



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 22, 2023**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Levi Jensen, City Planner; Spencer Cawley, City Planner; Affordable Housing Manager, Jason Glidden; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Virgil Lund, City Planner; Hannah Pack, Transportation Planner; Heinrich Dieters, Trails and Open Space Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. and confirmed that all Commissioners were present. Commissioner Henry Sigg attended remotely. Chair Suesser reported that Commissioner Sarah Hall was also to appear remotely but had not yet joined the meeting. The meeting could proceed, as there was a quorum present.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from February 22, 2023.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from February 22, 2023. Commissioner Christin Van Dine seconded the motion.

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

Commissioner Hall joined the meeting.

Chair Suesser reported that she would recuse herself from the Homestake item on tonight's meeting agenda and proposed a motion to appoint Commissioner Van Dine as Chair Pro Tem for the Homestake matter.

MOTION: Commissioner Hall moved to appoint Commissioner Van Dine as Chair Pro Tem for the Homestake item on this meeting's Regular Agenda. Commissioner John Frontero seconded the motion.

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

3. PUBLIC COMMUNICATIONS

A short video created by Staff regarding providing public input at public meetings was shown. The video highlighted four tips for effective public comments:

- Sign in, or raise hand on Zoom and state your name;
- Stay on topic;
- Make comments brief and within the recommended time of 3 minutes or less; and
- Be respectful.

For more information, visit www.parkcity.org and click on the Public Meetings tab.

Chair Suesser opened Public Communications.

Bob Theobald reported that the previous day was the one-month anniversary since he last appeared before the Commission. Today was the one-year anniversary since the Commission entertained the amendment for pickleball courts and ended up changing the Recreation Facility provisions in the Land Management Code ("LMC"). He noted that the recusal and disclosure policy that all government officials have followed for many years. The preliminary information from the City Attorney was that they no longer have to disclose or recuse unless the official is suspected of bribery. Citizen Theobald advised of his request for a written determination from the Mayor and the City Attorney on this.

In addition, Citizen Theobald indicated that he and some neighbors complained about a Building Permit that was issued without a Conditional Use Permit ("CUP"). They believed that when the Building Permit was issued, it required a Conditional Use and they made a formal complaint. There has been no written response to that complaint that was made on December 9, 2022, and no meaningful discussion of it. They received a Government Records and Management Act ("GRAMA") request response that on December 16, 2022, the City Manager directed the Chief Building Official to report to the Mayor on various issues, even if the update was they were still looking at it. There has been no written report.

Citizen Theobald did not know what would happen with the complaint but they were very tired of waiting for a determination. Whatever the determination would be, it may come before the Planning Commission, which is why a document was presented to the Commission with the different Code provisions. There was an issue about this one year ago regarding a sauna complaint and who had jurisdiction on that complaint. He commented that the Planning Commission might have jurisdiction and stressed that the permit application was still incomplete. As a result, he felt that the Planning Commission had the authority to intervene because it was missing two elements and not valid. It was missing a square footage requirement as required by the Plat. It also does not have a MS-4 permit to do any construction. Citizen Theobald added that the application also violated the Army Corps of Engineers regulations. He asked that the Commission review the materials provided that showed the Commission's authority to intervene now to prevent it from falling into the lap of the Commission after a final determination.

Lindsay Bloomfield, a Holiday Village resident, had several inquiries including a question regarding the date the tenants would begin to move into the new apartments. Chair Suesser

clarified that this inquiry pertains to the Work Session to be held during this meeting. She explained that if the speaker's questions were not answered during the Work Session, they would take public input.

Citizen Bloomfield asked who would be moving the tenant's furniture and the contents of their apartments. Chair Suesser responded that those details had not yet been worked out but she would make sure that the City addresses those questions. Citizen Bloomfield had heard that the maintenance person would be moving the furniture and contents and felt that it would take a while for him to move all of the contents. She noted that the tenants are not paying to move their contents because the City initiated the idea of reconstruction. She noted that she gets along with the neighbor in the unit above hers and hoped they could choose their neighbors when they move.

Chair Suesser stated that the plans for the project have not been finalized and the Work Session on this item will be the first time the matter will be reviewed by the Commission. Citizen Bloomfield asked which of the floors will have decks. Chair Suesser made a note of the questions and would have the applicant mention those items during the Work Session presentation.

There were no further public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, had no Staff Communications.

Chair Suesser reiterated that she recused herself from the Homestake matter at this meeting, and Commissioner Van Dine was appointed to serve as Chair Pro Tem during that item tonight.

5. CONTINUATIONS

A. 327 McHenry Avenue - Conditional Use Permit - The Applicant Proposes to Construct a Private Recreation Facility (Pool) in the Rear Yard. PL-22-05389

City Planner, Spencer Cawley, reported that the CUP application for the Private Recreation Facility at 327 McHenry was continued to April 12, 2023 to give Staff additional time to address site-specific information that the Planning Commission asked for at the previous meeting. Planner Cawley also reported that the site visit was moved to April 12, 2023 at 4:45 p.m.

City Attorney, Mark Harrington, explained that because this item was noticed for a public hearing, Chair Suesser should open up the item for public comment. The public should be advised that the full hearing will be held on April 12. The applicant was not present at tonight's meeting nor was Staff prepared to answer questions.

Chair Suesser opened the public hearing with the understanding that the full hearing on this matter would take place on April 12, 2023.

Mary Wintzer gave her address as 320 McHenry and requested that as the Planning Commission reviews the packet prior to the next meeting on this item, that they consider the fact that the neighborhood is not opposed to a swimming pool; rather, the issue was more related to the fact that this project is located in Historic Old Town. Citizen Wintzer reported that the

neighborhood is very unique and for decades it has been the only neighborhood in Old Town with no Nightly Rentals. The neighborhood has always been comprised of primary residents, so they have a very strong fabric. She encouraged the Commissioners to walk up and see the neighborhood and its accessibility.

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

MOTION: Commissioner Van Dine moved to CONTINUE 327 McHenry Avenue – Conditional Use Permit Private Recreational Facility – to April 12, 2023. Commissioner John Frontero seconded the motion.

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

6. WORK SESSION

- A. 2200 Monitor Drive (Holiday Village Apartments) and 2776 Kearns Boulevard (Parkside Apartments) – HOPA Affordable Master Planned Development and Conditional Use Permit – The Applicant Will Provide Introductory Information to the Planning Commission Regarding the Proposed Redevelopment of the Holiday Village and Parkside Apartments to Construct 319 Affordable Units in the Residential Development Zoning District and Frontage Protection Zone Overlay. PL-22-05473 (AMPD) and PL-23-05511 (CUP).**

Assistant Planning Director, Rebecca Ward, reported that the applicant is Mountainlands Community Housing Trust (“MCHT”), and its representative is Elliott Workgroup. This would be the City’s second Affordable Master Planned Development (“AMPD”) known as the HOPA MPD. She provided a brief introduction to the project and stated that this Work Session will provide the Planning Commission with an opportunity to look at the Traffic Impact Study, the request to reduce parking for the project, and provide input to the applicant on what information the Planning Commission would like to see for a full project review. Assistant Director Ward anticipated that a site visit and the first public hearing on this project would take place on April 27, 2023.

This project involves the Holiday Village Apartments and Parkside Apartments along the Kearns Boulevard and Monitor Drive Intersection. The applicant proposed to subdivide four parcels totaling 7.4 acres in order to create seven lots. The applicant would thereafter redevelop multi-unit dwellings on each lot. Assistant Director Ward explained that the Holiday Village Apartments along Monitor Drive currently have 80 affordable units and the applicant has proposed 217 affordable units. The Parkside Apartments along Kearns Boulevard currently house 42 affordable units. The applicant proposed to increase that to 102 affordable units. The applicant’s proposal included construction in phases to allow for resident relocation.

Due to the proposed increase to 319 affordable units, Staff recommended the applicant submit a Traffic Impact Study. Assistant Director Ward reported that the applicant has been meeting with the Engineering Department to discuss the scope of that Study and the recommendations were to include the intersections listed in the Staff Report. In addition, the Study will include the changes to access on Monitor Drive and Kearns Boulevard. Assistant Director Ward indicated that the applicant also proposed 289 parking spaces, which would be a reduction of 43 spaces,

or 13%. Under the AMPD Code, the Planning Commission can review parking reductions based on the some of the following considerations:

- Whether there is parking along the right-of-way;
- Whether there is an agreement authorizing parking on a nearby site;
- The presence of transit stops within ¼ mile of the site;
- Whether extra parking would be provided for motorcycles or scooters;
- The provision of bicycle parking that exceeds the Code requirement; or
- Available car share for residents located on the site.

Assistant Director Ward stated that they were requesting feedback from the Commission on the applicant's Traffic Impact Study, the Parking Study and Management Plan, and any further requests for information that the Planning Commission would like from the applicant.

Mountainlands Community Housing Trust Executive Director, Dave Levine, thanked all who that welcomed he and his wife to the community. He also thanked the Planning Commission for the opportunity to present this project. Applicant Levine stated that within 152 affordable homes created or preserved within Park City, Mountainlands kept hundreds of Parkites in their homes and countless others housed close to their jobs in Park City. As a locally based, 501(c)(3) Housing Non-Profit, MCHT aimed to further the public benefit of additional affordable housing. They would introduce the redevelopment of Mountainlands existing affordable housing property at Holiday Village and Parkside Apartments for what they affectionately called HOPA. The aim was to redevelop the property with 100% affordable housing, no loss of its green space, and with long-term sustainability.

Applicant Levine offered that for this 40-year old apartment community in the heart of Park City, HOPA offered a housing solution for the 122 current residents to move into energy efficient, newly constructed affordable homes on site, along with creating nearly 200 additional affordable homes for other members of the workforce and community. They were proposing this redevelopment to make needed investments and upgrades in the property.

Applicant Levine added that HOPA would also meet a vision for new affordable housing with strong community benefits, including its location close to major commuter lines, walkable access to the nearby schools, community resources and amenities, and a design that would minimize energy usage and environmental impacts. HOPA would also fulfill the need to protect its current residents, nearly all of whom would be priced out of housing in any other location in the City. He stated that half of the current residents identify as senior and/or disabled, making them even more vulnerable to the market forces in the housing market. For these current residents, HOPA would secure a future of quality affordable housing.

Applicant Levine added that they had been in touch with residents about HOPA, one of who was in attendance at this meeting. They will continue to involve the residents and the neighbors in this process. He noted that HOPA will address a distinct and acute need for affordable housing, and help the City reach its goal of 800 affordable units. HOPA is a promise that values all Parkites, no matter their incomes, age, race, ethnicity or health. He commented that HOPA will change lives for the better, and make the community even stronger.

Applicant Levine stated the project architect would speak on how HOPA would make a difference for so many in the community. In response to Chair Suesser's inquiry, Applicant Levine stated that this project is being managed exclusively by Mountainlands.

Craig Elliott, AIA, Managing Partner of Elliott Workgroup, introduced himself and reported that they have been working with Mountainlands since the inception of the company in 2002. He stated that a core part of Elliott Workgroup's business is to provide for and design affordable housing. Architect Elliott reported that they looked at the site, and wanted to present some concepts of this project. He referenced the drawings and details included in the Commission's Packet. The site is located in between the High School and some commercial space, and is unique in its location for affordable housing.

Within walking and biking distance from the site, there are many things that residents have access to and it is extremely friendly and available. Because of that, Architect Elliott offered that this is a unique spot where they have the opportunity to take advantage of what can happen at a site like this. Architect Elliott presented an image of the two sites, which are located within the Residential Development ("RD") Zone. The High School adjacent to this site is technically considered Open Space. Across the street, the zoning is RD Medium Density, and adjacent to that to the south is Commercial. Single-Family zoning is located across the street from this site. He emphasized that this site was truly a transitional zone.

Architect Elliott noted that the site has some interesting constraints. Holiday Village has 40 one-bedroom units and 40 two-bedroom units. Parkside has 32 two-bedroom units and 10 three-bedroom units. On the graphic, he explained that the existing zoning was shown in blue for the Setbacks, and along Kearns Boulevard there was a 100-foot Setback for the Frontage Protection Zone in the Entry Corridor. Their goal is to keep the people in their homes, so they looked at where they could make something happen and what could they do to start the process of building and moving people. Architect Elliott reported that they identified two locations that could work, and those were the parking lots along Kearns Boulevard and off of Monitor Drive between the north and south side of the Holiday Village project.

In response to Chair Suesser's question about underground parking at either development, Architect Elliott advised that both sites were surface parked. He explained that as they first started looking at this, they considered whether they wanted to build along Kearns Boulevard. Knowing that it is in the Frontage Protection Zone, they felt that would be too big of a request as a place to move from. Therefore, they started looking at what would happen if they built in the parking lot on the Holiday Village side.

Architect Elliott reported that Mountainlands had discussions with the neighboring commercial users, and they reached an agreement to put together a Parking Management Plan that would allow parking on the upper level of the parking structure to the immediate south of the property. He acknowledged that those were things that would have to be worked through, but the idea was that would free up the opportunity to provide parking and allow them to put the buildings together. He presented a graphic that depicted the original concept, wherein they would have built one building in the parking lot, and then move people from Holiday Village in phases. That would then open up the next phase that would involve building the other two buildings and move people from Parkside, which would thereafter open the Parkside site for development.

Architect Elliott advised that with the initial sequential concept, they ended up with 209 units, and while that was not quite enough for what they needed to do, he stated that they were

challenged to go back and take another look to see how they could improve the quality of the place for the residents. They also wanted to look at increasing the density to make this a financially successful project. For the current concept, they realized they still needed to start in the parking lot, but came up with a new building configuration with all underground parking. He presented the current site proposal, and noted that all of the buildings would have underground parking, with some surface parking.

Architect Elliott explained they would start with Building A that has 45 units. They would be able to move everyone from the north side of Holiday Village into that building which would open up the northern part of the property for development. Once those are developed and completed, they would be able to move the rest of the apartments into those buildings. From that point on, everything would be new space over what existed. They would also have the opportunity to develop the Parkside Apartments side. The idea was that they would be able to increase the density and provide some unit types that do not currently exist. Architect Elliott stated they would concentrate on two-bedroom apartments, increase the three-bedroom count and add one-bedrooms and studio apartments that do not exist on the site today. He felt there was a big need for studios because it's the first stepping-stone for these residents.

A number of the current units might be under utilized as far as bedroom counts, so this gave them the opportunity to develop a new concept. Architect Elliott stated that this would really open up the project by creating a place for people to be and also reduce the hard surface dedicated to cars. Additionally, they would maintain one entrance and exit on each side of the property and include two fire lanes to the north and south. Architect Elliott added that the buildings on the Holiday Village side of the project would be three-story structures. With this solution, it would change what they could do in the Fire Code so they could have a better project with more density, underground parking and three stories as opposed to what they would have with four story buildings.

Architect Elliott added that the percentage of open space would be fairly significant. He also stressed that this project was close to free public transit. The graphic presented showed the five bus stops that would provide easy access for movement throughout town. He added that this would also provide opportunities to discuss future bus parking within the site, since it might provide a better terminal along Kearns Boulevard or Monitor Drive. With this design, one could easily walk across the site with easy access to existing pedestrian and bike traffic.

Architect Elliott presented a series of still images of the project location. He pointed out the entrance to the site and noted that it would be consistent with the current access point. He advised that as they dig deeper into the project, there would be some opportunities for traffic calming elements, but they would need to wait for the report before addressing any of those on the road system. He pointed out the entrance to the underground parking, and explained that each of the buildings would be connected via a tunnel. All of the access to the parking would be through one entrance, which would be overlayed onto the current entrance off of Monitor Drive.

Architect Elliott described images of the south courtyard and the north courtyard on the Holiday Village side of the project. They tried to develop some large open, passive spaces that could be used by the community and that would create more of a campus feel. The office space for the entire complex would be located near the main entrance.

Along the Kearns Boulevard side, they pushed everything behind the Frontage Protection Zone and stepped it back so that the corners would be the closest to the road. Architect Elliott

explained that the architecture of the buildings was designed to bring some warmth and connection, and each building would have an accent or a color that would identify that building. They not only created variation through unit types and sizes, but they also tried to give each building an identity. Architect Elliott presented a view of a playground area on the north side that they associated close to the core of the project. He noted that there was discussion with the consultants who stated they had never seen a project within such good walking distance to the elementary school, the Junior High and the High School. This proximity to schools was a valuable asset because there would be families moving into this development.

Architect Elliott presented a short video of the site and stated that as part of the design they tried to maintain all healthy trees for the project. He emphasized the different courtyards and how they have their own space and relationship with outdoor space. Architect Elliott invited the Commissioners to ask any questions regarding the concept presented.

Commissioner Van Dine reported that she has driven by this complex multiple times per day for 20 years, and she was excited when she learned of this project because these buildings need rehabilitation. She applauded the plans for the open space and noted that currently there are always children playing in the area with lots of bicycles. She felt this would provide a better, safer place for these families. She also felt this was the ideal location for this type of project due to its proximity to schools, and the possibility of increased transit in this area.

Commissioner Van Dine requested a baseline for the current number of vehicles per unit. This would provide a point of reference for the number of vehicles they might expect with this project. She also wondered if there were transit numbers for people who commute from the current site. A benefit of this project was that it is already in town and many of the residents work in town; therefore, this project would not create traffic that is coming into town. The goal would be to move these people around in a good manner. She liked the idea of underground parking.

Commissioner Van Dine would like to see the Area Median Income ("AMI") breakdown, as well as the current AMI for the apartments. She also felt that the staging of the development to keep people in their homes was ideal and truly respected how much the residents depend on this housing. In response to Commissioner Van Dine's inquiry, Architect Elliott offered that the proposed open space would be higher than what it is currently, but it would definitely be higher in usability. Commissioner Van Dine agreed that it seemed as though the proposed open space would be much more useable than the current alleys between the small buildings.

Commissioner Van Dine appreciated the three-story buildings closer to the adjacent residential areas and keeping the four-story buildings along Kearns Boulevard. She also appreciated the concept that respected the Frontage Protection Zone. She would also like to know the average square footage for the current units versus what they proposed. Commissioner Van Dine commented that a Traffic Impact Study was needed.

Applicant Levine stated they would respond to these requests, and added that they liked the fact that they would keep the 122 residents on site. He understood that they were talking of AMIs generally of no more than 50%.

Chair Suesser asked if they would try and keep current residents in comparably sized units in the future. Applicant Levine agreed, and added that their goal was something comparable if not better.

Commissioner Frontero stated that overall, the project was exciting and would be a much needed addition to the community. He recognized there was a lot of thought put into this project, as compared with some other plans they have seen. He referenced the comment during the presentation of “financially successful development” and wondered how they defined that phrase. Architect Elliott responded that he meant that the developer could build the project and put people in it. The goal was to try and create a project that would keep Mountainlands in business and would keep people in their homes by providing the housing they need at the levels requested.

Commissioner Frontero addressed the sequential phasing and felt it would be the key to the project, particularly for the current residents. He understood that there were currently 122 units, and the current residents would be afforded the opportunity to move into this new project. He observed that would leave approximately 200 additional units, and asked how they would offer those.

Applicant Levine stated that would depend a lot on the financing and the restrictions that go along with the financing. They would follow Fair Housing rules in how they would offer the units to the public. He could not yet speak on who would ultimately end up in the units, but stated it would be done in a way that would comply with the financing to ensure they are providing this to everyone who can qualify.

Commissioner Frontero asked if the vision was to have first-time homeowners in the studios, and later move into the one- and two-bedroom units. He also asked if there would be a mix of senior residents and younger residents. Applicant Levine clarified that all of the units would be rentals. Given the mix of the units from studios up to three-bedrooms, they envisioned a mix of singles to families. He emphasized that the studios were an interesting feature of the project because it was important to have them available because they have identified a lot of demand for studios. To have studio units on site means they could address the population that is looking for that type of unit.

Commissioner Frontero expressed enthusiasm for the open space based on the renderings presented. He understood that was a nice amenity for the families and children to have that within a contained development.

Chair Suesser understood the need to provide studios for workforce housing, seasonal workers and singles; however, she felt that was not really consistent with the emphasis on the project’s proximity to schools. She wondered if they were targeting workforce housing and seasonal workers, or whether they were targeting long-term residents. Applicant Levine responded that the vision and purpose was to attract long-term rentals. With regards to the studios, he stated there was a niche of the workforce that needs affordable housing and, particularly, studios on a long-term basis.

Chair Suesser mentioned the statistic that half of the current residents were seniors or disabled, and thought that was interesting. She expressed that would be something to consider when they discuss the parking reduction, because potentially these people would not be able to ride bikes or walk to local grocery stores. In response to Chair Suesser’s inquiry, Applicant Levine advised that all the current units in both developments were rentals. There was discussion about the entrances to the project and it was reported that for Holiday Village side there was one entrance, and for the Kearns Boulevard side there was one entrance. Architect Elliott explained that currently, the entrance feeds the furthest building and then goes underground

and connects those two buildings. He confirmed that the garages were not currently connected in the design they presented and would not be connected.

Chair Suesser referenced some stalls next to the buildings, and asked the applicant if they envisioned some surface parking, or whether that would be temporary parking. Architect Elliott stated they counted those spots in the overall count, and as they get to the next step they would refine those numbers. He expressed there was a need for some temporary parking at the entrances, without adding a lot of cars on the surface in that area.

Chair Suesser agreed with Commissioner Van Dine's questions and comments about the project, and added that she was aware that Elliott Workgroup designed Woodside Phase 1. She offered that was a beautiful development and a great addition to the town, and wondered if they could go back to those residents for feedback on the project and address those comments in the next project.

Architect Elliott advised that one of the residents is an employee of Elliott Workgroup, and works as an intern architect. This resident's husband works for the resort. He relayed that the comments centered more on things such as more dimmable lights and other minor comments compared to the overall project. He stated they could look into that and provide that information at a future meeting.

Chair Suesser noted that as she looked at Woodside, Phase 2 she saw very small porches and wondered if people preferred more personal outdoor space close to their unit as opposed to all of the common space. Architect Elliott advised that in the early stages of that project they designed all individual lots, and then the request was to go to more communal space. Architect Elliott stated that the upper level garage in the current commercial space would be interim parking for the first phase when they build the first building. Their studies have checked the parking counts on that level and the lower level, and the use showed that it would be available. Chair Suesser observed that this demonstrated the shared parking idea and liked to see that. She stated that she would be interested about balconies, patios, roof space and any equipment on the roofs as they progress with the plans. She asked the applicant and Staff to address some of the questions raised earlier in the meeting and provide a ballpark as to when this would start, who would take care of the moving, and whether there would be a potential choice as to neighbors. She noted that the applicant answered the question regarding number of floors, and understood that more details on the decks would be forthcoming.

Architect Elliott stated they would address these questions, and stated that well over 50% of the units would have decks. In terms of the rental rate in the new development, Applicant Levine stated that the rate would be affordable, meaning that the residents would not pay more than 30% of their income towards rent. He stated it was hard to forecast what the incomes would be going forward; however, generally the development would be 100% affordable throughout, so the rents would be set at a level to ensure that residents could easily handle it. He could not state exactly what the rents would be as it would depend on the income levels when they are set.

Commissioner Kenworthy stated it was easy to fall in love with this project. He mentioned the long-term rentals, the location, the sensitivity to the tenants, and everything else mentioned by the other Commissioners. He mentioned the 50% AMI and the potential transit opportunity that would be huge for the community. The community needs both housing and transit, and for this project to provide both was significant. He mentioned that with transit comes lower parking

opportunities, and he would love to explore that here. He referenced Commissioner Van Dine's comments regarding occupancy and the applicant's mention of financing, and asked the applicant if they would be looking for City money and subsidies down the road.

Applicant Levine responded that the City would be part of the financing, and he explained that generally they would be looking for Low Income Housing Tax Credit ("LIHTC") financing, so the City would be part of that. Additionally, they were looking at other fund raising and private financial sources to help fund the gap.

Commissioner Kenworthy felt that the applicant was thinking outside the box and providing a good number of affordable units to the community. He stressed that the applicant had checked a lot more boxes than other projects that had come before the Commission, and was very excited about this project. He hoped the City would support this project. Commissioner Kenworthy liked the stacking. He asked how long the applicant estimated the phasing would take place. Architect Elliott stated that the timeline for construction would depend on the phasing and financing, but the first phase would take approximately 8 to 12 months to build. They believed the subsequent phases could be completed two buildings at a time and would likewise take approximately one year. This would then accommodate all tenants on site. Architect Elliott stated this was one of the tricky constraints in the project.

Commissioner Kenworthy echoed the requests of the other Commissioners in asking the applicant about the demographics for the tenants. He expressed a lot of support for the studios and understood the need for studios in the community and in that location. He asked if any soils testing had been done at the site. Architect Elliott stated that a soils test had been ordered, and they have the original soils test from a long time ago. He stated they do not know a lot about the soils history, but understood that historically this location was more agricultural than anything else. Commissioner Kenworthy looked forward to this project moving forward.

Commissioner Johnson looked forward to the Traffic Impact Study. He mentioned the access entrance off of Kearns and Monitor and asked them to creatively look at widening those to make it safer. He mentioned parking, and stated that he has lived in affordable housing developments and there are parking issues because everyone has a car. He understood that having a senior population there might not be a need, and suggested potentially adding a ride-share location for a senior transit bus. He asked if the applicant had discussed this project with abutting property owners, and specifically mentioned the school and the church. He noted that specifically with regards to the church, the concept proposed that a fair amount of Significant Vegetation would be removed.

Applicant Levine responded that they have had conversations with both the schools and the church. These conversations involved his predecessor, so he could not speak about the details, but he felt that both were very supportive of this project. Commissioner Johnson felt it important to expand on that, especially with the proposed removal of trees for the road on the north end of the project. In terms of Building Height, Commissioner Johnson observed that everything other than Building G would be less than 45 feet. Architect Elliott stated for Building G, just a small portion of the elevator exceeded 45 feet, which was allowed. Commissioner Johnson appreciated this and wondered whether the elevator shaft on Building E could be moved to the east side of the building to soften the view along Monitor Drive.

Architect Elliott noted that Building E would have stairs for roof access, and he would look at lowering those. He would have to look at whether they could reconfigure the elevator shaft.

Commissioner Johnson referenced the Woodside project as well as other developments designed by Elliott Workgroup, and echoed the request for Elliott Workgroup to talk with residents of these other developments as to some of the pitfalls. He specifically referenced Snow Creek Cottages. Commissioner Johnson wanted to know what Mountainlands was thinking about the aging housing they have in town, the pitfalls, and what plan they had in place for property management and upkeep. He mentioned another affordable housing development by another developer where there are major issues with the building. He emphasized that developers build affordable housing that ages and then capital improvements are placed on the tenants.

Applicant Levine acknowledged that the plan for 10 to 20 years down the line was often missing in these affordable housing projects. He stated that this would be part of this plan, and noted that much of the motivation behind HOPA was making that investment to upgrade and improve what is there. He felt it had to be a big part of the plan, and something that affordable housing developers and providers should be mindful about, and be willing to make those investments to keep the properties up to grade and current. Commissioner Johnson reiterated that they were seeing many of these structures age, and as the burden is placed on the residents, they no longer were affordable.

Commissioner Hall commented that the prior comments captured her questions.

Commissioner Sigg concurred with the other Commissioners' comments, and echoed specifically that it was refreshing to see the redevelopment of this project where he does not feel held hostage to anything. He felt it was a great gentrification of the area. Commissioner Sigg felt the applicant worked hard on the heights. He would like to see a transportation analysis of how pedestrian traffic might flow towards the Fresh Market and the Park City Market knowing there were future plans. He felt those would be great traffic mitigators. He referenced the comments on stacking and accessing the project, and felt there might need to be some cooperation with the Board of Education. He noted the bollards between the east connection into the school lot. He felt that the stacking and the amount of additional traffic on Kearns Boulevard would fall within the Construction Mitigation Plan. He was interested by the comment about senior living at the project, and to the extent that there would be facility support for the diverse community there he was a fan of an eligibility criteria that fostered long-term occupants. Commissioner Sigg felt this was a great use in this location and made sense. He applauded the applicant for gentrifying the area and coming up with a plan that would not displace the residents. Commissioner Sigg referenced bus stops and bus turnouts.

Commissioner Frontero asked if there was consideration for common space use such as a childcare facility and/or a senior center. Architect Elliott stated that each building would have common area, and they had not yet programmed each one specifically. All of the L-shaped buildings would have significant amounts of common area in the corner on at least two floors. How the common space would be programmed would depend on how they have to operate, but they have had discussions about different users that might be part of this resident mix. Architect Elliott advised that each building would have approximately 1,500 square feet of common space per floor, whereas some would have 2,000 square feet. Applicant Levine added that he is a believer in providing support and services in all affordable housing. Particularly here, where half of the residents are either senior or disabled, it would be critical as a part of the project. He stated they would activate those community spaces and provide programming, services and supports, and whatever else would be needed to help the residents move to greater self-sufficiency. He felt that needed to be a part of any affordable housing.

Commissioner Sigg asked if there was a surcharge for box seats for the Miner's sporting events, and due to the proximity to the sporting field, he wanted the applicant to be careful about rooftop tailgating. He felt there should be some attention given to safety precautions, access precaution about the rooftops because it could create a situation that is potentially dangerous. The applicant stated that they had not really discussed the opportunities to create a space there, and felt it was an interesting idea. In terms of office space, Architect Elliott stated that the prime office for the project would be located at the main entrance to Building A. It would be a manager's office and in the most central area for the entire development.

In response to an inquiry, Applicant Levine explained that Mountainlands property management was outsourced, but they would manage tenant selection, turnover, and services and support provided at the project. Mountainlands might not do that in house, but they would work with other providers to ensure it would be delivered.

Chair Suesser asked how the criteria for selection of tenants would have to be adjusted for seniors. Applicant Levine stated they would provide that information as this project progressed.

Chair Suesser opened the public hearing.

Doug Drexel stated he has lived in Park City since 1996, and has a family member who lives at this location. He felt it was a great project, applauded the efforts and hoped it would come to fruition. Citizen Drexel felt the density was increasing dramatically and parking was going down, and if they end up having to increase the price point for the residents most of those residents would not be able to afford it. He felt that existing residents were likely at their maximum now in terms of affordability, and wondered what the rents would look like in 5 – 10 years. Increasing rents based on the Consumer Price Index would not be keeping the price the same. He suggested the applicant use their words wisely and do not bring the current residents in under the guise that there would be no change in cost when in five years they might be priced out of the development.

Magda Perez has lived in Park City for 28 years and is a single mother of three. She was concerned about the cost. Citizen Perez felt this was an amazing plan, and wanted to know more about the amenities available for children. She felt it was a perfect location for her family due to its proximity to schools, and offered that if there was any space for a small pool that would be great. Citizen Perez also echoed the prior questions as to whether the current tenants could choose their unit.

James Kilpatrick supported this project and stated he sent in a chat message supporting this project as well as the Homestake project. He felt these projects would greatly benefit the community. It would be great to continue to offer this housing for workers as well as the aging and senior residents.

Angela Moschetta agreed that this is a tremendous project and she was very much in support of this, and any other project that helps them close the gap in terms of housing. She felt one aspect that was missing was space for dogs, and in a community of this size they should expect that a significant number of residents would have pets. Citizen Moschetta felt that some closed areas for dogs would be beneficial. Additionally, Citizen Moschetta mentioned that the e-bike bill was back and receiving significant bipartisan support, meaning that e-bike purchases might be up to 30% subsidized. Given this and the community's goal to prioritize alternate modes of

transit, then they needed to start considering that bikes and e-bikes might become significantly more adapted. They should make sure the storage facilities are safe, secure and protected from the elements. She felt they were potentially over parking a project like this, and agreed it would be important to make sure that existing residents had room for their cars. Significant percentages of people who live in this community would be willing to take local jobs and rely exclusively on public transit and the power of their feet.

Citizen Moschetta stated there was a potential unintended consequence of bringing disabled individuals in close proximity, and stated it was something she would not have considered but for the local law enforcement bringing this to her attention. According to law enforcement, this could create opportunities for people to victimize others. When they look at the concept of tenant selection, she suggested that they work closely with the non-profits supporting certain communities and law enforcement to make sure that this is part of the long-term plan and they would not be creating opportunities for people to be harmed or victimized. She agreed with the prior speakers that the issue of affordability was important to maintain in the long-term, and also addressed properly up front. Looking at people paying 30% of their income to rent, it would not be possible to get ahead unless they change their employment. Citizen Moschetta felt they needed to start addressing people at 20% - 30% of AMI and designing micro communities like this or they would never make a difference in terms of creating a local workforce.

Megan McKenna advised that she is a Housing Advocate at the Housing Resource Center at Mountainlands. She was excited about this project being 100% affordable and was confident that her colleagues would be able to address all of the concerns and questions raised during this meeting. She stated that they have conducted some engagement opportunities at the apartments, and encouraged residents to reach out to megan@housinghelp.org or call with any questions or concerns. She stated they value the resident's input going forward.

Tamala Rice is a current resident at Holiday Village. She asked if the building would have elevators, to which Chair Suesser responded 'yes.' Citizen Rice also sought clarification that there would be an 8 to 12 month period where the residents would park off site. She stated she is in the northernmost building, and for those who reside there, their cars would be parked approximately one block away. She asked if there were any alternative parking options that would be closer. The applicant indicated that they looked at providing some parking within the existing courtyards of the existing project, but they have not studied that in depth as of yet.

There was no further public comment. Chair Suesser closed the public hearing and closed the Work Session.

After a brief recess, Chair Pro Tem Van Dine confirmed that all Commissioners were present, with the exception of Chair Suesser who recused herself from Regular Agenda Item 7.A.

7. REGULAR AGENDA

- A. 1875 Homestake Road, Homestake Affordable Master Planned Development - Development Agreement - The Planning Commission Will Review the Development Agreement for the Homestake Affordable Master Planned Development, a Project Proposing 99 Affordable and 24 Market-Rate Units in the General Commercial Zoning District. PL-22-05288.**

Planner Cawley reported that Affordable Housing Manager, Jason Glidden was present to

answer any questions. Ryan Davis was also present representing the applicant, J Fisher Companies. Planner Cawley reported that the Planning Commission approved the Homestake AMPD on October 25, 2022. This was Park City's first AMPD. He noted that Condition of Approval 25 from that approval required the applicant to submit a Development Agreement for ratification by the Planning Commission within six month's of the project's approval. The LMC provides the Planning Commission the authority to ratify the Development Agreement. The Development Agreement incorporated the project's Conditions of Approval and the existing Code requirements and would be presented for recordation in Summit County. He referenced LMC Section 15-6.1-5.

Planner Cawley also reported that 12 criteria were required in the Development Agreement, and he referenced the Staff Report on pages 2 through 4, which contained an analysis of those criteria.

Planner Cawley advised that there were additional project approval requirements, and stated that the applicant included additional project conditions that went above those required by the LMC. He highlighted the following:

- Condition of Approval 39 required the applicant obtain a baseline EMF Survey. This was provided to the Planning Department and the Planning Commission via an update on December 13, 2022 and was attached as Attachment 1 to Exhibit B;
- Condition of Approval 22 required the applicant to install conduit for 20 electric vehicle ("EV") charging stations, which would be provided in the underground parking area;
- Finding of Fact 23 stated that the applicant worked with the Sustainability Department regarding Net-zero development standards, and those strategies were outlined in the Final Action Letter; and
- Finding of Fact 3 stated that the applicant proposed 123 units, and of those 80% would be deed restricted affordable units, while 20% would be market rate units.

Staff recommended the Planning Commission review the proposed Homestake Development Agreement, open a public hearing, and consider ratifying the Development Agreement.

Applicant Representative Davis thanked the Planning Commission for the October approval, and the Final Action Letter in December 2022. He commented that they have worked closely with Staff, and he thanked Staff for their help in getting them to this point.

Commissioner Kenworthy noted that Chair Suesser recused herself, and the Final Action Letter was signed by Vice Chair Hall. He asked City Attorney Harrington about the process now for the vote. City Attorney Harrington advised that Chair Pro Tem Van Dine would continue to have a vote, and all those in attendance were eligible to vote. Ratification would involve a determination that the Development Agreement contained the terms required by both the Code and the Conditions of Approval.

City Attorney Harrington added that it does not matter how a Commissioner voted on the initial vote, and as with approvals of Meeting Minutes, they would not be revisiting the prior approval; rather, they would determine if the Development Agreement met the terms of the October approval and the conditions specified in the Code.

Commissioner Johnson referenced the March 9 City Council Meeting on this project where the Council asked for additional information. He questioned why they were considering this now and not waiting until that discussion was complete. Planner Cawley advised that the March 9 meeting was a high level update for the City Council that was held in a Work Session. City Attorney Harrington added that the March 9 meeting was a Work Session update where the Council had the opportunity to provide direction. He hoped the Commissioners read the report and the minutes, as he felt it was a very balanced report that represented the concerns that the Commission asked Staff to forward to City Council.

City Attorney Harrington added that they continued to move forward with the project, including the finalization of the business terms in the lease agreement. Absent that, there were no substantive new questions that would impact the status of the Development Agreement. He explained that the land use approval was contingent upon the ground lease and vice-versa, so the Council still retained the ability to move forward with this project or not. He stated that the private sector partner needed the basis of the development approval in order to finalize their business negotiations with the City on the ground lease. City Attorney Harrington noted that it often proceeds in this order since until the applicant knows what they have, it would be hard to define the negotiations. He added that they ran into this issue with the City's non-profit partners in the Art District project, which is why they also wanted the Development Agreement on the front end.

Commissioner Johnson noted that the Final Action Letter attached to the Development Agreement included the exhibit with the EMF, which they had adjusted. He commented that the packet provided to the City Council for the March 9 meeting was fantastic and addressed all of his concerns. He wondered why it was not included in the Development Agreement as an exhibit since it served its purpose, especially after the months of work by the applicant to update it. City Attorney Harrington stated that the March report was not part of the Planning Commission's record, because it was not part of the public hearings; rather, it was a follow up to the information requested by the Commission. He did not see a problem referencing that report, although he was unsure of the legal purpose of doing so. He stated they could add a reference that further EMF material was provided to City Council on March 9th. Commissioner Johnson felt that would be helpful.

Commissioner Johnson asked why this Agreement would run with the land. City Attorney Harrington explained that they want subsequent purchasers to have notice of this covenant that runs with the land, so it would be recorded just as they would record an easement. This would prevent future owners of claiming they did not have notice of the covenant.

Commissioner Kenworthy also raised an issue about the language that states, "Additional project approval requirements include the following..." Condition of Approval 39 required the applicant to obtain a baseline EMF survey. He noted that Commissioner Johnson indicated there might have been a baseline that was presented to City Council; however, the exhibit goes on to state that the "survey description notes that the survey readings are a snapshot in time, and are not predictive of what the readings will be at any point in the future, or indicative of what the readings were in the past." He interpreted this to mean there was not a baseline for the Commission at tonight's meeting. He would like to see what was described as a baseline.

Additionally, he submitted that the exhibit made no claims regarding the health and safety of a survey site based on EMF levels measured. Commissioner Kenworthy was troubled in that while they have a requirement, they also have something that says it really doesn't matter what

was presented. He felt it meant that everyone could read what they wanted to read, and at the same time it states that it was not really important to them here.

Commissioner Kenworthy stated that things were all over the board. Some of the submissions indicated that there were substantial health risks, while others could be interpreted as stating there were minor health risks, or no health risks whatsoever. To him, the more important issue was that there was no baseline according to what was required in order for the Planning Commission to ratify the Development Agreement. Commissioner Kenworthy asked the applicant what they were claiming regarding the health and safety of a surveyed site based on EMF levels measured. He also wanted to know what claims were being made when increased voltage occurs in the future.

Applicant Davis asked if the Planning Commission received the December 13, 2022 EMF Survey that was a point-in-time reading of the EMF. Commissioner Kenworthy believed he received the December 13th Survey, but felt it was not a baseline. City Attorney Harrington commented that they were getting into a discussion over whether it met the Commission's definition of a baseline study. He explained that the Commission agreed to designate Commissioner Johnson as the liaison to determine if it would be acceptable. He reported that the applicant's consultants went through several iterations because Commissioner Johnson was very diligent in making sure they at least obtained a snapshot.

City Attorney Harrington explained there were some miscommunications in terms of the points and where they were, and they made the developer re-do it several times because they respected Commissioner Johnson's expertise. He stated that everyone from Commissioner Johnson to the experts acknowledged the problems with a baseline science that anyone could point to and say "yes" or "no." This was why they continued to press the private sector partner to do more, even though Commissioner Johnson's survey was accepted and signed by the Chair. To Staff, that survey was accepted.

City Attorney Harrington added that this did not mean the Commission could not request the Council do more. He pointed out that they directed the team to produce more, because the Commission requested additional information, which is why a third consultant was retained to prepare the March report. The March report was another peer review of the information and it explained why those qualifications were included, such as some of the readings picked up other sources for the measurements outside of the Substation. City Attorney Harrington stressed that the report spoke for itself and he would not get into the pros and cons of it, but that is where the Council left off in terms of looking at that additional report.

Commissioner Kenworthy stated that when he received the second report, he was terribly disappointed that it occurred after the Commission's vote, and he wrote a letter that made that very clear. He noted his letter disappeared from some of the items presented and he had to re-send it to City Council, the Mayor and others. He expressed his disappointment in how this process went, how the EMF was an overhang after the Commission's approval, and how his letter was never included in packages. He felt the letter should have been included as it was his immediate response to the first survey after the vote. He noted that City Attorney Harrington misspoke by stating that the Chair signed the Final Action Letter. He stressed that the Chair did not sign the Final Action Letter; rather the Co-Chair signed it because the Chair would not. City Attorney Harrington noted that the Acting Chair signed it, and stated that Commissioner Kenworthy was mistaken that the Chair refused to sign the Final Action Letter.

Commissioner Kenworthy asked the applicant what claims were being made with the varied measurements and the increased voltage in the future. Applicant Davis asked if they were opening this to a debate on the science of the EMFs. He referred to the March 9th report, and explained that the claims being made by subject matter experts was there was no correlation to adverse health outcomes based on the frequency of the EMFs in the readings that were taken.

Commissioner Kenworthy observed that the Development Agreement stated that they were making no claims regarding the health and safety of the surveyed site based on EMF levels measured. Applicant Davis felt they were conflating two different reports as he referred to the March 9th report, not the December 13th report.

Applicant Davis added that it was fair that most consultants put disclaimers in their reports. From his perspective, the EMF request from the Planning Commission on October 26th was satisfied in advance of the Final Action Letter, so he was not sure what they were debating. Commissioner Kenworthy explained that the Development Agreement stated that they were making no claims regarding the health and safety of the survey documentation provided. It was referenced in the exhibit that is part of the Development Agreement. Applicant Davis agreed it was a point-in-time reading that represented the baseline at that time.

Commissioner Johnson stated the Commission did not receive a copy of the March 9 report, which might explain the disconnect in information. He prefaced a question to Manager Glidden by stating that while it might not be necessary for this Development Agreement, he wondered how they could hold the developer of affordable housing developments accountable for maintaining the structure for the longevity of its life. He specifically referenced the Prospector Development that has a private developer who is having issues with their building, and the Housing Department had their hands tied in terms of helping them.

Manager Glidden stated it was something they were negotiating through the lease agreement. He noted this was somewhat different because it is a rental project, so the burden would not go on the individual owners; rather, the burden would be placed more on the developer/owner of the building to maintain it. He stated they were also discussing those standards in the lease agreement.

Applicant Davis added that they would have a mandated reserve for capital improvements from their lender, so they would set aside money on an ongoing basis for future capital needs to reinvest into the asset. He confirmed that this would be mandated by the lender and from the Housing and Urban Development ("HUD") standpoint. He noted that UHC was involved, so every project that takes LIHTC funds does this.

Chair Pro Tem Van Dine opened the public hearing. There were no public comments. Chair Pro Tem Van Dine closed the public hearing.

Commissioner Johnson confirmed that he read the packet and listened to the City Council meeting and felt the developer did the best they could in their due diligence. He added that the developer backed up the information as he requested. He commented that there was an uncertainty, and he wished they could say they knew for sure that it was either safe or unsafe, but the March 9th report was in depth enough. Commissioner Johnson recalled that a City Councilmember noted that the amperage would increase by three times, but the report stated that up to 5,000 volts per meter was safe. Even at the highest level, they would still be within the safety zone that they could provide.

Commissioner Johnson added that while he did not love the report, they did a great job in putting together the backup documentation that would cover the City. He did not like it, and did not think it was safe.

Commissioner Kenworthy asked the Commissioners if they remembered being presented with information that it would triple. Chair Pro Tem Van Dine stated they did not have that information at their meeting, but at the same time she agreed with Commissioner Johnson that this was not an exact science and there was not a good way to obtain a baseline. She noted that anything would be a snapshot in time.

Chair Pro Tem Van Dine agreed that the developer did their due diligence, and she could not say it was perfect. She looked through the March 9th report quickly, but was not able to read the entire report in detail and did not know what additional information could be provided that would change the conclusions. Chair Pro Tem Van Dine acknowledged that most of these studies contain disclaimers because no one can state how harmful it is or not.

Commissioner Johnson commented that they did a good job in finding an expert who was able to clarify that 5,000 was the maximum safety zone. There is only so much they can do, and the one truth that was consistent in every study was that with every 10 feet the Setback increases, it reduces EMFs by 60 – 70%. He looked to City Council to really look at the issue of mitigation. He reiterated that the City Council packet covered them to the best of their ability.

Commissioner Kenworthy requested to see the report and suggested continuing this item until he had the chance to review it and understand it. He did not feel it was fair to move forward without seeing the report. Planner Cawley referenced a link on page 2 of the Staff Report to the City Council packet with all the exhibits, and asked if Commissioner Kenworthy wanted more than that to review. Commissioner Kenworthy stated he did not see that link.

Commissioner Johnson was agreeable to continue the item, especially if City Council asked for additional information. He was aware that one Councilmember requested additional information on the increase of amperage on the transmission lines.

City Attorney Harrington invited Manager Glidden to address next steps in terms of responding to the Council Work Session. He also reminded the Commission that they needed to decide the relevance of what is being requested as it relates to the criteria by which the Commission is to make its decision, and not just personal preference. If they did not believe it would be safe, there would need to be contrary information supporting that position.

Commissioner Kenworthy expressed that the report stated that they need a baseline, and they now know that they would not get a baseline; rather, they would get a time and place. He felt that they all agreed that there was no baseline study. Applicant Davis disagreed with that statement and offered that a baseline was a time and place reading, and the applicant provided what was requested. He added that the information was satisfactorily reviewed and approved in advance of the Final Action Letter.

Commissioner Frontero agreed with the applicant's statement was true, but noted that the Commission thereafter received additional information from Rocky Mountain Power stating that they would potentially increase the voltage by three times. Applicant Davis understood, but reiterated that the baseline was today's reading and there was no predictive methodology to

anticipate a future reading. He understood Commissioner Frontero's point, but stated that the baseline had been satisfied.

Commissioner Frontero commented that the approval was issued prior to that information and when that information was made known to him he was concerned and asked about mitigation options. He posited that if in three years Rocky Mountain Power increased voltage they should be prepared for that. In response to Commissioner Frontero's inquiry, Commissioner Johnson suggested that the Commissioners should read the March 9th report. He stated that he read it thoroughly and listened to the Council meeting, and felt the other Commissioners should do the same so they could be well informed on the issue. He added that the developer put a lot of work into the March 9th report and it was worth review.

Commissioner Sigg appreciated the applicant's work on this application, and wanted to know chronologically when the date and time reading occurred. If they assumed an increase in the capacity of the power plant, he asked how it would tie to the indemnity that the City or the owner would provide to the tenant. Commissioner Sigg wanted to know what the lease provided in this regard and specifically mentioned a potential tenancy and a lessee who would be willing to accept risk. He questioned whether they had even seen the document for the tenants who would lease the units closest to the power station. He felt these things might weigh in more heavily than trying to hone in on the baseline data. Commissioner Sigg was distraught that this was something that they saw after the fact. He added that they had heard a lot of promises about Homestake Road and how that would be mitigated, and would like to see some sort of obligation, and felt that a commitment as part of the development might go a long way in satisfying the feelings of the Homestake people.

Commissioner Sigg reiterated that if the Commission were uncertain, he would like to see what the indemnity would be for someone who might lease those units. He offered that this was a great project, but they needed to deal with the exposure. Chair Pro Tem Van Dine clarified that this was the Commission's ratification process and would not go back to the Council. City Attorney Harrington agreed. Chair Pro Tem Van Dine made clear that they could not go back and rehash what they want in this project because they already voted to approve it. The Commission was looking only at the Development Agreement. She noted that they could continue the item to allow the Commission more time to look at the study that was included in the exhibits attached to the Staff Report. Alternately, they could entertain a motion to approve the Development Agreement.

Commissioner Kenworthy referenced Commissioner Sigg's comments regarding timing. He stated they had a study that was going to come in after the vote, and in his letter he addressed exactly what Commissioner Sigg raised. His letter mentioned questions about indemnification, and the issues raised today were called out. Commissioner Kenworthy understood the safest thing to do would be to move the building back, and all the scientists agreed. He acknowledged that would be a disaster for the applicant, but it would be a safe move to make. Commissioner Kenworthy stated the issue then comes to indemnification.

Chair Pro Tem Van Dine stated that for the sake of this meeting, they had to decide if they want more information. Commissioner Kenworthy expressed that these issues were brought up when the report came in because it did not satisfy some of the Commissioners.

Commissioner Hall stated that she had the opportunity to review the report and listen to the Council meeting, and was satisfied. She would make a motion to ratify the Development

Agreement. She understood the concerns of the Commissioners, and felt they could always rehash so many aspects of prior applications, but if they focused solely on the Agenda Item and what the Commission requested, that has, in her opinion, been satisfied. She felt it was not fair to go off topic on the Agenda Item and reinvestigate part of this application that was not on the agenda.

In response to an inquiry from Commissioner Kenworthy, Commissioner Hall confirmed that she did not have any issue with the fact that they were not presented the information on the increase in voltage. She added that they had been presented with a ton of information and she was comfortable with this.

Commissioner Frontero requested more time to review the updated information and requested to continue the item.

Chair Pro Tem Van Dine stated that Commissioner Hall just moved to approve the Development Agreement. City Attorney Harrington stated that Chair Pro Tem Van Dine had the discretion to allow further discussion either before or after the second of the motion.

There was discussion about a second to Commissioner Hall's motion, and City Attorney Harrington confirmed that Chair Pro Tem Van Dine could second that motion.

MOTION: Commissioner Hall moved to RATIFY the 1875 Homestake Road – Development Agreement. Chair Pro Tem Van Dine seconded the motion.

VOTE: Commissioner Hall – Aye; Chair Pro Tem Van Dine – Aye; Commissioner Johnson – Nay; Commissioner Kenworthy – Nay; Commissioner Frontero – Nay; Commissioner Sigg – Nay. The motion failed.

MOTION: Commissioner Johnson moved to CONTINUE 1875 Homestake Road – Development Agreement to April 26, 2023.

Commissioner Hall asked what additional information the Commissioners would get from further reviewing the packet, and alternative, whether they were seeking additional new information. She asked if they would have the same packet for the continued hearing on this item. Commissioner Johnson explained that the updated EMF documentation was linked in the packet, and three of the Commissioners had not had a chance to review it. They wanted to give them additional time to review that information so they would be more informed and feel more comfortable moving forward.

Commissioner Kenworthy wanted to have discussions on indemnification and how the applicant would address that. He did not believe they were in a situation of equity for a community that has the most underserved people being lured to live in a place where there are unknown health risks. He reiterated that he would like to see the indemnification portion addressed, just as he stated in his letter. He asked if there would be a lease indemnification for people to sign when they move in, and what portion of the building they would require such a document.

Commissioner Hall recalled that she asked for that when they processed the application and she understood that the answer was that was not within their jurisdiction because it was not part of the application or the Planning Commission's purview.

City Attorney Harrington agreed with Commissioner Hall's statement, and stated that those concerns were forwarded to the City Council along with the request for additional disclosures. He made clear that the Staff Report, with exhibits, was linked on page two of this Staff Report. He stated that if any Commissioner had difficulty accessing that information to let Planner Cawley know so he could provide hard copies of those documents.

Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Hall – Nay; Chair Pro Tem Van Dine – Nay; Commissioner Johnson – Aye; Commissioner Kenworthy – Aye; Commissioner Frontero – Aye; Commissioner Sigg – Aye. The motion passed 4-to-2.

Chair Suesser rejoined the meeting and assumed the Chair.

B. 2460 Iron Mountain Drive - Plat Amendment - The Applicant Proposes to Relocate the Building Pad Located on the Lot. PL-23-05514.

City Planner, Lillian Zollinger reported that the site is part of the Iron Canyon Subdivision, which was recorded in 1989. All of the Lots were recorded with a 4,000 square foot Building Pad. For this site, the existing Single-Family Dwelling was constructed in 1989 without consulting the Building Pad location. The applicant proposed to amend the Building Pad to encompass the existing Single-Family Dwelling. Planner Zollinger advised that several Lots within this Subdivision proposed similar amendments. She stated that both the existing Single-Family Dwelling and the proposed Building Pad were both compliant with the Single-Family zone Setbacks, as well as the Sensitive Land Overlay ("SLO"). She referenced the Staff Report for additional information.

Planner Zollinger stated that the proposed Plat Amendment was reviewed by the Development Review Committee, and required one Condition of Approval. She explained that there was good cause for this Plat Amendment as it would resolve an existing issue and non-conformity, and is consistent with the pattern of development in the neighborhood. Additionally, the area of the Building Pad would not be increased, would not disturb more area than previously allowed, and the change was consistent with the Iron Canyon Subdivision. Planner Zollinger also noted that the Planning Commission and City Council approved similar proposals seven other times to date. She highlighted four Conditions of Approval:

- Any new construction must comply with the LMC regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.;
- Other Conditions of Approval for the Iron Canyon Subdivision would continue to apply and shall be noted on the Plat;
- The applicant shall show the bearings and distances of the final proposed Building Pad on the recorded Plat; and
- Any expansion of the Building Footprint shall be fully encompassed within the amended Building Pad, and require review by the Planning Department of Significant Vegetation impacted.

She reported that Staff recommended the Planning Commission review this proposal, open a public hearing, and provide a positive recommendation for City Council's consideration on April 27, 2023.

The applicant, Benjamin Zaniello had nothing to add.

Commissioner Frontero understood that the current home sits on the current Plat, albeit incorrectly. He queried whether the house would be fully captured on the new Plat, to which Planner Zollinger answered in the affirmative. He asked about decks, and Planner Zollinger explained that the amended Plat would mostly encompass the house, and it did include some of the decks. The 4,000 square foot Building Pad included more than the area of the house. Commissioner Frontero asked if any addition was being contemplated because of this Plat Amendment. Planner Zollinger stated that no addition was contemplated at this time. Commissioner Frontero understood that the purpose of the Plat Amendment was to place the home correctly on the Building Pad and not for an addition or increased square footage.

Chair Suesser mentioned the new deck extension. Planner Zollinger stated that a new deck extension was contemplated at the base of the deck, and that the deck was not counted as part of the square footage of the home.

Commissioner Johnson had no questions and commented that this was a great application and appreciated the applicant going through the SLO process. With regards to Condition of Approval 6, he suggested they add Forestry Board to the required review of Significant Vegetation impacted.

Director Milliken stated that any review of Significant Vegetation would be brought before the Forestry Board, so the suggested addition would be redundant. Commissioner Johnson withdrew the suggested addition to Condition of Approval 6.

There were no further questions or comments from the Commissioners.

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

MOTION: Commissioner Johnson moved to forward a positive recommendation on 2460 Iron Mountain Drive – Plat Amendment – for City Council's consideration on April 27, 2023 based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance as follows:

Findings of Fact

1. The property is located at 2460 Iron Mountain Drive.
2. The Lot is within the Single-Family Zoning District.
3. The subject property consists of Lot 45 of the Iron Canyon Subdivision, approved in 1983.
4. The Plat Amendment proposes to adjust the Building Pad area shown on the Iron Canyon Subdivision Plat.
5. The proposed Building Pad is proposed to be the same square footage as the platted building pad of 4,000 square feet.

6. The Lot contains 0.77 acres.
7. The following Lots of the Iron Canyon Subdivision have adjusted their Building Pad as approved by the City Council: Lot 4, 5, 11, 29, 42, 43, 33.
8. The proposed Plat Amendment is consistent with the pattern of development in the neighborhood.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it brings a non-complying structure into compliance by moving the location of the Building Pad to encompass the existing Single-Family Dwelling.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.11 and § 15-7.1-6 Final Subdivision Plat.
3. The Plat Amendment is consistent with the Land Management Code.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Any new construction shall comply with Land Management Code Chapter 15-2.11 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. All other conditions of approval and platted requirements for the Iron Canyon Subdivision continue to apply and shall be noted on the plat.
5. The Applicant shall show the bearings and distances of the final proposed Building Pad on the recorded Plat.

6. Any expansion of the Building Footprint shall be fully encompassed within the amended Building Pad and require a review by the Planning Department of Significant Vegetation impacted.

Commissioner Van Dine seconded the motion.

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

- C. 1061 Lowell Avenue - Conditional Use Permit - The Applicant Proposes to Demolish an Existing Duplex that Straddles 1061 & 1063 Lowell Avenue and Construct a New Duplex on 1061 Lowell Avenue in the Historic Residential (HR-1) Zone. PL-22-05491.**

Chair Suesser reported that the above item would be presented simultaneously with Agenda Item 7.C., as they were related.

Senior Historic Preservation Planner, Caitlyn Tubbs, presented the applications for Conditional Use Permits for 1061 Lowell Avenue and 1063 Lowell Avenue. She stressed that these were two separate CUPs on two separate properties; therefore they would require two separate motions and two separate votes. Planner Tubbs explained that this was a grouping of two properties located within the Historic Residential ("HR-1") Zoning District. There is an existing duplex on the property that was built in 1983 with an approved Building Permit issued by the City.

Planner Tubbs reported that the homeowners were intending to demolish the duplex and replace it with two new duplexes, one on each Lot. She presented a graphic of the existing Site Plan with the footprint of the existing dwelling. She also presented a graphic showing the proposed duplex on 1061 Lowell Avenue. Planner Tubbs confirmed that there would be four units where there are currently two units. The duplex was constructed in 1983 as two family dwellings, which were a permitted use in the 1980's HR-1 zone. That has since changed, so the existing structure is considered Legal Non-Conforming. It was part of the Northstar Subdivision and until January 2010, it was governed by the protected covenants of that Homeowners' Association ("HOA"), but that standard no longer applied.

Planner Tubbs stated that on September 22, 2021 the Planning Commission reviewed the Plat Amendment that proposed to create two new Lots where the party wall exists between the existing units. The Commission forwarded a positive recommendation to the City Council, where it was unanimously approved on October 28, 2021. On December 6, 2022, the Development Review Committee, which consisted of the following departments, reviewed this application: Engineering, Streets, Public Works, Utilities, and Park City Fire District. There were no requested Conditions of Approval and no outstanding concerns raised.

Planner Tubbs highlighted the information in the Staff Report that demonstrates how the proposed duplex complied with the existing HR-1 zoning standards. Condition of Approval 9 currently reads "Nightly Rental of the Duplex and Creation of a Lockout Unit is prohibited." However, upon speaking further with the applicants, they were interested in potentially revisiting that in the future. Planner Tubbs requested the Planning Commission amend that Condition of Approval to "The Owner shall demonstrate compliance with the applicable standards prior to establishing a Lockout unit or Nightly Rental Use." She explained that this would require the homeowner to go through the adopted requirements in the LMC such as the provision of

adequate parking, before those uses could be established. She noted that the applicants were present to answer any questions.

Chair Suesser understood that in 1983, duplexes were permitted in the HR-1 zone. Planner Tubbs noted that they were classified as “two family dwellings.” She agreed that currently, duplexes were not permitted outright in the HR-1 zone, but they were permitted as a conditional use.

Commissioner Sigg asked if these would be platted as condominiums, and wondered if there were features such as common area or a common wall. He requested information on the recording mechanism for this potential duplex. Planner Tubbs stated that the current LMC for the HR-1 Zoning District required a certain Lot size for duplexes, and these proposals met that requirement. At this point a Subdivision was not required and she deferred to the applicant for any future plans in that regard.

The applicant's representative, Chimso Onwuegbu, stated that there was no plan for condominiums at this point, but did not know what the owner would look to do in the future. He believed it would be a townhome ownership structure.

City Attorney Harrington added that the lot owner owned both units. He explained that the ownership could not be by two people unless it went through a condominium or a future subdivision. The same owner would own the entire structure.

In response to an inquiry from Commissioner Johnson, Applicant Representative Onwuegbu indicated that the existing retaining wall would remain. He explained that the wall did not extend into the Setbacks, except at the very edges where it was very close to compliance. While the actual wall would remain, the owner would likely cover it with something.

Chair Suesser referenced Condition of Approval 22 that would require a Steep Slope Conditional Use Permit, and asked if the applicant intended to go deeper into the Lot than the current units. Planner Tubbs stated that there were 9 recommended Conditions of Approval, and the listing of the 22 Conditions of Approval were from a prior application.

Planner Tubbs added that because the applicant would not delve further into the hillside and the topography was already set on the site, Staff determined that a Steep Slopes Conditional Use Permit would not be required at this time. She confirmed that based on Staff's review of the plans, the demolition of the existing structure and the construction of the new units would not go deeper into the hillside and not extend past the retaining wall. Chair Suesser clarified that she was reading from Finding of Fact 22 of the proposed Ordinance.

Commissioner Sigg observed that based on his review of the plans, one side was different from the other side. He wanted to be clear about the ownership, and asked if the owner could live in 25% of the four units on two Lots with the second Lot being 100% Nightly Rental.

Applicant Representative Onwuegbu stated the owner could sell the second Lot independent of the first Lot because they were two legally separated Lots. He confirmed that the owner would own both units. From a design perspective, Commissioner Sigg wondered if one unit was being built for spec. Applicant Representative Onwuegbu stated they were designed to create variety in the four different units so they would not have the same floor plans or articulation of the buildings.

Chair Suesser asked if the new construction would be taller than the existing structure. Applicant Representative Onwuegbu stated the top heights would be similar, although they would be massed differently.

In response to an inquiry, Chair Suesser confirmed that a doublewide garage was permitted in the HR-1 zone. She noted that the four proposed units would each have a single-car garage. Applicant Representative Onwuegbu added that the largest of the units would have a doublewide garage. Applicant Representative Onwuegbu added that this application went through the initial Historic District Design Review ("HDDR") process, and both designs were in for a full HDDR approval.

Chair Suesser understood that in the current structure, the two units were connected and existed across two Lots. Planner Tubbs confirmed, and explained that when the structure was built in 1983, it was built on Lot 1, which was one solid Lot. At some point, the prior owner recorded a document with Summit County that bifurcated that property along the shared party wall. A Plat Amendment was then obtained in 2021 to rectify that.

Chair Suesser observed that the existing duplex was a Legal Non-Conforming Use, and they were contemplating issuing a CUP for duplexes on each Lot. Planner Tubbs added that it was also Non-Conforming because it was built over a property line; therefore it did not comply with Setbacks. Planner Tubbs confirmed that the new structure would meet the Side Setbacks and surpass the Front and Rear Setbacks.

Chair Suesser asked if the applicant was contemplating any new access points. Planner Tubbs explained that the units were currently accessed off of Northstar Road, which is a private Right-of-Way, and there is a shared access agreement. Applicant Representative Onwuegbu explained the access off of Northstar Road, and Chair Suesser opined that they would access the property from Lowell Avenue. Planner Tubbs stated that the private paved driveway shown on the survey shown to the Commission was Northstar Road. In response to an inquiry, she did not know how many units Northstar Road serviced, but could provide an estimate.

Commissioner Sigg asked if there were recorded Codes, Covenants, and Restrictions ("CC&Rs" and HOA documents for the homes along Northstar Road. Planner Tubbs stated there were on a few; however, there were several Lots that were removed from those protective covenants since the Northstar Subdivision was originally created. Northstar Road is a private road accessed from Lowell Avenue and there were approximately eight units served by that section of Northstar Road. Planner Tubbs estimated that Northstar Road was approximately 16 feet wide, and approximately 380 feet between the access points on Lowell Avenue. She explained that Northstar Road connected to Lowell Avenue at two points.

Chair Suesser corrected this and stated that Northstar Road only connected to Lowell Avenue at one point, and noted it was gated off at one end. Applicant Representative Onwuegbu added that the Fire District had access through that private gate put up by the house that is under construction, but confirmed that Northstar Road did connect all the way through.

In response to an inquiry from Commissioner Sigg, Planner Tubbs reported that the Fire Marshall reviewed this plan at the December 6, 2022 Development Review Committee meeting, and indicated there was a hydrant approximately midway up Northstar Road, and the City had

satisfactory access easement recorded. Applicant Representative Onwuegbu added that the owner had preliminary conversations with Fire Marshal Mike Owens before they started working on the project.

Commissioner Johnson referenced Condition of Approval 9, and noted that he was comfortable with how it was written before being advised of the change. He read the Staff Report as stating that the applicant would not be able to park the site for a Nightly Rental or a Lockout so they would just prohibit those uses. Applicant Representative Onwuegbu stated that the way the site was currently laid out, it was not shown for that; however, the applicant did not want that requirement to put into the Conditions in case the site design changed, or there was a desire for a Nightly Rental. They could adjust the design of the site to potentially accommodate the required parking for a Nightly Rental. There would be enough area on 1063 Lowell, and highlighted that there was no Condition of Approval prohibiting Nightly Rentals on 1063 Lowell.

Planner Tubbs read the proposed new Condition of Approval as follows: "The Owner shall demonstrate compliance with applicable standards prior to establishing a Lockout unit or Nightly Rental Use." The owner would have to demonstrate compliance with the LMC to the Planning Department; additionally, Nightly Rental with a Lockout unit requires a CUP in the HR-1 Zoning District.

In response to an inquiry, Planner Tubbs stated that the Development Review Committee reviewed this in December 2022, and raised no concerns.

Chair Suesser stated the Draft Ordinance in the packet contains only six Conditions of Approval. Planner Tubbs stated there was a separate Final Action Letter for the Conditional Use Permits.

Chair Suesser opened the public hearing on 1061 and 1063 Lowell Avenue. There being no public comment, Chair Suesser closed the public hearing.

MOTION: Commissioner Van Dine moved to APPROVE the Conditional Use Permit for 1061 Lowell Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval, as amended in the Final Action Letter as follows:

Findings of Fact

1. The Property is located at 1061 Lowell Avenue and is also known as Lot 1B of the Northstar Subdivision Lot 1 Amended Plat.
2. Lot 1B is 9,742 square feet in size.
3. The Property is located within the Historic Residential – 1 (HR – 1) Zoning District.
4. On July 19, 1977, the Declaration of Protective Covenants for the Northstar Subdivision was recorded.
5. The 1980s Land Management Code permitted a Two-Unit Dwelling as an Allowed Use in the HR-1 District.

6. In 1983 the City issued a building permit for a Duplex on Lot 1 of the Northstar Subdivision.
7. In 1985 a Party Wall Agreement for the shared wall of the Duplex was recorded with Summit County.
8. At some point a deed was recorded with Summit County to bifurcate the originally platted lot along the shared wall of the Duplex.
9. The Northstar Homeowners Association recorded a Notice of Removal of Protective Covenants to remove Lot 1 from the Northstar Homeowners Association.
10. On August 18, 2021 the City received a complete application for the Northstar Subdivision – Lot 1 Amended Plat amendment.
11. The Planning Commission reviewed a Plat Amendment Application to formally create Lots 1A and 1B on September 22, 2021 and forwarded a positive recommendation to the City Council.
12. The City Council reviewed the Plat Amendment Application on October 28, 2021 and approved the amendment by Ordinance 2021-42.
13. On December 21, 2022, the City received a Conditional Use Permit application for the construction of a new Duplex on 1061 Lowell Avenue.
14. A Duplex is a Conditional Use in the HR-1 Zoning District for lots with a minimum area of 3,750 square feet.
15. Currently, Lot 1B contains a legal non-complying Duplex Structure which is bifurcated by the Lot Line between Lot 1B and Lot 1A of the Northstar Subdivision – Lot 1 Amended Plat.
16. The current Duplex would be described as a non-complying structure, which is defined in LMC §15-15-1.172 as “A Structure that 1) legally existed before its current zoning designation; and 2) because of subsequent zoning changes, does not conform to the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.”
17. Existing on the Lot is a (15’) foot non-exclusive Access easement to access Lot 1A, Lot 2, and parts of Lot 3 of Northstar Subdivision.
18. The maximum building footprint allowed on the Lot is 2,818 square feet. The proposed building has a footprint of 2,815 square feet.
19. The HR-1 Zoning District’s required Front and Rear Setbacks are 15 feet each, totaling a minimum of 30 feet. The proposed Front Setback is approximately 31

feet from the property line and the proposed Rear Setback is approximately 29 feet from the property line.

20. The HR-1 Zoning District's required Side Setback is a minimum of 5 feet, totaling a minimum of 18 feet. The proposed northern Side Setback is 5 feet, and the proposed southern Side Setback is 13 feet.
21. The HR-1 Zoning District's maximum Building Height is 27 feet. The HR-1 Zoning District requires a maximum height of 35 feet from the lowest finish floor plane to the top of the highest wall plate. The proposed Structure is 27 feet in height and is 35 feet from the lowest finish floor plane to the top of the highest wall top plate.
22. The proposed Structure complies with the underlying requirements of the HR-1 Zoning District.
23. On March 8, 2023, City staff provided a public hearing notice to all property owners within 300 feet of the proposed CUP and posted a sign to the subject property.
24. On March 3, 2023 City staff published a public hearing notice to the City website and to the Utah Public Notice website.

Conclusions of Law

1. The proposed Conditional Use Permit complies with the requirements of the HR-1 Zoning District and LMC §15-1-10.
2. The effects of any differences in Use or scale have been mitigated through careful planning.
3. The proposed Use, as conditioned, will be compatible with the surrounding Structures in Use, scale, mass, and circulation.
4. The Application was duly noticed in advance of the public hearing date and the Planning Commission conducted a public hearing as required by law prior to taking Final Action.
5. Approval of the Conditional Use Permit, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The proposed Duplex Structure is subject to Historic District Design Review (HDDR) approval and must obtain such approval prior to the issuance of a Building Permit.
2. A Building Permit must be obtained prior to construction and the Structure must be inspected by the Building Department prior to occupancy.

3. The proposed Structure shall be in accordance with all adopted codes, including, but not necessarily limited to the Land Management Code (LMC), International Building, Fire and related Codes, and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of Park City.
4. If a Building Permit, or Extension of Approval, has not been obtained prior to March 22, 2024, this Conditional Use Permit approval shall expire.
5. No exterior advertising signs or lighting are approved with this Conditional Use Permit.
6. Any proposed exterior lighting must be reviewed by the Planning Department prior to installation and must be compliant with LMC §15-5-5(J).
7. All proposed mechanical equipment must be screened.
8. Any modifications to the design of the proposed Structure must be provided in writing in advance to the Planning and Building Departments for review and must comply with all adopted Codes, Standards, and Ordinances.
9. The Owner shall demonstrate compliance with applicable standards prior to establishing a Lockout unit or Nightly Rental Use.
10. The Applicant shall meet with the Building Department to establish a Construction Mitigation Plan ("CMP") prior to the issuance of a Building Permit.

There was discussion regarding the amendment to the Final Action Letter. Planner Tubbs explained that with regards to the additional CUP, that would be a Nightly Rental of a Lockout Unit, as required by the LMC. The owner could have a Lockout Unit separately, or a Nightly Rental separately if they met the standards; however, if they wanted to have Nightly Rental of a Lockout Unit, that would require a CUP.

Commissioner Frontero seconded the motion.

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

- D. 1063 Lowell Avenue - Conditional Use Permit - The Applicant Proposes to Demolish an Existing Duplex that Straddles 1061 & 1063 Lowell Avenue and Construct a New Duplex on 1063 Lowell Avenue in the Historic Residential (HR-1) Zone. PL-22-05492**

MOTION: Commissioner Van Dine moved to APPROVE the Conditional Use Permit for 1063 Lowell Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval, in the Final Action Letter as follows:

Findings of Fact

1. The Property is located at 1063 Lowell Avenue and is also known as Lot 1A of the Northstar Subdivision Lot 1 Amended Plat.
2. Lot 1A is 9,742 square feet in size.
3. The Property is located within the HR-1 Historic Residential Zoning District.
4. On July 19, 1977 the Declaration of Protective Covenants for the Northstar Subdivision was recorded.
5. The 1980s Land Management Code permitted a Two-Unit Dwelling as an Allowed Use in the HR-1 District.
6. In 1983 the City issued a building permit for a Duplex on Lot 1 of the Northstar Subdivision.
7. In 1985 a Party Wall Agreement for the shared wall of the Duplex was recorded with Summit County.
8. At some point a deed was recorded with Summit County to bifurcate the originally platted lot along the shared wall of the Duplex.
9. The Northstar Homeowners Association recorded a Notice of Removal of Protective Covenants to remove Lot 1 from the Northstar Homeowners Association.
10. On August 18, 2021 the City received a completed application for the Northstar Subdivision – Lot 1 Amended Plat amendment.
11. The Planning Commission reviewed a Plat Amendment Application to formally create Lots 1A and 1B on September 22, 2021 and forwarded a positive recommendation to the City Council.
12. The City Council reviewed the Plat Amendment Application on October 28, 2021 and approved the amendment by Ordinance 2021-42. Ordinance 2021-42 included Findings of Fact, Conclusions of Law, and Conditions of Approval.
13. On December 21, 2022 the City received a Conditional Use Permit application to allow the construction of a new Duplex on 1061 Lowell Avenue.
14. A Duplex is allowed as a Conditional Use in the HR-1 District for lots with a minimum area of 3,750 square feet.

15. Currently, Lot 1A contains a legal non-complying Duplex Structure which is bifurcated by the Lot Line between Lot 1A and Lot 1B of the Northstar Subdivision – Lot 1 Amended Plat.
16. The current Duplex would be described as a non-complying structure, which is defined in LMC §15-15-1.172 as “A Structure that 1) legally existed before its current zoning designation; and 2) because of subsequent zoning changes, does not conform to the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.”
17. Existing on the Lot is a (15’) foot non-exclusive Access easement to access Lot 1A, Lot 2, and parts of Lot 3 of Northstar Subdivision.
18. The maximum building footprint allowed on the Lot is 2,818 square feet. The proposed building has a footprint of 2,815 square feet.
19. The HR-1 District’s required Front and Rear Setbacks are 15 feet each, totaling a minimum of 30 feet. The proposed Front Setback is approximately 31 feet from the property line and the proposed Rear Setback is approximately 29 feet from the property line.
20. The HR-1 District’s required Side Setback is a minimum of 5 feet, totaling a minimum of 18 feet. The proposed northern Side Setback is 5 feet and the proposed southern Side Setback is 13 feet.
21. The HR-1 District’s maximum Building Height is 27 feet. The HR-1 District requires a maximum height of 35 feet from the lowest finish floor plane to the top of the highest wall plate. The proposed Structure is 27 feet in height and is 35 feet from the lowest finish floor plane to the top of the highest wall top plate.
22. The proposed Structure complies with the underlying requirements of the HR-1 District.
23. On March 8, 2023 City staff provided a public hearing notice to all property owners within 300 feet of the proposed CUP and posted a sign to the subject property.

Conclusions of Law

1. The proposed Conditional Use Permit complies with the requirements of the HR-1 District and LMC §15-1-10.
2. The effects of any differences in Use or scale have been mitigated through careful planning.
3. The proposed Use, as conditioned, will be compatible with the surrounding Structures in Use, scale, mass, and circulation.

4. The Application was duly noticed in advance of the public hearing date and the Planning Commission conducted a public hearing as required by law prior to taking Final Action.
5. Approval of the Conditional Use Permit, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The proposed Duplex Structure is subject to Historic District Design Review ("HDDR") approval and must obtain such approval prior to the issuance of a Building Permit.
2. A Building Permit must be obtained prior to construction and the Structure must be inspected by the Building Department prior to occupancy.
3. The proposed Structure shall be in accordance with all adopted codes, including, but not necessarily limited to the Land Management Code (LMC), International Building, Fire and related Codes, and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of Park City.
4. If a Building Permit, or Extension of Approval, has not been obtained prior to March 22, 2024 this Conditional Use Permit approval shall expire.
5. No exterior advertising signs or lighting are approved with this Conditional Use Permit.
6. Any proposed exterior lighting must be reviewed by the Planning Department prior to installation and must be compliant with LMC §15-5-5(J).
7. All proposed mechanical equipment must be screened.
8. Any modifications to the design of the proposed Structure must be provided in writing in advance to the Planning and Building Departments for review and must comply with all adopted Codes, Standards, and Ordinances.
9. The Applicant shall create a Construction Mitigation Plan (CMP) with the Building Department prior to the issuance of a Building Permit.

Commissioner Kenworthy seconded the motion.

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

E. 2280 Deer Valley Drive – Plat Amendment – The Applicant Proposes to Correct Plat Discrepancies Between the Recorded Plat and As-Built Conditions and Proposes to Increase Common Area Square Footage. PL-22-05484.

City Planner, Virgil Lund, reported that this is a Plat Amendment for 2280 Deer Valley Drive, also known as Black Diamond Lodge at the Deer Valley Base. It is a 27 multi-unit dwelling located in the Residential Development (“RD”) Zoning District. Planner Lund reported that the Planning Commission approved an MPD/CUP application for the Black Diamond Lodge on March 8, 2000. The original Plat was approved in August 2000, and had not been amended since that time. Planner Lund advised that on March 21, 2020 the Black Diamond Lodge HOA sold two common area spaces to be used for private ownership for the owners of Units 341 and 352. The additional square footage was taken from attic and roof space, and no new construction occurred. Graphics were presented to the Commission showing the location of this square footage.

Planner Lund reported that the applicant also proposed to increase common area square footage for the ski locker room and the après lobby within the existing rooflines. The original Plat was actually a pre-construction Plat and was never amended to include minor changes that occurred during construction. The applicant proposed to correct the Plat to reflect as-built conditions.

Planner Lund stated that the proposed Plat complied with the Residential Zoning District requirements. The lobby expansion would extend toward the Front Setback and would comply with Setback requirements, as it would be at 21 feet. The proposal also complies with off-street parking ratio requirements. Planner Lund stated that the proposed Plat indicated 61 parking spaces, whereas 54 parking spaces were required under the current LMC.

Planner Lund reported that Staff found good cause for the Black Diamond Condominium Plat Amendment because existing issues between the recorded Plat and as-built conditions would be corrected. The proposed changes were within Zoning District regulations, and the proposal was consistent with the planning goals of the original MPD/CUP approval and the overall goals of the Deer Valley MPD. The Development Review Committee reviewed the proposal and did not identify any issues.

Planner Lund indicated that Staff recommended the Planning Commission review the proposed Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on April 4, 2023, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance. The General Manager for the property advised that they took great expense and time to correct the Plat. The entire building was 3-D scanned and they found that things were off in various locations, and this would make it consistent with as-built conditions.

With regard to the 265-square-foot expansion for the ski locker and après lobby, Commissioner Frontero sought clarification that this square footage already existed and that they were just replatting it properly. Planner Lund referenced the graphic with the red hash marks, and explained that the walls would be extended outward to the roofline. Planner Lund also confirmed that the expansion would not violate any Setbacks, nor would the Plat Amendment.

Commissioner Sigg understood that this proposal will just push out over decks that were already part of common area, and enclose those areas. He noted the building was established, and the footprints were there, so there was no argument that these would be Accessory Uses since it is part of the existing footprint and building.

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

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on April 4, 2023 for the First Restated Black Diamond Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance as follows:

Findings of Fact Background:

1. The Black Diamond Lodge Plat was approved in 2000.
2. The property is located at 2280 Deer Valley Drive.
3. The property is listed with Summit County as Parcel numbers BDL-141, BDL-243, and BDL-352.
4. The Black Diamond Lodge is in the Residential Development (RD) Zoning District.
5. The Black Diamond Lodge is subject to the twelfth amended and restated Deer Valley Resort Large Scale Master Planned Development.
6. On March 8, 2000, the Park City Planning Commission approved a Master Planned Development Application/Conditional Use Permit for the Mountain View Lodge (changed to Black Diamond Lodge).
7. This Plat Amendment accurately identifies the square footages for all private ownership and Common Areas in the Black Diamond Lodge.
8. At the time of development, the Planning Commission required two parking spaces per Unit plus additional guest parking for the Black Diamond Lodge.
9. The current LMC requires two (2) parking spaces per Dwelling Units with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.
10. The Plat Amendment complies and provides 61 parking spaces.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because existing discrepancies between the recorded Plat and as-built conditions are corrected.

2. The Plat Amendment is consistent with the Park City Land Management Code, including Chapter 15-2.13 Residential Development (RD) Zoning District, and §15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. City Engineer shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

Commissioner Kenworthy seconded the motion.

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

- F. Land Management Code Amendments – Bicycle Parking Requirements – The Planning Commission Will Consider Potential Amendments to Section 15-3- 9 Bicycle Parking Requirements to Update Requirements for Outdoor Bicycle Parking and to Establish Enclosed Bicycle Storage Requirements for Multi-Unit Dwelling Developments and Developments that Generate Employees. PL-23- 05563.**

Assistant Director Ward introduced Transportation Planner, Hannah Pack. She thanked Commissioners Hall and Van Dine as well as the Transportation Planning Team for their input and work on these amendments. As part of the last Work Session on this item, the Commission also discussed potentially making policy recommendations to the City Council about bike parking citywide. The Staff Report mentioned some of the programs that are in progress. For City programs like Request a Rack, bike parking on Main Street and Bicycle and Pedestrians, Planner Pack would provide an overview for the Commission.

Planner Pack stated that with the three programs mentioned by Assistant Director Ward, the City was operating with the intent of increasing bike parking throughout the City. The first program, called Request a Rack, is a free program open to any business in Summit County. This program is operated in conjunction with High Valley Transit.

Planner Pack explained that under this program, anyone in the county could request a free bike rack. She explained that one of their representatives would come out, conduct a site visit, and install the racks free of charge. These installations would be in compliance with the Association of Pedestrian and Bicyclist Professionals, and were compliant with existing Code.

With regard to Main Street bike parking, Planner Pack reported that they currently have three different seasonal corrals placed around Main Street. These corrals are located in front of Handle, Patagonia, and the eating establishment. These add an additional 30 bike parking spaces in the summer. Planner Pack commented that they were interested in adding more, but they felt it would require removal of parking for these types of bike racks. A planned bike-parking audit would determine how many spaces they currently have available beyond the corrals.

In addition, Planner Pack advised they were working on the Bike and Pedestrian Plan. They just re-launched the community engagement for this Plan, as it was paused in 2021 due to the team working on Park City Forward and the Short Range Transit Plan. She reported that they have conducted three community conversations, and have heard from residents as to what they do and do not like about biking and walking in Park City. The goal of the plan was to identify the gaps and how they could improve level of service for both pedestrians and cyclists.

Assistant Director Ward commented that additional questions arose as to the plans for the transit stops. She explained that there was a plan in place, in collaboration with a Program Management Services Consultant to upgrade bus stops citywide. As part of this, they were developing bus stop typologies. Part of the recommendations included amenities such as bike parking, ski racks, and digital signage.

For Special Events, Assistant Director Ward advised that event applicants were required to submit a Transportation Plan that outlines bike parking and alternative modes of transportation. Some events exceed this with bike valet services. If the Commission was interested in forwarding recommendations to the City Council as part of this review for policy, Staff would carry that forward.

Assistant Director Ward next addressed the recommended amendments and stated that they build upon what was reviewed in the February 22nd Work Session to update the standards for outdoor bike parking, and to require bike storage facilities for multi-unit dwellings and uses that generate employees. She explained that the proposed amendments would retain the current 10% requirement of parking spaces; however, if an applicant were to request a reduction in parking through either a CUP or an MPD, the bike-parking requirement would not be reduced. There would also be a requirement that at least one, or 1% of the required parking, would accommodate the larger bikes and meet the 3' x 10' requirement.

In terms of enclosed bike storage requirements, Assistant Director Ward explained the Code would require one per three units for multi-unit dwellings, or one per ten employees generated by use. She added that 5% of these storage requirements would be at least 3' x 10' to accommodate the larger bikes or bikes with trailers.

She stated that the amendments would also require a bike repair station if there were 10 or more bikes included in the requirement.

Assistant Director Ward stated that with the enclosed bike storage facilities, there would be a number of possibilities that applicants could propose, including vertical parking, two tier parking and other creative ways to increase the storage capacity indoors. She explained that for some of the smaller projects, the residential bike parking could be 75 square feet. For projects with up to 200 units, the bike parking would be over 1,000 square feet. The square footage for employee-generated bike parking would be based on the table outlined in the Affordable Housing Resolution. She noted that flexibility was built in so that applicants could produce their own documentation for Planning Commission review on what the number of employees generated would be for uses that might not fit into the table.

Assistant Director Ward provided some examples of different sized restaurants. For the smaller restaurants of approximately 5,000 square feet, there would be three enclosed bike parking spots required encompassed in about 75 square feet. In addition, she explained that the amendments allowed for site-specific review and Planning Commission discretion to modify what would be required to make sure it would be the best for that specific project. Additionally, where properties have zero Setbacks, there would be a payment in lieu. Assistant Director Ward stated that Staff recommended the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for City Council's consideration on April 27, 2023.

Commissioner Van Dine thanked Assistant Director Ward and stated that she enjoyed working on these amendments.

Chair Suesser addressed outdoor bicycle parking and felt the requirement that the outdoor racks must be protected from weather by existing structures was strict. Assistant Director Ward noted that outdoor racks must be protected unless the Planning Commission approved a modification. Chair Suesser also felt that requiring bike racks to be within 50 feet of a primary entrance was strict as well, unless the Planning Commission provided an exception. She felt that these issues would come before the Commission all the time. Commissioner Van Dine explained that when they began this process, they wanted people to look at covered bike parking as the first option. She felt that giving these options would encourage people to ride their bikes, and there would always be the leeway to request an exception. She stressed that the encouragement to require covered parking up front would be beneficial. Chair Suesser understood, and added that it was too bad they could not get parking in China Bridge.

Commissioner Frontero asked if these provisions would be retroactive. Assistant Director Ward stated that these amendments would apply to new development. As they looked into other codes, they found some creative incentives that communities have come up with to incentivize existing uses, and that was something they could look into outside of the Code. She mentioned that as part of the discussion on Accessory Uses, they could consider a density bonus for projects that exceed the bike parking requirements. This could be included in the Code depending on where they end up on Accessory Uses. She reiterated there were incentives they could consider incentivizing creation of bike parking in existing structures, but what is outlined in the current Code would apply to projects moving forward.

Commissioner Frontero asked if these requirements would apply to renovations. Assistant Director Ward responded that would depend on if the establishment were expanding their use. She also agreed that a new tenant in a commercial space would not be required to meet these requirements. There was discussion as to how they could incentivize more bike parking near Main Street, and Commissioner Van Dine stated that was discussed quite a bit. She stated they discussed converting some space during the summer, but it was not within their purview to require that. She noted that has been brought to City Council's attention and would be recommended with these amendments. While it would not be in the Code, it could be a policy objective.

Commissioner Kenworthy noted that City Hall already puts bicycles even on Main Street. Commissioner Van Dine added that they were pushing them to include China Bridge. Commissioner Kenworthy observed the Commission had three AMPDs before them, and the e-bike explosion is here. He asked if anything had been done comprehensively to estimate the actual number so they could better prepare for this moving forward. He assumed the three AMPDs would have 2,000 in occupancy and while they would only use half of it, he imagined that most of those people would have bikes and e-bikes. He asked if they looked at the matrix from that point of view.

Assistant Director Ward explained that the employees-generated calculation was based on the over arching goals of Park City Forward for a modal shift and to support long-term storage for employees that is secure and indoors. Additionally, those properties would be required to have outdoor bike parking as well. With regard to multi-unit dwellings, she stated that originally they were looking at communities that had a requirement of one for each ten units. She explained that the one for each three units was a higher requirement. As part of their outreach to other communities, they found that most applications that come forward with market-rate units provide these facilities anyway; however, these amendments would require a baseline standard. As part of an AMPD, Assistant Director Ward stated that a developer that requested reduced parking could provide more bike parking than required in the Code.

Commissioner Kenworthy felt that for the AMPDs, there would be a higher number of bicycles per occupant. He mentioned that Studio Crossing was located on the Rail Trail, and a very high percentage of those residents would have bicycles.

Commissioner Van Dine suggested working the bike parking into the AMPD amendments to the Code. Commissioner Kenworthy felt they could all agree that bike transportation was idyllic for six months out of the year, and they needed to have more robust parking and storage for AMPDs especially. He surmised that the huge growth and population was come in through the AMPDs. Commissioner Van Dine stated that these amendments would put Park City on the stricter end of the spectrum than other communities. She was unsure how they could make it stricter while being reasonable. She agreed with Commissioner Kenworthy's comments and reiterated her suggestion that they work it into the AMPD conversations. Commissioner Kenworthy felt that the density bonus would be important. Assistant Director Ward stated she would add bike parking as part of the AMPD review. Chair Suesser disagreed with a density bonus for things like bike parking.

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

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on April 27, 2023 for Land Management Code Amendments – Bicycle Parking Requirements. Commissioner Van Dine seconded the motion.

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

G. Land Management Code Amendments – Sensitive Land Overlay – The Planning Commission Will Consider Land Management Code Amendments to Expand the Sensitive Land Overlay to include the Recently Annexed Property in the Quinn's Junction Area, to Update Designated Ridgelines and Vantage Points Citywide, and to Update the Overall Sensitive Land Overlay Regulations Outlined in Land Management Code Chapter 15-2.21, Including Criteria When Evaluating Construction of Trails in the Sensitive Land Overlay, Ridgelines, Vantage Points, and Clarifications of Defined Terms. PL-22-05446

Assistant Director Ward thanked Commissioners Johnson and Frontero who served as the liaisons who reviewed the early Code and provided input. She also thanked the Commission for the input provided at the January 25th Work Session. A broader discussion on Visual Analysis requirements for all applications was tentatively scheduled for May 24, 2023. Additionally, discussions on the Steep Slopes criteria citywide, including the CUP, would occur on that date.

Chair Suesser questioned the other Steep Slope requirements in the Code and how they interact with the SLO. Assistant Director Ward explained that the proposed amendments before the Commission at this meeting were non-substantive, and would update the SLO to reflect the current City boundary. They could return to the Steep Slope criteria and excavation standards on May 24. This hearing was not noticed for changes to the Steep Slope criteria and those sections of Code.

Commissioner Johnson assumed that the Visual Assessment and Visual Analysis definition would mold into one and become a single definition. He liked the proposed definition, and wanted assurance they would have a cohesive conversation on this at a later date.

Assistant Director Ward explained that they were not only proposing amendments to the Code, but also planning application updates for SLO requirements and what must be submitted. They would change some of what was currently required at Planning Staff's discretion, and make it a requirement at the time of application. She stated that the proposed amendments would update the Ridgeline areas, and expand the Vantage Points. She noted that some of the Vantage Points included in the original Code either no longer existed, or the names need to be updated. The amendments would also establish SLO evaluation for Trails Master Plans to allow for administrative review for each individual trail if it complies with the Trails Master Plan.

Assistant Director Ward advised that the amendments also updated the required materials that applicants must submit for Steep Slope evaluation specific to the SLO sections of the Code. She noted that the maps were updated for clarity, but they were not official zoning maps. These maps would have disclaimers that they were for reference only. Applicants must come in with a certified survey that designates for the property the location of the Ridgelines and Steep Slopes. She reminded that the red dots on the map presented to the Commission showed the SLO. This map would be updated and made available on the Planning website whether a property is located in or out of the boundary.

Assistant Director Ward presented the 1992 Ridgelines, and compared it to the map with the updated Ridgelines. This map would also be available on the website with a disclaimer that for each property that comes in, they would verify the Ridgelines through a survey. The amendments would also expand and update the Vantage Points. She explained that the underlined Vantage Points were additions, and the bullet point Vantage Points were in the Code and updated with addresses. She mentioned that the Park City School District used to be named Treasure Mountain Middle School, and was expanded to include the full campus. They also added language that Planning Staff on administrative permits, or the Planning Commission could establish additional Vantage Points for each project as determined.

Assistant Director advised that the amendments also established a process for the Planning Commission to evaluate a Trails Master Plan for compliance with the SLO, and make a recommendation to City Council for adoption if it does comply. As trails get developed, each trail would require an administrative permit and the applicant would not have to do the full SLO analysis; rather they would only have to provide updates on Significant Vegetation and wetlands information.

Based on the Commission's suggestion that this be reviewed on a regular basis, Assistant Director Ward reported that they recommended the Trails Master Plan would come to the Planning Commission for SLO evaluation at least every three years. Assistant Director Ward noted that the amendments would also update the required Steep Slope materials. Currently, development was prohibited within 50 feet of Very Steep Slopes; therefore the Code amendments would require that applicants identify any Steep Slopes within 50 feet of the property. Currently, they just look within the boundaries of the property. For projects with Steep Slopes, any development proposed now was at Staff's discretion to require a soils investigation report and geotechnical report. These amendments would require that information at the time of the application.

Assistant Director Ward commented that the non-Code changes would include updating the applications for all projects that would require a Visual Assessment with photographs of the property as outlined in the Staff Report. This would include a streetscape elevation, 3-D massing model, and a rendering that superimposes the project onto a photograph of the site. She referenced that slopes would be differentiated by different colors for clarity. Additionally, applicants must indicate on their survey where the Ridgeline area is located specific to the proposal. Applicants would be put on notice of the required information for a full Planning Commission review. Assistant Director Ward advised that Trails and Open Space Manager, Heinrich Dieters, was present to answer any questions regarding the Trails Master Plan.

Chair Suesser asked if the Planning Commission would evaluate new trails within the SLO. Manager Dieters stated that trails were always in the SLO. He stated that the Trails Master Plan had been a static document since 2008. The City has obtained a lot of open space over the last 12 years, and most of the City-built trails are in the open spaces. He stated that Trails Master Plan would be a living document, and a reflection of how they want to see the trail system in 2040. More importantly, the Plan would include goals associated with the Vision and Mission Statement.

Manager Dieters stated they do much of this work currently, but it needed to be included in a document that they adopt. He felt it would be important for the Commission to see the Plan every year. The proposed LMC amendments hit that process, so the Commission would see

this on a regular basis and know the plan for the next three years. He stated it would apply not only to new trails but would include revegetation or reuse of certain trails, user specific trails, and directional trails. He added that while e-bikes were currently prohibited on trails, they were building things for e-bikes for accessibility. He stressed they are trying to be more transparent with the work they were doing in open spaces.

Chair Suesser's biggest concern was with the changes to the Very Steep Slopes within 50 feet of the property boundary. Assistant Director Ward explained that development was prohibited on Very Steep Slopes; however, development on a Steep Slope would be allowed but the applicant would need the required reports for evaluation. Slopes greater than 15% and less than 40% would require the soils and geotechnical reports.

Chair Suesser referenced line 44 in the Draft Ordinance that states the map must identify Very Steep Slopes within 50 feet of the property boundary and must highlight areas of high geologic hazard. Areas subject to land sliding and all "significant Steep Slopes." Chair Suesser asked for the definition of a "Significant Steep Slope" as compared with a Very Steep Slope. Assistant Director Ward stated they could remove the term Significant Steep Slope, but it would refer to the Steep Slope as defined. Chair Suesser wanted to remove the term "Significant."

Commissioner Sigg asked if Steep Slopes were defined as naturally occurring, and thought of multiple conditions in Park City where roads were cut or filled that created a Steep Slope condition. He noted there might be a building envelope within 50 feet of a 20 – 30 foot fill component of a street. Assistant Director Ward explained the definition includes "of land," so she believed it referred to the existing conditions. Commissioner Sigg assumed this would apply to any Subdivisions that might have road cuts and fills and were creating building lots in close proximity to those cuts and fills. Assistant Director Ward agreed. Assistant Director Ward noted that the concept of Very Steep Slopes was only contained in the SLO portions of the Code. Chair Suesser would like to keep it there and felt they did not need that distinction elsewhere.

Commissioner Sigg stated that oftentimes there could be a situation where from a certain Vantage Point, a Ridgeline could be seen as a sub-Ridge in front of a greater Ridge behind. He asked where there are two potentially conflicting Ridgelines in one of the identified line of sight locations, what would prevail. Assistant Director Ward explained that the draft Ridgeline map that would be verified by the applicant specific to a project. The Vantage Points and what they are evaluated against would be established by the Planning Commission and verified as part of that. They included provisions in the amendments that those coordinates of what is established be included in the application so the Final Action could reflect what they know what the standard was when the Planning Commission reviewed the project. That standard would therefore be clear 5 to 10 years down the road. She added that the Ridgeline being evaluated would also be clarified in the application at the time of review. It would be site specific through the coordinates and what the Planning Commission would be looking to protect.

Assistant Director Ward confirmed that the Vantage Points could shift at the discretion of the Planning Commission.

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

Chair Suesser still had concerns about the Steep Slope language in these proposed amendments, but understood that the criteria for a Steep Slopes CUP was something they would discuss in the future and not included in these amendments. Assistant Director Ward confirmed that the future discussions would look at the SLO Steep Slope CUP, and noted that one of the 16 criteria for a CUP outlined Steep Slopes.

Commissioner Sigg asked if they were just looking at the Clark Ranch area as it related to these amendments. Assistant Director Ward stated this took into consideration the southeast Quinn's Junction area that was annexed, as well as all of the acreage citywide that had been annexed since the 1990s. It is a non-substantive update that encompasses those Ridgeline areas and Vantage Points. In addition, it clarifies the required application materials for SLO review and includes the Trails Master Plan.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation for City Council's consideration on April 27, 2023 for the Sensitive Land Overlay Land Management Code Amendments. Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commissioners present. Chair Suesser noted that Commissioner Hall had left the meeting but there was a quorum present.

H. Land Management Code Amendments – Accessory Uses in Master Planned Developments – The Planning Commission Will Consider Amendments Regarding Support Commercial, Residential Accessory Uses, and Resort Accessory Uses Outlined in Land Management Code Chapter 15-6 Master Planned Developments Section 15-6-8 Unit Equivalents, and to Clarify that Resort Support Commercial Uses in Recreation and Open Space Section 15-2.7-2 Uses, Residential Development Section 15-2.13-2 Uses, Residential Development Medium Section 15-2.14-2 Uses, Regional Commercial Overlay Section 15-2.17-2 Uses, General Commercial Section 15-2.18-2 Uses, and Light Industrial Section 15-2.19-2 Uses Are Linked to Approved Master Planned Developments. PL-22-05447

There was discussion of continuing the above item. Chair Suesser suggested adding it to the next available meeting that had a 15-minute opening. She encouraged the Commissioners to express any questions or comments to Assistant Director Ward in advance of the continued hearing.

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

MOTION: Commissioner Van Dine moved to CONTINUE Land Management Code Amendments – Accessory Units in Master Planned Developments, to April 12, 2023. Commissioner Frontero seconded the motion.

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

8. ADJOURN

The meeting adjourned at approximately 9:55 p.m.

3. Public Communication

Handout provided by Bob Theobald.

Approved 04.12.2023

Selected Municipal Code, LMC Provisions and Statutes

The information below may be applicable to the Commission's review of the matters raised in this memorandum.

15-1-9 Allowed Use Review Process

An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

1. is an Allowed Use within the zone for which it is proposed;
 2. complies with all applicable Development requirements of that zone, including Building Height, Front, Side, and Rear Setbacks, and Lot coverage;
 3. respects Lot Lines of a legally subdivided Lot;
 4. meets the applicable parking requirements;
 5. conforms to the Architectural Review and/or the Design Guidelines for Historic Districts and Historic Sites, and the architectural review process established for that zone;
 6. can be adequately serviced by roads, and existing or proposed utility systems or lines; and
 7. pertains to land in which all tax assessments have been paid.
- B. If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the International Building Code, as adopted by Park City.
- C. If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or the Owner's Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.
- D. **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section have not been met.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

Amended by Ord. 06-22 on 4/27/2006

Amended by Ord. 09-23 on 7/9/2009

Amended by Ord. 11-05 on 1/27/2011

Amended by Ord. 2022-16 on 5/26/2022

15-12-9 Purpose

The Planning Commission shall act as a non-political, long-range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-15 Review By Planning Commission

B. The scope of review for each of these functions is as follows:

6 RATIFICATION OF CONDITIONAL USE PERMITS. The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits.

8 REVIEW OF APPEALS OF THE PLANNING STAFF'S FINAL ACTION ON A LAND USE APPLICATION. See Section 15-1-18.

15-1-18 Appeals And Reconsideration Process

1. **STAFF.** Final Action by either the Planning Director or Planning Staff may be appealed to the Planning Commission. Final Action regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment.

15-12-3 Grounds For Removal

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

3-1 Code Of Ethics For Officials And Employees; Responsibility Of Public Officials

3-1-1 Declaration Of Policy

3-1-3 Agents Of Public Purpose

3-1-8 Avoidance Of Impressions Of Corruptibility

Effective 5/4/2022

10-9a-801. No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.

(3) (a) A court shall:

- (i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and
- (ii) determine only whether:
 - (A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and
 - (B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

- (i) arbitrary and capricious; or
- (ii) illegal.

(c) (i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

- (A) is based on an incorrect interpretation of a land use regulation;
- (B) conflicts with the authority granted by this title; or
- (C) is contrary to law.

(d) (i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's ruling.