

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 27, 2019

COMMISSIONERS IN ATTENDANCE:

Vice-Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Tippe Morlan, Planner; Francisco Astorga, Planner; Mark Harrington, City Attorney.

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ROLL CALL

Vice-Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Christin Van Dine, who was excused.

ADOPTION OF MINUTES

February 13, 2019

MOTION: Commissioner Sletten moved to APPROVE the Minutes of February 13, 2019 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson reported that Granicus, the document management system for the City Council and Planning Commission packets, works much better with the Google Chrome browser rather than the Explorer Browser; particularly when printing a portion or segment of the packet. Director Erickson stated that the Planning Department would no longer be sending the Commissioners a link to the packet. Instead, the Commissioners will be notified when the packet is available on the website.

Planning Director Erickson anticipated a lighter agenda for the March 13th Planning Commission meeting. Therefore, electing a Chair and Vice-Chair would be added to that agenda.

Vice-Chair Phillips asked about a refresher course for the Planning Commission regarding security protocol. Director Erickson stated that the annual training for the Open and Public Meetings Act for the Planning Commission was scheduled in March. He would also calendar security practices for the same meeting.

Director Erickson noted that as part of the new security protocol, the two downstairs doors are now locked and everyone will pass the front desk. Commissioner Suesser asked if they were talking about security for the Commissioners as they come and go from Planning Commission meetings. Vice-Chair Phillips replied that it was one of several reasons outlined in the training. Director Erickson stated that there are certain security measures in the Marsac Building that they want the Commissioners to be aware of and feel comfortable about. The Planning Department and other departments have certain security procedures. Commissioner Suesser asked if the training would occur in a closed meeting. City Attorney Harrington stated that he would talk with the Officer who does the training to see what he prefers.

Commissioner Sletten disclosed that he would be recusing himself from the 1137 Lowell Avenue Plat Amendment.

Commissioner Sletten reiterated a previous request to add page numbers to the agenda for each item. Director Erickson recalled that page numbers were added to the last agenda. He pointed out that with the new program the Staff needs to reopen the packet and reconstruct the page numbers once the agenda is prepared. He would try to remind them to add the page numbers.

CONTINUATIONS (Continue to date specified)

1. 269 Daly Avenue – Plat Amendment – The applicant is requesting to relocate an existing Platted Maximum Development Line. (Application PL-19-04092)

Director Erickson reported that the Staff was continuing to research this item. There is a lot of history of Daly Avenue regarding this property line and they want to make sure to get it right.

Commissioner Suesser moved to CONTINUE 269 Daly Avenue Plat Amendment to March 13, 2019. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

2. Marsac Claim Zone Change – A zone change request for approximately 1.2 acres of the 4.75 acre Lot 61 Marsac Mining Claim property from

Recreation/Open Space (ROS) to Residential Development (RD) in line with surrounding properties.

Planner Tippe Morlan stated that the Staff initially requested a Continuation to March 27th, however, at the request of the applicant the Continuation date was changed to March 13th. If the Staff is not ready by March 13th, they would request another continuance.

MOTION: Commissioner Sletten moved to CONTINUE Marsac Claim Zone Change to March 13, 2019. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **839 Woodside Avenue Plat Amendment – a plat amendment proposing to combine Lot 10 and Lot 11 of Block 11 of Snyder’s addition to the Park City Survey into one new lot of record.**

Planner Morlan reviewed the request for a plat amendment to combine two Old Town lots. A Landmark historic home exists on the property and the property line between the two lots runs through the middle of the house.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 839 Woodside Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

The motion passed unanimously.

Findings of Fact – 839 Woodside Plat Amendment

1. The property is located at 839 Woodside Avenue.
2. The property consists of Lot 10 and Lot 11 of Block 11 of Snyders Addition.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing landmark historic structure at this address.
5. The existing home was constructed in 1905.
6. The property line between the two existing lots bisects the structure.
7. The applicant proposes to combine the subject lots into one lot of record.
8. There are several encroachments on this property along both sides and to the rear of the lot as follows:
 - a. To the northwest side of the lot, there is a set of three stone retaining walls and associated landscaping encroaching into the 9th Street property owned by the City.
 - b. There is also an existing deck, concrete retaining wall, and concrete steps, and a wood retaining wall with associated landscaping encroaching into the 9th Street property.
 - c. To the southeast side of the lot, the neighboring historic house and its associated concrete and stone retaining walls encroach slightly over the shared property line and onto this property.
 - d. To the west and rear of the lot, there is a stone retaining wall that encroaches onto the adjacent property.
9. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.
10. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot has an area of 3,676 square feet. This lot size is not large enough to permit a duplex.
11. The minimum lot width in the HR-1 zone is 25 feet. The proposed lot meets the requirements of this zone at 50.2 feet in width.
12. The proposed lot will also be between 72.5 feet and 75 feet deep.
13. The minimum front yard setback is 10 feet. The existing house has a 17-foot front yard setback.
14. The minimum rear yard setback is 10 feet. The existing house has a 21-foot rear yard setback.
15. The minimum side yard setback is 5 feet on each side and 14 feet total. The existing house has a 1-foot side yard setback on the north side and a 22.5-foot side yard setback on the south side.
16. Because this is a historic structure, the existing setbacks are considered to be valid and complying.
17. The maximum building footprint for a lot this size is 1,494.98 square feet. The existing footprint meets this standard at approximately 772.75 square feet.

Conclusions of Law – 839 Woodside Plat Amendment

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 839 Woodside Plat Amendment

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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. New construction shall meet site and lot requirements of the HR-1 District per the Land Management Code in effect at the time of application submittal.
5. A Historic District Design Review application is required for any new construction proposed at the existing site.
6. A 10-foot wide public snow storage easement will be required along Woodside Avenue.
7. An encroachment agreement is required or all encroachments must be removed before this plat can be recorded. Existing encroachments are noted as follows:
 - a. To the northwest side of the lot, there is a set of three stone retaining walls and associated landscaping encroaching into the 9th Street property owned by the City.
 - b. There is also an existing deck, concrete retaining wall, and concrete steps, and a wood retaining wall with associated landscaping encroaching into the 9th Street property.
 - c. To the southeast side of the lot, the neighboring historic house and its associated concrete and stone retaining walls encroach slightly over the shared property line and onto this property.
 - d. To the west and rear of the lot, there is a stone retaining wall that encroaches onto the adjacent property.

2. **139 Main Street Plat Amendment – A plat amendment proposing to combine Lot 10 and the south half of Lot 11 of Block 13 of the Park City Survey into one lot of record.**

Planner Morlan reviewed the request to combine approximately 1-1/2 Old Town lots. It is currently an undeveloped lot and an application for development had not been submitted to the City.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the 139 Main Street Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 139 Main Street Plat Amendment

1. The property is located at 139 Main Street.
2. The property consists of the entirety of Lot 10 and the southerly half of Lot 11 of Block 13 of the Park City Survey.
3. The property is in the Historic Residential – 2B (HR-2B) District.
4. The property is vacant.
5. The proposed lot is 2,332 square feet in size.
6. The proposed lot meets the minimum lot area of 1,875 square feet for a single-family dwelling.
7. This lot will not be large enough to accommodate a duplex use which requires 3,750 square feet.
8. The proposed lot size is compatible with existing lots in the neighborhood and in the overall Historic District. The lots average 0.05 acres in size with the smallest at 0.01 acres and the largest at 0.17 acres.
9. The proposed lot is the average size for a lot in this vicinity at 0.05 acres.
10. The City received a complete Plat Amendment application for the 139 Main Street Plat Amendment on January 15, 2019.
11. Along the south side of the lot, the neighboring property has three stone retaining walls, each approximately 1.5 feet wide, which encroach onto this property by 1 to 3

feet, and one railroad tie retaining wall which encroaches onto this property by approximately 6 inches. These walls are present in the Historic Sites Inventory report for 133 Main Street and require an encroachment agreement.

12. Along the west side of the lot, the adjacent property also has 17.5 feet of a railroad tie retaining wall which encroaches onto this property up to 2.5 feet from the rear property line.

13. The minimum lot width of 25 feet is also met as the proposed width is 39 feet.

14. The proposed lot will also be between 58 and 67 feet deep.

15. The minimum Front and Rear Setbacks are 10 feet each.

16. The minimum Side Setbacks are 5 feet each.

17. The maximum building footprint is 1022.79 square feet.

18. A Historic District Design Review application is required for any new construction proposed at the existing site.

19. With the proposed lot size, an Administrative CUP for development on steep slopes will be required for any structure exceeding 200 square feet on or projecting over an existing slope of thirty percent (30%) or greater.

Conclusions of Law – 139 Main Street Plat Amendment

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 139 Main Street Amendment

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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10-foot wide public snow storage easement will be required along Main Street unless the existing retaining wall needs to remain.
5. An encroachment agreement needs to be recorded for all encroachments, or all

encroachments need to be removed, including the stone retaining walls and railroad tie wall to the south and the railroad tie retaining wall to the west.

3. **1137 Lowell Avenue Plat Amendment – A plat amendment proposing to combine portions of six existing lots (Lots 9, 10, 23, 24, and a remnant portion of Lots 8 and 25 of Block 34 of Snyder's Addition) into one lot of record.**

Commissioner Sletten recused himself and left the room.

Commissioner Thimm had a general question not associated with any particular item. He assumed when they combine a lot with a portion of another lot in a plat amendment and the lot is given a designated Lot number, that the portion of the other lot is no longer the same configuration as it was before. Director Erickson replied that he was correct. He explained that most of the plat amendments on the agenda this evening was an effort to correct what had already occurred in the Historic District where a property owner had subdivided portions of the lots. When someone submits a development application they are required to bring the lot into compliance. It can be done through a plat amendment, which is approved by the Planning Commission; or through a lot line adjustment, which is an Administrative Act by the Planning Director.

Director Erickson noted that these were the last remaining properties in the Snyder's Addition and the Park City Survey. These are the last of the infill in the Historic Districts and they are nearing the end of development in the District.

Commissioner Thimm asked if the Planning Department waits until development is proposed before amending the plat. Assistant City Attorney Harrington believed that some of the plat amendments were remnants from prior subdivisions. He noted that often times the first condition of approval states that no remnant lot is separately developable. It is a repetitive condition of approval. The partial lot has not been re-subdivided and does not meet the zoning requirements so a building permit could not be issued. It needs to be cleaned up before it can be developed.

Planner Morlan reviewed the application for a plat amendment to clean up the property lines at 1137 Lowell Avenue. The lot will be 7,840 square feet, which is in line with the other developments and plat amendments in the area; especially along Lowell Avenue. There are no historic homes on Lowell Avenue and the proposed lot would be smaller than the other lots on the upper part of Lowell Avenue on the same side of the road.

Vice-Chair Phillips referred to the chart on pages 70-71 of the Staff report. He noted that it was obviously larger than the 25' x 75' lots across the street. Planner Morlan

stated that north of 1137 Lowell were duplexes that are attached but had not done plat amendments. It appears as one lot but it is part of a duplex development. It is an older development and it crosses the lot lines.

Commissioner Hall asked about the trail that runs through the middle of the lot that was not on the City Trails Master Plan but it has been traditionally used as a trail. Planner Morlan replied that this was how the property was surveyed, but when he checked with Heinrich Deters it was not identified on the trails master plan. All the trails in this area are a couple of properties north going through the King's Crown Development. Commissioner Hall asked if the trail was not used or whether it was not highly publicized. Planner Morlan stated that it is not a public trail.

Heinrich Deters stated that when the City looked at the King's Crown Development they looked at incorporating that trail into the hiking trail system. Access would be from King's Crown and the North Star Subdivision. He noted that Crescent Trail runs through that area so those would be the two appropriate points. They would not be losing a public access point because the current access runs through a private lot.

Commissioner Suesser wanted to know who owns Crescent Trail. Mr. Deters stated that Crescent Trail runs through that area and it would be a continuation that goes around. Mr. Deters stated that besides access, one of the goals is providing the right access points and facilities. They took the opportunity to have an access point at King's Crown. They will be asking the public to access from the Crescent Tram area as well.

Commissioner Suesser could not recall a trails system being included for public access through King's Crown. She asked Mr. Deters to describe where that would come through. Mr. Deters did not have that information available this evening.

Director Erickson believed the trail access was platted when the new ski run was platted and the stairway access easement was platted.

Commissioner Suesser pointed out that the City lost a very popular trail that came down through the Marriott with the King's Crown project. Now they were losing another trail even though it was not an official city or public trail. She wanted to know where the access through King's Crown would be located. Planner Francisco Astorga explained that it would be through the private road. The road was platted for public access for pedestrians and bike access. From the road up it goes through a network of staircases that goes up to the ski run. That same access is connected through the trail on the North Star Subdivision. He believed the last trail was the historic Crescent Tram.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Vice-Chair Phillips noted that the size of the lot was calculated on a formula the Staff uses to determine the footprint. There is a shared driveway and he was curious how that is treated in terms of setback. In addition to the footprint, he wanted to know how much could actually be built on. He assumed there was no setback off the driveway based on the calculation. Planner Morlan answered yes. She explained that if there is a public road it is measured from edge of asphalt. However, since this is a private road it would likely be in line with the houses to the north and south.

Director Erickson stated that without eliminating the shared driveway access, getting the volume that would be allowed on the site is unlikely. He pointed out that the control remains on height and the setbacks as well. Vice-Chair Phillips asked about the potential to cut into the driveway. Planner Morlan believed there was a cross-access agreement across the driveway. It is a non-exclusive ingress/egress/utility easement.

Commissioner Suesser commented on the two units that were built on the third lot to the south. She wanted to know if the lot at 1137 Lowell would be allowed the same massing. Planner Morlan thought the lot Commissioner Suesser referred to was a flag lot; however, they no longer do flag lot subdivisions. She believed they were able to achieve that size because it was a flag lot. Planner Morlan commented on the configuration and how it was built. Commissioner Suesser understood that they were not talking about that type of configuration on the 1137 Lower property. Planner Morlan did not think they could achieve the same configuration. She remarked that the applicant had not yet submitted plans for development; but if plans are submitted, they will have to go through the HDDR process.

Planner Astorga clarified that the subdivision was not a flag lot in terms of the fact that the minimum lot width is less than standard. It was 25' but the property is in the HR-1 zone. It resembles the traditional shape of a flag lot, but it is not a flag lot by definition.

Vice-Chair Phillips asked if the easement access was at the pavement. Planner Morlan answered yes. She showed where that part of the road comes off of Lowell and ends at a dead-end street. She pointed to where King's Crown would go in. Commissioner Suesser understood that they could not build into the driveway. Planner Morlan replied that she was correct.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for the 1137 Lowell Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1137 Lowell Plat Amendment

1. The property is located at 1137 Lowell Avenue.
2. The property consists of consists of the entirety of Lots 9, 10, 23, 24, and a remnant portion of Lots 8 and 25 of Block 34 of Snyder's Addition.
3. The proposed lot is 7,840 square feet in size.
4. The lots on this block of Lowell Avenue average 3,152.17 square feet in size, with the smallest lot at 2,590 square feet and the largest at 8,820 square feet in size.
5. There are 9 lots, or 39 percent of the lots on this block, which contain duplexes and 61 percent of the lots contain single-family dwellings.
6. There have also been similar plat amendments on 6 of the lots on this block.
7. The proposed lot is consistent with size of other lots in this vicinity and is smaller than the adjacent lots to the south on Lowell Avenue.
8. The property is in the Historic Residential – 1 (HR-1) District.
9. The property is vacant.
10. The proposed lot meets the minimum lot area of 1,875 square feet for a single-family dwelling.
11. The proposed lot also meets the minimum lot area of 3,750 square feet for a duplex dwelling.
12. The City received a complete Plat Amendment application for the 1137 Lowell Avenue Plat Amendment on January 15, 2019.
13. To the east side of the lot, there is an existing asphalt driveway along the front side of the subject property approximately 25-28 feet wide with an associated railroad tie retaining wall across the width of the lot. The road extends from 43 to 50 feet from the front property line to the edge of asphalt. This is a shared driveway in use by the neighboring properties to the north.
14. There is also an existing trail running through the middle of the lot from east to west. There is no documentation or easement indicating that this is a public trail; formal public trail connections in this area are considered via the Kings Crown development. This trail will not need to be relocated with future development and is not a part of the City's Trails Master Plan.
15. The minimum lot width of 25 feet is also met as the proposed width is 56 feet.
16. The proposed lot will also be 140 feet deep.
17. The minimum Front and Rear Setbacks are 15 feet each.

18. The minimum Side Setbacks are 5 feet each and 14 feet total.
19. The maximum building footprint is 2,523.24 square feet.
20. The proposed lot leaves no remnant parcels under this ownership.
21. A Historic District Design Review application is required for any new construction proposed at the existing site.
22. A full Steep Slope Conditional Use Permit is required for any structure exceeding 200 square feet on or projecting over an existing slope of thirty percent (30%) or greater.

Conclusions of Law – 1137 Lowell Plat Amendment

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 1137 Lowell Plat Amendment

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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A public easement is also required for areas within 10 feet of the existing sewer line running through this property.

Commissioner Sletten returned to the meeting.

4. Park City Heights Phase 3 Subdivision for two lots located at 10 and 30 Sun Ridge Cove. (Application PL-17-03553)

Planner Kirsten Whetstone reported that Brad Mackey was present this evening representing the applicant, Ivory Development LLC,

Planner Whetstone reported that the applicant was seeking to create two platted lots from a 2.5 acre metes and bounds parcel, consistent with the 2013 amended Master Planned Development for Park City Heights; as well as the amended and approved 2013 Preliminary Subdivision Plat. The property is located adjacent to the Hidden Oaks Subdivision off of Sunridge Cove in the upper Solamere neighborhood, which is part of the Park City Heights MPD.

Planner Whetstone reviewed a slide to orient the Commissioners to the subject property. Lot 301 is 1.33 acres. Lot 302 was proposed at 3.15 acres. Planner Whetstone noted that the MPD indicates that development of these lots need to be consistent with the Hidden Meadows/Hidden Oaks neighborhood.

Planner Whetstone noted that the Staff was recommending a maximum house size floor area of 7500 square feet, as defined by the LMC, to be noted on the plat. The size would be consistent with the house sizes in the Hidden Oaks Subdivision.

The Staff also recommended a condition stating that the rear top of these two lots would have a 100-foot limits of disturbance line that would be put on the plat before recordation. The limits of disturbance line would keep the houses from being up on the hillside. Planner Whetstone clarified that it was the rear lot line.

Vice-Chair Phillips asked if that lot stops sooner or whether the LOD line had been established on the same lot. Planner Whetstone replied that it was the rear lot line. Vice-Chair Phillips asked if that it was done to maintain consistency. Planner Whetstone answered yes.

Planner Whetstone reviewed a preliminary plat and indicated the two large lots in the southwest area of the Park City Heights Development. She pointed to an existing cul-de-sac and stated that the lots are located to the east with access on to an existing road.

Planner Whetstone stated that the Staff also recommending conditions on the plat requiring that the setbacks be consistent with the Hidden Oaks Subdivision, as opposed to the setbacks in other parts of Park City Heights because the lots are smaller. The plat would indicate the setbacks consistent with Hidden Oaks, which is a 30' setback to the garage and 12' feet on the sides.

Vice-Chair Phillips asked if they could rely on those guidelines, or whether they needed to recreate guidelines for these specific lots. Planner Whetstone replied that her recommendation was to have a note on the plat. When the lots are developed and the

plat is pulled up the condition will be visible as a plat note. Vice-Chair Phillips asked if those could be changed in any way. Planner Whetstone stated that the conditions cannot be changed if it is recorded on the plat.

Director Erickson clarified that it could be changed through a plat amendment, which would require Planning Commission review and City Council approval. He thought Planner Whetstone was recommending the right approach to put the line on the plat so the Building Department can identify the Limits of Disturbance and know that it is not off the rear property line. He believed it was the best way to achieve some type of control.

Planner Whetstone remarked that the house size is consistent with the other phases of Park City Heights based on the MPD. A house size of 7500 square feet size is consistent with Hidden Oaks for lots of this size. Vice-Chair Phillips believed there was more flexibility for house placement because the lots are larger. He asked if the Planning Commission needed to define the building pad. Planner Whetstone stated that Hidden Oaks is dictated by the setbacks. The building height would be the standard 28'+5'.

Planner Whetstone mentioned other items from the MPD that would also be notes on the plat. She stated that the Park City Heights MPD requires the green building standards per specific language. Another item included conservation goals. A condition of the MPD is for no through-street connections from these lots.

Planner Whetstone stated that another issue was to look at a trail connection from this area. As part of the Park City Heights Trail Master Plan, the developer provides that trail connection to the trails in the Park City Heights MPD. Mr. Mackey was working with Heinrich Deters, the Open Space and Trails Manager to identify the appropriate location. The Staff recommended that the trails should be constructed or bonded before the plat is recorded. A condition of approval was drafted to that effect in the ordinance.

Planner Whetstone noted that the Staff had reviewed this plat application for consistency with the Master Planned Development and the Preliminary Plat; as well as Chapter 7, Subdivisions, in the Land Management Code.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law, and conditions of approval in the draft ordinance.

Planner Whetstone reported that she had received public input from two property owners. One had not realized that the land was developable. When they purchased

their property they thought they were told it was open space. The second was concerned that these lots would create congestion in the area. They were also under the impression that the land was owned by the County and questioned why the County was auctioning the property. Planner Whetstone had responded to both property owners. Planner Whetstone pointed out that the area to the north and east of these lots are part of Phase 2, Parcel D, which is an open space parcel.

Vice-Chair Phillips referred to the aerial view and asked if there was an existing trail going through the property. Planner Whetstone thought it appeared to be an informal trail that goes directly to a house. She asked Heinrich Deters if it was on the Trails Master Plan and it was not. At one point it was possibly a trail or dirt road that led up to the water tank above Morning Star Estates. It does not go anywhere or connect to anything; but it made her think about having a trail that connects to this neighborhood. The Park City Heights trails will eventually connect down to the rail trail, per agreement by the applicant.

Vice-Chair Phillips understood they were working on a trail access, and he asked if they would need to go through these properties. Heinrich Deters explained that the City owns Hidden Meadows ROS 5, the adjacent property. He explained the plan for different trail connections and how they would connect. He noted that it would not go into that exact cul-de-sac, which has its own pluses and minus from a trails perspective. However, there will be a connection into a public street area that the neighborhood could access easily.

Commissioner Hall asked Mr. Deters to identify the open space area on the map. Mr. Deters pointed to the City-owned property and noted that five parcels in Hidden Meadows were transferred and deed restricted as ROS with trails as an associated use. Mr. Deters pointed to another parcel and stated that when they looked at the Park City Heights Trails Plan several years ago, the two subject lots were always part of that subdivision.

City Attorney Harrington clarified that Mr. Deters was not anticipating the need for an easement through the two private lots. Mr. Deters replied that he was correct.

Commissioner Hall asked about a time frame. Mr. Deters stated that currently the developer was working on the Richardson Flats off-site trail as the first priority. The next phase would be the extension of Lost Prospector. The problem is that a new water tank will be installed there will a lot of construction in that area. When that project is completed, Lost Prospector will go across Clark Ranch. When Phase 5 is finished, they will see connections closest to Clark Ranch going up. Mr. Deters stated that when possible, they try to put in a connection without having to reroute from the existing

connection. Sometimes when homes go in at a later date and they end up having to move the trail a couple hundred feet. Mr. Deters noted that the trails should go in over the next three years.

Commissioner Hall wanted to know how these two lots were lumped into Park City Heights when they appear to belong to a different development. Planner Whetstone recalled that when the annexation came in, Park City Heights went all the way up and included those lots. When the preliminary subdivision was proposed, the applicant proposed two of their lots on the existing road. Commissioner Hall asked if those lots were required to comply with both HOAs.

Director Erickson explained that the lots need to conform with the neighbors because they are not part of the Hidden Oaks HOA. They need to comply with the design guidelines in the Park City Heights document. Director Erickson stated one part is conformance and the other part is compliance. Commissioner Hall asked if there were any inconsistencies in terms of conforming with the neighbors. Director Erickson replied that they were not aware of anything in the design guidelines that would affect the Hidden Oaks properties. The difference is that the units on these lots are required to be more energy efficient than the neighboring units.

Planner Whetstone stated that the design guidelines name the different types of units as Cottage Units, Park Homes and Townhomes, and Homestead. These two lots would be Homestead lots, which have different design guidelines. Most of the existing homes are Park Homes, Townhomes or Cottage Homes. Mr. Mackey stated that four Homestead lots are under construction. He remarked that Phase 2 is currently under construction and those are all Homestead lots that will match these two lots in this Phase.

Commissioner Suesser asked if both would be full market homes. Planner Whetstone replied that they were both market rate homes.

Commissioner Hall wanted to know why the Planning Commission was seeing this now if these lots were already contemplated. Director Erickson replied that these units came in with the annexation. The Planning Commission saw them as part of the preliminary plat, and they may have seen them when the water tank came through a few months earlier. They are consistent with the approved Master Plan, with the Annexation, and all the previous phasing. He noted that normally they only see the bottom of the Park City Heights project, but those lots have always been up in the corner.

Commissioner Hall asked if access to those lots were ever contemplated. Director Erickson stated that as part of the development right discussion, there was limited

access from Park City Heights to these lots but there was no through traffic through the Solamere neighborhoods. He explained that the intent was to avoid a shortcut through Park City Heights and down through Solamere into Deer Valley.

Commissioner Suesser asked in which phase the homes would be built on those lots. Planner Whetstone replied that this was Phase 3. She stated that Park City Heights has until 2024 to plat everything; but that does not mean that one phase needs to be finished before moving to the next phase. However, the affordable housing in the Housing Mitigation Plan are phased according to the way that plan was approved.

Mr. Mackey stated that the improvements of the lots would be done this year as soon as they can remove the snow from the sites.

In looking at the Exhibit, Commissioner Suesser thought it looked like those two lots were part of Phase 6. Planner Whetstone replied that it was Phase 6 based on the current phasing. However, in the next agenda item it would become Phase 3, consistent with the 2019 approval by the Housing Authority to change the phasing. Commissioner Suesser clarified that the two homes that were part of Phase 6 were now being put into Phase 3. Planner Whetstone answered yes. She emphasized that they were the only two lots in Phase 3. Planner Whetstone stated that the parcel around the two lots was platted with Phase 2, which the Commissioners will discuss with the next item.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Commissioner Suesser understood that the two homes would be next door to the Hidden Oaks HOA. Instead, it would be part of Park City Heights even though they share a road Hidden Oaks. Planner Whetstone presented photos showing the lots and the house to the south. She explained that during the annexation and the Master Planned Development discussions, neighbors submitted public comment and their biggest concern was not wanting a road to connect down. However, at that time there was an interest among the neighbors for the lots to become part of the Master HOA for Park City Heights. She assumed that would still be the case unless the owners work out a different arrangement. Director Erickson stated that the users of the lot could voluntarily change the HOA documents and enter into an agreement with the Hidden Oaks HOA. He pointed out that it was on a public road and the HOA was not managing

that road. He was unsure whether or not it was an active HOA at this point. The Planning Department had not seen design reviews from that HOA.

Commissioner Sletten stated that it was not unusual for HOAs to share streets and work with each other. Planner Whetstone noted that those lots would always be subject to the Park City Heights MPD.

Commissioner Suesser asked if the neighbors were noticed about these lots being part of the Park City Heights Development. Planner Whetstone answered yes.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Park City Heights Phase 3 Subdivision Plat, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Park City Heights Phase 3 Subdivision Plat

1. The property is located at 10 and 30 Sun Ridge Cove.
2. The Park City Heights Phase 3 Subdivision seeks to create 2 lots of record from a 2.48 acres metes and bounds property.
3. Proposed Lot 301 consists of 1.33 acres and proposed Lot 302 consists of 1.15 acres.
4. These proposed lots are consistent with the preliminary plat in terms of size, location, configuration and access. The lots are intended for future development of two single family homes consistent with the Park City Heights preliminary plat and Master Planned Development.
5. The lots have frontage on a city street.
6. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD Development Agreement and Design Guidelines.
7. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT-MPD) subject to the Park City Heights MPD.
8. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on approximately 239 acres.
9. On June 22, 2011, the Planning Commission approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
10. On November 17, 2011, the City Council approved the original Park City Heights

Phase 1 subdivision plat.

11. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.

12. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation and voluntary clean-up program.

13. On December 28, 2013, the City Planning Department received an application for a revised first phase subdivision plat for the Park City Heights MPD. The application was deemed complete on January 7, 2014, with receipt of additional information.

14. On February 27, 2014, City Council approved an amended Park City Heights Phase 1 Subdivision, creating lots of record for 28 deed restricted townhouses, 35 small-lot deed restricted Park homes, 5 deed restricted cottage homes, and 35 market rate cottage homes.

15. On November 14, 2014, the Park City Heights Phase 1 Subdivision plat was recorded at Summit County.

16. On May 2, 2017, the Applicant submitted an application for the Park City Heights Phases 2 (for 16 market rate lots) and 3 (for 2 market rate lots). During review of the application, it was determined that the proposed lots of Phase 3 did not have direct access to Sun Ridge Cove due to a strip of County owned property between the lots and street. Staff requested that the applicant remedy access and submit a revised plat.

17. On May 24, 2017, the application for Phase 2 was deemed complete with submission of a revised plat and requested information regarding house size restrictions in compliance with the MPD.

18. On January 19, 2018, the Planning Department received a revised submittal for Phase 2, requesting 39 single family lots and extending Calamity Lane to the end of the cul-de-sac in order to facilitate construction of the required water tank.

19. On February 2, 2018, the Planning Department received additional requested submittal information and the Phase 2 application for 39 lots was complete.

20. On May 3, 2018, City Council approved the Park City Heights Phase 2 Subdivision creating 39 lots of record for market rate cottage and homestead homes and platting 105.91 acres (Parcel D) as open space.

21. Recordation of the Phase 2 plat is pending completion and/or bonding of public improvements and other MPD obligations.

22. On January 17, 2019, the applicant submitted a revised plat for Phase 3, having remedied the access issue by purchasing the strip of property and revising the plat to incorporate the strip into the two lots.

23. The revised application was complete on January 23, 2019, with submission of a revised plat, updated title report and mailing labels, and revised utility and construction details.

24. Development of the property is subject to the Land Management Code, the

amended Park City Heights Master Planned Development conditions of approval and the amended Development Agreement and Park City Heights Design Guidelines, and this Ordinance.

25. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is located within the Park City Soils Ordinance boundary.

26. The proposed subdivision plat creates two lots of record for two (2) single family "Homestead Homes" to be compatible with houses in the Hidden Oaks Subdivision.

27. No new public or private streets are proposed with this plat.

28. Location of houses for this phase is stipulated by adherence to minimum building setbacks, as identified on the plat, as well as a platted LOD (limit of disturbance) area that consists of a no-disturbance area within the rear 100' of the lots, consistent with the location of houses on lots within the adjacent Hidden Oaks subdivision, as stipulated by the MPD.

29. No non-conforming conditions or remnant parcels are created by the subdivision.

30. Access to all lots and parcels within the proposed subdivision is from Sun Ridge Cove, an existing city street in the Hidden Oaks neighborhood.

31. Hidden Oaks at Deer Valley is a single family neighborhood located adjacent and north of the Solamere neighborhood of lower Deer Valley. No through street connections to other phases of the Park City Heights Subdivision are proposed or allowed as a result of this Phase 3 plat.

32. No new private or public streets are proposed.

33. The Park City Trails Master Plan notes that trails shall provide an easily accessible outdoor resource for many forms of recreation, most notably bicycling and walking. Trails greatly increase community access to physical activity and fitness opportunities by providing more miles of safe, attractive bicycling, walking, and hiking facilities. A remnant informal trail traversing the property is not shown on the City's Trails Master Plan and there is not an existing easement for it listed in the title report.

34. The Park City Heights trails plan, submitted with the MPD, identifies the general location of single track trails within the Park City Heights open space and development areas. The Park City Heights developer is responsible for construction of these trails per City specifications.

35. The applicant/developer is also responsible for construction of a trail connecting the neighborhood to the Park City Heights trails network within open space parcels, specifically within Parcel D, which is platted with the Park City Heights Phase 2 Subdivision. Parcel D is adjacent to the north and east of these lots.

36. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.

37. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone,

cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.

38. Sanitary sewer service and facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).

39. Water service and facilities are required to be installed in a manner prescribed by the City Engineer. The applicants have provided utility plans and the plat to the City Engineer to review with the City Water Department. Final approval of a water facilities plan and compliance with the Park City Heights Agreements is required prior to final plat recordation.

40. Staff recommends a maximum house size (floor area as defined by the LMC) of 7,500 sf that shall be noted on the final plat, consistent with the average house size in Hidden Oaks Subdivision restrictions. Staff also recommends a stipulation of a maximum 10,000 sf of irrigated area per lot, consistent with the Hidden Oaks Subdivision restrictions.

41. There is good cause for this subdivision in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utility services; dedicates public snow storage easements; provides for public trail connections; and provides, as conditioned, future development parcels for market rate units consistent with the approved Park City Heights Annexation Agreement, amended Master Planned Development, and the development pattern of the surrounding neighborhood, as conditioned herein.

42. No remnant parcels are created.

43. The applicant stipulates to the conditions of approval.

44. The findings in the Analysis section are incorporated herein.

Conclusions of Law – Park City Heights Phase 3 Subdivision Plat

1. The subdivision complies with LMC Chapter 7 as conditioned.

2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as amended and conditioned.

4. The subdivision is consistent with the amended Park City Heights preliminary plat approved by the Planning Commission on November 6, 2013.

5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.

6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - Park City Heights Subdivision Plat

1. City Attorney, City Engineer, and City Planner review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and these conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit 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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A plat note shall indicate that conditions of approval of the Park City Heights MPD and preliminary plat, as amended and approved by the Planning Commission on November 6, 2013, continue to apply.
4. A plat note shall indicate that this plat is subject to Ordinance 2019-XX (the Ordinance approving this subdivision).
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. Consistent with the Trails Master Plan, a single-track trail connection between this neighborhood and the Park City Heights trail system shall be provided. The location of this connection shall be determined by City Staff and the developer and be limited to no more than ½ miles in length. Construction of this connector trail will need to be completed or bonded for, as part of the public improvements, prior to recordation of this Phase 3 plat.
7. A plat note shall indicate that final constructed public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements.
8. A plat note shall indicate that all construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed and approved by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the amended MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.

11. A storm water run-off and drainage plan shall be submitted and approved by the City Engineer prior to building permit issuance.
12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance. Building setbacks, house size, LOD shall be as noted on the plat.
13. A plat note shall state that all units shall be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification. LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.
14. A plat note shall state that in addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either:
1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score.
15. A plat note shall state that an industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with Green Building requirements as required by the amended Master Planned Development and Annexation Agreement.
16. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
17. A ten (10') wide public snow storage easement and other necessary utility and storm water easements shall be indicated on the plat prior to recordation as required by the City Engineer.
18. All public improvements shall be completed and accepted prior to signing and recording of the plat, or a financial guarantee may be provided to the City, in a form and amount acceptable to the City for the value of all public improvements, including trails. All public improvements shall be completed according to City and provider standards and accepted by the City Council prior to release of this guarantee.
19. All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.
20. A plat note shall state that this plat is subject to the 2014 Amended Park City

Heights MPD Development Agreement and the 2014 Water and Maintenance Agreement with Park City Municipal Corporation.

21. A plat note shall indicate that all construction shall comply with requirements of the Park City Chief Building Official and adopted building codes, including fire sprinkler systems, at the time of building permit review.

22. A plat note shall indicate that side setback requirements shall match the Hidden Oaks Subdivision of 12' minimum (24' combined) rather than the 6' minimum (18' combined) as stated in the Design Guidelines for Homestead lots. Front setback shall be 20' to house and 30' to street facing garage doors.

23. A plat note shall state that the maximum house size (floor area as defined by the LMC) on each lot shall be 7,500 sf, consistent with Hidden Oaks Subdivision restrictions.

24. A plat note shall state that the maximum irrigated area per lot is 10,000 sf, consistent with the Hidden Oaks Subdivision restrictions.

25. A platted limit of disturbance (LOD) area shall be noted on the plat stating that the rear 100' of each lot shall remain undisturbed, with the exception of approved utilities, trails, and required forest health management that may include removal and/or planting of native landscaping with temporary irrigation, subject to approval of a landscape plan application and permit. No structures, patios, decks, gazebos, barns, green houses, hot tubs, fire pits, fences, retaining walls or similar structures are permitted with the rear 100' area.

26. No through street connections to other phases of the Park City Heights Subdivision are permitted, consistent with the Park City Heights MPD.

27. The plat shall note each lot is greater than 1 acre and an MS4 storm water permit is required for all land disturbance activities, prior to building permit issuance.

5. Park City Heights Amendment to Phase Plan (Application PL-17-03552)

Planner Whetstone reported that the applicant, Ivory Development, was seeking to amend the Park City Heights Subdivision Phasing Plan to be consistent with the amended Park City Heights Housing Mitigation Plan that was approved by the Park City Housing Authority on January 8, 2019.

Planner Whetstone stated that the Planning Commission had reviewed the proposed phasing plan change when the Phase 2 Subdivision Plat was reviewed and approved in 2017. At that time, the request was made to make sure the phasing matched the housing mitigation plan that was in effect at the time. Planner Whetstone noted that the Phasing Plan was continued to a date uncertain and re-noticed. Now that the Housing Authority approved the affordable housing/attainable housing/deed restricted Housing Phasing Plan, the applicant would like this phasing plan to be consistent with the Phasing Plan that was approved by the Housing Authority.

Planner Whetstone reported that she had sent the Commissioners an email regarding changes to Finding of Fact #12 on page 126 of the Staff report. A few numbers were amended to make sure it was consistent with the Action Letter for the Housing Mitigation Plan. Planner Whetstone reviewed the changes as follows:

- Proposed Phase 2 - The numbers were changed to 42 market rate and 5 deed restricted units.
- Proposed Phase 4 – The numbers were changed to 25 market rate units and 4 deed restricted cottage homes.
- Proposed Phase 5 – The number was changed from 39 to 40 market rate units.

Planner Whetstone noted that the changes reflect the current Plan and conform to the Action Letter.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the requested amendment to the Phasing Plan according to the Findings of Fact, Conclusions of Law, and Condition of Approval, as amended with the changes to Finding #12.

Director Erickson explained that the Development Agreement was crafted in a way that puts an end date by when the project must be completed; and an end date for when the affordable housing must be completed before plats could be recorded. He pointed out that the intermediary phases come back to the Planning Commission but there was no end date on the practicalities of the phasing. He understood that the intent was to leave some flexibility in the ability to drive the market rate, which drives the affordable units, and to make sure the infrastructure costs were covered. Director Erickson understood that there were questions in the phasing plan about efficiency of utilities as outlined in the letter from Ivory Development. He noted that part of the phasing plan was being changed in order to get all the utilities in one phase. The Housing Authority was asked to review the phasing of the affordable housing units, which they did in January 2019, which is consistent with the corrected table on Page 122 of the Staff report.

Community Development Director, Anne Laurent, was available to answer questions. Commissioner Kenworthy asked if the deed restricted units were on schedule. He understood that before Phases 5 and 6 could be started, all the deed restricted units are supposed to be completed.

Ms. Laurent thought there was confusion because the phasing is not consecutive. She noted that this same concern was addressed with the Housing Mitigation Plan. Ms. Laurent agreed with Director Erickson that it was about the utilities and speeding up the phases that included utility work. Ms. Laurent stated that even though the phases are not consecutive, the developer told the Housing Authority that they were still on track for scheduled units; and that was confirmed. She remarked that the developer was delivering approximately 10 per year for seven years.

Commissioner Kenworthy stated that even though the schedule was changed for the phasing, two phases would still be left before they go vertical. He asked if at that point if all the deed restricted units will have been completed. Ms. Laurent remarked that the last 10% of the market rate units is the trigger for the City to start denying Certificates of Occupancy. Ms. Laurent stated that the developer reports annually to the Housing Authority and the City Council has been very clear on the expectation to keep with the proposed schedule of 10 per year for seven years.

Commissioner Thimm asked Planner Whetstone to clarify the Building Permit versus Certificate of Occupancy description. Planner Whetstone stated that Condition of Approval #5 in the January 2019 approval by the Housing Authority, states that the COs for the final 10% of market rate units would be withheld until all 79 of the affordable/attainable/deed restricted units are complete and have certificates of occupancy. She remarked that there are 160 market rate units, and the COs would be withheld on the final 16 units.

Planner Whetstone stated that currently all 28 of the Townhomes and all 35 Park Homes have building permits. She believed two building permits had been issued for the Cottage Homes, and applications were in process for two or three additional Cottage Homes. Mr. Mackey noted that it would leave one affordable housing unit in Phase 1 without a building permit. Mr. Mackey believed they were significantly ahead of schedule. He recalled that when the Planning Commission talked about the phasing plan last year, it was to facilitate construction of the water tank and the extension of the utilities to the tank.

Vice-Chair Phillips recalled that the Commissioners were trying to understand the phasing. Recognizing that there were several new Commissioner, he thought it was getting easier to understand each time this comes before them.

Community Development Director Laurent stated that she had encouraged the language changes so people would not think they were non-compliant with the Phasing Plan.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Commissioner Suesser asked Mr. Mackey to explain the phasing plan and when the affordable units would be built. Mr. Mackey reviewed the proposed phasing plan. He stated that where Phase 4 is located was originally thought to be Phase 2. However, they were not sure where the water tank would be situated on the site or how the utilities would run until they had the opportunity to work with the Water Department to establish the proper location for the water tank. Mr. Mackey stated that the water lines actually run up the main roads through proposed Phase 2; and because all the utilities needed to be constructed, they requested a phasing plan change. Mr. Mackey remarked that Phase 3 was part of the original Phase 6, but it was a stand-alone that needed to be its own phase. Mr. Mackey stated that Phase 4 was the original Phase 2, and that would be ready to be submitted in approximately one week. It would go before the Planning Commission for review and construction was anticipated to begin this summer. The Phase 5 lots was the final phase.

Mr. Mackey stated that the main road running up to the water tank had cul-de-sacs off of it and utilities were extended to those cul-de-sacs at the same time with Phase 2. Mr. Mackey remarked that Phase 4 made sense for fire access because they would have to build temporary fire turnarounds if the roads were not connected in Phase 4. Mr. Mackey clarified that the original six phases were consolidated into five phases.

Commissioner Hall noted that Phase 2 originally had five deed restricted units and now it was zero. Phase 3 had two deed restricted units and it was now zero. Phase 4 had four deed restricted units and it was reduced to three. She understood that those deed restricted units were lumped into Phase 5. Mr. Mackey replied that she was correct. He pointed out that the location of the deed restricted units was not changed with the phasing plan. The layout of the lots was exactly the same as in the approved preliminary plat. Commissioner Hall was not comfortable pushing all of the deed restricted units to the last phase. Commissioner Thimm stated that the requirement was for those units to be front loaded and in looking at the number of units in the earliest phase of the project, he thought it was front loaded.

Planner Whetstone remarked that the discussion this evening was focused on the subdivision phasing and making it consistent with the Phasing Plan that was approved. She thought the Planning Commission could make a recommendation to the Housing

Authority to relook at some things, but the Affordable Housing Plan had already been approved by the Housing Authority.

Commissioner Suesser asked how it went from 68 affordable units in Phase 1 to ten affordable units per year for seven years, and why Phase 1 was not required to be completed before moving to the next phase. She was not questioning the decision by the Housing Authority, but she wanted an explanation.

Ms. Laurent stated that an Exhibit to the Housing Mitigation Plan talks about each lot individually and the timing of each lot. She agreed with Mr. Mackey that the layout nor the timing had changed. Ms. Laurent stated that because the timing in the Housing Mitigation Plan had not changed, the Housing Authority determined that Phasing 1, 2, 3, 4, 5, 6 was not affecting the timing that was promised in the Housing Mitigation Plan. Ms. Laurent stated that she had the same reaction when she first read it, and her question at the time was what did the phasing represent. She was told that it relates back to how the plat was set up.

Mr. Mackey noted that there are 239 lots; and 11 units in Phases 2 through 5. Whether it was done in two phases; Phase 1 and Phase 2, or in Phases 2 through 6, the final building permits are held until the affordable housing is built. Mr. Mackey stated that the subdivision phasing needs to be approved so they can get the lots in order to comply with the affordable housing phase.

Commissioner Suesser asked if the developer was on track to deliver 10 affordable units per year for the next seven years. Ms. Laurent encouraged the Commissioners to read the Housing Mitigation Plan. The initial language is that the developer provided a schedule and committed to it in 2016. She stated that the Development Agreement and the Annexation Agreement started this language a long time ago and that language has not changed. The language states that the developer will make a good faith effort to meet the schedule in the affordable housing; and other than the annual check-in with the City Council, the City will not take any enforcement action or counteraction until the last 10%. Ms. Laurent stated that the language was agreed to from the beginning and it was not able to be changed. She remarked that the developer came forward in good faith with a schedule in 2016 and in tracking it, she believed they were ahead of schedule as Mr. Mackey had stated. The Staff had no concerns that progress was being made.

Vice-Chair Phillips thought the Planning Commission should rely more on what Ms. Laurent and the Staff were saying rather than which phase the units were in, because they only needed to be accomplished as laid out. Ms. Laurent stated that any concerns regarding the progress on housing should be recommended to the Housing Authority.

MOTION: Commissioner Sletten moved to APPROVE the Park City Heights Amendment to the Phasing Plan based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended with the changes to Finding of Fact #12. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Director Erickson recognized the discomfort and acknowledged that it was complex and confusing. The difficulty was dealing with the private sector in trying to deliver housing. Ms. Laurent was having that conversation with the Housing Authority and it was the reason her team was delivering housing as part of the public process and not trying to combine market rates in the private sector moving forward. Director Erickson believed Ms. Laurent heard their comments and would include it in her list of discussion points when they have a work session on housing. Director Erickson commented on the efficiency of the subdivision design; as well as the ability to deliver housing and the ability to annually review the price of housing via the AMI rate and attainable rate. Those discussions had already taken place with the Housing Authority. He pointed out that the private sector was having a hard time delivering this type of housing with the constraints that were placed.

Findings of Fact – Park City Heights Phasing Plan Amendment

1. The property is located south of Richardson Flat Road, south and east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned CT-MPD (Community Transition subject to the Park City Heights MPD).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable/attainable units on 239 acres.
4. On June 22, 2011, the Planning Commission approved a preliminary subdivision plat and overall phasing plan as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 subdivision plat.
6. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation and a voluntary cleanup program.
7. On February 27, 2014, City Council approved an amended Park City Heights Phase 1 subdivision plat, creating lots of record for 28 deed restricted townhouses, 35 small-lot deed restricted Park homes, 5 deed restricted cottage homes and a total of

35 market rate (cottage and homestead) homes.

8. On November 4, 2014, the Amended Development Agreement for Park City Heights MPD was recorded at Summit County.

9. On November 14, 2014, the Park City Heights Phase 1 Subdivision plat was recorded at Summit County.

10. On May 2, 2017, the Applicant submitted an application for the Park City Heights Phases 2 (for 16 market rate lots) and 3 (for 2 market rate lots). During review of the application, it was determined that the proposed lots of Phase 3 did not have direct access to Sunridge Cove due to a strip of County owned property between the lots and street. Staff requested that the applicant remedy access and submit a revised plat.

11. On May 24, 2017, the application for Phase 2 was complete with submission of a revised plat and requested information regarding house size restrictions in compliance with the MPD.

12. On January 19, 2018, the Planning Department received a revised submittal for Phase 2, requesting 39 single family lots and extending Calamity Lane to the end of the cul-de-sac in order to facilitate construction of a required water tank. The submittal also included a request to amend the overall phasing plan for the subdivision as follows:

- No changes are proposed to Phase 1 which is platted with 68 deed restricted lots and 35 market rate lots. Most of the units are under construction or built.
- Proposed Phase 2 of the subdivision includes 39 market rate homestead units and no deed restricted units (current Phase 2 includes 42 market rate and 5 deed restricted).
- Proposed Phase 3 includes 2 market rate homestead units (current Phase 3 includes 32 market rate and 2 deed restricted.)
- Proposed Phase 4 includes 44 market rate units and 3 deed restricted cottage homes (current Phase 4 includes 25 market rate units and 4 deed restricted cottage homes).
- Proposed Phase 5 includes 39 market rate units and 8 deed restricted cottage homes (current Phase 5 includes 15 market rate and no deed restricted units).
- No proposed Phase 6 (current Phase 6 includes 11 market rate units).
- The overall numbers remain the same for both market rate (160 units) and deed restricted (79 units) for a total of 239 units.

13. On February 2, 2018, the Planning Department received additional requested submittal information and the Phase 2 plat application for 39 lots was complete.

14. On March 28, 2018, the Planning Commission approved the Phase 2 plat.

15. On May 3, 2018, City Council approved the Park City Heights Phase 2 subdivision plat creating 39 lots of record for market rate cottage and homestead homes and platting 105.91 acres (Parcel D) as open space.

16. Recordation of the Phase 2 plat is pending approval of this amended phasing plan, completion and/or bonding of public improvements, including the Park City Heights water tank, single track trails in Phases 1 and 2, commencement of the

neighborhood park, bus shelters on Richardson Flat Road, and hard surface trails connecting the neighborhood trails to the Rail Trail on the south side of Richardson Flat Road and to the 248 underpass on the north side of Richardson Flat Road.

17. Development of the property is subject to the Park City Heights Annexation Agreement, the Amended Park City Heights Master Planned Development Agreement and the Amended Park City Heights Design Guidelines.

18. The MPD states that “affordable units for subsequent phases will be identified with the final subdivision plats for those phases”.

19. The affordable housing mitigation plan indicates that the subdivision may be platted in phases and that each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted and requires that all affordable/attainable units be complete prior to issuance of building permits for the final 10% of market rate units (16 units).

20. The housing mitigation plan is reviewed by the Park City Housing Authority annually and was amended on January 8, 2019 and the proposed amended phasing plan is consistent with the amended housing mitigation plan.

21. The amended phasing plan does not change requirements of the housing mitigation plan or the annual delivery of affordable units.

22. The proposed phasing plan allows for logical extension of utilities and access, including access to the water tank site, to be constructed in 2019.

23. Findings in the Analysis section are incorporated herein.

Conclusions of Law – Park City Heights Phasing Plan Amendment

1. The amended phasing plan is consistent with the Park City Land Management Code.

2. The amended phasing plan is consistent with the Park City Heights Annexation and the Park City Heights Amended Master Planned Development.

3. The amended phasing plan is consistent with the amended Park City Heights preliminary plat approved by the Planning Commission on November 6, 2013.

4. The amended phasing plan is consistent with the January 8, 2019 amended Park City Heights Housing Mitigation Plan.

Conditions of Approval – Park City Heights Phasing Plan Amendment

1. Ledger Way shall not be used for construction access to Phases 2, 3, 4 or 5.

2. A common construction recycling and excavation materials storage area within the development shall be identified for each phase prior to approval of the streets and utilities construction plans for that phase.

3. Prior to recordation of the Phase 2 subdivision plat, the revised Phasing Plan shall be recorded at Summit County as an addendum to the Amended Park City Heights

Development Agreement.

4. Per LMC 15-7.2-1 (G) and LMC 15-7.2-2, prior to signing and recording of Phases 2, 3, 4 and 5 plats, the applicant shall complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all street, sanitary sewer, and other public improvements, i.e.: storm drainage, trails, sidewalk, curb, gutter, street signs, water lines, etc. City Council may at its discretion waive the requirement that the applicant complete and dedicate all site and public improvements prior to signing and recording of the plat, and as an alternative, the applicant may post a guarantee, in a form and amount acceptable to the City for the value of all public improvements, including required public trails, in accordance with LMC Section 15-7.2-1. All public improvements shall be completed according to City and provider standards and accepted by the City Council prior to release of the guarantee.
5. Conditions of approval of the Park City Heights Annexation and MPD, as well as the 2014 Amended MPD Development Agreement continue to apply.

**6. Parkview Condo plat amendment for Units 25 and 27
(Application PL-18-03776)**

Planner Whetstone reviewed the application for a plat amendment to a condominium plat for the Parkview Condominiums, located on Jupiter View Drive, which is a private drive that comes off of Holiday Ranch Road. Derek Howard was present representing the owners of Units 25 and 27, as well as the Park View Condominium HOA.

Planner Whetstone stated that the applicants were requesting an amendment to the first amended and restated Parkview Condominium plat, which was approved in 2015 for units 6 through 18, as well as Unit 22. The purpose of the plat amendment is to allow portions of the existing limited common rear deck area to be enclosed as private area. The applicant was not proposing to extend the decks or to construct additional decks. The proposal is to move the rear east wall back and capture some of the limited common space on the deck. Planner Whetstone reported that 325 square feet for Unit 25 and 277 square feet for Unit 27 would be converted from limited common area to private area for the two condominiums.

Planner Whetstone referred to an Exhibit on page 164 that showed what was being proposed for Units 25 and 27.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on this plat amendment, based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Derek Howard had nothing to add but he was prepared to answer any questions.

Commissioner Suesser asked if Units 25 and 27 had the extension that many other units in the development had. Mr. Howard answered no, which was why they were requesting this plat amendment. Commissioner Suesser asked if they were moving the interior wall to the end of the deck. Mr. Howard replied that the wall would not be moved to the end of the deck but rather to a portion of the deck. The decks are 8' to 10' off the ground. The proposal is to move the main level wall out part way. On the backside is wall of glass doors that open onto the deck.

Commissioner Sletten asked if any other structural elements would be added. Mr. Howard answered no. The decks have already been built and nothing else was being proposed. It was purely a simple enclosure.

Commissioner Suesser stated that her concern was the reference to common space; however, it did not appear to be common space. Planner Whetstone explained that it was limited common space. Commissioner Suesser asked if there was a barrier between the units. Mr. Howard replied that there are barriers between the units. Commissioner Suesser asked if there was the ability to extend the deck further. Mr. Howard replied that the HOA would not condone extending the deck.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Vice-Chair Phillips stated that this was a standard request that the Planning Commission has approved in the past.

Director Erickson remarked that the concern with this application was the original plat and the proximity to the creek. The applicant had addressed that situation and the 50' setback was shown on the plat. Director Erickson stated that the buildings do not extend beyond the existing decks. Unless the Commissioners had concerns, he thought it was a clean ownership transition. There would be no changes to the open space, parking, protection of wetlands, or to the creek. Planner Whetstone noted that the City was getting a 10' public snow storage easement on Holiday Ranch Loop Road, as well as an official public trail easement for the existing trail.

Commissioner Hall understood that Unit 25 was not part of this application. Planner Whetstone replied that Units 25 and 27 were the applicants. Commissioner Hall clarified that Unit 26 was not part of this plat amendment even though it was wedged in the middle. Mr. Howard replied that she was correct. Unit 26 did not want to make the change so they were not included in this plat amendment. If they change their mind in the future, they can come back and go through another plat amendment.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the first amendment to the First Amended and Restated Parkview Condominiums Plat amending Units 25 and 27, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Parkview Condominiums Plat Amendment

1. The property is located at 2208 and 2212 Jupiter View Drive within the Residential Development- Medium (RDM) Zoning District subject to the Master Planned Development Overlay (MPD).
2. The applicant is requesting an amendment to the First Amended and Restated Parkview Condominiums plat for the purpose of allowing portions of limited common rear deck area to be enclosed as private area, similar to what was approved for Units 6-18 and Unit 22 with the First Amended and Restated plat. The plat amendment includes the following:
 - ☐ Converting 325 sf of limited common deck area to private area for Unit 25.
 - ☐ Converting 277 sf of limited common deck area to private area for Unit 27.
 - ☐ No increase in the number of units or required parking spaces.
 - ☐ Zone height and setbacks are maintained.
 - ☐ No new deck extensions or additions that encroach into the revised delineated wetland area buffer new deck areas are proposed.
 - ☐ No construction within or changes to the natural open space area adjacent to McLeod Creek are proposed.
 - ☐ Required fifty-foot (50') setback, between the delineated wetland high water mark of McLeod Creek and any structure, is maintained.
 - ☐ No new structures are proposed within the fifty-foot (50') setback area.
 - ☐ A 10' public utility easement is dedicated adjacent to the edge of pavement within the 40' access easement.
 - ☐ A 10' public snow storage easement is dedicated along Holiday Ranch Loop Road, a public street.
 - ☐ A 12.5' public trail easement for an existing public trail along the south

property line is dedicated with this plat.

3. On December 17, 1984, the City Council approved the Parkview Subdivision plat that was recorded at Summit County on December 18, 1984.

4. On October 9, 1996, Planning Commission approved the Parkview small scale MPD for 36 townhome units in twelve buildings of three units each on the 5.237 acre Parkview Subdivision Lot 2.

5. On February 7, 1997, the City Council approved the Parkview Condominiums plat that was recorded at Summit County on February 11, 1997.

6. In 2007, a Letter of Map Amendment (LOMA) was issued by Federal Emergency Management Agency (FEMA). The LOMA adjusted the flood map for the Parkview property to remove everything outside of a new floodplain delineation line to "Zone X", which is a non-flood hazard area, and classified all of property contained within the creek and the meander corridor as "Zone C".

7. In 2009, the Parkview HOA hired IHI Engineering to re-delineate the wetlands, with approval by the Army Corps of Engineers (Corps), who oversees wetland designations and necessary permitting (404 permits) for encroachments into wetland areas. The delineation moved the designated wetland line back towards the creek by upwards of ten feet (10') in some locations and modified the 50' setback line.

8. On May 30, 2013, the City Council approved the First Amended and Restated Parkview Condominiums plat. The First Amended and Restated plat reflected the Army Corps of Engineers acceptance of changes to the high water mark and to allow rear deck extensions to the 50' setback line, as well as rear deck enclosures.

The plat was recorded at Summit County on July 28, 2015 and the 1997 Parkview Condominiums plat was retired by Summit County.

9. The First Amended and Restated plat allowed twenty-four (24) of the thirty-six (36) units to extend rear decks and allowed fourteen (14) of those units to expand the floor area by adding rear additions of approximately 500 square feet.

10. On January 30, 2019, a complete application for a First Amendment to the First Amended and Restated Parkview Condominiums plat was submitted to the Planning Department.

11. This First Amended plat requests conversion of limited common deck area to private area for additions to Units 25 and 27, as further described in item 2 above.

12. This First Amended plat does not include extensions of elevated decks or additional impacts to the natural open space area. Conditions related to stairs, landings and allowed use of the open space area will continue to apply.

13. The open space area remains in a natural state with grass, shrubs and trees present. It is important to maintain the natural character of this open space area. As originally conditioned, this area remains as common open space with limited use for passive recreation activities. Hot tubs and other amenities are conditioned to remain on the elevated decks, with open space areas to remain free of structures other than the stairways and limited landings.

14. Additions proposed with this First Amended plat do not encroach into the revised delineated wetland area buffer. No new deck extensions into the natural open space area adjacent to McLeod Creek are proposed.

15. The required fifty-foot (50') setback, between the delineated wetland high water mark of McLeod Creek and any structure, is maintained.

16. Original approval was for 36 units on 5.237 acres and was stated as 6.87 units per acre. Approved density was expressed in terms of units per acre, as opposed to total unit equivalents (UE) or floor area. No increase in the number of units is proposed.

17. This proposed First Amended plat does not increase density in terms of the number of units. There will still be 36 recorded condominium units.

18. The MPD required two parking spaces per unit, based on the number of units and floor area (72 spaces required). There are ninety-six (96) parking spaces on site, fifty-nine (59) are enclosed parking spaces (a 60th garage is a common storage garage), thirteen (13) are tandem spaces on private driveways, and twenty-four (24) are exterior common (guest) spaces. Current proposed changes to floor area do not increase parking requirements for the units or the overall development.

19. Original approval required sixty percent (60%) open space and seventy-five percent (75.04%), or approximately 3.93 acres (171,191 sf) was provided. Deck extensions and the rear additions permitted with the First Amended and Restated plat represent a reduction in open space from 75% to 71%. Upper level decks are not included as open space; therefore, current proposal to enclose portion of existing deck area for Units 25 and 27 does not change the open space area.

20. The MPD did not grant any height increases over the RDM zone height. No building height exceptions are requested for the additions. Additions that back to the wetland buffer do not extend beyond the existing decks and maintain existing side and rear setbacks.

21. This proposed First Amended plat does not require a revised MPD as proposed changes to these units are in substantial compliance with the original approvals, consistent with approval of similar additions with the First Amended and Restated plat, no new units are proposed, no additional site work is proposed, no additional parking is required, and percentage of open space exceeds the required amount of 60%. All conditions of the Parkview small scale MPD and the First Amended and Restated Parkview Condominiums plat continue to apply.

Conclusions of Law – Parkview Condominiums Plat Amendment

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
2. The plat amendment is consistent with the Parkview Condominiums MPD and First Amended and Restated Parkview Condominiums plat
3. Neither the public nor any person will be materially injured as a result of approval of

the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Parkview Condominiums Plat Amendment

1. City Attorney, City Engineer and City Planner review and approval of the final form and content of the amended plat for compliance with State law, the Land Management Code and these conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the amended plat at Summit 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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A plat note shall indicate that all applicable conditions of approval of the Parkview Condominiums MPD and First Amended and Restated Parkview Condominium plat shall continue to apply.
4. A plat note shall indicate that this plat is subject to Ordinance 13-17 and Ordinance 2019-XX (the Ordinance approving this plat amendment).
5. A plat note shall state that all construction will be reviewed for compliance with adopted Building Codes, the Land Management Code, the First Amended and Restated Parkview Condominium plat, including residential fire sprinklers as required by the Chief Building Official.
6. The wetlands and open space areas are permanent no-build areas, with the exception of specified and approved utility and trail installations and improvements as noted on the plat.
7. Any work in the wetland areas requires a permit issued by the US Army Corps of Engineers. All such work shall be approved by the Park City prior to commencing, as noted on the plat.
8. Any fixed construction on the subject property within the FEMA regulatory floodplain, as further described in plat note #12, shall not cause the base flood water surface elevation to increase more than one foot, as noted on the plat.
9. Open Space areas are to remain free of structures or development, with an exception only for the required gravel (or other approved non-impervious material) stairway landings, which shall not exceed the square footage minimum for each, as required by current building code (approximately 36" x 36" or 6 feet by 6 feet for side-by-side stairways), as noted on the plat. There will be no hot tubs, gazebos, barbeques, playgrounds or any structures or active recreation areas allowed within the open space area between the buildings and the creek, as noted on the plat.
10. Deck areas as shown on the amended plat are not to be converted to private living

space or enclosed, unless a plat amendment is approved, nor are additional structures, etc. allowed within these or other open space areas, as noted on the plat.

11. No chemical pesticides or synthetic herbicides shall be applied to the natural area landscaping due to proximity to the creek, as noted on the plat.

12. A landscape plan shall be submitted with all building permits. The landscape plan shall identify existing significant vegetation/trees within the proposed Limits of Disturbance area of the specific building permits for expansion of Units 25 and 27, and shall describe how any areas of disturbance will be landscaped following construction to maintain the character of the natural open space area.

13. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and these conditions of approval prior to building permit issuance.

The Park City Planning Commission Meeting adjourned at 7:07 p.m.

Approved by Planning Commission: _____