is the Park Meadows Plaza to the south, currently had 46,864 square feet of office, retail and restaurant uses. Under the LMC, those uses required 173 parking spaces. The applicant submitted a Parking Study that concluded that 90% of the uses on that site were business and retail with a parking demand from 9 a.m. to 5 p.m. Ten percent of the uses were restaurant, with parking demand from 5 p.m. to 10 p.m. The applicant concluded there was a demand of 126 parking spaces until 5:00 p.m., and thereafter the demand was reduced to 47 stalls.

Assistant Director Ward referenced a letter of support from the Park Meadows Plaza for 40 temporary parking spaces being made available to residents during construction. She noted a recommended Condition of Approval that during construction, the applicant must submit an annual report for review outlining parking available to residents, and Parking Management Plan compliance. There might be a recommendation to the Planning Commission if there was a determination that the demand was not satisfied through the onsite and offsite parking.

She reminded that the Planning Commission requested additional information on childcare, and she deferred that to the applicant to address their exhibit showing the number of children currently onsite and the number of children they anticipated as the project was developed. In this zone, in-home babysitting for 4 or fewer children, and family childcare for 8 or fewer children were allowed uses. Family group childcare up to 16 children or childcare centers would trigger a CUP for multi-unit dwellings for Planning Commission review.

Assistant Director Ward referenced a recommended Condition of Approval that would waive the CUP and Planning Commission review if a family group childcare or childcare center was proposed. She reiterated that in-home babysitting and family childcare was allowed in this zone without Planning Commission review. She presented a graphic from Park City Forward that outlined the mode split target for primary resident neighborhoods like Park Meadows, which included long-term goals of transitioning to more walking/biking/transit use and carpooling. The applicant's April 19th Traffic Impact Study, prepared by Hales Engineering, was included in the Planning Commission's April 26th Packet. The Engineering Department retained WCG to review and provide input to the applicant's Traffic Impact Study. She advised that the applicant thereafter submitted an updated Traffic Impact Study that incorporated the input from WCG. She added that WCG provided an additional memorandum that was attached as an exhibit to the Planning Commission's Packet.

Assistant Director Ward stated that public hearings held on April 26th and May 24th and public input was included as Exhibit L to the Commission's Packet. She advised that Staff recommended the Commission review the proposal, conduct a public hearing, and consider approving the HOPA AMPD and CUP to construct 317 affordable units, as outlined in the Final Action Letter. She noted that the applicant would provide a presentation, and both Hales Engineering and the Engineering Department were available to answer any questions about the Traffic Impact Study.

Dave Levine, Executive Director for the applicant, Mountainlands Community Housing Trust ("MCHT") thanked the Commission for conducting these further discussions on the Holiday Village/Parkside ("HOPA") Redevelopment project. He stated that Mountainlands also wanted to thank its many supporters and partners, community members, residents and Park Meadows neighbors for their many good ideas, strong counsel, insight, and suggestions on the HOPA plans. He noted that all of these ideas had been very helpful in the planning and design process, and they made every effort to build community support for this groundbreaking redevelopment project. He reported that in February 2021, the City Council adopted the Ordinance that established AMPDs. The aim of the Ordinance was "to encourage mixed use, walkable and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community."

Applicant Levine believed, without question, that the HOPA project aligned with the spirit and letter of the Ordinance. He referenced several General Plan goals included in the Staff Report, and how they related to HOPA. One goal that stood out to him was the goal to "create a diversity of primary housing opportunities to address the changing needs of residents." Applicant Levine felt this goal really spoke to HOPA, and noted that creating these housing opportunities was the key aim of the HOPA project. He was pleased that the HOPA plan aligned and advanced these General Plan goals. He stated that project architect Craig Elliott, AIA of The Elliott Work Group would address the questions and comments that arose during the May Planning Commission meeting, including some new plan features. Applicant Levine again thanked the Commission for this opportunity, and for the Planning Commission's guidance and ideas on the plan.

Architect Elliott stated that Assistant Director Ward covered everything he planned to discuss. He added that he did not want to drag out the meeting, as the Planning Commission had seen a lot from the applicant, but he would address the issues raised in the prior meetings. One of the specific requests from the Commission was to locate childcare facilities. Architect Elliott advised they added blue dots to the diagram presented to the Commission that describes that information. He stated that a couple of these were temporarily or permanently closed, and mentioned Kid's Cabin at the Rec Center. He added that the High School and the School District were working on different plans for their childcare, and they showed two spots in those locations. The remainder of the locations are functioning and currently open. Architect Elliott noted it was interesting how close everything was clustered to this site.

He also mentioned discussions about how to handle plat amendments in the future because the applicant could not plat the entire site, as they were not allowed to plat property lines through existing buildings. He presented a diagram that showed Phase 1, Building A, and how they would plat Phase 2. He noted that Phase 2 would then allow them to plat Phase 3. The final Phase, Phase 4, showed the final build out. He stated the project could be sub-Phased depending on financing through Low Income Housing Tax Credit ("LIHTC"), but the Phases were set up and currently designed as shown to the Commission.

Architect Elliott stressed that it was critical to the applicant to ensure they have the easements in place so they could make sure that all of the facilities could be serviced as soon as they were ready to operate. He recalled that the Commission also asked the applicant to provide information regarding the occupancy of the existing and future development. He reported that existing occupancy was 248 occupants, and added that the average Utah LIHTC was 207 occupants. He explained that this project was slightly different than the average, partly because there were multiple three-bedroom units. Architect Elliott commented that the Building Code would allow 356 occupants within Code requirements of 200 square feet per occupant.

In terms of the proposed units, he stated the average LIHTC was 451 occupants. The Building Code occupancy was designed for egress and what would be safe to occupy. It showed 1,018 as the maximum occupancy allowed by Code. He noted Assistant Director Ward's report on the number of children at the project. He stated the applicant also included information based on the Census data on household size and age groups for Summit County, the State of Utah and the United States. Based on their information, they would project 82 children or occupants under the age of 18.

Architect Elliott stated that they met with RC Transit and the Engineering Department, and the applicant would provide the pad that would be able to accommodate a future shelter in addition to the bench that was there. He also recalled that the applicant was asked to review the access points into the project. He referenced a graphic that showed two large arrows. The arrow on the left was the access point into Building A. The right hand side of the diagram showed the entrance into Building F off Kearns Boulevard. He noted that the total parking on the property would less than the existing parking count is today; therefore, the access point off of Kearns Boulevard would have virtually no impact to the parking and the existing traffic on Kearns Boulevard.

With regard to the nature of the parking at Park City Plaza, Architect Elliott stated it was a true mixed-use building. Mixed-use buildings have an opportunity for different uses of parking during the day depending on the functions. He noted with interest that the restaurants have a 47 car parking requirement, which are essentially the 40 cars they have on the roof of the existing parking structure. He stated that Park City Plaza was familiar with the parking demands and needs, and were comfortable with providing an agreement to allow parking. He also suggested that the bank parking supplemented the parking on that site, which was not in use at the same time. He did not know if there was an agreement between the two, but stated it was platted and subdivided at the same time. As a practical matter, quite frequently people park in the bank's parking spaces.

Architect Elliott next address the prior discussions regarding Building Heights along Monitor Drive. He showed the Commission what the applicant proposed, and advised that they looked at the impacts if they went to two stories along Monitor. He pointed out that what they proposed was below the Maximum Building Heights provided in the existing Code. He stressed that the applicant did not ask for any Height exceptions along Monitor Drive. He explained that the way the AMPD was written, the next floor up required a 10-foot Setback. Therefore, they would end up with half the number of units.

Additionally, with four floors there were additional requirements for fire and service access. He stated the applicant reduced their open space by providing additional fire access to allow a ladder truck to get next to and adjacent to the buildings.

Architect Elliott stated it would require a minimum of four buildings of four stories to meet the density they have on two buildings. It would also most likely remove the opportunity to have the amenity servicing the top floor roof in Building F. He also noted the significant increase in costs between the site work and the step back in the building. He confirmed that they looked at this issue and did not feel that it would be an appropriate solution for the project.

With regard to the Transportation Study, Architect Elliott confirmed there were discussions between the applicant's consultant and the City's consultant and the City Engineer. The initial study was completed based on direction from the City Engineer, and then revised the study based

on the data provided to the consultant, as explained earlier in the meeting. He commented that as an architect, he felt that provide that information to traffic engineers would be invaluable.

Chair Suesser was curious what it would look like as one went into the underground garage from Monitor Drive, and like the visual presented. Architect Elliott commented that based on conversations with Staff, they redeveloped the grade of the east-west access through the site, would add great character. Chair Suesser asked if the plan was to have a manager on site 24/7. Applicant Levine stated they were looking into that.

Given the issues seen with some of the other Affordable Housing projects, Chair Suesser wondered if they needed to add a requirement to the AMPD to provide for some sort of reserve fund for ongoing maintenance issues. She queried whether they could incorporate that into this project. She asked if an occupant would still have a parking stall with their unit even if they did not have a car. Additionally, she wondered if the occupant without a car could lease their space to a household that had two cars, for instance. Architect Elliott felt that would be covered by the Parking Management Plan. He noted the encouragement to not have a car, and they were holding units open for those without cars. He felt that the Parking Management Plan would provide that if a resident did not have a car, they would not have a parking space. Applicant Levine agreed, and felt there could not be any trading or leasing of parking spaces.

Chair Suesser mentioned the availability of having a car share available. Architect Elliott understood that if a car share program became available, the Conditions of Approval would require an agreement and review with the Planning Director to approve the location of that parking stall. Chair Suesser commented that given the availability of the Park City Plaza parking during construction, she would still like to see some sort of long-term solution there. She felt that it would be very doable to provide some overflow parking for this project in the long-term. She also would support the entrance off of Kearns Boulevard being another access point to the garage. She felt it would be more appropriate to go under Building G and connect to the lots coming off of Monitor Drive.

Commissioner Van Dine recalled prior discussions about having an optional garage off of the Kearns Boulevard side of the project. She referenced the prior graphic showing the access points, and sought clarification whether that would be an access point to the garage. Architect Elliott confirmed that was what was shown. He added that they did not feel there was consensus among the Planning Commission on the issue of garage access off Kearns, so they have shown it as being available, and that it would not change the overall performance. He recalled concerns expressed about access on Monitor Drive for the entire project, and the second access would alleviate that concern, which is why they put it back in.

Commissioner Van Dine asked City Engineer Robertson for any input regarding discussions with UDOT on the Kearns side of this project. City Engineer Robertson stated that the Traffic Study showed that the existing Level of Service for that intersection was currently an F. To have more traffic would compound the poor Level of Service. He stated this is a UDOT road, and they would have to work with UDOT to evaluate the option of eliminating left turns, but that would create other challenges at other locations. He stressed that it was ultimately at UDOT decision. He stated that the current Traffic Study showed that Monitor Drive performs at a Level of Service D, which was acceptable up to 2028, and the failing intersection would occur in 2040. He stated there were Conditions of Approval regarding the Transportation Demand Management model, and the applicant had put in a lot of things about encouraging transit, bike shares, and other measures that they felt would address that poor Level of Service as best they can.

Commissioner Van Dine felt the garage entrance off Kearns would be okay, although noted that from the beginning, she was agreeable with not having that access because she did not feel they should push traffic onto the Kearns Boulevard intersection. She added that the entrance off Monitor Drive was not a high traffic area. Regarding the 10-foot internal Setbacks, she noted that the applicant was compliant in all other respects, and if it would allow the applicant to proceed with their financing and subdivide the lots as necessary, she did not view the 10-foot Setbacks as an issue.

Commissioner Van Dine appreciated the applicant's efforts in working with the neighbors to try to move units back and put variation in the buildings along Monitor Drive. She felt the proposal provided a nice project for the area, and noted it was compliant with the LMC and exceeded it in almost every aspect. She was agreeable to holding the Frontage Protection Zone parking spots until they were needed. The Parking Demand Management Plan seemed like a really good start, and she felt that going forward, there was room to adjust if needed. She echoed Chair Suesser's comments that there were options should parking become an issue, but she hoped that it would not become necessary given what the applicant had done to make this a community based and non-car centric development.

With regard to Condition of Approval 15 and the approval of a daycare, Commissioner Van Dine wondered if they wanted to limit the daycare to residents only. She noted that it would require a CUP if they brought people in from outside the project, because it would then change the parking demand.

Commissioner Kenworthy tipped his cap to this project on many levels. He stated that keeping tenants on site was significant. He also mentioned the sound walls, the Building Heights, the 100% affordable units, and real courtyards and green space. In addition, he highlighted the bus concrete pad and improved bus stop. He commented that the bike storage actually reflected the General Plan and goals of the City. He also mentioned the rooftop deck and the diversity of product that would be a part of this project. Interior common area space that would be optional for daycare and many other needs of this community were also significant.

Commissioner Kenworthy also lauded the construction mitigation and reiterated that the applicant would keep people on site, as well as mitigating the parking with the neighbors. He wanted to make clear that all of these elements were fabulous and difficult for other projects. Commissioner Kenworthy stated that Chair Suesser's suggestion of a Condition of Approval requiring a 24-hour manager on site was critical. He did not want the burden rolling over at 6:00 p.m. to the Police Department. He also referenced Chair Suesser's comments regarding a maintenance fund, and asked Senior City Attorney Mark Harrington if that would be something they could address with City Council. Commissioner Kenworthy stressed that they were having huge problems maintaining affordability in buildings that are four years old. He mentioned 600 inches of snowfall, and commented that instead of enhancing the lives of the most vulnerable people in the community, they have now trapped them. He stressed that these were the tenants words, not his.

Commissioner Kenworthy echoed Chair Suesser's request for a maintenance fund where there would be some sort of oversight. He appreciated the applicant's transparency with regards to the legal occupancy of 1,018. He commented that he has seen applications with estimated occupancy, and he expressed that the applicant had a good baseline supported by estimated numbers on what existed today. He stated that many of the residents had been there for well over a decade, and with the new product, he felt there would be a higher occupancy.

Commissioner Kenworthy felt they would likely have 1-½ occupants for each studio, and he was okay with that. The mitigation efforts would have to be somewhere between the estimated occupancy and the legal occupancy. He did not believe the legal occupancy would actually be in the units, except during some peak winter months. He wanted to connect these dots so the applicant could appreciate the importance of on-site management. He understood the key fobs and technology, but there was nothing like having a person present who could see who comes and goes and knows the people.

Commissioner Kenworthy also suggested that the applicant might offer one of Park City's finest a subsidized apartment, so they could park a car in front. Everyone would then know he or she was on site. With regard to transit, Commissioner Kenworthy respected the fact that City Engineer Robertson was trying to hold on to all of the other tools that might be coming on with the entrance off Kearns Boulevard. He wanted to see the potential of that opening up when the City needs it. He commented that now that Commissioner Frontero requested quarterly numbers as they come in, they would be able to see the effects on Monitor Drive. He hoped that the people of Park City understood that with the several AMPDs coming before it, the Planning Commission was aware that the number one problem was not housing; rather, it was transit and transportation. He noted that the Commission took a good deal of time earlier in this meeting to discuss transit and what would be coming.

Commissioner Kenworthy expressed that the City would make great strides with transit while having transparency with the public. They not only had the 96 actionable items in Future Park City, but they have transformative tools they were trying to work with. He noted it would take a long time to string it together. He appreciated the communication and the understanding here, especially with regards to solving housing which had historically been a problem.

With respect to parking, he would also look for the City and the City Council to create remote parking lots, not only for the day skiers, but also for the AMPDs. With the transit that they were all hopeful for, they would have an opportunity for the most vulnerable people in the community to have a parking stall. He mentioned Richardson Flat, where they were only using 10 of the 30 acres, and noted they could have a couple of hundred parking stalls at the City limits for these residents who would otherwise not have a parking stall at an AMPD.

Commissioner Kenworthy stated that they had a terrible failure with housing because everyone was coming in saying the situation was desperate. They had been acting on that desperation, and they now had to be careful. With Deer Valley, Studio Crossings and HOPA, there would be over 700 new units where the legal occupancy would be several thousand. He stressed that they had to learn and be transparent, and face the fact that they have had some failures, and nothing teaches more than failing with your own money.

Commissioner Kenworthy listed a number of AMPDs that were coming before the Commission, and noted those did not include the other ones out there that now pencil. He had not heard anyone say what balance the City wants in terms of the total number of units. He stressed that the new AMPDs took the lid off. The City was not desperate and should actually be picky and compare which of the AMPDs would best serve the City.

Commissioner Kenworthy stated he was proud to have served on the Planning Commission for the past six years, and felt they had arrived at a place where they have choices. Now, they had

to see around the corner and make responsible choices. He expressed pride in supporting this project, and stated it could not be a better project for him to end his tenure.

Commissioner Frontero thanked Commissioner Kenworthy for his service. He stated that overall, he agreed with many of the comments of Commissioner Kenworthy. There was a lot to like about this project. He noted that during the last meeting on this item, he pressed the childcare issue. He understood the applicant's mitigation plan and agreed with the way it was being presented. He felt the estimate on the number of children under age 5 was low, because he suspected that the new units would be occupied with younger families. Commissioner Frontero noted that the 15,220 square feet of common space proposed some interesting options. He sought clarification on whether the use would be decided by the residents, residents and management, or just management.

Applicant Levine explained that they wanted it to be resident driven, and for the residents to determine what they need in those spaces. He stated they would try to convene the residents to figure out what it would be that they need and want. Commissioner Frontero mentioned potentially some senior programming. Applicant Levine stated that among the 248 current occupants, approximately half were designated as senior and/or disabled. They were aware that some of the disabilities were neuro-diverse, and they had already had conversations with a support group for that population. Commissioner Frontero wanted a better understanding of the phasing. He suggested that if the Planning Commission approved this tonight that they put some goals on when Phase 1 would be completed.

Architect Elliott mentioned the financing components, and stated that the applicant should hear back by the end of the year. The timing to secure the financing could take up to one year, although it may be less. He expressed that construction could start towards the end of the summer of 2024, or perhaps the following spring depending on the complexities of the financing for the project. He stated that the goal was to be ready to start construction the summer of 2024.

Commissioner Frontero stated this would be a multi-year project, and for transparency for the neighbors and the community, he wanted an idea of the potential schedule. In response to an inquiry, Architect Elliott stated that project would be, at a minimum, a 12-month build. Commissioner Frontero observed that based on this, Phase 1 would possibly be completed in June 2025. Chair Suesser reported that this would just be Building A.

Architect Elliott stated that it would then depend on how they were able to submit for the financing for Phase 2. He offered that the goal was to submit and be able to get Buildings B and C completed at the same time. There were limitations and changing rules, and they would not know exactly what that condition would be in two years.

In terms of Phase 2, Architect Elliot stated it would be the same time frame as Phase 1, although they would have the approved MPD in place so they could submit immediately. He understood that LIHTC allowed applications at one time per year. Commissioner Frontero understood that the goal was to complete Phase 2 in 2026. Applicant Levine agreed. Commissioner Frontero understood that Phase 3 would be also be completed in approximately one year, and noted the likely completion date in 2027. Phase 4 would then be completed the year after that, in 2028. If all went to plan, Commissioner Frontero stated this project could be completed by June 2028. He noted this was a big project, and would affect the neighborhood for five years. He commented that it was important that the neighbors were on board, and he noted that the feedback seemed to be generally positive. He recognized there were some who were not on board with some of

the aspects, which was something they had to live with as a community. They could not get everything they wanted all the time on every project. Commissioner Frontero expressed his support for this project. He felt the applicant did a very good job of hitting all of the important items, and it would likely be an important part of the City as they grow with affordable housing.

Commissioner Sigg was in favor of the Kearns Boulevard access, and felt it would help circulation during peak times. Overall, this was a “feel good” project, and he had never heard a developer talk about underground parking and being able to make it work in this type of development. He asked if the application process and the “two list” theory was legal. City Attorney Harrington stated that the applicant would operate under their rules and he could not give the applicant legal advice. In terms of the applicant proposing a mitigation measure that the City could enforce, he answered in the affirmative.

Commissioner Sigg understood the idea of reducing parking and that this was a great walkable project without surface lots. However, with regards to the notion of the two lists, he wanted to ensure that would not be deemed to show preferential treatment in any way. Further, he asked if there were questions about families and single occupants pairing up as part of the application process. He wondered how the parking would be enforced once the lease was signed. He felt that the notion of having off site parking that could be designated or provided, and knowing going into the tenancy what the makeup of the occupants would be. He provided the example of three unrelated people applying for a three-bedroom unit. He stated this could perhaps contribute towards mitigating overall occupancy, which everyone was somewhat concerned about.

One car for a family of 3 or 4 would be great. However, four occupants in a unit, each with their own vehicle, would likely park as close as possible. He envisioned people parking on Monitor Drive, or in the church parking lot and the car remained for a couple of days. He would like to see some sort of monitoring, especially at the time of the tenancy, as to the anticipated vehicle count and some enforcement of that. It would be easy for someone to get a roommate with a vehicle three months after the tenancy began.

Commissioner Sigg clarified that he supported the transportation initiatives and reduction in cars, but he thought the monitoring of the use upon entering the tenancy would be helpful. Architect Elliott stated the applicant’s funding mechanism had a requirement for monitoring the existing use on an annual basis. Commissioner Sigg stated he did not want it to become an enforcement burden on the City. To the extent there could be a contingency plan to ensure and enforce that there would not be violations. He commented that while he was in favor of the parking, he was unconvinced that in the near term it would change behavioral patterns. People will have experiences where they might be late to work for example.

Commissioner Sigg expressed support for the project, but wanted to see more clarity on moving forward with the notion of occupancy versus vehicle requirements for the occupants. He did not think it was realistic to assume that six people in a unit would only have one car. Applicant Levine agreed, and stated they would address that in terms of monitoring. With regards to the two lists and the priority for tenant selection, he stated that according to their funding rules and by Fair Housing, that they could use the “two lists” method of tenant selection. He added that it would make a difference on this site to have that ability to try and control the number of cars coming on to the site.

Commissioner Sigg stated that was a great clarification. He stated the applicant did a great job with this project in terms of heights and scale. He commented that the renderings showed that it

was under for a project that would increase the scope of what was there. He felt it would be a wonderful addition.

Commissioner Sarah Hall echoed many of the prior comments.

Chair Suesser opened the public hearing.

Dick Grannis gave his zip code as 84060. He, his wife, and daughter live just down from the Holiday Apartments on Monitor Drive. He has lived full-time in Park City for a number of years, and he is the past President of the Holiday Ranch Homeowners Association, and is very involved in the community. He spoke on behalf of several other property owners in the area, and they all support affordable housing. They appreciated the work of the Planning Commission, and the work of Mountainlands. However, he stated the layout was established before the April public hearing without input from any local property owners. Speaker Grannis stated that as of today, 8 of the 100 property owners in Holiday Ranch were aware of this project. He expressed concerns with the LMC regarding affordable housing. Section 15-6.1.1 sets forth the purpose of affordable housing, and one of them is to ensure neighborhood compatibility.

Speaker Grannis stated that in terms of density, the project would have 58 units per acre. He noted the recent affordable housing project at the Film Studio that was approved at 14 units per acre. He stated that in Holiday Ranch, there is a single home for every 1 – 2 acres, and this project would have approximately 150 times more density than the homes across the street. He felt that was not compatible with their neighborhood. In terms of aesthetics, Speaker Grannis stated this project would have approximately two 200-foot long buildings along Monitor Drive, with very high solid walls. He noted they appreciated the effort to break up the solid wall look. Across the street from these long apartment buildings, there are Single-Family residential properties surrounded by trees and lawns. He expressed that they did not feel having a commercial apartment building was very compatible. He referenced his prior comments on the lighting glare at night, and stated that this project would shine approximately 100 apartment lights every night at the neighbors across the street. He stated that did not seem compatible with the residential neighborhood.

Speaker Grannis referenced LMC Section 15-6.1-4 that speaks to the process they should be going through for this project. Paragraph (C) calls for public outreach, and “it is recommended that the applicant conduct public outreach, and that the applicant host neighborhood meetings prior to submitting an application for an affordable housing development.” He noted the Planning Department correctly noticed the public hearings, and did everything in compliance with the Land Management Code. He added that the Planning Department sent postcards to all property owners within 300 feet. Those postcards reached only three of the 100 residents in Holiday Ranch, and as far as he was aware there was no public outreach before the applicant came before the Commission in April. Further, he felt there had been no attempt to reach out to the community at large to inform them of this project, or to invite community feedback. He stressed that this would be a massive project that would cost around \$150 million, and would take eight years or more to complete.

Speaker Grannis expressed that everyone would benefit from more public involvement and outreach with regard to this project. He also referenced LMC Section 15-6.1-11, which talks about planning the site. He quoted paragraph (A) that provides: “Units shall be clustered on the least visually sensitive portions of the site.” He felt that made sense, and offered that the least visually sensitive portions of this site would be the area along Kearns Boulevard.

However, he noted that was the side that would only have three buildings and the least amount of density. The most visually sensitive portion was along Monitor Drive, but that parcel would have five buildings and most of the density. Speaker Grannis observed that the project seemed backwards. He questioned why they would not put more housing along the commercial thoroughfare of Kearns Boulevard, and less along Monitor Drive. He commented that this was why they should consider two story buildings along Monitor Drive, or instead of two massive buildings, break them up into 3 or 4 to provide more visual interest. Speaker Grannis stressed that they had not heard, nor been able to discuss ideas like this with Mountainlands. He stated that they were requesting more time for community awareness, and to take into account the idea to shift more density to the Kearns side of the project. He also suggested lowering the building heights along Monitor Drive, which would also create more sunlight for the children's play areas within the complex. If the plan changed to have fewer units along Monitor Drive, he suggested they could then make them up along Kearns by seeking a variance to the 100-foot Protection Zone. He asked what it would take to accomplish that.

Speaker Grannis urged the Planning Commission to not take a final vote tonight, and allow some time for the local property owners to sit down with Mountainlands and talk about some of these ideas. He offered that a couple of months would not make any difference to this project. He added that this project would disrupt a lot of lives and would affect traffic, and suggested they invest properly with community input rather just laying this on them when only 8 homeowners were aware of the project.

Matthew Nagie gave his zip code as 84060 and expressed support for this project. He commented that the LMC was very complex, and the best they could do in a project was to take the principles set out in the LMC on balance. Section 15-6-1 talked about ensuring neighborhood compatibility, but he also pointed out it talks about efficiently and cost effectively extending and providing infrastructure, which was a difficult challenge for Single-Family homes. By comparing some of the existing development on Monitor Drive, he felt this project seemed to match that purpose of 15-6-1 more than some of the other development that already exists on Monitor Drive.

Speaker Nagie also stated that this project really took advantage of through the LMC of providing opportunities for the appropriate redevelopment and reuse of sites. He added that other factors that weighed in favor of the project were the encouragement of mixed-use, walkable and sustainable development and redevelopment. He felt that, on balance, the LMC clearly favored this project. He reiterated his support for this project.

Joel David Alsky gave his zip code as 84060. He thanked Commissioner Kenworthy for his service. He stated that he lives five homes away from this development, and was notified of it yesterday as he walked his dog. He agreed that they needed to take some time on this project, and stressed that it was a very large project and the community had not been informed. He commented that the parking is going to be a major issue. Going from 300 to 400 residents to 1,200, they would have issues. He did not care if there would be police present 24 hours a day; everywhere in Park City they have parking issues and traffic issues, and now they would add to it. He also felt there were some safety issues. Speaker Alsky expressed shock that this project had gone this far, and hoped the Commission could delay to the vote to provide a little community support and come up with a really great design.

Gary Crandall appreciated the Planning Commission's 100% vote for the Studio Crossing project. He expressed strong support for affordable housing, and felt the City was improving in this regard,

but also felt they were a little misguided. He referenced the comments about childcare and how great that the residents would have childcare. He understood that the childcare would all be outside of this development, which would be great for about six months out of the year due to weather.

Speaker Crandall also stated it was wonderful that senior citizens might have the opportunity to help take care of some of those people. Some of these things sound great, but questioned whether in reality it would reflect the true picture. He noted that while the Commission gave his project a 100% vote, when it went before City Council, two members voted against the project because they did not feel there was enough parking. As he was not familiar with the financing for this project, he acknowledged there might be different requirements; however, in financing Studio Crossings, the lenders did not care what the City required for parking, they wanted assurance that there would be enough parking. This was his biggest concern for this project.

Speaker Crandall explained that they would add 200 units at 80% Average Median Income ("AMI"), which for a family of four could mean they could earn around \$135,000 per year. He stated that these families would have two cars. He felt the applicant would need 458 parking spaces, but only proposed 300 or 320 spaces. He was concerned that there would be a parking issue, and referenced a comment at the last meeting that they hoped to get it right. Speaker Crandall stressed that they could not just hope they get it right, they had to get it right. He added that the current development did not have a high use of cars because of the residents, but offered that these residents would not be at this development in 10 – 20 years.

Speaker Crandall did not understand why the applicant would not put more parking in the project. His second primary concern was he lives directly across where the project driveway would be located. He asked whether the bus pick up would go north, south or both ways. If the stop were going to be put on the north side of the street, which is the side he lives on, the City would have to cut into the hill because there was no parking at all along Monitor Drive. Speaker Crandall expressed concern that they would have to destroy a big portion of his front yard. He felt it would not make any difference to wait a month or two to allow further input. The applicant would not start the project until next fall, so he suggested slowing down on this to take a better look at this project, and let the community work with Mountainlands to come up with a really good project that is needed for the community. Speaker Crandall felt this was a great project, but was concerned about the parking and the bus stop.

Hailee Hernandez advised that she is the Basic Needs Assistance Data Coordinator at the Christian Center of Park City ("CCPC"). She has been in this role for 1-½ years and collected data on homelessness and those on the verge of homelessness in Summit and Wasatch Counties. She reported that in the last year, there were 40 individuals experiencing homelessness in Summit County. This included families, children, the elderly, people with mental illness, and people with lifelong disabilities.

Speaker Hernandez stated that this project was not just a housing opportunity, it could save lives. This past winter, CCPC provided 222 nights of shelter at hotels to keep people off the streets when the temperatures were low. They saved lives just as HOPA would do for the community. She strongly supported the project.

Bonnie Park identified herself as a long-term resident of Park City and lives in Park Meadows. She spoke during the May 24 meeting and did not feel she needed to repeat her comments. She re-emphasized her support for this project. She noted that many know her as a vocal opponent

to project likes Dakota Pacific, which opened her eyes to the need for more affordable and workforce housing. Too many developers operate under the guise of providing affordable housing and maximizing their density volume. She understood that this project would actually have less density than would be allowed by the zoning.

Speaker Park truly believed the greater Park City community was capable of amazing things when it comes together. She knew that was true from her many years as District Administrator for Base and Recreation, when they built the community-wide trail system and many parks. She loved the way the community could do things for good. When Dakota Pacific was up for approval, she stated to the Basin Planning Commission that if there were affordable housing, other resort communities would want to emulate it. Speaker Park believed that this was the one project that really hit that bar. She felt that the work Mountainlands and The Elliott Group had put into this project was thoughtful, and it was a very exciting moment for Park City.

Lisa Stickrod stated she has lived in the Parkside Apartments since 1990. She commented that it was interesting to hear these discussions and concerns. As someone on this side of the project, she felt that she had some relevant suggestions. Speaker Stickrod stated it was uncomfortable to listen to the concerns of the people who live on the hill, but appreciated their viewpoint. She noted that it would be nice to be up on the hill. She agreed with their perceptions regarding the aesthetics of the project, and noted that when she first saw the pictures it looked like an office building. She also appreciated the comments that Mountainlands had done a great job, and it was inspiring to listen to the desire to provide a better place than necessary and help with the livability of the project.

Speaker Stickrod stated it was hard to make a forty-plex as livable as a four-plex, and there were many challenges. She felt it would be wise for the Commission to extend it out a bit and not approve the project today. This would allow for more consensus from Park Meadows' residents and create more community feeling for the project. She observed that there are no other buildings in Park City that are square like the ones proposed. Even the High School and the shopping center had some sort of architectural relief on the roofline to break up the squareness. The renderings for this project show all the buildings as square. While there are likely buildings in Park City with square tops, she had not seen them as she walked the neighborhood.

In terms of livability, Speaker Stickrod stated it was always hard to see trees removed. She noted there were some healthy trees that would need to come down and she wondered if anyone thought of potentially donating grown trees. She commented that the timeline for construction was interesting, and it saddened her that the community center on the roof would not be constructed until Building G. Six years would be a long time for people to live on site without a good congregating place on site. She acknowledged they did not have such a place now; however, she felt it would be better to construct the observation/community area sooner and make it available for the residents.

In addition, Speaker Stickrod advised that a lot of high school kids come to this community when they ditch school or don't have class, and they sit in the gazebo at Parkside Apartments. She expressed concern that many of these high school students would use the observation/community roof area in Building G.

Speaker Stickrod was inspired to see the coming changes. She raised her two children here and it has been a wonderful experience. One of her children is quadriplegic with cerebral palsy, and the other is brilliant but misunderstood. She arrived at these apartments from a women's shelter

in 1990, and was grateful to get the only handicap unit in town at the time. She was interested in knowing how many ADA-compliant units there would be in the new development; however, the fact of the matter was that ADA compliance only pertained to people in pushchairs. To design for a person who is quadriplegic who must use a bigger, motorized wheelchair was very different.

Speaker Stickrod advised that her current apartment was great, and she had received donations to make it more livable for them. She was grateful for the support the community had given her family. Her son has had a really good life in Park City because of the generosity and encouragement of the community. She commented that it sounded like Mountainlands wanted to promote community. Because of the residents in this community, they needed more home care providers, and the cost of living would prevent home care workers from living in Park City. She is 72 years of age, and qualified for a minimum of 10 hours per week of home care, and it was not available in Park City.

Speaker Stickrod felt it would be good to consider helping people who would be of service. She mentioned that if they were going to do it for childcare providers, they should also consider doing it for homecare providers or CNAs who would be needed for this population.

With regard to parking, they use to have patrols that would tow cars from Parkside that did not have a placard at midnight. The people that live in this community do not want to pay the \$150 towing fee and would do a lot to avoid that. Given the income levels of the residents, she did not feel the parking would be as much of a concern as people think it would be because these residents tend to not have the income for a car.

Howard Politzer identified himself as a resident of Holiday Village, and a senior disabled Vietnam veteran. He complimented the City Council on what they were looking at, and felt this project was extremely important. While he respected the views of the speaker who lives on the hill, he felt it was imperative that this project move forward. He did not think the car issue would be as significant as some might think. For the 20 units in the first section of the apartments along Monitor Drive, there were only seven cars. Most of the residents were in their 70s, 80s and 90s.

Speaker Politzer stated that some of the current residents take a benefit from the Federal government because of their income. He liked what the developer was doing, and respected the concerns of the owners of homes along Monitor Drive. However, he felt that some of the issues might not be as impactful as they expect. He thanked everyone and wanted everyone to know the importance of moving this project forward.

Helen Nadel indicated that she is a former resident of Park Meadows and now resides in the 84098 zip code. She works at People's Health Clinic. She voiced strong support for the proposed project, and observed that the applicant had gone through a lot of hoops and came out the other side with a strong project. With regard to parking, she understood that Mountainlands conducted a survey, and received 57 responses out of the 122 households. Of those respondents, 69% said they were regular public transit users, and she felt that spoke to the number of cars that might be at the site, as well as who was really being served by this project. She noted the importance of its location in an area with tremendous access to many amenities and services, including public transit.

Speaker Nadel stated this project would maintain affordable housing where it already exists, and would expand it dramatically. This would mean that residents who have been living in the project, some for decades, would have a new sense of stability and a much better unit. Additionally, the

project would bring some new residents into the community who could have a financial foothold here where there are so many jobs. She also expressed excitement with how this project would drive some sustainability modes of home building moving forward. She felt there were many builders who could learn from some of the decisions being made regarding energy use.

Tamala Rice reported that she lives at Holiday Village and has been there for 10 years. She supported the proposed project and noted that it is beautiful and thoughtful. The City needs more affordable housing. She urged the Commission to approve the project tonight, so the applicant could break ground next summer.

Angelica Espinoza stated that she is a long-term resident of the community and a former tenant of Holiday Village. She expressed her support for the project. Speaker Espinoza echoed the other statements made in support of the project. She hoped the Commission would move the project forward.

Megan McKenna reported that she is Housing Advocate for the Housing Resource Center at Mountainlands Community Housing Trust. She thanked the Commission and specifically Commissioner Kenworthy for his service, and she hoped the project could be a legacy project. The entire Mountainlands team was thinking of Commissioner Johnson and his family as well.

Speaker McKenna addressed the requests to delay this project and stated that a couple of months delay could spell the end of this project. She explained that many were unfamiliar with the complex financing that goes into affordable housing projects, and for much of the financing there was only one time per year to apply; if that were missed, they would have to wait until next year. She stressed that this item was time sensitive and appreciated the Commission's support in where they were at this point.

Speaker McKenna referenced Speaker Espinoza, and advised that she is their Housing Resource Navigator. Speaker Espinoza presented an affordable housing information session at the library with some others that was standing room only. She felt this showed the amount of need. She urged the Commission to support this application tonight.

Gary Crandall returned to the podium and stated that approximately one-half of the current residents did not park at the project. He mentioned the preference in applications to those with no vehicles. He suggested they put some teeth in that and reserve 50 to 60 units for people who do not have cars. He felt including that as a requirement would go a long ways in helping to alleviate the parking situation.

Francisco Astorga stated that he lives in the 84060 zip code in Park City Heights. He lauded Mountainlands for this project, and lauded the City for reviewing this in March, April and May, and stated that they had done their job. He worked as a City Planner for 17 years and felt that the architect did an excellent job. He complimented the Planning Department and after reading the Staff Report it was clear that this project meets the Code. With regard to the CUP, it appeared that the applicant has done a great job mitigating the negative impacts with the Conditions of Approval.

James Kilpatrick expressed support for this project. He reported that he works for a local developer and although they might be a rival to Mountainlands, they strongly support affordable housing. He is working to complete Slopeside Village, the public/private partnership in Summit County, and met with residents who had no housing option until they opened last winter. He

spoke with residents who commuted from Evanston, Wyoming to work in Park City, and other dire stories. Speaker Kilpatrick appeared to represent the workforce and lower-income residents who live in Park City, and has seen firsthand many of the issues facing the community. He felt this project would serve a more permanent demographic. He reported that the projected annual need for affordable rental housing in Park City is 64 units and 231 units for Summit County as a whole. In addition, the annual need for affordable owner households was 68 in Park City, and 198 for Summit County as a whole.

Speaker Kilpatrick commented that this town could not operate without those who run the restaurants, grocery, retail services, cleaners, and those who keep trail systems and resorts running. It should be in all of their interest to provide adequate and affordable housing to the workforce and support those who make the town function.

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

After a short recess, Chair Suesser reconvened the meeting.

Assistant Director Ward identified some questions regarding on-site property management and believed the applicant would provide additional information. She noted the potential amendment to clarify Condition of Approval 15 as referencing childcare for residents. Condition of Approval #32 outlines the Planning Commission's evaluation of the project upon completion, and an updated Parking Study at that time for Planning Commission review. At that time, they would also determine whether the additional 20 parking spaces would be warranted. She commented that there appeared to be interest in expanding Condition of Approval 32 to also include an evaluation of the Kearns access to the underground parking structure.

Chair Suesser sought clarification that the Commission would evaluate the underground parking access off of Kearns at the time it received the updated Parking Management Plan. Assistant Director Ward explained that the current Condition of Approval required that upon project completion, the applicant would submit a Parking Study outlining how parking was working for the development. At that time, the Planning Commission could review and potentially require the 20 proposed additional surface level parking spaces. She advised that they could extend that to also include an evaluation of whether the Kearns access to the underground parking structure should be opened for resident access.

Commissioner Van Dine referenced Condition of Approval 48 and noted it just addressed parking during construction. She asked if there would be time set for further parking evaluation after the review just referenced. Assistant Director Ward stated that the applicant is open to submitting an annual parking report outlining compliance with the Parking Management Plan. Commissioner Van Dine felt that should be added and would be beneficial.

Chair Suesser also mentioned consideration of some sort of reserve fund for maintenance. City Attorney Harrington clarified that these were not "for ownership" units, so it was the responsibility of the ownership and not the tenants to provide maintenance. He recommended that if the Commission wanted something like that, it should be included as a recommendation to City Council as part of Council approval of the deed restrictions.

Commissioner Van Dine observed that the financing would require the applicant to have a certain amount set aside for building repairs. Applicant Levine concurred, and clarified it was not funding

through HOA assessments, it was part of general financing of the project. Chair Suesser expressed satisfaction with Assistant Director Ward's clarifications.

Applicant Levine stated that at the end of March when he arrived from Virginia and took over as the head of Mountainlands, he was before the Commission the next week for the first presentation on HOPA. Having been involved with affordable housing for 20 years, he explained how he understood the importance of community outreach on these projects, and he did a lot of that as part of his prior positions. He expressed that he made it a priority to reach out in particular to the Park Meadows residents. He stated that soon after arriving, they held a meeting at the Community Foundation with eight of the Park Meadows residents, including the three homeowners directly across the street from Holiday Village. Mike Florence, who is the head of the Holiday Ranch HOA, was also at that meeting.

Applicant Levine stated they also conducted a site visit at Holiday Village in April, and many Park Meadows residents appeared and took the tour. He and people on his team also conducted additional outreach to individual Park Meadows residents over the next couple of months. A meeting was organized with MCHT Board President, Bob Ritcher, and they also met with Mike Florence and a couple of other Park Meadows residents to talk over plans. Architect Elliott went over the plans in detail during that meeting.

Applicant Levine stated that this past Monday, they held an information session for many residents and he had a sit down meeting with Dean Taylor, head of the Racquet Club HOA. He stressed that outreach had been a priority, and Architect Elliott looked at some of the residents' ideas and input on the plans, particularly about having two story buildings on the Holiday Village side of the project and possibly going to four stories on the Parkside parcel. He explained that Architect Elliott addressed those suggestions in terms of costs and difficulties of implementing those suggestions. He wanted to make it clear that they had done a tremendous amount of outreach both to the apartment residents and the neighbors in Park Meadows.

In addition, with regard to affordability, Applicant Levine stated this project would be 100% affordable and they would target 45 – 55% AMI. The current 248 residents have an average AMI of approximately 30%. Mountainlands was the only developer who could maintain that affordability for these residents and keep them on the site. He added that many residents live on fixed incomes and social security and half are designated as seniors and/or disabled. All of these residents would remain and be put into new, upgraded homes on the site with that affordability.

Applicant Levine addressed the comments regarding ADA accessible units. He understood that there were currently 4 of the 122 units that were accessible. The plans reflect that 5% of the units in each building would be ADA-compliant at the highest level, which would be a significant increase in the number of units that would have features that support households living with disabilities. He reiterated that he and Mountainlands made it a priority to conduct outreach to Park Meadows. He expressed appreciation for the support for the project as they have engaged with the community.

Commissioner Hall referenced Finding of Fact #15 that mentions the Frontage Protection Zone. She wondered whether they would want to allow a bike share, and whether that would be considered a structure. She would interpret the LMC such that a bike share would be a structure, as would additional bike racks. She also referenced the community garden mentioned in prior meetings, and while it was currently located behind Building F, she noted that the sunlight was great in the Frontage Protection Zone.

Commissioner Hall would support a few specific exceptions for the Frontage Protection Zone. Chair Suesser suggested leaving it to the discretion of the Planning Director. Commissioner Hall stressed that she was not talking about buildings; rather, she was talking about providing an exception for a small community asset.

Chair Suesser suggested referencing community benefit rather than specifying bike shares and a community garden. Commissioner Hall stated those could be listed as examples with the wording, "including but not limited to" uses like bike shares or bike racks if needed, any potential future transit stop for Para transit or micro transit, and the community garden.

Commissioner Hall clarified that nothing would be allowed within the 30 feet, and any future use would be limited to the area between 30 feet and 100 feet. Assistant Director Ward stated that these uses would require an Administrative Permit.

Commissioner Sigg asked if the Setback was a State requirement, since that area fronts State Road 248. Commissioner Hall stated the LMC provides for the Frontage Protection Zone. The Commission agreed with this proposed change to Finding of Fact #15.

With regard to Finding of Fact #24a, Commissioner Hall asked if the elevator shafts were interior. Chair Suesser stated that the elevator shafts were visible from Monitor Drive and she understood that the architect shifted them. Architect Elliott explained that the shafts were moved to the interior court. In certain places, one might be able to see them, but generally they would not be visible from Monitor Drive.

Commissioner Hall referenced Finding of Fact #24h, and asked if service and deliveries would be required in the Kearns turnaround or whether they could use that turnaround as an option. Assistant Director Ward stated that it was currently worded such that service and deliveries "can" use the turnaround. Architect Elliott clarified that it was not the only access point, and vehicles could turn around in front of Building A. He stated leaving it as "can" was okay with what the applicant was looking at, particular because it would be the last phase and they would need access in there. He would not want to require service and delivery to use the turnaround before it was constructed.

Commissioner Hall preferred having the connection for the underground garage be utilized during the entire construction phase, as she could foresee construction issues in addition to emergency access. She would like all of the underground parking be accessible either by Kearns Boulevard or Monitor Drive during construction to facilitate that process, and they could revisit that as part of the final review for the additional parking stalls.

Commissioner Van Dine stated that access along Kearns would be the last part constructed, so she did not know how much it would facilitate construction when it was scheduled for the final Phase.

Chair Suesser asked if the original proposal had access to the parking garage from Kearns that went under Building G. Architect Elliott stated they looked at that originally, but did not include it because it would not be physically possible to get down in the space they have between the property lines. He did recall that they had a version that showed that, but did not recall which submittal it was in.

Chair Suesser inquired whether the proposed emergency access under Building F was connected to the larger parking garage accessed off Monitor Drive. Architect Elliott answered in the affirmative.

In response to a clarification from Chair Suesser, Architect Elliott confirmed that the underground parking under Building F would be built as part of the construction of Building F in the final Phase.

With regard to Condition of Approval #11 and Building Heights, Commissioner Hall understood it was 38 feet for the vertical circulation height. Assistant Director Ward confirmed, and added that as shown in the Exhibit to the Packet dated June 16, 2023. Chair Suesser referenced the landscaping Conditions, numbered 18 through 21, and suggested that the sentences begin with "The applicant shall..."

Chair Suesser stated that when the City reviews the parking she would support remaining open to the possibility that they would require some offsite parking for overflow. She mentioned the church parking lot or the Park City Plaza, where overflow parking would be available during construction. She felt that it would clearly be a need and they should anticipate that need.

Commissioner Frontero asked if there would be an annual parking update. Assistant Director Ward stated that would be an additional Condition of Approval #53. Commissioner Frontero suggested incorporating Chair Suesser's suggestion in that Condition.

Assistant Director Ward asked if there was consensus for Condition of Approval #32 that at the time of project completion, the Planning Commission may require the 20 surface parking spaces in the Frontage Protection Zone and evaluate off site parking options after the last buildings are completed to provide additional parking if the study showed an increased parking demand on the site. Additionally, the Planning Commission may evaluate the Kearns Boulevard access for residents to the underground parking structure from Building F. Chair Suesser would add an evaluation of offsite parking requirements.

Commissioner Hall referenced Condition of Approval #15 and stated she would like to see some space inside for children. She was not saying they needed a massive indoor facility dedicated as an indoor children's play area, but she felt that having even a marginal amount of area reserved for children would be good. She was unclear if the play structures would be installed, or whether the community would decide if they wanted the play structures after completion of construction. Architect Elliott confirmed that the play structures would be installed.

Commissioner Frontero was comfortable that the applicant was committed to working with the residents and that the residents would decide how they would want to use that common space. Applicant Levine confirmed that working with the residents would be the path that would work. He was nervous about requiring certain square footage for certain uses. He noted that currently there were 15 to 16 children under the age of 5, and 66 children between the age of 5 and 18. He suggested that the latter's needs might be an after school room, so he wanted to keep that flexible.

Commissioner Frontero was comfortable giving the applicant the flexibility to adjust the square footage as needed for resident's children's needs.

Commissioner Hall was not suggesting a specific square footage or percentage. She asked if all of the community spaces would be added on after completion and everyone had moved in.

Architect Elliott stated they would know which current residents would move in before the building is constructed. The opportunity to have those discussions with those residents beforehand was strong, and he did not feel there was anything problem with the commitment that they would decide about the use before the completion of the building.

With regard to Condition of Approval #17, Commissioner Hall wanted to clarify that a community garden could be in any location, and would not limit it to where it was identified on the Site Plan. She felt it could be put in the Frontage Protection Zone. There was a consensus to make that clarification.

With respect to Condition of Approval 29, Commissioner Hall shared in Commissioner Sigg's concerns about off-site parking and did not know if there was a way to add stronger preference for the no car list, and making sure that if someone was accepted with no car, they then have no car for the duration of the lease. She wanted to tweak the language to preclude tenants using illegal parking in other locations such as the school or the commercial space. She hoped there could be a long-term agreement, but would also suggest the lease not allow any parking violations.

Chair Suesser noted that was an enforcement issue, and was unsure that it could be included in the Conditions of Approval. Chair Suesser also commented that she did not like the idea of restricting a household to one car. If there was available parking, she questioned why they should have that restriction.

Commissioner Frontero felt there needed to be a stated restriction, and then if there were more spaces then management could allocate those according to how they see fit. He felt it was important that the residents would know coming in that there would only be one car per unit.

Commissioner Van Dine agreed, and felt the applicant would actively manage the parking and this could be something they could change down the line. If they were under parked, management could open it up as they see fit. However, putting the restriction in the Condition of Approval would identify what was acceptable.

Commissioner Sigg asked if that restriction would be in the lease. Applicant Levine stated they could enforce a lease around community rules, including parking. The lease would include an acknowledgment of the community rules, and a covenant that they must abide by the community rules, including parking. As they sign the lease, the tenant would be held to those rules.

Chair Suesser stated that the second sentence in Condition of Approval 29 would not provide the flexibility and the dynamic relationship described by Commissioner Van Dine. She asked if the flexibility should be built in.

Commissioner Hall suggested adding the clarification "unless there is an excess in stalls" to Condition of Approval 29. Commissioner Van Dine suggested, "unless otherwise determined by the Parking Management Plan." Chair Suesser agreed with Commissioner Van Dine's suggestion and asked that the word "generally" be removed from that Condition. Commissioner Hall liked the suggestion of an on site manager. Applicant Levine clarified that there was currently an on site property management office, and a 24/7 emergency hotline to address any disruptions. They would also install security cameras on the site. He stated it was more of a challenge to have a property manager on site 24/7, but stated there would be a property management office with a

property manager on site during the day. In response to an inquiry, Applicant Levine stated that the 24-hour hotline would be answered by the maintenance person, who would then respond.

Commissioner Kenworthy stated that would not be the same as having a property manager on site. If a tenant had a leaky pipe, they would call a number and a maintenance person would come out. If someone was onsite, they could walk over with a key and turn off the valve to the unit so it would be taken care of immediately. He mentioned the handling of noise complaints. In addition, if someone was on site, they could see how people were behaving. He did not want 1,051 legal occupants and no on site manager. There was simply no comparison.

Chair Suesser suggested a property manager by day and a security officer at night. Commissioner Kenworthy stated that if someone lived on site they would get a much better feel for the activities going on at the project. He stated that needed to be a Condition of Approval for him to support this project. He did not want it to overflow to the neighbors or to the police force.

Applicant Levine stated that would create a financing issue, and would be a challenge. In his experience, the model of having a property manager on site from 9 – 5, with a 24/7 emergency call number worked well. He stated there would be issues with having security on site at night.

Commissioner Sigg asked if the property manager's hours were defined as part of the condition of the financing. Amy Rowland, applicant's financing consultant from Community Development Finance Alliance, explained that the financing concern was the cost of 24/7 on site coverage. The only time she had seen that was on projects that were much larger in scale, and involved special needs or permanent supportive housing for the homeless. She stated it was not typically found in standard family or workforce housing tax credit projects. The standard statewide and countrywide model was to have an on site manager during office hours, and a 24/7 emergency line. She noted that they could not really hire someone who lived at the project to be on call 24/7, and noted aside from it not being an attractive position, it would be impossible for someone to be on call 24/7. The alternative would be to have 3 – 4 staff personnel who would rotate in 8-hour shifts, which she believed would be an extreme level of staffing for this population.

Commissioner Sigg noted that storage units have the 24/7 on site manager model. He did not believe this was something where they needed multiple employees, and he felt the trade-offs were strong because anyone who was incentivized by housing would look at it as an attractive offer in Park City. Ms. Rowland acknowledged there were permanent supportive housing projects for targeted populations such as the chronically homeless that use the 24/7 model. However, they use rotating staff.

Commissioner Sigg would understand if the applicant's lender would not allow it; however, he personally liked the idea. Ms. Rowland explained that having an onsite manager living at the project would require taking that person out of the tax credit program because the person would not be a qualified tenant. It would also raise the operating costs quite a bit above the standard operating costs, which could also make the project non-competitive for the LIHTC competition. She stressed it was a big ask financially, and reiterated that operating costs for permanent supportive housing were much higher because of the need for 24/7 on site management. It was not something they typically saw in a standard population.

Commissioner Kenworthy asked what occupancy would move the needle. Ms. Rowland explained that under the Tax Credit Program, they could not finance more than 80 units at once, given the cap. This was one of the reasons for the phasing of this project. Commissioner

Kenworthy posited that if a parking issue came up, a tenant would have to call the number and someone would then travel to the site to address the parking issue. Applicant Levine commented there would be security cameras and access to a maintenance person who would address the issues that arise. Commissioner Kenworthy reiterated his position that it was not sufficient, and he did not like the tail wagging the dog. Ms. Rowland reiterated that other Mountainlands properties did not have 24/7 on site staff, and she had not heard of any issues at the 20,000 units statewide. She noted the exception of chronically homeless or mentally ill populations that allow that type of operating budget.

Applicant Levine stated that with 24/7 coverage, it is for people who are chronically homeless, chronically mentally ill, unemployed, below 30% AML, and they do not sign a lease. There is a program agreement to get into that housing. Here, every household would sign a lease, and if they do not abide by the community rules, they would be evicted and out of housing. He stressed that was a big difference and added that the residents in this project would understand that. He noted that in their LIHTC funded projects, they do not see a lot of trouble. They use daytime property management and a nighttime call in number, and it has worked fine.

Commissioner Sigg would like to see them identify the days and times the on site manager would be present. He agreed that the cameras would help, but he did not like that the City would have to be out there ticketing cars. He noted the enforcement options with the lease that differentiates it. He liked having someone present, and would like it defined. Commissioner Sigg felt it important for a project of this scope and the potential density. Commissioner Kenworthy added that they would need someone on site.

Ms. Rowland suggested 9 to 5 coverage five days per week be phased in because with the first 45 units, the management company might not be able to justify a full-time person for 45 units. She agreed that once the project was built out, it would support a full-time manager. Commissioner Sigg understood the economies of scale, and suggested they say that at build out, there needs to be someone on site, and available to the tenancy. Commissioner Kenworthy would prefer they set it at an occupancy level. While he trusted the applicant's statement of estimated occupancy, he wondered what would happen if they achieved the estimated full occupancy.

Commissioner Van Dine suggested reviewing it at each building phase. Commissioner Hall added that they could have the Planning Director review it by phase.

Commissioner Kenworthy felt that with 300 occupants in a building, there should be someone present. Commissioner Van Dine opined that these were arbitrary numbers.

Chair Suesser did not like the suggestion of review by the Planning Director at each phase. She felt that it should be a Condition that someone be present.

Applicant Levine explained that on these types of sites with this population, the property manager's day-to-day activities include collecting rent, taking care of the common areas, and they take in maintenance orders. He disagreed with Commissioner Kenworthy, and stated that parking enforcement was not a big part of the property manager job.

Ms. Rowland noted that there would not be much need for parking enforcement given that tenants would have assigned parking spots, especially with a secured parking garage. She would not expect strangers coming in to park and the residents certainly patrol themselves.

Commissioner Kenworthy mentioned Columbus Pacific where there were people living in the laundry room within the first week of building occupancy. He felt there were many examples demonstrating how it would be an advantage to have someone on site all the time. He noted that no one was saying it would be a disadvantage. Architect Elliott suggested that in the final phase they identify a unit that could be used for property management if, in fact, the financial performance could be accomplished. Commissioner Hall commented that when she rented when she was younger, she always assumed someone lived on site and received free rent or very discounted rent.

Architect Elliott commented that the applicant has to be able to financially operate the project, and with 45 units, having 24 hour on site management would not pencil. He added that it would work in a for-profit situation where they could charge much higher rent. He added that another option would be to identify a resident who becomes the contact point, but that would be a difficult thing to ask of someone. He stressed that this applicant was a non-profit group trying to provide a product different than you might see from a for-profit developer. He has worked with for-profit developers who have built affordable housing projects, and they have a different model.

Commissioner Kenworthy commented that some of the residents had been identified as having special needs. He stated that the applicant was opposed to this because of financing, but it was not what would be best for the community or the tenants.

Commissioner Frontero stated he was not as concerned about this, and if a tenant had a problem during the day, they would report it. If they had to make a call, it would be handled. He suggested extending the on-site hours to 7:00 p.m., and stated that he wanted to find a compromise so they could move on from this issue.

Commissioner Hall agreed with Commissioner Frontero, and hoped the leases would be robust such that any non-compliant tenant would not be allowed to remain in this affordable housing. As much as she would like 24/7 on-site coverage, she did not realize the financial challenges and suggested reviewing this when they review the Frontage Protection Zone.

Chair Suesser liked the idea of adjusting the hours so that people who work 9 – 5 still have some interaction with the property manager. She would like to have someone on site 8 hours per day, 5 days per week, with the 24-hour hotline. She added that she would prefer having someone on site 24/7, but was comfortable. She suggested adding a provision that they could revisit the need for an after-hour property manager.

Commissioner Kenworthy stated that he would support it if they extended the hours to include weekends, especially the weekend nights, and then include a review after they reach occupancy of 300 or more, with continued review on a yearly basis. During that review, they would look at how much it was intruding on the City services such as the police department.

Commissioner Hall was happy with how the Condition was written, and suggested just stating 40 hours per week. She was satisfied with having a property management available during business hours with the hotline. Commissioner Van Dine agreed.

Commissioner Sigg observed that allowing some flexibility would allow someone to be there on a Saturday. Chair Suesser wanted consistency for the residents.

Commissioner Kenworthy stated that 40 hours per week would leave the project vulnerable during the times where there would be the most trouble. He noted City Attorney Harrington's earlier comment that this was not affordable housing with pride of ownership; rather, it would be all leased. He noted that many of the residents had a great sense of pride of ownership, but there would be a lot more people there and the neighbors had brought that to the Commission's attention. He stressed that the Commission had an obligation to balance. He reiterated that the tail was wagging the dog, based on the expense of having a 24/7 on site manager.

Commissioner Frontero suggested 50 hours per week. Commissioner Hall wondered if the Planning Director could make the determination as the project progressed. She mentioned the threat of eviction if someone parked in another spot.

Commissioner Hall asked if the Commission was comfortable with the 24-hour hotline being available during all phasing, and an on site property manager would be required as determined by the Planning Director. Chair Suesser preferred the way it was currently written. She felt Commissioner Hall's suggestion just burdened the Planning Director when they could address the issue and make it a definitive Condition of Approval.

Commissioner Frontero and Commissioner Sigg were both comfortable with the Condition. Commissioner Sigg proffered that if things changed, the applicant could come back and defend their position. He stressed that the Commission had concerns with property management given the occupancy.

With regard to Condition of Approval #31, Commissioner Hall agreed with the public comment, and felt they needed better language. She would like to state clearly that someone with no car would have preference. Commissioner Sigg agreed and queried what would happen if someone got a car after the fact.

Commissioner Hall felt it was not clear that the "no car" list would have priority over those with cars.

Commissioner Sigg commented that a family of 3 or 4 could only have one car. He was concerned with multiple individuals living in the same unit. Commissioner Frontero felt this Condition addressed that, because if two prospective tenants each have a car, they would not be on the preference list.

Commissioner Hall suggested a precursor sentence stating that the "no car" list should be exhausted prior to the car list.

Commissioner Sigg referenced Condition of Approval 30 and asked about the definition of "local workers." He felt someone who works in Park City would have an incentive to use transit. He felt the notion of workforce housing was to support the businesses that are in Park City.

City Attorney Harrington commented that some of this wording was taken from the applicant's plan. He stated it was not as substantive as the requirement for occupancy. The rental restrictions governed by the Resolution control all of the other requirements, while this was a marketing requirement the applicant proposed as part of their plan.

Commissioner Sigg asked if there was a regulation that the work contemplated by "workforce housing" be based in Park City. Architect Elliott stated that the project at The Canyons had a

waterfall provision to identify and prioritize “workforce.” He was unclear on any LITHC financing restrictions, but felt that would be something in the Development Agreement. City Attorney Harrington added that it would be in the deed restriction covered by a different Condition of Approval, and explained it would have to be compliant with the Housing Resolution approved by the Council.

City Attorney Harrington stated that a Development Agreement would be presented that would codify the Conditions of Approval. The housing deed restriction would cover the applicant’s compliance with the Affordable Housing Guidelines. He suggested identifying Park City employees. Chair Suesser agreed with the current wording.

Commissioner Kenworthy stated they were trying to encourage the Park City workforce to live in Park City. Commissioner Van Dine observed that those requirements were built into the other stages of the development.

MOTION: Commissioner Hall moved to APPROVE the HOPA Affordable Master Planned Development and Conditional Use Permit, based on the Findings of Fact, Conclusions of Law and Conditions of Approval set forth in the Draft Final Action Letter, as amended, as follows:

Findings of Fact

1. On April 16, 1975, the Planning Commission approved a Planned Unit Development for the construction of 80 affordable units at 2200 Monitor Drive (Parcel PCA-2-2302 and PCA-2-2306), known as the Holiday Village Apartments.
2. In 1982, the Planning Commission approved a Conditional Use Permit for the construction of 42 affordable units at 1776 Kearns Boulevard (Parcels PCA-2-2307 and PCA-2-2307-A), known as the Parkside Apartments.
3. Adjacent land uses include a church to the north, Park City School District Campus to the east, Park Meadows Plaza Subdivision to the south, and Holiday Ranchettes Subdivision to the west.
4. The Applicant proposes the HOPA Affordable Master Planned Development (AMPD) and Multi-Unit Dwelling Conditional Use Permit (CUP) to redevelop 6.89 acres—Parcels PCA-2-2302 and PCA-2-2306 (Holiday Village Apartments) and Parcels PCA-2-2307 and PCA-2-2307-A (Parkside Apartments)—north of Kearns Boulevard and east of Monitor Drive.
5. The Applicant named the development the HOPA AMPD.
6. The HOPA AMPD is in the Residential Development Zoning District and Frontage Protection Zone.
7. The Applicant proposes constructing approximately 137 Residential Unit Equivalents to develop 317 affordable units.
8. The Applicant proposes 15,220 square feet of enclosed common space.

Affordable Master Planned Development

9. On February 25, 2021, the City Council adopted Ordinance No. 2021-10 to establish AMPDs to:
 - a. Incentivize public, private, and public-private development of affordable units for the workforce of Park City;
 - b. Create developments that include market-rate and affordable units and increase housing opportunities that are affordable to a wide range of incomes;
 - c. Increase building height and density and decrease parking requirements for affordable units if impacts to the community are mitigated;
 - d. Ensure neighborhood compatibility; and
 - e. Encourage mixed-use, walkable, and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
10. Pursuant to Land Management Code Chapter 15-6.1, the Planning Commission must make fourteen findings when reviewing an AMPD.
11. Density – AMPDs must contain at least ten Residential Unit Equivalents (20,000 square feet). The Applicant proposes construction of approximately 137 Residential Unit Equivalents to develop 317 affordable units.
12. Affordability – At least 50% of the Residential Unit Equivalents must be affordable units – units that are priced to households with incomes at or below 80% of Area Median Income. The HOPA AMPD exceeds this requirement with 100% affordable units and no market-rate units.
13. AMPDs must comply with the requirements of the Land Management Code. 2200 Monitor Drive (Holiday Village Apartments) and 1776 Kearns Boulevard (Parkside Apartments) are within the RD Zoning District. AMPDs are allowed in the Residential Development Zoning District. Density for AMPDs is not determined by the underlying Zoning District, but is volume based and determined by the AMPD setbacks, building height, and open space regulations.
14. Setbacks – The minimum setback around the exterior boundary of an AMPD is 25 feet for property greater than two acres. The HOPA AMPD acreage is 6.89, requiring a 25-foot perimeter setback. The Applicant proposes a 25-foot perimeter setback.
15. The project is within the Frontage Protection Zone, requiring a 100-foot setback from Kearns Boulevard. The Applicant proposes no structures within the Frontage Protection Zone setback, however community assets could be excepted, including

but not limited to uses like bike shares or bike racks if needed, any potential future transit stop for paratransit or microtransit, and a community garden.

16. Regarding interior setbacks, this AMPD is unique – generally an AMPD is reviewed as one lot with a perimeter setback and interior flexibility. However, for financing and phasing reasons, the Applicant proposes subdividing the acreage into seven lots. The Residential Development Zoning District requires a 12-foot side setback and a 15-foot rear setback. As mentioned above, the Applicant satisfies the 25-foot perimeter setback and the 100-foot Frontage Protection Overlay setback, so Residential Development Zoning District rear and front setback requirements are exceeded. Planning Department.
17. The Applicant satisfies the 12-foot internal side setback for Buildings D, E, G, and F. However, the interior setbacks between Buildings A, B, and C, are reduced to ten feet for portions of the façade. LMC § 15-2.13-3(H) states “[t]he Planning Commission may vary side setbacks in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce side setbacks to less than ten feet (10’) between structures except as provided in Section 15-2.13-3(F)(2) [regarding connected structures].”
18. Additionally, LMC § 15-6.1-7(D) states the Planning Commission may reduce setbacks within the project boundary to match an abutting zone-required setback provided the project meets the minimum International Building Code and Fire Code requirements, maintains the general character of the surrounding neighborhood in terms of mass, scale, and spacing between structures, and meets open space criteria.
19. The Building and Park City Fire District reviewed the project for conformance as part of the Development Review Committee process on February 7, 2023, March 7, 2023, and June 6, 2023. The properties to the west are zoned Single-Family. However, the Single-Family area is west of the project and is buffered by the 25-foot perimeter setback.
20. The properties directly to the south are zoned General Commercial. The General Commercial Zoning District side setback is ten feet, and the Applicant requests this interior ten-foot setback for Buildings A, B, and C to conform with the adjacent General Commercial Zoning District and the commercial and residential development to the south of the property shown in the image below. The Applicant exceeds open space requirements and respects the requirements of the Frontage Protection Zone.
21. Height – Maximum building height for an AMPD is 45 feet from existing grade and requires the following:
 - A 10-foot stepback on all perimeter building façade planes from the underlying Zoning District building height;
 - Infrastructure is in place or can be updated to meet increased demand; and
 - Building façade variation compliance.

22. The maximum building height required in the Residential Development Zoning District for the building façade perimeters is 28 feet measured from existing grade with a five-foot exception for mechanical equipment screening. The HOPA AMPD is below the allowed 45-foot building height after the ten-foot setback from the building façade perimeter. Planning Department.
23. Facades – Buildings greater than 60 feet but less than 120 feet in length must include a prominent shift in the form of either a ten-foot change in façade alignment or building height and buildings with a façade that exceeds 120 feet must provide a shift in the mass at each 120-foot interval or less in the form of a 15-foot change in building façade or height. The Applicant's plans conform to the shifts in façade.
24. Site Planning –
 - a. Clustered development – development shall be clustered on the most developable and least visually sensitive portions of the site. The Applicant proposes no structures within the Frontage Protection Zone, 100 feet from Kearns Boulevard. The Applicant incorporated Planning Commission input and shifted the elevator shafts along Monitor Drive to the project interior.
 - b. Grading – Projects shall be designed to minimize grading and the need for large retaining structures; roads, utility lines, and structures should be designed to work with existing grade; cuts and fills shall be minimized. The Applicant proposes construction of seven underground parking garages, which will not be visible upon project completion. The project redevelops existing site disturbance and there are no proposed or required retaining walls incorporated into the landscaping.
 - c. Trails – Existing trails shall be incorporated into the open space elements of the project and maintained in their existing location whenever possible. Applicants may be required to grant the City a trail easement to connect proposed trails with existing trails consistent with the Park City Trails Master Plan. A paved bike and pedestrian trail runs north, parallel to Kearns Boulevard. Currently, a fence separates the Holiday Village and Parkside Apartments. The proposed redevelopment opens the area with internal north-south and east-west pedestrian and bike paths, improving access to the paved trail.
 - d. Internal Circulation – Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the AMPD and to adjoining public sidewalks, trails, and rights-of-way. As noted above, in the current configuration, a fence separates Holiday Village and Parkside Apartments. The Applicant's Site Plan below illustrates north-south and east-west internal connectivity, improving overall internal circulation for residents, and providing additional Planning Department connections to the greater neighborhood. Schools, recreation facilities, urgent care, banks, child care, a post office, grocery

stores, a pharmacy, and other services are within ¼ to 1-mile from the HOPA AMPD.

- e. Snow Removal – Areas for adequate snow removal and snow storage are required. The Applicant proposes 10,651 square feet for sidewalk and plaza snow storage (25.3%) and 5,325 square feet for parking snow storage area (12.8%).
- f. Trash and Recycling – Adequate trash and recycling containers must be included with circulation for pick-up vehicles and convenient pedestrian access. The Applicant proposes installing three enclosed dumpsters on site with garbage and recycling. The enclosures are proposed to be constructed with painted fiber cement panels and fiber cement wood siding.
- g. Transportation Amenities – The site plan must include drop-off areas for van and shuttle service and a bus stop if applicable. The Applicant proposes drop-off areas for van and shuttle service through a turnaround accessed from Kearns Boulevard.
- h. Service and Delivery – Access and loading/unloading areas must be included and separate from pedestrian areas. The Applicant provides a turnaround accessed from Kearns Boulevard and eight surface-level parking stalls with two that are ADA compliant, as well as four surface level parking stalls accessed from Monitor Drive, with two that are ADA compliant.
- i. Child Care – The Planning Commission may require a site designated and planned for a child care center an AMPD if the Planning Commission determines the project will create additional demands for child care.
- j. The HOPA AMPD is within the Residential Development Zoning District, which allows two of the four types of child care facilities defined in LMC § 15-15-1: in-home babysitting for the care of four or fewer children within a primary residence and family child care for the care of up to eight children in the primary residence.
- k. Family group child care for the care of up to 16 children within the primary residence and child care centers outside of a primary residence in MultiUnit Dwellings in the Residential Development Zoning District require a Conditional Use Permit and Planning Commission review. LMC § 15-4-9 outlines requirements to ensure safe pick-up and drop-off and safe and Planning Department adequate room for children to play. Additionally, parking for employees is required.
- l. The Applicant provided an evaluation regarding anticipated child care demand and concludes there will be very few children under five years of age and an in-house daycare would not best serve existing residents. The Applicant proposes a child-focused community room or computer room to serve older children on site.

- m. General Plan Review – While not consistency is binding, the AMPD must be consistent with the goals and objectives of the General Plan.
- n. Goal 1 of the General Plan is to protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods and Objective 1A is to direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. The HOPA AMPD increases affordable units from 122 to 317 for the property, while increasing open space by providing most of the parking in underground structures.
- o. Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents and Objective 7B is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods. The proposed HOPA AMPD is in the Park Meadows neighborhood. The General Plan identifies this neighborhood as one that should be preserved as a primary residential neighborhood, in part due to the many community amenities, including the Creekside Park, the Municipal Athletic and Recreation Center (“MARC”), the Park City School District Campus, the Eccles Center for the Performing Arts, and access to the Open Space of Round Valley.
- p. Goal 8 of the General Plan is to increase affordable housing opportunities and associated services for the workforce of Park City, Objective 8A is to provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods.
- q. The Holiday Village and Parkside Apartments are described in the General Plan as the only affordable housing in the Park Meadows neighborhood indicated on the Built Conditions Map near the Monitor Drive and Kearns Boulevard intersection.
- r. Design Guidelines – The Planning Commission may require Design Guidelines including requirements for exterior cladding material; style, dimensions, and materials of a roof structure, roof pitch, and porch; exterior nonstructural architectural ornamentation; location, design, placement, and architectural styling of windows and doors.
- s. The Applicant revised the proposed materials to comply with LMC § 15-5-5(D) which limits exterior siding materials to three on any one façade. The Applicant proposes painted fiber cement panels, fiber cement siding that looks like wood, and white EIFS. Due to conformity of building design, façade variations, and consistent materials throughout the project. 25.Open Space – AMPDs must provide 20% Open Space. The Applicant proposes landscaping 2.76 of the 6.89 acres, exceeding the LMC requirement for a total of 40%. 26.The open space includes play areas for children in the plazas of Buildings A, B, and C, and Buildings A, D, and E.

The Applicant updated their plans to include an area allocated for a future community garden.

25. Strengthens and enhances the resort character of Park City – The City's Affordable Housing Resolution No. 05-2021 states that the livability and viability of Park City is directly affected by the availability of a sufficient amount of housing affordable to workforce and residents and that the City Council desires to establish policies to ensure a reasonable opportunity for a variety of housing which bears an essential nexus to maintaining the social, economic, and cultural fabric of the community.
26. The City's Housing Needs Assessment completed in 2021 concludes in part that "Park City is the only city in Utah where workers (11,000) outnumber the population (8,500). The workforce needs more housing opportunities. Due to the scarcity of affordable housing, over 8,000 workers with an average wage of less than \$40,000 commute daily from homes out of Summit County to jobs in Park City. This large reservoir of pent-up demand all but guarantees rapid absorption of additional affordable housing units." The Housing Needs Assessment also found that 40% of all renters and 22% of owners pay at least 30% of their income for housing and utilities and "[m]ost troubling is the share of renters paying more than 50% of their income for housing, defined as a severe housing cost burden. One in five Park City renters has a severe housing cost burden."
27. The Applicant proposes exceeding the requirements of the AMPD code. While only 50% of the total Residential Unit Equivalents are required to be affordable Planning Department units, the Applicant proposes 100% of the Residential Unit Equivalents for affordable units. The Housing Needs Assessment concludes "[d]emand for affordable housing could absorb as many as 800 to 1,000 units over the next five years. The 600 proposed units over the next five years will bring the affordable inventory to 1,250 units, a commendable achievement. Nevertheless, supply will still fall short of demand." The Holiday Village and Parkside Apartments provide 122 affordable units. The proposed HOPA AMPD increases this number by 195, for a total of 317.
28. Compliments the natural features on site and preserves significant features or vegetation to the extent possible – LMC § 15-2.13-10 requires protection of Significant Vegetation during development. Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground, groves of smaller trees, or clumps of oak and maple covering an area fifty square feet or more measured at the drip line. The property owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director may require mitigation for loss of Significant Vegetation consistent with LMC § 15-5-5(N), the Water Wise Landscaping code.
29. LMC § 15-5-5(N) requires at least 50% of the landscaped area to be Water Wise Landscaping with non-invasive drought tolerant plants and minimal irrigation. Landscaping plans must identify existing Significant Vegetation. If Significant Vegetation is determined to be unhealthy and/or unsafe, under Site-Specific review

conducted by the Forestry Board and Planning Director in conjunction with a CUP and AMPD, it may be replaced with equivalent landscaping in type and size.

30. On May 10, 2023, the Applicant submitted an evaluation of the Holiday Village and Parkside Apartment trees, completed by Arbor+. The evaluation concludes “roughly 30% of the Spruce trees were in decline or completely dead due to IPS Beetle (Bark Beetle). There were signs of high influx of IPS in the area with a row of Spruce trees that were dead at Park City High School as well as other surrounding properties in the area.”
31. The Applicant proposes removing 104 trees, treating four trees, and planting 102 new trees, including Serviceberry, Amur Maple, Colorado Spruce, and Aspens.
32. On May 4, 2023, the Forestry Board reviewed the Applicant’s proposal and recommends Conditions of Approval outlined below.
33. Meets the Sensitive Lands requirements and is designed to place development on the most developable land and least visually obtrusive Planning Department portions of the site – AMPDs that contain any area within the Sensitive Land Overlay shall conduct a Sensitive Lands Analysis. The HOPA AMPD is not within the Sensitive Land Overlay. The site does not include steep slopes, is not near a ridge line area, and is not proximate to wetlands or streams. The property is not within the Soils Ordinance Boundary.
34. Promotes the use of non-vehicular forms of transportation through design and by providing trail and pathway connections – The Applicant proposes improvements to internal east-west and north-south pedestrian and bicyclist connectivity and improved connectivity to the broader neighborhood. The Applicant’s Parking Management Plan prioritizes residents without cars, provides enclosed bike storage in excess of the code requirements, and improves resident access to transit stops proximate to the project.
35. Was noticed and the Planning Commission held a public hearing – On April 7, 2023, staff mailed postcard notices to property owners within 300 feet of the HOPA AMPD, posted notice to the property, and published notice on the Utah Public Notice and City website, and on April 12, 2023, the Park Record published notice. The public notice provided information for in-person and remote participation in the April 26, 2023 site visit and public hearing, and the May 24, 2023 public hearing.
36. On June 9, 2023, staff published notice on the Utah Public Notice and City websites, and on June 12, 2023, staff mailed a second postcard notice to property owners within 300 feet of the HOPA AMPD and posted notice to the property. On June 14, 2023, the Park Record published notice. The public notice provided information for in-person and remote participation in the June 28, 2023 public hearing with possible final action.
37. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction – LMC § 15-6.1-12(J) requires AMPDs to incorporate best planning practices for sustainable

development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application, with Energy Star qualified products for appliances.

38. On April 24, 2023, the Applicant met with Park City's Sustainability team to review their plans. The Sustainability team also recommends the Applicant consider an Energy Use Intensity (EUI) that is less than 25 for the living spaces Planning Department to significantly lower utility bills. The Applicant will have a third-party energy consultant during design development and construction document phases and is willing to explore an EUI that is 25 or less at that time.
39. The Applicant proposes:
 - a. Installing 54 Electric Vehicle Charging Stations for 20% of the parking stalls prior to issuance of a Certificate of Occupancy;
 - b. Constructing all-electric buildings;
 - c. Installing windows specifically designed for the mountain climate with performance of R-5 to R-9;
 - d. Installing exterior wall insulation that exceeds the requirements of the building code by installing R-23 that incorporate at least 25% recycled content;
 - e. Incorporating bioswales in the landscaping to collect and remove pollutants from stormwater runoff as illustrated on the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023; and
 - f. Constructing buildings that are solar PV ready.
40. Addresses and mitigates physical mine hazards according to accepted City regulations and policies – Applicants must include a map and list of all known Physical Mine Hazards on the property. On March 28, 2023, Epic Engineering prepared a Phase I Environmental Site Assessment for the Applicant. The Assessment concludes the property was undeveloped prior to the 1980s, the property is not within the City's Soils Ordinance boundary and does not identify concerns regarding the proposed project or adjacent properties.
41. Addresses historic structures and sites on the property according to accepted City regulations and policies and any applicable historic preservation plan – Applicants must submit a map and inventory of historic structures and sites on the property. The Applicant submitted a Historic Report dated May 17, 2023, evaluating existing site conditions, the Park City Historic Sites Inventory, and consulting with the Park City Historical Society and Museum Society, concluding no structures are of historic significance are on the property.

42. Addresses and mitigates traffic – Park City Forward – a Transportation Blueprint identifies a future mode split target for the Park Meadows neighborhood with 37% driving alone, 40% carpooling, 15% walking, 5% riding transit, and 3% biking. Planning Department.
43. On April 19, 2023, Hales Engineering completed a Traffic Impact Study for the Applicant. This Traffic Impact Study was included in the April 26, 2023 Planning Commission packet. The Applicant coordinated the Traffic Impact Study with the Engineering Department to update the study to comply with the proposed Traffic Impact Study standardization criteria. Additionally, the Engineering Department hired Wall Consultant Group (WCG) to provide a third-party review of the Traffic Impact Study.
44. The Engineering Department and WCG provided initial input regarding the April 19, 2023 Traffic Impact Study. On June 16, 2023, Hales Engineering submitted an updated Traffic Impact Study. On June 22, 2023, WCG provided a memorandum of review regarding the updated Traffic Impact Study.
45. The Traffic Impact Study evaluates Levels of Service from A through F. An acceptable Level of Service in Park City is Level D.
46. The updated Traffic Impact Study outlines existing and anticipated future conditions for relevant intersections.
47. Addresses and mitigates parking reductions and parking management – The Applicant submitted a Parking Study and Parking Management Plan and proposes 266 parking spaces, reducing the parking requirements by 64 spaces, a 19% reduction.
48. LMC § 15-6.1-9(A) requires AMPDs to comply with Off-Street Parking requirements. LMC § 15-3-6 Parking Ratio Requirements for Specific Land Use Categories outlines the following for Multi-Unit Dwellings: Unit 1,000 square feet or less 1 space Planning Department Unit greater than 1,000 square feet and less than 2,000 square feet 1.5 space Unit greater than 2,000 square feet 2 spaces.
49. No units greater than 2,000 square feet are proposed for the HOPA development. The Applicant proposes 317 units requiring 330 parking spaces.
50. LMC § 15-6.1-9(B) establishes Planning Commission discretion to evaluate a reduction to AMPD parking requirements if the Applicant:
 - a. Demonstrates parking reductions materially increase the feasibility of the proposed AMPD.
 - b. Submits a parking and traffic study completed by a third party selected by the City.
 - c. Demonstrates that the proposed AMPD sufficiently addresses the parking demand for the project

51. On April 19, 2023, the Applicant submitted the Park City Holiday Village & Parkside Parking Study ("Parking Study") prepared by Hales Engineering for Planning Commission review pursuant to the requirements in LMC § 15-6.1-9(C). The Parking Study concludes in part "[a]n estimated 20% reduction in the parking requirement was calculated based on the development being nearby existing and planned transit facilities, having more than twice the required bicycle parking stalls, having carshare parking stalls, and having motorcycle parking stalls" and "[a]n additional 5% buffer was used to convert the parking demand to a recommended parking supply."
52. On June 21, 2023, the Applicant submitted an updated HOPA Parking Management Plan. The Applicant proposes the following:
 - a. All underground parking spaces will be assigned, and residents must register their vehicle with management. No household will be allowed to park more than one car onsite.
 - b. The Applicant shall market the project as ideal for local workers and their families who use transit and active transportation instead of cars.
 - c. The Applicant shall keep two separate waiting lists for households who do and do not own cars and allow people to get on both lists. If their name comes to the top of the "no car" list, they have the option to accept residence and get rid of their car.
 - d. The Planning Commission may require an additional twenty surface parking spaces in the Frontage Protection Zone after the last Planning Department buildings are completed to provide additional parking if the Planning Commission finds an updated parking study demonstrates increased parking demand.
 - e. Paratransit and microtransit turnarounds will be accessed from Kearns Boulevard.
 - f. The Applicant shall provide enclosed bicycle storage and outdoor, enclosed bicycle storage as outlined in the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
 - g. The Applicant shall provide an annual Park City Bikeshare pass for residents without a car. The Applicant agrees that a future Park City Bikeshare location may be located on site in coordination with Summit County and City staff.
 - h. Should a carshare program become available, the Applicant will allocate parking spaces on site for carshare use in a location approved by the Planning Director.

- i. As part of the Phase I construction, the Applicant shall install a concrete bus stop pad and bench along Monitor Drive to the size and dimensions and in a location approved by the City Engineer, Transportation, and Transit Department.
53. LMC § 15-6.1-9(D) establishes six criteria for AMPDs greater than one acre that the Planning Commission may consider when evaluating an Applicant's request to reduce parking, outlined below: (1) Parking in the Right-of-Way along the perimeter of the AMPD is available – parking in the Right-of-Way is not available on Monitor Drive or Kearns Boulevard. (2) A clear and irrevocable agreement authorizes AMPD residents to park in an off-site Parking Area or Parking Structure that is located within 1,000 feet of the AMPD perimeter boundary – the Applicant proposes parking off-site during Phase I and II construction, described below. However, the Applicant does not propose parking for AMPD residents within 1,000 feet of the AMPD perimeter boundary. (3) The AMPD is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards – the Parking Study reduces parking requirements by 11% due to proximity of bus stops. According to the Applicant's survey, 69.6% of the survey respondents take public transit to access daily needs. The Applicant met with Engineering, Transportation, Transit, and Planning staff to discuss the bus stops within the vicinity of the project and to evaluate bus stop upgrades to accommodate increased ridership. The Applicant Planning Department originally proposed a bus pullout along Monitor Drive. However, the Transit team recommended improvements to the bus stops along Kearns Boulevard rather than a bus pullout along Monitor Drive due to the limited bus route, ridership, and minimal time required for loading and unloading. The Transit team submitted documentation indicating boardings and alightings along Monitor Drive are minimal and do not warrant a bus pullout, even with increased ridership in the future. In 2018, the City completed an accessibility inventory of bus stops to identify compliance with ADA functional requirements and amenities such as shelters, seating, and signage. Physical characteristics and ridership information was collected on all stops served by Park City transit. This information was used as a baseline for prioritizing bus stop improvements. Stop 15080 Parkside Apartments was rated "B" for ADA functionality and "A" for amenities. While prioritizing bus stop improvements, the Parkside Apartment stop was not identified for improvement due to its relative score with other sites in the transit system. While this stop is not currently programmed for improvements, an increase in ridership presents an opportunity to revisit prioritization in coordination with the Applicant as the project develops. (4) On-site parking is provided for motorcycles/scooters – the Parking Study reduces parking requirements by 1% due to 14 on-site motorcycle stalls in the underground parking garages. According to the Applicant's survey, two respondents use a scooter or motorcycle. The Applicant's updated Underground Parking Exhibit increases on-site motorcycle stalls in the underground parking garage to 16 (Building A: 7, Building B: 1; Building C: 1; Building E: 1; Building F: 1; Building G: 5). The motorcycle/scooter parking stalls also provide e-bike charging. (5) Bicycle parking exceeds the requirements of LMC § 15-3-9 – the Parking Study reduces parking requirements by 4% due to on-site bicycle parking. At the time the Applicant submitted a complete Application, LMC § 15-3-9 required the Applicant to install outdoor bike racks for 10% of the required Off-Street Parking. The parking requirement for the project is 330 parking spaces, so the outdoor bike rack requirement is for 33 bikes. In addition to installing

outdoor bike racks, the Applicant proposes to exceed the bike parking requirement by providing enclosed bike parking within the parking garage and buildings and outdoor sheltered securable bike storage facilities. The Parking Study provided a 4% parking reduction because the Applicant's original Planning Department plan included bike parking for 74 bikes. According to the Applicant's survey, 26.1% of respondents bike to access daily needs. The Applicant's revised submittal increased the number of bike parking provided on site to 220—an increase of 146—and includes 188 sheltered securable bike parking within the parking garage and buildings: The Applicant also proposes to install a minimum of four outdoor sheltered, securable bike storage facilities for 32 or more bikes, as well as three bike racks with each providing bike parking for multiple bikes. In total, this provides secure enclosed bike parking for 220 bikes. In addition to providing secure enclosed bike parking for 220 bikes, the Applicant is coordinating with Summit County and City staff about a future Bike Share installation. Thirty percent of respondents to the Applicant's survey expressed an interest in a bike share program. (6) The AMPD provides dedicated parking spaces for resident carshare vehicles – the Parking Study reduces parking requirements by 4% for at least four carshare vehicles for the site. According to the Applicant's survey, nearly 20% of the respondents expressed an interest in a car share program.

54. Parking during construction – Additional considerations for parking include evaluation of parking during construction of Phases I and II. Pre-construction, the Applicant proposes requiring registration for residents with a vehicle to manage parking during construction.
55. During construction, the Applicant proposes issuing HOPA parking stickers for registered cars only. Cars without stickers will be towed if left more than 24 hours. No guest parking will be available during construction Phases I and II.
56. LMC § 15-3-2(C) states required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots. On May 22, 2023, the Applicant completed a Parking Requirement Evaluation for 1700 Kearns Boulevard, the commercial property directly south of the HOPA AMPD. The Applicant's Parking Requirement Evaluation reviews the existing parking for the commercial property with the required parking ratios outlined in LMC § 15-3-6.
57. The Applicant's Parking Requirement Evaluation concludes the mix of occupancy overlaps and 90% of the building is dedicated to business and retail use operating during the hours of 9:00 AM and 5:00 PM and 10% of the leasable area is for restaurant use open from 5:00 to 10:00 PM. The Applicant concludes the parking requirements of the adjacent commercial property generates a need Planning Department of up to 126 parking spaces and after 5:00 PM, the need reduces to 47 stalls until 10:00 PM. After 10:00 PM, the Applicant concludes the parking demand is reduced to zero.
58. On May 4, 2023, Ed Lewis, Chief Executive Officer of Kensington Investment Company and Park Meadows Plaza provided a letter of support for the HOPA AMPD, agreeing to facilitate the project through temporary use of 40 parking stalls

immediately adjacent to the south side of the HOPA site during Phase I and II of construction.

59. Development Agreement – LMC § 15-6.1-5 requires a Development Agreement for AMPDs in a form approved by the City Attorney that contains:
- a. A legal description of the land;
 - b. All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions;
 - c. An express reservation of the future legislative power and zoning authority of the City;
 - d. A provision to allow for minor, administrative modifications without revision of the Agreement;
 - e. A copy of the approved Site plan, architectural plans, Landscaping plans, Grading plan, trails and Open Space plans, and other plans, which are a part of the Planning Commission approval;
 - f. A description of all Developer exactions or agreed upon public dedications;
 - g. Developer agreement to pay all specified impact fees;
 - h. The Initial Purchase Price of the Affordable Units, as defined in the Housing Resolution in effect at the time of a Complete Application;
 - i. The form of ownership anticipated for the project;
 - j. A specific project phasing plan;
 - k. A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards; and
 - l. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.
60. LMC § 15-6.1-5(B) requires the Applicant to submit a draft Development Agreement to the Planning Department within six months of the date of Planning Commission approval. The Planning Commission holds a public hearing and ratifies Development Agreements, which are then signed by the Mayor.
61. Subdivision Approvals Required – The Applicant proposes subdividing the property in seven lots to accommodate phased construction. Due to the unique

proposal to subdivide the parcels in phases with proposed underground structures crossing lot lines, the Applicant proposes a subdivision phasing plan. Conditional Use Permit.

62. The project, as conditioned, meets the Conditional Use Criteria – Multi-Unit Dwellings in the RD Zoning District require a CUP. There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
63. The Planning Commission evaluates proposed Conditional Uses and may recommend conditions of approval to preserve the character of the Zoning District, and to mitigate potential adverse effects of the Conditional Use.
64. The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.
65. The table below outlines the sixteen criteria the Planning Commission reviews when considering a Conditional Use. Criteria not addressed in the AMPD Findings of Fact above are outlined in the table below: Criteria Proposed Project Size and location of the site The HOPA AMPD is on 6.98 acres within the Residential Development Zoning District and Frontage Protection Zone within the Park Meadows neighborhood. The Applicant's Contextual Analysis below shows the proposed HOPA AMPD for three vantage points: Planning Department Utility capacity, including storm water run-off The Development Review Committee discussed the proposed project on February 7, 2023, March 7, 2023, and June 6, 2023 and require no additional Conditions of Approval. Emergency vehicle access The Park City Fire District reviewed the proposed project on February 7, 2023, March 7, 2023, and June 6, 2023, and found conformance with their required standards. Signs No signs are proposed as part of this AMPD and CUP. Future sign installations require submittal of a Master Sign Plan for Planning Department review and approval prior to any sign installation. Physical design and The adjacent site to the north is a 3.44-acre Parcel in Planning Department compatibility with surrounding structures in mass, scale, style, design, and architectural detailing the Residential Development Zoning District with a church. Most of the site is surface level parking. The adjacent site to the east is the Park City School District Campus. The building closest to the HOPA AMPD is the Park City High School with an existing height up to 65 feet. On October 18, 2022, the Board of Adjustment approved a variance for the Park City High School addition that is 47 feet six inches in height. The Holiday Ranchettes Subdivision in the SingleFamily Zoning District is to the west across Monitor Drive. The adjacent site to the south is the Park Meadows Plaza Subdivision, with buildings constructed in 1973 and 1995 in the General Commercial Zoning District with a maximum building height of 35 feet. The HOPA property is situated in a transition area within the Park Meadows neighborhood from SingleFamily Dwellings to the commercial and school uses on Kearns Boulevard. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site The HOPA AMPD

meets the 25-foot perimeter setback from adjacent properties. Additionally, the HOPA AMPD meets the 100-foot Frontage Protection Zone setback from Kearns Boulevard. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies The HOPA AMPD is owned by Mountainland Community Housing Trust. The deed restrictions that must be recorded governing the long-term affordability of the development require primary residency and prohibit nightly rentals or other short-term rental. The Applicant does not propose condominium ownership of any units; rather, the HOPA AMPD will be affordable unit rentals only.

66. The Development Review Committee evaluated the HOPA AMPD and CUP on February 7, 2023, March 7, 2023, and June 6, 2023. Recommended Conditions of Approval are included below. Planning Department
67. The Planning Commission conducted a work session on March 22, 2023, a site visit and public hearing on April 26, 2023, a public hearing on May 24, 2023, and a public hearing on June 28, 2023.

Conclusions of Law
Affordable Master Planned Development

1. Provides at least 50% Affordable Units;
2. Complies with requirements of the Land Management Code;
3. Meets the minimum requirements of this Chapter;
4. Provides meaningful Open Space for residents and the public;
5. Strengthens and enhances the resort character of Park City;
6. Complements the natural features on the Site and preserves significant features or vegetation to the extent possible;
7. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
8. Promotes the Use of non-vehicular forms of transportation through design and by providing trail and pathway connections;
9. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
10. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application, and includes Energy Star qualified products for appliances;

11. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
12. Addresses and mitigates Historic Mine Waster and complies with the requirements of the Park City Soils Boundary Ordinance;
13. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
14. Addresses and mitigates traffic; and
15. Addresses and mitigates parking reductions and parking management.

Conditional Use Permit

1. The Application complies with all requirements of this LMC;
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation; Planning Department; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stockpiling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance, fencing, protection of existing vegetation, erosion control, storm-water management, and other items as may be required by the Building Department.
2. A storm-water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm-water Best Management Practices. Post development drainage shall not exceed development drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
3. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
4. Final utility plans shall be submitted with the Building Permit.

5. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
6. Approval of this AMPD shall expire two years from the date of Development Agreement execution unless construction, as defined by the International Building Code, has commenced on the project.
7. Affordable Deed Restrictions – Prior to a certificate of occupancy, provisions to ensure continued affordability shall be embodied in legally binding deed restrictions, approved by the City Attorney, and recorded with the County. Planning Department.
8. The deed restrictions shall conform with the requirements outlined in the Park City Affordable Housing Resolution No. 05-2021 or as otherwise determined by the Park City Housing Authority.
9. The deed restrictions shall continue in full force and effect for a period not less than forty years. Upon expiration of the initial forty-year term, or any subsequent term, the City shall have six months in which to determine, based on an independent market study, that the affordable units within the AMPD are no longer necessary to satisfy the affordable or workforce housing needs of the City. The City Council or its successor shall make the final determination of such continuing need, and if the City makes no such determination, the deed restrictions shall automatically renew for one or more additional 10-year terms.
10. The property owner shall submit to the City an annual compliance report as amended from time to time by the City or its designee, verifying deed restriction compliance.
11. Building Height – The Applicant's building permit plans and building heights shall substantially conform to the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
12. Garbage and Recycling – Final dumpster enclosure locations shall be approved by Republic Services and shall not encroach into site setbacks. Recycling shall be provided for but not be limited to glass, paper, plastic, cans, cardboard or other household generated recyclable and scrap materials.
13. Noxious Weeds – Noxious weeds identified by Summit County must be removed from the property in accordance with Summit County regulations prior to issuance of Certificate of Occupancy.
14. Dark Sky Compliance – Prior to issuance of a Certificate of Occupancy, the outdoor lighting shall conform to the requirements of City's Dark Sky Code in LMC Section 15-5-5(J), be fully shielded, down directed, with bulbs 3,000 degrees Kelvin or less.

15. Child Care – In-home babysitting and family child care are allowed within primary residences subject to Planning Department review and approval. If a family group child care and/or child care center is proposed within the property, the family group child care and/or child care center does not require a Conditional Use Permit nor Planning Commission review and is subject only to Planning Director review for conformance with the requirements of the Land Management Code.
16. Design Guidelines – The materials submitted at the building permit phase shall substantially comply with the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
17. Community Garden – Should the residents within the development desire a community garden, the Applicant has allocated an area identified on the Site Plan dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023. The community garden may be placed anywhere onsite, including within the Frontage Protection Zone.
18. Landscaping – The Applicant shall remove trees impacted by the Bark Beetle as soon as possible and prior to beginning construction.
19. The Applicant shall select salt tolerant trees and filters to protect vegetation near areas proposed for snow storage.
20. The Applicant shall include landscaping phasing plan in the project phasing plan to ensure new vegetation is established.
21. The Applicant shall establish a three-year review after final project completion to evaluate the health and viability of new vegetation.
22. Sustainability – The Applicant shall install 54 Electric Vehicle Charging Stations for 20% of the parking stalls prior to issuance of a Certificate of Occupancy.
23. The Applicant shall construct all-electric buildings.
24. The Applicant shall install windows specifically designed for the mountain climate with performance of R-5 to R-9.
25. The Applicant shall install exterior wall insulation that exceeds the requirements of the building code by installing R-23 that incorporate at least 25% recycled content.
26. The Applicant shall incorporate bioswales in the landscaping to collect and remove pollutants from stormwater runoff as illustrated on the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
27. The Applicant shall construct buildings that are solar PV ready.

28. During the design development and construction document phases, the Applicant shall review Energy Use Intensity with the Sustainability Department to achieve lower utility bills for living spaces.
29. Parking Management Plan – All underground parking spaces will be assigned, and residents must register their vehicle with management. No household will be allowed to park more than one car onsite, unless otherwise determined by the Parking Management Plan.
30. The Applicant shall market the project as ideal for local workers and their families who use transit and active transportation instead of cars. Planning Department
31. The Applicant shall keep two separate waiting lists for households who do and do not own cars and allow people to get on both lists. If their name comes to the top of the “no car” list, they have the option to accept residence and get rid of their car. Those on the “no car” list will have priority over those who own cars.
32. The Planning Commission may require an additional twenty surface parking spaces in the Frontage Protection Zone after the last buildings are completed to provide additional parking if the Planning Commission finds an updated parking study demonstrates increased parking demand.
33. Paratransit and microtransit turnarounds will be accessed from Kearns Boulevard.
34. The Applicant shall provide enclosed bicycle storage and outdoor, enclosed bicycle storage as outlined in the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
35. The Applicant shall provide an annual Park City Bikeshare pass for residents without a car. The Applicant agrees that a future Park City Bikeshare location may be located on site in coordination with Summit County and City staff.
36. Should a carshare program become available, the Applicant will allocate parking spaces on site for carshare use in a location approved by the Planning Director.
37. As part of the Phase I construction, the Applicant shall install a concrete bus stop pad and bench along Monitor Drive to the size and dimensions and in a location approved by the City Engineer, Transportation, and Transit Department.
38. When the Transit and Engineering Departments determine ridership for Stop 15080 Parkside Apartments increases to the degree it warrants bus stop improvements, the Applicant shall meet with the City Transit and Engineering Departments and commits to improving internal pedestrian connectivity to the upgraded bus stop.
39. Bike Parking – The Applicant shall provide sheltered securable bike parking for 188 bikes in the parking garage and buildings, shall install a minimum of four outdoor sheltered, securable bike storage facilities for 32 or more bikes and three

bike racks for bike parking, as indicated in the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.

40. The Applicant shall provide an annual Park City Bikeshare pass for residents without a car. The Applicant agrees that a future Park City Bikeshare location may be located on site in coordination with Summit County and City staff. Planning Department.
41. Long-Term Parking Management – A high-speed remote-controlled gate at the entrance to the parking structure.
42. Camera installations in the parking structure for remote monitoring 24/7 by the management company.
43. Use of parking permits/stickers for all vehicles authorized to park in the parking structure; cars without stickers will be towed at the owner's expense.
44. Numbered parking stalls – residents will be granted no more than one parking space.
45. The annual operating budget will include an allowance to sweep and clean the parking area on a semi-annual basis.
46. Parking During Construction – Parking shall comply with the Parking Management Plan.
47. Prior to submitting a draft Development Agreement, the Applicant shall submit a formal agreement between Kensington Investment Company and the Applicant providing for 40 temporary parking stalls immediately adjacent to the south side of the HOPA site to be available for use until Phase II construction is complete.
48. During construction of the project, the Applicant shall submit an annual report to the Planning Department for review by the Planning Director outlining parking available to residents and parking management plan compliance. The Planning Director may recommend additional review by the Planning Commission if the Director determines the demand is not satisfied through on-site and off-site parking.
49. The Applicant shall submit a draft Development Agreement to the Planning Department within six months of the date of Planning Commission approval. The Development Agreement must be ratified by the Planning Commission, signed, and recorded, prior to building permit issuance.
50. The Applicant shall submit a complete subdivision application to the Planning Department for review, approval, and recordation prior to submitting a building permit for each phase of development.

51. The Applicant shall submit an access easement agreement in a form approved by the City Attorney's Office for the vehicular access to the property from Kearns Boulevard indicated on the Park Meadows Plaza Survey.
52. Mechanical Equipment – Mechanical equipment will be required to comply with the requirements of LMC § 15-5-5 regarding location on the building, compliance with setbacks, and required screening.
53. The Applicant shall provide an annual report to the Planning Commission on parking, and the Planning Commission shall review and potentially require the 20 proposed additional surface level parking spaces. The Planning Commission may also include an evaluation of whether the Kearns access to the underground parking structure should be opened for resident access.

Commissioner Frontero seconded the motion.

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

Chair Suesser advised that Commissioner Kenworthy left the meeting.

B. 2644 Aspen Springs Drive - Conditional Use Permit - The Applicant Proposes to Construct a Private Recreation Facility (Swimming Pool) in the Single-Family Zoning District. PL-23-05658

Commissioner Hall reported that she would recuse herself from the above item as she sold the applicant the Lot.

City Planner, Spencer Cawley reported that the proposal is for a CUP for a 17' x 40' swimming pool. He presented images of the proposed pool. The property is within the Sensitive Land Overlay Zone, and would impact both the Entry Corridor and a Vantage Point from McPolin Barn and S.R-224. He presented images provided by the applicant that showed the view from the Barn, and the front and rear corners of the property. He also presented images from the neighboring properties.

Chair Suesser asked about the Landscaping Plan. Planner Cawley explained that the image presented showed an area that was part of the Wildland Urban Interface Code, so no evergreens could be placed within that area. All of the proposed evergreens were on the outside of that area. He added that the applicant included some deciduous trees, and everything else would be revegetated with a grass and wild flower seed mix.

In response to an inquiry from Commissioner Van Dine, Planner Cawley explained that there were additional trees on one side to block the view of neighbors, but there would be nothing to block the view from the Barn because they were not allowed to plant evergreens within that area. He added that the area outside of that zone was a platted open space that the applicant was not allowed to disturb.

Commissioner Van Dine observed they could not plant a large hedge in the area, but Chair Suesser noted they could plant trees, just not evergreens. Commissioner Van Dine's asked what could be planted in that area to provide more screening from the McPolin Barn.

Chair Suesser opened the public hearing.

Bill Ciraco identified himself as the Aspen Springs HOA President and a member of their Architectural Review Committee. He stated the HOA allowed owners to landscape in the areas outside the Limits of Disturbance. The Plat and the Covenants, Conditions and Restrictions (“CCRS”) calculate the Limits of Disturbance differently than the City, and the applicant’s existing structure and hardscape fall within the HOAs allowance for Limits of Disturbance. He stated that the applicant can landscape anything up to their property line. He understood that the only restriction was the applicant could not plant evergreens within the black line shown on the graphic. Speaker Ciraco opined that there is room for additional landscaping.

Commissioner Van Dine suggested that they require sufficient screening looking south from the Vantage Point. Because this property was located within the Sensitive Land Overlay, the Commission had the ability to enforce it. Chair Suesser felt they needed to specify it further in the Conditions of Approval. Commissioner Van Dine suggested “screening vegetation.” Commissioner Sigg noted the language in CUP review criteria in the Staff Report. City Attorney Harrington stated that it was not included in the Conditions of Approval because the screening was already shown on the east and west on the plan. He suggested adding Condition of Approval 10 to clarify that the Landscape Plan shall be modified to show screening from the north.

Chair Suesser clarified that Condition of Approval 10 would state that the Landscape Plan would be modified such that the northeast side of the property shall include additional screening downhill from the pool. Commissioner Sigg wanted to make clear that it would screen the length of the pool.

Commissioner Van Dine suggested that the screening be required along the length of the pool fronting the McPolin Barn.

Chair Suesser asked if it was adequate to just reference screening. Planner Cawley stated they could specify vegetative screening. Commissioner Van Dine suggested “large screening vegetation” and suggested it be reviewed. Chair Suesser added that it be modified “to include additional significant vegetative screening.” Speaker Ciraco noted that there is significant room behind the property where the applicant could plant evergreen trees. He felt the applicant had done a good job landscaping the property and would comply with the Conditions of Approval.

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

MOTION: Commissioner Frontero moved to APPROVE 2644 Aspen Springs Drive - Conditional Use Permit – based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Final Action Letter, as amended:

Findings of Fact

1. The Site is located at 2644 Aspen Springs Drive.
2. The Site is within the Single-Family (SF) Zoning District.
3. The Property is Lot 46 of the Aspen Springs Ranch Subdivision Phase II.

4. The Lot contains 1.557 Acres.
5. Private Recreation Facilities (Swimming Pool) are a Conditional Use in the SF Zoning District and require Planning Commission review and approval.
6. On May 10, 2023, the Planning Department received a Conditional Use Permit Application to construct a Swimming Pool.
7. On June 5, 2023, the Planning Department determined the Conditional Use Permit Application complete.
8. The proposed Swimming Pool is for the benefit of the Property Owner and will not be accessible to general public.
9. The total area of disturbance for this site is 25,195 square feet. The Applicant is required to revegetate all disturbed Area except for the driveway, Single-Family Dwelling, and hardscape Areas. The total disturbed Area required to be revegetated is 13,319 square feet.
10. The Front Setback in the SF Zoning District is 20 feet for main Structures and 25 feet for Garages.
11. The Rear Setback in the SF Zoning District is 15 feet.
12. The Side Setback is 12 feet, each side.
13. The site's main Structure is set back 73 feet and the Garage is set back 37 feet from the front property line.
14. The proposed Swimming Pool is set back 130 feet from the Front Setback, behind the existing Structure.
15. The proposed Swimming Pool will be set back 115 feet from the rear property line.
16. The proposed Swimming Pool will be set back 80 feet from the east side property line and 180 feet from the west side property line.
17. The Limits of Disturbance ("LOD") or Building Pad ("BP") for Lot 46 is 12,000 square feet.
18. The proposed Swimming Pool is in the LOD/BP.
19. The proposed Swimming Pool does not disturb the platted Open Space Area.
20. The Aspen Springs Ranch Architectural Review Committee approved the Swimming Pool on May 8, 2023.

21. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
- a. Size and Location of Site Condition of Approval – Condition of Approval #1.
 - b. Traffic Capacity – The Swimming Pool will not generate traffic beyond the primary Use of the Property as a Single-Family Dwelling.
 - c. Utility Capacity – On June, 6, 2023, the Water Department and Snyderville Basin Water Reclamation District reviewed this proposal. They require the Applicant to provide a plan that will address draining and cleaning the pool.
 - d. Emergency Vehicle Access – The proposal will not change emergency access to the Property. On June 6, 2023, Park City Fire District reviewed the proposal and does not require additional emergency access to the site.
 - e. Off-Street Parking – The LMC requires two off-street parking spaces for a Single-Family Dwelling and one off-street parking space per four persons maximum rated capacity for a Private Recreation Facility. The Applicant can park a minimum of four vehicles off-street in the attached Garages.
 - f. Internal Vehicle and Pedestrian Circulation – No unmitigated impacts. The Swimming Pool will be used primarily by the property owner and their guests which will not change the Lot's vehicle and pedestrian circulation.
 - g. Fencing, Screening, and Landscaping – Conditions of Approval 4 and 5.
 - h. Structure Mass, Bulk, and Orientation – The property gradually slopes away from Aspen Springs Drive toward the rear of the property. The proposed Swimming Pool will be behind the existing Single-Family Dwelling within the allowed LOD.
 - i. Useable Open Space – Not applicable. There are no open space requirements for a Single-Family Dwelling. The addition of the Swimming Pool does not affect the platted Ranch Open Space at the rear of the property.
 - j. Signs and Lighting – Condition of Approval 6. Signs are not proposed or approved with this application. The landscape plan proposes outdoor lighting, restricted to the back patio, water features, and along the driveway.
 - k. Physical Design and Compatibility with Surrounding Structures – The Planning, Engineering, and Building Departments will review the final design prior to issuance of a building permit. The Planning Department will review the Swimming Pool materials and design for compliance with LMC Chapter 15-5 Architectural Review and the Conditions of Approval of this Conditional Use Permit.

- l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures – Conditions of Approval 6 and 7. The Swimming Pool equipment will be vaulted at the northeast corner of the existing Single-Family Dwelling. The area is further screened by a tiered rock retaining wall, two Quaking Aspens, one Amur Maple, three Indian Currants, five Snowberry Shrubs, and five Ashleaf Spirea.
 - m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas – Vehicles for service and maintenance of the Swimming Pool will access the Property from Aspen Springs Road.
 - n. Expected Ownership – The Applicant is the owner of record, and the property will be maintained as a Single-Family Dwelling.
 - o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slope – Conditions of Approval 8 and 9.
 - p. General Plan Consistency – The Property is located in the Aspen Springs neighborhood and is the Applicant's primary residence. The General Plan calls out the importance of developing a Sense of Community for those that choose to live in Park City full-time. Goal 7 of the General Plan states that the City strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and play.
- 22. The proposal complies with the Sensitive Land Overlay Criteria outlined in LMC Chapter 15-2.21.
 - a. Slope – The proposed area for the Swimming Pool has a slope of 12%, which is not a Significant Steep Slope as defined in the LMC.
 - b. Ridge Line Areas – The proposed Swimming Pool will not affect crests of hills or ridge line areas. No ridgelines cross through or adjacent to the property.
 - c. Vegetative Cover – Prior to construction of the Single – Family Dwelling, the site had very little vegetation. The image below, taken from the City's GIS database, shows the property's small amount of vegetation in yellow. The proposed landscape plan will introduce native, fire-wise, and waterwise vegetation to the site.
 - d. Designated Entry Corridors and Vantage Points – The property is visible from McPolin Barn and SR 224.
 - e. Wetlands – Freshwater ponds and freshwater shrub wetlands are to the east of the Property. Freshwater emergent wetlands are to the north and to the east of the Property. No wetlands cross the site. The site is more than 50 feet from these Wetland Areas.

- f. Stream Corridors, Canals, and Irrigation Ditches – Streams in the area are to the north and east of the Property and do not cross the site.
 - g. Wildlife Habitat Areas – The Property is a developed site and has a defined LOD. The Aspen Springs Ranch Subdivision Phase II includes an area of platted Open Space behind Lot 46 that cannot be developed and must be maintained as Open Space. This Area of Open Space acts as a buffer for wildlife in the area.
- 23. On June 6, 2023, the Development Review Committee reviewed the proposal. Snyderville Basin Water Reclamation District and the City's Water Department require the Applicant to provide a plan that will address draining and cleaning the pool. The Applicant shall not drain into the storm water or sewer systems without approval from SWBRD and the Water Department.
 - 24. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to property on June 14, 2023.
 - 25. Staff mailed courtesy notice to property owners within 300 feet on June 14, 2023.
 - 26. The Park Record published notice on June 14, 2023.

Conclusions of Law

- 1. The Application complies with all requirements of the LMC.
- 2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. The Swimming Pool shall be within the 12,000 square foot LOD/BP as indicated on the plans.
- 2. Snyderville Basin Water Reclamation District and the City's Water Department require the Applicant to provide a plan that will address draining and cleaning the pool. The Applicant shall not drain into the storm water or sewer systems without approval from SBWRD and the Water Department.
- 3. The Applicant shall satisfy all parking on site and shall not park on Aspen Springs Drive.
- 4. The Applicant shall include the retaining walls in the scope of their Building Permit as required by LMC § 15-4-2(D): A Building Permit is required for construction of any Fence or retaining wall greater than six feet in height.

5. All outdoor lighting shall be compliant with LMC § 15-5-5(J) and the dark sky standards. Outdoor lighting must be shielded. Lightbulbs shall not exceed 3,000 degrees Kelvin.
6. The use of the Swimming Pool shall be limited to the property owners and their guests.
7. The Applicant shall adhere to Park City's Noise Ordinance. Outdoor speakers shall be limited to the approved building plans and no additional outdoor speakers are approved or allowed with this Conditional Use Permit.
8. The Applicant shall provide an updated Construction Mitigation Plan for review by the Planning, Engineering, and Building Department at the time of Building Permit Application.
9. The updated Construction Mitigation Plan must verify the Limits of Disturbance for the construction operations as well as define construction access locations and material laydown locations for the site.
10. The Landscape Plan shall be modified such that the northeast side of the property shall include additional significant vegetative screening downhill from the pool.

Commissioner Sigg seconded the motion.

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

Commissioner Hall rejoined the meeting.

C. 2175 Sidewinder Drive - Conditional Use Permit - The Applicant Proposes an Annual Tent Installation in the Summer Months for a Private Event. PL-23-05693.

City Planner, Lillian Zollinger reported that the applicant was seeking an ongoing Conditional Use Permit for a temporary tent for a private event in the summer months. She noted that this event would be approximately three weeks each summer, and would benefit the Park City Math Institute. She stated that temporary tents up for longer than 14 days require a CUP, as reviewed by the Planning Commission.

Planner Zollinger presented an image of the site location and the proposed tent, which had been in the similar location and of the similar size for several years. She listed the previous approvals, and advised that throughout the years the length of the event increased so the applicant was at the point where it would be longer than two weeks and require an ongoing CUP. She added that the ongoing CUP would be better for the applicant in the long run. She reported that the site is located within the Residential Development ("RD") Zoning District, and the temporary tent would be compliant with Setbacks and Height, as well as the Temporary Structure requirements as set forth in the Staff Report, and as Conditioned.

The tent will take up parking for the residents, and she identified the area that the applicant proposed for parking. She referenced the applicant's representation that the parking was never

full, and during the event most of the guests were on site or could arrive by transit. Additionally, usually the event staff does not drive to the event.

Planner Zollinger highlighted certain Conditions of Approval. She advised that the temporary tent installation would be able to be up for up to 31 days, and the tent must come down within three days of the final event. She also highlighted that the temporary tent would not be allowed to be used for other private events. The tent may not be larger than 40' x 120' x 10' and no more than three parking stalls may be used by employees of the private event in the Prospector Parking Lot as defined in Exhibit C. In addition, the Park City Fire Department required 20 feet of asphalt access for emergency vehicle access adjacent to the temporary tent, and the tent shall not impede emergency access.

With regard to Condition of Approval #8, Planner Zollinger stated that the applicant shall apply for a Fire and Building Permit each year at least one month before the proposed installation of the temporary tent. Additionally, the applicant shall provide notice to the residents one month prior to installation of the temporary tent. She also stated that residents may park in the Prospector Parking area for the duration of the temporary tent installation. If at any time parking is found to be insufficient and create significant impacts to vehicle, pedestrian or emergency access as reported by the neighborhood, the permit shall be invalid and the applicant must return to the Planning Commission for review of the ongoing temporary tent permit.

Planner Zollinger advised that the Planning Commission may approve the CUP, deny the CUP and direct Staff to make findings for the denial, or it may request additional information and continue the matter to a date certain. Staff recommended the Planning Commission review the proposed CUP, hold a public hearing, and consider approving the ongoing CUP for the temporary tent. In response to Chair Suesser's inquiry, Planner Zollinger advised that the event was for the Park City Math Institute.

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

Commissioner Frontero understood that if the Commission approved this application, then every year forever the applicant could install this tent. He would like to add a Condition that they review the CUP in three years. Commissioner Sigg concurred and noted that part of the area at one time was a development site. He would suggest language that absent development, it would be reviewed every three years.

Chair Suesser suggested it might be better to have them return every year rather than expand their approved use. The applicant stated that they have an easement stating that the neighboring property owner would have access to the back lot over the applicant's property and the applicant was not impeding that access. There had been no problems over the years during the event, and there was more than 22' of access along the tent for fire trucks or any other vehicles wanting to access the back lot.

Chair Suesser suggested an addition to the Conditions of Approval that the access would be provided. City Attorney Harrington stated it was already included in Condition of Approval 6, and they could add "or access to the rear parking lot." Commissioner Sigg was happy with that information. City Attorney Harrington also referenced Condition of Approval 11 that would require the applicant to return to the Planning Commission if the parking was determined to be insufficient.

Chair Suesser felt the edited version of Condition of Approval 6 did not address the easement with the neighbor. Planner Zollinger suggested they could specify the name of the parking lot. The applicant stated the parking lot was used for overflow parking for Silver Mountain Spa.

Commissioner Sigg was satisfied with the fire access and the 22' right-of-way. He observed that most driveways required a minimum of 20 feet. Chair Suesser felt it should be clear that the access was for Silver Mountain Spa uses on the property immediately adjacent to the south.

Commissioner Frontero did not think the applicant should be required to return every year for the tent, and was comfortable with a three-year review. Commissioner Hall advocated that the Planning Director review the CUP every three years. She mentioned that applying for a CUP was expensive and time consuming.

Commissioner Sigg agreed with Commissioner Hall and Commissioner Frontero. Commissioner Van Dine agreed and felt that making non-profits come back and pay money was not right and inefficient.

Chair Suesser stated that they were permitting a use that might have an impact on the sale or redesign of that building, and the applicant was here to protect his use.

Commissioner Sigg felt that process of something changing next door would likely occur after expiration of the three-year review period.

Commissioner Hall felt that Silver Mountain was protected in that they received notice of this CUP and they have an easement. She suggested that if there were any issues with this CUP, it should go to the Planning Director for review.

Chair Suesser hoped they were not impeding any future development.

MOTION: Commissioner Frontero moved to APPROVE 2175 Sidewinder Drive – Conditional Use Permit, based on the Findings of Fact, Conclusions of Law and Conditions of Approval included in the Draft Final Action Letter, as amended:

Findings of Fact

1. The Property is located at 2175 Sidewinder Drive and is a part of the Prospector Square Condo Subdivision.
2. The Property is located within the Residential Development (RD) Zoning District.
3. In the RD Zoning District, the Front Setback is 20 feet, the Rear Setback is 15 feet, and the Side Setbacks are 12 feet. The maximum building height is 28 feet.
4. The Applicant proposes to install a temporary tent once each year in the summer months (June, July, and/or August) for a private event (Park City Math Institute Event) hosted on the Property.
5. The temporary tent is not installed in the Setbacks.

6. The tent is proposed to be located on private property in the parking lot located directly behind the conference center at 2175 Sidewinder Drive and the Silver Mountain Sports Club and Spa at 2080 Gold Dust Lane. The HOA has approved the location and temporary construction of the tent.
7. The proposed tent is 40' by 120' by 10'.
8. The proposed tent location will temporarily impact parking for the Condo residents. Additional temporary parking is available for Condo residents in The Prospector parking lot.
9. There are no proposed signs or lights.
10. Temporary Structures require review pursuant to the criteria outlined in LMC § 15-4-16:
 - a. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan - See Condition of Approval 5: The current Uses of the site are Multi-Unit Dwellings and Private Event Facility (The Prospector Conference Center). LMC § 15-3-6 requires the following parking requirements for Multi-Unit Dwellings:
 - 1 parking space per Condos less than 1,000 square foot (sf) floor area;
 - 1.5 parking spaces per Condos more than 1,000 square feet and less than 2,000 square feet; and
 - Two parking spaces per Condos more than 2,000 square feet.

There is no specific parking requirement for Private Event Facilities designated in the LMC. There are approximately 180 parking spaces on site currently between the Condos and the Conference Center. The temporary tent covers approximately 40 spaces in the parking lot where the event takes place. The Applicant stated, "The Conference Center parking lot has more than 50 parking spaces, and on any given day, 3-5 cars park there, with the rest remaining empty. It will be possible to accommodate any disruption caused by the installation of a tent on the target parking lot." Additionally, most of the participants will be on site, or nearby, and take public transportation, and not increase the demand for parking spaces.

- b. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure - See Condition of Approval 6: The temporary tent will temporarily impact pedestrian circulation but shall not impede emergency access.
 - c. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3 - See Condition of Approval 7: The event shall not violate the Noise Ordinance.

- d. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9 - Complies: No proposed or approved Signs or Lights.
 - e. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering - See Condition of Approval 6: The Development Review Committee ("DRC") reviewed this on June 6, 2023, and required a Condition of Approval.
 - f. The Use shall not violate the International Building Code ("IBC"). See Condition of Approval 8: The Applicant shall be required to submit a building permit each year for review of compliance with the IBC and with this CUP.
11. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
- a. Size and Location of Site – Complies: The proposed temporary tent location is near the side and rear of the property, mostly shielded by existing structures, and outside of Setbacks.
 - b. Traffic – Complies: The Applicant's event will increase traffic slightly during drop-off and pick-up times. However, this will not significantly impact traffic throughout the day.
 - c. Utility Capacity - Complies: No changes to utility needs.
 - d. Emergency Vehicle Access - See Condition of Approval 6: The Park City Fire District requires 20' of asphalt access for emergency vehicle access. The temporary tent shall not impede emergency access.
 - e. Parking – See Condition of Approval 5: Parking on site will be temporarily impacted during the private event. Condo residents will be able to park at The Prospector for the duration of the event.
 - f. Internal Vehicular and Pedestrian Circulation – See Condition of Approval 5: The internal vehicular circulation will be temporarily impacted during the private event, wherein no Condo residents will be able to park in the parking lot where the temporary tent is located. The pedestrian circulation system will be temporarily impacted by the proposed tent location.
 - g. Fencing, Screening, and Landscaping – Complies: The temporary tent will be mostly screened by the existing building, and will not impact landscaping, as the tent will be installed on existing asphalt.
 - h. Building Mass, Bulk, and Orientation – Complies: No change to building size.

- i. Usable Open Space - Complies: No open space impacted.
 - j. Signs and Lighting – Complies: No proposed signs or lighting.
 - k. Physical Design and Compatibility with Surrounding Structures – Complies: A temporary tent is not required to be compatible with surrounding structures, as it will be removed yearly.
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – See Condition of Approval 7: The event shall comply with the City's Noise Ordinance.
 - m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas - Complies: The delivery of the tent will not impede public Right-of-Way, and existing load and unload zones, trash and recycling, will not be impeded by the temporary tent.
 - n. Expected Ownership and Management – Complies: The Applicant has permission from The Prospector HOA General Manager for the installation of the temporary tent.
 - o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes – Complies: No unmitigated impacts.
 - p. Reviewed for Consistency with the Park City General Plan – Complies: The proposed temporary tent supports the Park City Math Institute event. The event is in keeping with Goal 10 of the General Plan, herein, "Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community."
12. The Development Review Committee reviewed the proposal on June 6, 2023, and recommended Condition of Approval 6.
13. Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on June 14, 2023. Staff mailed courtesy notice to property owners within 300 feet on June 14, 2023. The Park Record published notice on June 14, 2023.

Conclusions of Law

1. The application is reviewed for compliance with Land Management Code § 15-1-10(E), Conditional Use Review Process, LMC Chapter 15-2.13, Residential Development (RD) Zoning District, LMC Chapter 15-4-16, Temporary Structures, Tents, and Vendors.

2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final tent installation plans shall be similar to the plans reviewed on June 28, 2023, by the Planning Commission. Any significant changes, modifications, or deviations from the approval that have not been approved in advance by the Planning and Building Departments may result in a Stop Work Order.
2. The temporary tent installation may be installed for up to 31 days. The tent must come down within three days of the final event.
3. The temporary tent is not allowed to be used for other private events.
4. The temporary tent may not be larger than 40' by 120' by 10'.
5. No more than three parking stalls may be used for employees of the private event on the Prospector parking lot (see Exhibit C).
6. The Park City Fire District requires 20' of asphalt access for emergency vehicle access adjacent to the temporary tent (see Exhibit B). The temporary tent shall not impede emergency access or access for Silver Mountain Spa uses on the property immediately adjacent to the south.
7. There shall be no exception granted for the tent and private event with the City's Noise Ordinance.
8. The Applicant shall apply for a Fire and Building permit each year, at least one month before the proposed installation of the temporary tent.
9. The Applicant shall provide notice to the residents one month prior to the installation of the temporary tent.
10. Condo residents may park in The Prospector parking area for the duration of the temporary tent installation.
11. The Planning Director shall review the Conditional Use Permit every three years. If at any time parking is found to be insufficient and creates significant impacts on vehicle, pedestrian, or emergency access circulation, as reported by the neighborhood, this permit shall be invalid and the Applicant shall return to the Planning Director for review of the ongoing temporary tent permit.

Commissioner Sigg seconded the motion.

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

D. 7700 Marsac Avenue - Conditional Use Permit - The Applicant is Requesting a Conditional Use Permit to Replace the Existing Salt Storage Shed at 7700 Marsac Avenue, in the Recreation and Open Space (ROS) Zoning District and Sensitive Land Overlay (SLO). PL-23-05637

Planner Zollinger reported that the applicant is proposing to install a new salt storage shed at 7700 Marsac Avenue. She presented an image showing some of the damage to the structure this winter. As stated in the Staff Report, she advised that the request was compliant with CUP criteria, wherein most of the criteria have no unmitigated impacts and where there are concerns, Staff proposed Conditions of Approval. The proposal was compliant with the Recreation and Open Space Zoning District in terms of Setbacks and Building Height. She noted the new shed would be 28' tall, bringing it into compliance with the requirements.

Planner Zollinger reported that the proposal is also compliant with the Sensitive Land Overlay wherein no development was allowed within 50 feet of Very Steep Slopes unless approved by the Planning Commission. This proposal was compliant via recommended Conditions of Approval and the Commission's decision here today. She presented an image showing the existing shed and the proposed shed. She mentioned the existing site was already paved and would not require any additional cuts into the hill. The Planning Commission may vary the Setbacks from Very Steep Slopes, and based on the Conditions of Approval, the application met those criteria as outlined in the Staff Report. She referenced a Condition of Approval that the existing shed shall be removed the site in its entirety and the Limits of Disturbance shall be limited to the minimal area necessary to excavate and backfill the foundation. Additionally, no Significant Vegetation shall be disturbed with the replacement of the salt shed. Disturbance to the existing hillside was prohibited.

Planner Zollinger stated the Commission could approve the CUP, deny it and direct Staff to make findings for denial, or request additional information and continue the item to a date certain. Staff recommended the Planning Commission review the proposal, conduct a public hearing, and consider approving the reduction in Setbacks to the Very Steep Slopes and approve the CUP.

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

MOTION: Commissioner Van Dine moved to APPROVE the 7700 Marsac Avenue – Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action Letter:

Findings of Fact

1. The Property is located at 7700 Marsac Avenue, Parcel Number PCA-S-46-98-X.
2. The Property is located within the Recreation and Open Space (ROS) Zoning District and the Sensitive Land Overlay (SLO) Zone.
3. In 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655-acre Flagstaff

Mountain Area. The Mine Bench property at 7700 Marsac Avenue was included in this agreement.

4. In 2017, PCMC and EPMOA entered a Lease Agreement for 1.3 acres of the 29-acre parcel at Ontario Mine.
5. In the ROS Zoning District, the Setbacks are 25 feet from property lines and any right-of-way. The maximum building height is 28 feet.
6. The Applicant proposes to install a salt shed.
7. A salt shed is an Essential Municipal Structure. An Essential Municipal Structure is a Conditional Use in the ROS Zoning District.
8. The salt shed is 50 feet by 50 feet (2,500 square feet) by 27 feet, 8 inches tall. The shed materials will be mostly constructed from steel and concrete.
9. The current salt shed is approximately two feet from Very Steep Slopes. The proposed shed will be approximately five feet from Very Steep Slopes.
10. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
 - a. Size and Location of Site – No unmitigated impacts. This is an existing site currently being utilized for salt storage and other light industrial and municipal uses including the EPMOA Maintenance Building, EPMOA Fuel Tanks, and PCMC Public Works Yard (temporary PCFD Fire Station).
 - b. Traffic – No unmitigated impacts. The replacement structure will not impact existing traffic conditions. 7700 Marsac Avenue is accessed directly off Marsac Avenue. As signed from Marsac Avenue, no unauthorized vehicles are allowed onto the property, anticipated traffic includes salt delivery, employees, and salt trucks. It is anticipated that truck traffic will remain unchanged – salt trucks and plow operations will continue to run 24 hours a day in the winter months, dependent on weather conditions and road maintenance needs.
 - c. Utility Capacity - No unmitigated impacts. No utilities are needed for the salt storage shed. It is not anticipated that the new structure will create additional Storm Water run-off, as it is not increasing the amount of impervious surface on the site.
 - d. Emergency Vehicle Access – No unmitigated impacts. On May 16, 2023, the Park City Fire District reviewed the proposed salt storage shed and confirmed the proposal conforms with their requirements.
 - e. Parking – No unmitigated impacts. EPMOA's peak staffing at this site consists of 16 employees: four snowplow drivers, one mechanic, and 11 shuttle drivers. LMC § 15-3-6(B) requires two parking spaces for every

three employees for public utility uses, rounding up to 11 required spaces. The EPMOA lease area contains roughly 255 feet of parking spaces (the equivalent of roughly 28 parking spaces) along the northeastern border for employees and shuttle storage along with separate storage areas for snowplows and additional equipment.

- f. Internal Vehicular and Pedestrian Circulation – No unmitigated impacts. The proposed salt shed replacement will not impact internal vehicle or pedestrian circulation. The new salt shed will be slightly larger to accommodate the storage of more road salt but will be oriented as to not impact circulation through the site.
- g. Fencing, Screening, and Landscaping – No unmitigated impacts. The uses surrounding the site are industrial, including the EPMOA Maintenance Building, EPMOA Fuel Tanks, and PCMC Public Works Yard (temporary PCFD Fire Station). The replacement salt shed will not visually impact surrounding uses. The site itself is screened from residential uses to the southwest by a steep hillside and natural vegetation as shown below in an image taken by staff (facing southwest).
- h. Building Mass, Bulk, and Orientation – No unmitigated impacts. The current salt shed is 1,600 square feet and approximately 33 feet in height. The proposed salt shed is 50 feet by 50 feet and 27 feet, eight inches high. The new shed reduces the height impact and brings it into compliance with the LMC. The new shed location is also slightly pulled back from the nearby Steep Slopes. Additionally, the shed is set back more than 25 feet from the property line and nearly 26 feet from the nearest building on site.
- i. Open Space - No unmitigated impacts. The proposed use does not change or disturb the site's Open Space, as it is being constructed in the same location as the existing shed over existing impervious surface and there is no additional requirement in the LMC.
- j. Signs and Lighting – Condition of Approval Recommended. Staff recommends conditions of approval 5 that the lighting shall comply the outdoor lighting code outlined in LMC § 15-5-5(J), be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less.
- k. Physical Design and Compatibility with Surrounding Structures – No unmitigated impacts. Per the applicant, cladding and roofing will be in muted earth tones complementary to color of adjacent structures on site. The proposed replacement salt shed will be larger than the existing shed but will have a smaller footprint than the other buildings on site and will conform to the required twenty-eight-foot height maximum in the ROS Zone.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – No unmitigated impacts. The current use of storing and loading road salt has generated dust pollutants or odor during its time in use, it is not anticipated

that noise, odor, or other impacts will change. Surrounding buildings are industrial in use, the nearest affected neighbors are nearly 800 feet away and separated by significant slopes and mature vegetation, masking potential noise impacts from deliveries and salt loading.

- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas - Condition of Approval Recommended. During the winter months, deliveries of road salt are typically monthly but may be more frequent, depending on winter conditions. The delivery of road salt occurs on the site which is accessed by a private right of way accessed by Marsac Avenue. Staff Recommends Condition of Approval 6 that the applicant maintains adequate space for standing, loading, or unloading services Off-Street.
 - n. Expected Ownership and Management – No unmitigated impacts. Pursuant to the 2017 lease agreement (see Exhibit C), the site is owned by PCMC and leased to EPMOA through December 1, 2116. The salt shed is recognized as an approved use within the Lease Agreement.
 - o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes – Conditions of Approval Recommended. As mentioned prior, this site is within the SLO, requiring more intensive environmental hazard review and mitigation. See the above analysis of compliance with the SLO regulations for a complete analysis. Staff recommends Condition of Approval 4, wherein: “The Limits of Disturbance shall be limited to the minimal Area necessary to excavate and backfill the foundation. No significant vegetation shall be disturbed with the replacement of the salt shed. Disturbance to existing hillside is prohibited.”
 - p. Reviewed for Consistency with the Park City General Plan – No unmitigated impacts. Objective 9A in the General Plan has a goal to: “Maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.” The current General Plan discusses the need for high quality services for residents and visitors. The new salt storage shed will allow EPMOA to maintain roads through Park City’s peak season, allowing residents, visitors, and employees safe and reliable commutes during winter weather conditions.
11. Construction in the SLO require review pursuant to the criteria outlined in LMC § 15-2.21:
- a. Construction near Very Steep Slopes (greater than 40%) require review by the Planning Commission as follows:
 - i. Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from designated Vantage Points, Section 15-2.21-3(A)(4), or other Vantage Points designated by the Planning staff or Commission- Complies. The proposed structure

will not disrupt the ridgeline area and 100% of the ridgeline area shall remain open space. No vantage points are affected by the replacement of the existing salt shed.

- ii. Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission- Condition of Approval Recommended. Grading is not expected as part of this proposal, as there is currently an existing shed on level Asphalt, no new retaining walls are proposed. Staff recommends Condition of Approval 4 that disturbance to existing hillside shall be prohibited.
 - iii. Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation- Condition of Approval Recommended. Staff recommends Condition of Approval 4, wherein the only area disturbed is the asphalt under and surrounding the existing salt shed and there shall be no additional disturbance to the very steep slopes.
 - iv. No additional erosion, land subsidence, or avalanche hazard is created- Complies. The proposed structure will be placed in the same location as the existing structure will not result in additional erosion, land subsidence, or avalanche hazard. The Applicant plans on filling in the sides between the new structure and the existing landscaping, up to five feet' to help create a natural grade to the structure.
 - v. The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance: Complies. The proposed salt shed will be installed on existing asphalt and will not affect Significant Vegetation. DRAFT Planning Department.
 - vi. The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site Suitability Determination- Complies. The proposed salt shed replacement does not impact the site density or visual mass and will not be visible from the Public Right-of-Way.
 - vii. In no case shall additional disturbance be allowed beyond the maximum area determined in the Site Development Suitability Determination- Complies. See above analysis for determination on Slope Protection, Ridge Line Area Protection, Wetlands and Stream Protection, Development Approval for Ski Area Construction, and Wildlife and Wildlife Habitat Protection.
- b. Ridge Line Area Protection - Complies: The proposed structure will not disrupt the ridgeline area and 100% of the ridgeline area shall remain open

space. No vantage points are affected by the replacement of the existing salt shed.

- c. Wetlands and Stream Corridors – Complies: There are no wetlands or streams in or surrounding the site according to the Wetland delineation from the National Wetland Inventory provided by the United States Fish and Wildlife Service.
 - d. Wildland Urban Interface - Complies: There are no known Sensitive or Specially Valued Species on the site as it has been disturbed/developed in roughly 1872 when the Ontario Silver Mine opened.
- 12. The Development Review Committee reviewed the proposal on May 16, 2023, and did not identify any issues.
 - 13. Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on February 22, 2023. Staff mailed courtesy notice to property owners within 300 feet on February 22, 2023. The Park Record published notice on February 22, 2023.

Conclusions of Law

- 1. The application is reviewed for compliance with Land Management Code § 15-1-10(E), Conditional Use Review Process, LMC Chapter 15-2.7, Recreation and Open Space (ROS) Zoning District, and LMC Chapter 15-2.21, Sensitive Land Overlay Zone (SLO) Regulations.
- 2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation. 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. Final shed construction shall match plans reviewed on June 28, 2023, by the Planning Commission. Any significant changes, modifications, or deviations from the approval that have not been approved in advance by the Planning and Building Departments may result in a stop work order. Relocation of the shed onsite in accordance with the lease may be approved by the Planning Director upon finding no new impacts or material design changes. Any substantive change as determined by the Planning Director will require full CUP re-review.
- 2. The Conditional Use Permit will expire one year from the date of Planning Commission Final Action unless the Applicant has commenced on the project, or a Building Permit for the Use has been issued.
- 3. The existing shed shall be removed from the site in its entirety.

4. The Limits of Disturbance shall be limited to the minimal Area necessary to excavate and backfill the foundation. No significant vegetation shall be disturbed with the replacement of the salt shed. Disturbance to existing hillside is prohibited.
5. Lighting must comply with the outdoor lighting code outlined in LMC Section 15- 5- 5(J), be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less.
6. The Applicant shall maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.
7. The Applicant shall obtain a Building Permit prior to installing the shed.

Commissioner Frontero seconded the motion.

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

7. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 10:50 p.m.