

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 24, 2018

COMMISSIONERS IN ATTENDANCE:

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

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

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REGULAR MEETING

ROLL CALL

Vice-Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Band and Thimm, who were excused.

Vice-Chair Phillips reported that the Planning Commission had a site visit to the Spiro Water Treatment Plant in preparation for reviewing the Three Kings Water Treatment Plan on the Agenda this evening. The Commissioners were given a brief description on what the treatment plant does currently, and what the goal is for the future. Vice-Chair Phillips remarked that the majority of the site visit was to get a visual of the site. They walked around the perimeter, particularly the south facing side.

Vice-Chair Phillips anticipated a presentation from the applicants during the Three Kings Water Treatment Plan discussion.

ADOPTION OF MINUTES

October 10, 2018

Vice-Chair Phillips referred to page 7, first paragraph, second sentence, and changed the word The to **They** to correctly read, "**They** will have to be located on private property, but the City cannot require a business license."

MOTION: Commissioner Sletten moved to APPROVE the Minutes of October 10, 2018 as amended. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reported that the next two Planning Commission meetings were scheduled for November 14th and December 12th.

Commissioner Kenworthy disclosed that he owns a home on Woodside near the home being discussed this evening.

Commissioner Sletten disclosed that he owns property in the sister complex to the 7704 Village Way item on the agenda. He did not believe it would affect his ability to participate in that matter this evening.

Commissioner Suesser disclosed that she would be recusing herself from 675 Round Valley Drive due to a conflict of interest.

Vice-Chair Phillips clarified that they would still have a quorum for 675 Round Valley Drive because as Vice-Chair he retains the ability to vote.

CONTINUATIONS – (Public Hearing and Continue to date specified.)

2563 Larkspur Drive – Amended Lot 39 West Ridge Subdivision Phase II – Plat Amendment request to move the platted reserved open space delineation back, decreasing it by 764 square feet. (Application PL-18-03903)

MOTION: Commissioner Kenworthy moved to CONTINUE 2563 Larkspur Drive to December 12, 2018.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 324 Woodside avenue – Steep Slope Conditional Use Permit (SS-CUP – Construction of a new single-family dwelling with driveway access projecting over an existing Slope of 30% or greater. (Application PL-18-03998)
2. 180 Daly Avenue – Steep Slope Conditional Use Permit (SS-CUP) – Construction of an addition to a historic house, with a Building Footprint in

excess of two hundred square feet (200 sf) located on an existing Slope of 30% or greater. The site is a developed site with a historic house that is designed as "Significant" on the Historic Sites Inventory. (Application PL-16-03085)

3. 182 Daly Avenue – Conditional Use Permit (CUP) – The applicant is proposing to construct a Duplex Dwelling on a vacant lot at 182 Daly Avenue. (Application PL-17-03708)
4. 182 Daly Avenue – Steep Slope Conditional Use Permit (SS-CUP) – Construction of a new Duplex Dwelling with a Building Footprint in excess of two hundred square feet (200 sf) located on an existing Slope of 30% or greater. (Application PL-16-03084)

Vice-Chair Phillips opened the public hearing on the Consent Agenda items. There were no comments. Vice Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the Consent Agenda. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 324 Woodside Avenue

1. The property is located at 324 Woodside Avenue.
2. On October 3, 2018, the City received an application for a Steep Slope Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 324 Woodside Avenue; the application was deemed complete on October 3, 2018.
3. The property is located in the Historic Residential (HR-1) District.
4. The lot contains 3,037.5 square feet. It is a downhill lot, and the average slope of the lot is approximately 32%. The average slope within the footprint area is approximately 21.7%. Nevertheless, the average slope beneath the proposed driveway is approximately 66.67%; per LMC 15-2.2-6(A)(3), a Steep Slope CUP is required for any Access driveway located on or projecting over an existing slope of 30% or greater.
5. Staff has found that the Historic District Design Review (HDDR) application complies with the Design Guidelines and Land Management Code, as redlined. The complete HDDR application was submitted on June 1, 2018.
6. A single-family dwelling is an allowed use in the HR-1 District.
7. Access to the property is from Woodside Avenue, a public street.
8. Two (2) parking spaces are proposed on site, one in a single-car garage and one on the driveway.

9. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.

10. An overall building footprint of approximately 1,200 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.

11. The proposed structure complies with the front and rear setbacks. The minimum front and rear setbacks are ten feet (10'), for a total of twenty feet (20'); the applicant is proposing a ten foot (10') front setback and nineteen foot (19') rear setback, for a total of twenty feet (29').

12. The proposed structure complies with the side setbacks. The minimum side setbacks are three feet (3'), for a total of six feet (6'). The structure has a three foot (3') side setback for both the north and south side yards for a total of six feet (6').

13. The proposed structure is approximately 25.0125 feet above existing grade at the tallest portions. The maximum height in the HR-1 is twenty-seven feet (27').

14. The proposed structure has an interior height of thirty-five feet (35'). The maximum interior height is thirty-five feet (35').

15. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building has been broken up into smaller components. Only a one- to two-story structure will appear above grade on the hillside.

16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this single-family dwelling on the cross canyon views and the Woodside Avenue streetscape. The proposed single-family dwelling is compatible with the surrounding structures as the majority of the mass and bulk of the single-family dwelling will be below Woodside Avenue and thus not visible from the right-of-way.

17. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The proposed driveway leads to one (1) single-car garage and one driveway parking space.

18. There is an existing concrete retaining wall in the front yard that maintains the grade of Woodside Avenue. To the east of this wall, the grade drops drastically and flattens out.

19. The applicant is proposing to construct the new house on this flatter portion of the lot. One stone retaining wall measuring approximately 3.2 feet in height will be necessary in the front setback in order to maintain the grade between the concrete retaining wall and exterior front wall of the new house. On the north and south side elevations, only two retaining walls measuring approximately 3.25 feet in height are needed to retain the grade. The applicant is not proposing to change grade more than 4 feet around the periphery of the structure and has largely maintained Natural Grade.

20. The applicant is proposing a driveway leading to one parking space in the driveway and one (1) single-car garage. By incorporating a bridged driveway, the applicant has reduced the need for grading and drastically changing the topography of the front yard. Existing grade at the front of the lot will be maintained by the existing concrete retaining wall. Within the front setback, the grade will be largely maintained. A single stone retaining wall, in addition to the existing retaining wall, will be used in the front yard.

21. At the edge of curb, the applicant has incorporated a driveway with a maximum width of 12 feet. This driveway design is consistent with the width of driveways in the Historic District

22. The proposed structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District

23. The applicant broke up the mass of the proposed structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to three stories in height, which is compatible with the neighborhood overall.

24. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.

25. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.

27. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.

28. The property is located outside of the Soils Ordinance.

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

Conclusions of Law – 314 Woodside Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).

2. The Use is consistent with the Park City General Plan, as amended.

3. The effects of any differences in use or scale have been mitigated through careful

planning.

Conditions of Approval – 341 Woodside Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2018, and the Final HDDR Design.
6. All new retaining walls within the rear and side setback areas shall not exceed six feet (6') in height measured from final grade and retaining walls within the front setback area shall not exceed four feet (4') in height measured from final grade. An exception may be granted by the City Engineer per the LMC, Chapter 4.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
11. All excavation work to construct the foundation of the proposed single family dwelling shall start on or after April 15th and be completed on or prior to October 15th.

The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the

need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

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

Findings of Fact – 180 Daly Avenue

1. The property is located on 180 Daly Avenue.
2. On July 12, 2018, the Park City Council approved the Daly Delight Plat Amendment located at this address through Ordinance 2018-37; the plat has not yet been recorded.
3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
4. Following recordation of the plat, Lot A at 180 Daly Avenue will contain a total of 3,986 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. A Historic District Design Review (HDDR) application is currently under review.
7. On October 3, 2018, the Historic Preservation Board approved the applicant's proposed Material Deconstruction.
8. On January 20, 2016, the City received an application for a Steep Slope Conditional Use Permit; the application was deemed complete on December 12, 2017.
9. Access to the property is from Daly Avenue, a public street.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the west side of the road, is dominated by historic garages, sheds, and pedestrian entryways.
11. The proposal will create a single family dwelling of 3,276 square feet, including the basement area.
12. An overall building footprint of 1,568 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 1,593 square feet.
13. The proposed addition complies with all setbacks. The minimum front and rear yard setbacks are 12 feet. The minimum side yard setbacks are 5 feet.
14. The historic house currently has a front yard setback of 11 feet, less than the required 12 feet. Per Land Management Code 15-2.2-4 Existing Historic Structures that do not comply with the Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-complying Structures.
15. The proposed addition complies with the twenty-seven feet (27') maximum building

height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height and the tallest portion of the building is 18.4 feet above existing grade.

16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Park Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

17. The lot has an average slope of 43.5% and in some areas, the slope is as much as 83%. The front portion of the lot where the historic house sits is relatively flat; however, the grade quickly steepens to form the wall of the canyon directly west of the historic house.

18. The development is located and designed to reduce visual and environmental impacts of the Structure. Because the historic house sits at the front of the lot and on a flat portion of the lot, much of the bulk and mass of the new addition is buried in the hillside and is not visible from Daly Avenue. On the north and south sides of the new addition, only one to two stories will be visible above Final Grade. Retaining walls will be used to terrace the grade in four foot segments within the side yards.

19. A visual analysis has been provided and it has been determined that the potential impacts for the project have been mitigated through screening, slope stabilization, erosion mitigation, vegetation protection, and other methods. The proposed addition fits within the context of the slope, neighboring structures and existing vegetation. According to the survey, there are five (5) existing trees on the lot. The applicant proposes to retain the three (3) trees at the front of the site and replace the other two (2) trees with seven (7) new white pine trees. The visual analysis has demonstrated that the proposed design is visually compatible with the neighborhood and is similar in mass and scale to surrounding structures.

20. Access points have been designed to minimize Grading of the natural topography and reduce overall Building Scale. No new driveway or vehicular access to the site is proposed. The site will continue to be accessible from Daly Avenue, and the front door of the building is on the historic house.

21. The applicant has incorporated terraced retaining walls to regain Natural Grade. Finished Grade will be within 4 feet of existing grade following completion of the project. The retaining walls do not exceed 4 feet in height and vegetation will be planted on the terraces to further minimize the visibility of the retaining walls.

22. The buildings, access, and infrastructure have been located to minimize cut and fill that would alter the perceived topography of the site. The new structure's building pad has been located to minimize cut and fill. Though taller than the historic house, the new addition will be set back at least 10 feet from the rear wall of the historic house to help further visually separate it from the historic house. A long shed roof on the façade will help reduce the perceived size of the new addition and make the addition appear to be stepping up the hill. The applicant has been able to hide much

of the bulk and mass of the addition underground.

23. The building has is oriented along the Lot's existing contours, and the main ridge of the new three-story addition will be parallel to the grade. This allows the east side of the gable roof to slope down with the grade. The tallest portion of the structure is 18.4 feet above existing grade, and some portions of the new addition will be only 6.4 feet above existing grade. The proposed design complies with the Design Guidelines for Historic District and Historic Sites as exterior elements of the new development are of human scale and compatible with the neighborhood.

24. The design of the new addition has prevented a "wall effect" along the Street. The mass of the new addition has been staggered so that the three-story addition is visually separated from the historic house and much of its mass and bulk has been buried in the hillside. The articulation of the massing pattern reduces the overall perceived mass of the structure.

25. The volume of the Structure has been limited in order to minimize its visual mass and mitigate the differences in scale between the existing Historic House and the new addition. The taller portions of the new addition are physically and visually separated from the historic house. Setback variations and lower building heights have further reduced the overall mass and scale. The proposed mass and architectural design components are compatible with both the volume and massing of other single family dwellings in the areas. By burying much of the mass underground, the differences in scale between the new addition and surrounding structures have been minimized.

26. The proposed new addition has a height of 18.4 feet above Existing Grade, much lower than the maximum zone height of 27 feet. The roof of the new addition has been designed to allow for a long shed roof to slope downhill towards Daly Avenue. The mass of the roof form has been broken up by gable-roofed dormers. The overall interior height of the structure is 34.6 feet.

27. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

28. The property was posted and notice was mailed to property owners within 300 feet on October 17, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.

29. The property is located outside of the Soils Ordinance.

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

Conclusions of Law – 180 Daly Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 180 Daly Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit shall be issued until the Daly Delight Plat Amendment is recorded with the Summit County Recorder's Office.
5. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2019, and the Final HDDR Design.
7. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. All excavation work to construct the foundation shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
11. Final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.
12. The property is located outside the Park City Landscaping and Maintenance of Soil

Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

Findings of Fact - 182 Daly Avenue - CUP

1. The property is located at 182 Daly Avenue.
2. The Park City Council approved the Daly Delight Plat Amendment at this location on July 12, 2018. The final Mylar has not yet been recorded.
3. The Historic District Design Review (HDDR) application for the proposed for the new Duplex Dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit and Duplex Dwelling Conditional Use Permit.
4. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
5. A Duplex Dwelling is a conditional use in the HR-1 District.
6. Following recording of the plat amendment, the lot will contain 5,329 square feet. This is an uphill lot with an average slope of approximately 44%.
7. Access to the property is from Daly Avenue, a public street.
8. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
9. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments.
10. An overall building footprint of 1,974 square feet is proposed. The maximum allowed footprint for this lot is 1,975 square feet.
11. The proposed Duplex Dwelling complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.
12. The proposed addition complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 14 feet. The historic house has a 9 foot side yard setback on the north and 5 foot setback on the south, for a total of 14 feet.
13. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height. The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet with a 24 foot 6 inch tall architectural feature measuring 11 feet 4 inches wide (which equates to less than 25% of the façade width). The Contributory Roof Form has a 7:12 pitch which

complies with the Contributing Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.

14. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.

15. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot containing the Duplex Dwelling is 5,329 square feet. Per LMC 15-2.2-3 Lot And Site Requirements, Developments consisting of a Duplex Dwelling require a Lot Area at least equal to 3,750 square feet. The proposed site complies with the minimum lot size for a Duplex Dwelling.

16. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as the Duplex Dwelling will be adding additional vehicles to Daly Avenue, as do all developments on Daly Avenue. Staff does not find that the proposed Duplex Dwelling will add any more vehicles to Daly Avenue than what would be added if two (2) Single-Family Dwellings were constructed on this site (had it been divided into two lots). This site could hold two (2) Single-Family Dwellings on two lots within the same property boundary, but the applicant has proposed to construct a Duplex Dwelling on a single lot instead. The proposed design meets the requirements for parking as indicated in the Review Criteria 5.

17. There are no unmitigated impacts to LMC 15-1-10(E)(3) Utility capacity, as this project has been reviewed by the applicable utility companies and internal departments. No concerns were brought up by those entities during their review. The applicant has provided information regarding the proposed utility plan on the Site Plan (Sheet A1.0).

18. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as Emergency vehicles will access the site directly from Daly Avenue. No issues have been identified at this time.

19. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off street parking, as two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.

20. There are no unmitigated impacts to LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, as vehicular and pedestrian access to the site is from Daly Avenue, a public road. The proposed driveways lead to two (2) single-car garages. At the edge of curb, the applicant has incorporated driveways with a maximum width of 12 feet. This driveway design is consistent with the driveways of new construction in the Historic District.

21. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as Fencing and/or screening

has not been proposed for the site. This is consistent with the Daly Avenue streetscape because a Duplex Use is not uncommon on Daly Avenue. The applicant has incorporated a series of terraced retaining walls to regain Natural Grade along the periphery of the structure. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade.

22. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as The proposed Duplex Dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The Duplex Dwelling steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for large and out of scale retaining walls.

23. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposed structure complies with all applicable lot and site requirements, thus providing open space similar to that provided by other development on Daly Avenue

24. There are no unmitigated impacts to LMC 15-1-10(E)(10) Signs and lighting, as the proposal does not include any signs. All exterior lighting features will be down-lit and shielded.

25. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.

26. There are no unmitigated impacts to LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, as the mechanical room for the proposed project is located within the building and is not accessible from the exterior of the building.

27. There are no unmitigated impacts to LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, as this is a Duplex Dwelling which is consistent with other residential uses on Daly Avenue. No delivery, loading, or trash pick-up areas will be more intensive than the existing development on the street.

28. There are no unmitigated impacts to LMC 15-1-10(E)(14) Expected Ownership and

management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, as this property will be sold to a private property owner. Each unit will be under one owner until a condominium plat amendment is recorded (there is no Condominium Plat Amendment application on file with the Planning Department at this time).

29. There are no unmitigated impacts to LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, as the property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore is not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #13 of the Steep Slope Conditional Use Permit.

30. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as the proposed Duplex Dwelling fulfills the Goals, Objectives, and/or Implantation Strategies of the General Plan, including Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations

31. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the Land Management Code on October 6, 2018.

32. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 182 Daly Avenue - CUP

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling as established by the LMC 15-1-10.
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 182 Daly Avenue - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation,

public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.

5. This approval will expire on October 24, 2019, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration

6. Recordation of the Plat is required prior to building permit issuance.

7. Modified 13-D fire sprinkler system is required.

Findings of Fact – 182 Daly Avenue – SS CUP

1. The property is located at 182 Daly Avenue.

2. The Park City Council approved the Daly Delight Plat Amendment at this location on July 12, 2018. The final Mylar has not yet been recorded.

3. The Historic District Design Review (HDDR) application for the proposed for the new Duplex Dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit and Duplex Dwelling Conditional Use Permit.

4. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.

5. A Duplex Dwelling is a conditional use in the HR-1 District.

6. Following recording of the plat amendment, the lot will contain 5,329 square feet. This is an uphill lot with an average slope of approximately 44%.

7. Access to the property is from Daly Avenue, a public street.

8. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.

9. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments.

10. An overall building footprint of 1,974 square feet is proposed. The maximum allowed footprint for this lot is 1,975 square feet.

11. The proposed Duplex Dwelling complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.

12. The proposed addition complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 14 feet. The historic house has a 9 foot side yard

setback on the north and 5 foot setback on the south, for a total of 14 feet.

13. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height. The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet with a 24 foot 6 inch tall architectural feature measuring 11 feet 4 inches wide (which equates to less than 25% of the façade width). The Contributory Roof Form has a 7:12 pitch which complies with the Contributory Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.

14. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.

15. The proposal complies with Criteria 1: Location of Development as the proposed Duplex Dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The Duplex Dwelling steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for large and out of scale retaining walls.

16. The proposal complies with Criteria 2: Visual Analysis as the visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The side yard will be re-vegetated following construction. The terraced retaining walls mitigate the visual impact of the steep grade. The terraces will not change grade by more than 4 feet and occur within the property.

17. The proposal complies with Criteria 3: Access as the proposed driveways lead to two (2) single-car garages. At the edge of curb, the applicant has incorporated driveways with a maximum width of 12 feet. This driveway design is consistent with the driveways of new construction in the Historic District. The grade at the street is minimal which has reduced the need for extensive retaining at the street front. Any retaining to accommodate the pedestrian access will be less than 4 feet and occur within the property.

18. The proposal complies with Criteria 4: Terracing as the applicant has incorporated a series of terraced retaining walls to regain Natural Grade along the periphery of the structure. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade.

19. The proposal complies with Criteria 5: Building Location as the new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design

steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District.

20. The proposal complies with Criteria 6: Building Form and Scale as the applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.

21. The proposal complies with Criteria 7: Setbacks as the new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple roof lines, and articulation of the wall planes.

22. The proposal complies with Criteria 8: Dwelling Volume as the proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family and other Duplex Dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed Duplex Dwelling and surrounding structures.

23. The proposal complies with Criteria 9: Building Height (Steep Slope) as the proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the new structure is 27 feet above existing grade. As designed, the duplex dwelling is compatible in mass and scale with houses in the surrounding neighborhood.

24. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.

25. The Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 182 Daly Avenue was deemed complete on December 12, 2017.

26. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.

27. The property is located outside of the Soils Ordinance.

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

Conclusions of Law – 182 Daly Avenue – SSCUP

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6.

2. The Use is consistent with the Park City General Plan, as amended.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 182 Daly Avenue – CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit for construction of the new addition shall be issued until the Daly Delight Subdivision plat is recorded.
5. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2018, and the Final HDDR Design.
7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade unless an exception is granted by the City Engineer per the LMC, Chapter 4.
8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
10. Construction waste should be diverted from the landfill and recycled when possible.
11. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
12. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if,

after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

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

14. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **675 Round Valley Drive – Plat Amendment – Request to create two (2) 2.5 acre lots of record from Lot 4 of the Third Amended IHC Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat. (Application PL-18-03982)**

Commissioner Suesser recused herself and left the room.

Planner Whetstone reported that Lot 4 of the IHC/USSA subdivision plat is City-owned property. Park City Municipal Corp is the applicant. Heinrich Deter, the Property Trails and Open Space Manager, was representing the City this evening.

Planner Whetstone reviewed the request to subdivide Lot 4. Lot 4 is a five-acre lot that would be divided into two equal 2-1/2 acre parcels; Lot 13 and Lot 4. She stated that the northern portion of the new Lot 13 is scheduled for a future fire station. The uses for the southern lot to the new Lot 4 are still to be decided.

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

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council to approve the Plat Amendment for 675 Round Valley Drive in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Suesser was recused.

Commissioner Suesser returned to the meeting.

Findings of Fact – 675 Round Valley

1. The property is located at 675 Round Valley Drive.
2. The zoning is Community Transition (CT) within the IHC Master Planned Development (CT-MPD).
3. On December 7, 2006, City Council approved an annexation ordinance and annexation agreement for the property. The annexation agreement was recorded on January 23, 2007.
4. The annexation agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat, such as roads, utilities, and trails.
5. On January 11, 2007, the City Council approved the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed. The plat was recorded at Summit County on January 23, 2007 and consisted of 5 lots of record.
6. The IHC Master Planned Development was approved by the Planning Commission on May 23, 2007.
7. The First Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision was approved by the City Council on October 11, 2007 and recorded at Summit County on May 20, 2008. The first amended plat memorialized various easements and road layouts and adjusted the location of various lots consistent with the approved MPD. The plat consisted of nine lots of record.
8. The Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by the City Council on July 31, 2008 and recorded at Summit County on November 25, 2008. The second amended plat created new Lots 10 and 11 out of the previous Lot 8. Lot 10 was created for the Summit County Health

Department and the People's Health Clinic building and Lot 11 was created as a separate lot for IHC as it was located south of Victory Lane. The plat consisted of eleven lots of record.

9. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses and density from Lots 6 and 8 to Lot 1.

10. A second MPD amendment was approved on January 13, 2016 to identify Lot 8 for the Peace House facility, address affordable housing requirements, identify Lot 4 for Public Municipal Use and Essential Services and address administrative amendments of the first MPD amendment. The MPD amendments were found to be consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan. The Amended Development Agreement was recorded on February 5, 2018.

11. On July 21, 2016, the City Council approved a Third Amended Subdivision Plat for Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility to divide the 9.934 acre Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat into two platted lots of record, namely Lot 8 consisting of 3.6 acres and Lot 12 consisting of 6.334 acres. This plat was recorded on April 12, 2017.

12. On September 11, 2018, a complete application was submitted for this Fourth Amended Subdivision Plat for Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility to divide the 5.0 acre Lot 4 into two platted lots of record, namely Lot 4 consisting of 2.5 acres and Lot 13 consisting of 2.5 acres.

13. The amended subdivision plat consists of thirteen lots with ownership, acres, and use consistent with the amended IHC MPD as follows:

- | | |
|------------------|---|
| Lot 1 and Lot 2: | IHC- Intermountain Healthcare Campus MPD (107.551 acres) |
| Lot 3: | USSA- Headquarters and Training Facility MPD (5 acres) |
| Lot 4: | PCMC- future Public Municipal Use and Essential Services (2.5 acres) |
| Lot 5: | PCMC- Ice Facility/Fields Complex Expansion (15 acres) |
| Lot 6: | IHC MPD- no assigned density or uses (density transferred to Lot 1) (3.041 acres) |
| Lot 7: | Physicians Holding- Support Medical Office CUP (3.396 acres) |
| Lot 8: | IHC- Peace House CUP (3.632 acres) (previously 9.934 acres- rest to new Lot 12) |
| Lot 9: | Questar facility (0.174 acres) |

- Lot 10: Community Medical Summit County Health and People's Health Clinic CUP (3.088 acres)
Lot 11: IHC, no assigned density or uses (0.951 acres)
Lot 12: IHC, no assigned density or uses (6.302 acres) (previously part of Lot 8)
Lot 13: PCMC, Fire Station as a public safety and Public Municipal Use and Essential Services (2.5 acres) (previously part of Lot 4)

14. Development of each lot requires a Conditional Use Permit for Public Municipal Use and Essential Services. No Unit Equivalents are required for these Public Municipal Uses and Essential Services.

15. The property is currently undeveloped and consists of native grasses and low vegetation with areas of delineated wetlands.

16. Wetlands exist on both Lots 4 and 13. These wetlands were recently inspected by the City and a professional wetlands delineator with additional input from the Army Corps of Engineers. It was determined that the wetlands on the southern portion of Lot 13 exist due to run-off through a culvert installed when Round Valley Drive was constructed. The Corps has approved the diverting of run-off from the culvert to the larger area of Designated Wetlands to the north of Lot 13, via a drainage swale. This diversion will likely eliminate the locally small and isolated newly created wetlands that were incidental to the poor drainage

provided by the road design, and will likely lead to the enhancement of the existing wetlands to the north of the property.

17. Wetlands delineation was done more than five years ago and will need to be updated prior to issuance of a building permit.

18. All development, such as buildings and parking areas, are required to comply with the LMC required setbacks from designated wetlands.

19. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south. Lots 4 and 13 have frontage and access on Round Valley Drive.

20. There are existing utilities within the streets and within platted public utility easements along the front lot lines. Utility, access and snow storage easements are necessary along public street frontages for installation of utilities, sidewalks and snow storage.

21. Public trails are located throughout the IHC Subdivision and MPD. Sidewalks

along the frontage of lots connect to public trails with connections to the Quinn's Recreation Complex, the Round Valley Open Space, and the IHC Park City Medical Center and Clinics.

22. No changes are proposed to the location of platted Round Valley Drive.

23. Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.

24. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 675 Round Valley

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 subdivisions, the Park City General Plan, and the IHC Annexation and Amended IHC Master Planned Development.
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 – 675 Round Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with the Annexation Agreement, applicable State law, the Land Management Code, and these conditions of approval, prior 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 will be void, unless a request for an extension is submitted in writing prior to expiration and is approved by the City Council.
3. All conditions of approval of the IHC Annexation and IHC/USSA Subdivision, as amended, shall continue to apply.
4. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
5. Final utility, storm water, and grading plans must be approved by the City Engineer and SBWRD prior to Building Permit issuance. All required easements shall be dedicated on the plat prior to recordation.

6. Required public improvements shall be installed or a financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.
7. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
8. A note shall be included on the plat prior to recordation stating that all development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.
9. A 10' wide non-exclusive public utility, access and snow storage easement shall be shown along the frontages of Round Valley Drive prior to plat recordation.
10. Each lot is over 1.0 acres and will be required to meet the requirements of the Separate Storm Sewer System (MS4) Storm-Water Program.

2. **7704 Village Way – Condominium Plat – Request for a Condominium Plat for Larkspur Townhomes 6 for three attached multi-family units, on Lot A of the Second Amended Village at Empire Pass Phase 1 Subdivision plat. (Application PL-18-03975)**

Planner Whetstone reviewed the request for a condominium plat for three townhomes, attached multi-family units, at the Empire Pass project. These are the Larkspur 6 Townhomes, which are the final townhomes for Larkspur.

Rich Wyler and Jeff Butterworth, were present to represent the applicant, Storied Development.

Planner Whetstone remarked that the application is to condominiumize a plat was straightforward and in accordance with the process at Empire Pass. Every unit that gets built gets a condominium plat to memorialize the configuration of the units, the density, and the unit equivalents. Planner Whetstone noted that the units will be similar to the existing triplex townhomes that are located directly to the south. They will be constructed to the condominium specifications. This recorded plat will allow the units to be sold individually. If any changes are made, the applicant would have to come back to the Planning Commission for a plat amendment to make sure the units conform.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council in accordance with the finding of facts, conclusions of law, and conditions of approval outlined in the draft ordinance.

Commissioner Sletten asked if the architectural guidelines that applied to the larger townhomes were applicable to these units. Planner Whetstone answered yes.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Commissioner Hall asked someone to speak to the affordable housing. Planner Whetstone remarked that affordable housing is not required for this site because it is part of the larger Flagstaff Development. The remaining on-mountain affordable housing units have been assigned to the larger lodge buildings, as well as a future building at the B-2 site. Planner Whetstone believed that 8 affordable units remained to be built in the future.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the 7704 Village Way Condominium Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7704 Village Way

1. The property is located at 7704 Village Way.
2. The property is Lot A of the Second Amended Village at Empire Phase 1 Subdivision plat.
3. The property is located in the RD-MPD zoning district.
4. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999 and amended it in March of 2007. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
5. On July 28, 2004, the Planning Commission approved the Village at Empire Pass Master Planned Development.
6. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
7. A First Amendment to the subdivision amending Lot 9 was approved on January 6,

2011 and was recorded on January 4, 2012.

8. Between March 4, 2004 and April 27, 2006 the original Larkspur Townhomes and Larkspur Townhomes 2, 3, 4, and 5 condominium plats were approved by City Council and recorded at Summit County.

9. On November 9, 2017 a Second Amendment to the subdivision was approved combining Lots 1 and 2 into Lot A of the Second Amended Village at Empire Phase 1. The amended plat was recorded on April 10, 2018.

10. On August 8, 2018, an administrative conditional use permit was approved for the three unit Larkspur Townhomes and up to 5.75 UE, located on Lot A with a condition of approval that prior to issuance of a certificate of occupancy, a condominium plat was required to be approved and recorded.

11. The proposed condominium plat consists of three attached dwelling units consistent with the Village at Empire Pass MPD.

12. Units 33, 34 and 35 consist of 3,782 sf, 3,931 sf, and 3,782 sf respectively in total floor area, including basements but not including the garages.

13. Each unit has a garage less than 600 square feet and therefore no excess garage area is included in the total unit size.

14. The total Unit Equivalents consumed by these three units does not exceed 5.75 UE (11,500 sf), excluding the area of each garage.

15. Two parking spaces are required per unit and each unit has a two car garage.

16. Maximum building height is 28' measured from existing grade. An additional 5' of building height is permitted if the roof pitch is 4:12 or greater. Building height exceptions of LMC Section 15-2.13-4 apply.

17. The VEP-MPD permitted setback exceptions at the time of the Administrative Conditional Use Permit. Minimum front setbacks of 20' to the garage and 15' to the unit were approved with the ACUP on August 8, 2018. Setback exceptions of LMC Section 15-2.13-3 apply.

Conclusions of Law – 7704 Village Way

1. There is good cause for this condominium plat.

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

3. Neither the public nor any person will be materially injured by the proposed amended condominium plat.

4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 7704 Village Way

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium 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 condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. All conditions of approval of the 2007 Amended Flagstaff Annexation and Development Agreement and Technical Reports and the Village at Empire Pass Master Planned Development, continue to apply.
4. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
5. All conditions and applicable notes, easements and requirements of the Second Amended Village at Empire Pass Phase 1 Subdivision plat continue to apply.
6. All conditions of the Administrative Conditional Use Permit continue to apply.

3. **553 Deer Valley Loop Road- Subdivision Plat – a two (2) lot subdivision replacing the Mine Cart Condominium Plat, a two (2) unit condominium that was recorded but never built.** (Application PL-03955)

Planner Francisco Astorga reviewed the request to vacate the platted but unbuilt two unit condominium known as the Mine Cart condominiums; and to replace it with the Mine Cart subdivision of two units. The project was addressed as 553 Deer Valley Loop Road when it was originally platted.

Planner Astorga stated that the Planning Department had received no public input on this request. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Jodi Hoffman, representing the property owner, was present to answer questions.

Commissioner Hall asked Planner Astorga for clarification on the proposed Lot 1 having access off Deer Valley Drive. Planner Astorga explained that Deer Valley Road is a residential major collective road, and they do not want vehicles reversing back onto Deer Valley Drive. A condition of approval was added requiring the owner to provide a turnaround within their own property so cars head forward on to Deer Valley Drive as opposed to backing out onto the road. He noted that the applicant had stipulated to the

condition. It was recommended by the former City Engineer and supported by the current City Engineer.

Commissioner Sletten asked about the process of abandoning the CC&Rs, the Bylaws and all recorded documents. Ms. Hoffman stated that it was a several step process dictated by State Law. A single owner owns both units and it is a declaration of abandoning the condominium and condominium documents.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the 553 Deer Valley Loop Road subdivision plat 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.

Findings of Fact – 553 Deer Valley Loop Road

1. The subject site is located at 553 Deer Valley Loop Road, addressed (platted) as Unit A & Unit B.
2. The entire site consisting of 7,935 square feet (0.18 acres) has currently double frontage as it adjacent to both Deer Valley Loop Road and Deer Valley Drive.
3. The site is within the Residential-Medium Density District.
4. The proposal abandons / vacates the recorded Mine Cart Condominium Plat and subdivides the site into two (2) lots of record.
5. The recorded Mine Cart Condominiums has not been built and the site is currently vacant.
6. Proposed Lot 1 is 4,171 square feet.
7. Proposed Lot 2 is 3,764 square feet.
8. The minimum lot area within the Residential-Medium Density District is 2,812 square feet for a single family dwelling.
9. The applicant has indicated on their write-up to build one (1) single family dwelling on each lot.
10. The density of the site remains the same as it was originally platted as two (2) units or lots within this same site.
11. Proposed Lot 1 has a width of 61 feet.

12. Proposed Lot 2 has a width of 59 feet.
13. The minimum lot width in the Residential-Medium Density District is 37.5 feet.
14. Proposed Lot 1 has a minimum lot depth of approximately 70 feet.
15. Proposed Lot 2 has a minimum lot depth of 69 feet.
16. The minimum front setback for lots 75 feet deep or less is a minimum of 10 feet.
17. The minimum side setback is 5 feet.
18. The maximum building height in Residential-Medium Density District is 28 feet; however, structures with a gable, hip, barrel, and similar pitched roof may extend up to another 5 feet.
19. Proposed Lot 1 is to have access off Deer Valley Drive.
20. Proposed Lot 2 is to have access off Deer Valley Loop Road.
21. Due to the current designation of Deer Valley Drive, being a major residential collector road, staff recommends that Proposed Lot 1 does not back onto Deer Valley Drive, but rather provides its own turn around area within the proposed lot so vehicle traffic accesses Deer Valley Drive without having to back into traffic.
22. There is a concrete retaining wall built over the City Right-of-Way along Deer Valley Drive.
23. In order to have access to Deer Valley Drive as requested for Proposed Lot 1, the property owner shall be responsible of modifying the existing retaining wall.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 553 Deer Valley Loop Road

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Plat Amendment.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 553 Deer Valley Loop Road

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A plat note shall be added to limit one (1) single family dwelling per lot. No duplexes allowed.
4. A plat note shall be added indicating that vehicles on Lot 1 shall not back up onto Deer Valley Drive and that Lot 1 shall have its own turn around to accomplish this within their owner private property.
5. Before the Mine Cart Subdivision Plat is recorded, the applicant shall provide proof to the City indicating that the property has been withdrawn from the Utah Condominium Ownership Act in accordance with Utah Code 57-8-22.
6. Ten foot (10') public utility and snow storage easements shall be granted along Deer Valley Drive and Deer Valley Loop Road.
7. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat.
8. The property owner shall be responsible of obtaining applicable permit / encroachment agreement through the Engineering Department concurrently with the building permit for Proposed Lot 1 in order to modify the existing retaining wall on Deer Valley Drive.

4. 50 Shadow Ridge Road – Plat Amendment – Request to change private platted designation to common space. (Application PL-18-03836)

Planner Astorga reviewed the application for a condominium plat amendment to change the designation of 8 units at 50 Shadow Ridge. Two of the eight units are conference rooms and six are closets. The closets are platted as common area because it is where the maintenance supplies are stored. The HOA owns all eight units.

Planner Astorga noted that the Planning Department had received no public comment. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval.

Vice-Chair Phillips asked if the space would have the same use. Planner Astorga replied that the use would not change.

Commissioner Kenworthy asked if the HOA was current on the taxes. Planner Astorga answered yes. It is a requirement on all land use applications as indicated on the title report. All taxes must be current.

Commissioner Suesser understood that this action would only change the designation from common to private. Planner Astorga replied that she was correct.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 50 Shadow Ridge Road, 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 – 50 Shadow Ridge Road

1. The subject site is located at 50 Shadow Ridge.
2. The site is within the Recreation Commercial District.
3. The proposed Condominium Plat Amendment requests to change private platted designation to common space.
4. All units are owned by the Owners' Association.
5. Unit 4001 is a 3,934.7 sf. and unit 4002 is 969.8 sf., both are conference rooms.
6. Units 4216, 4217, 4316, 4317, 4416, & 4417 are all maintenance closets consisting of 44.9 sf. each.
7. There are no physical changes associated with this Condominium Plat Amendment.
8. No exterior changes are proposed with this plat amendment.
9. A condominium is not use, but a type of ownership.
10. It is typical of conference rooms and maintenance closets to originally be designated as common space. Staff finds that there is good cause for this Condominium Plat Amendment.
11. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 50 Shadow Ridge Road

1. There is good cause for this Condominium Plat Amendment.
2. The Condominium Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Condominium Plat Amendment.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Condominium 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 – 50 Shadow Ridge Road

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

5. 341 Woodside Avenue - Plat Amendment – The proposed Plat Amendment seeks to combine an existing lot and a portion of a second lot into one lot of record at this location. (Application PL-18-03985)

Planner Tippe Morlan reported that the applicant was seeking to combine an existing lot and a portion of a second lot at 341 Woodside into one lot of record. The property is currently vacant and undeveloped. It meets the lot size and width requirements for the HR-1 zone. If the applicant wishes to construct a new single-family dwelling or a new house on this property, it would require a Historic District Design Review and possible a Steep Slope CUP.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council, finding good cause that the plat amendment cleans up property lines and allows the owner to utilize the entire property for construction in the future.

Commissioner Sletten referred to page 297 of the Staff report and the comments about removing the stone wall. He assumed the stone wall was not historic. Planner Morlan replied that he was correct. Commissioner Suesser asked what the comments were regarding the wall. Planner Morlan stated that encroachments must be removed before the plat is recorded.

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

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the 341 Woodside Avenue plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 341 Woodside Avenue

1. The property is located at 341 Woodside Avenue.
2. The property consists of consists of the entirety of Lot 11 and the southerly five feet (5') of Lot 12 of Block 30 of the Park City Survey.
3. The property is in the Historic Residential (HR-1) District.
4. The property is vacant.
5. The proposed lot is 2,250 square feet in size.
6. The City received a complete Plat Amendment application for the 341 Woodside Avenue Plat Amendment on September 27, 2018.
7. Along the south side of the lot, the neighboring property has a wood deck which encroaches onto this property by approximately 6 inches for a length of 10 feet.
8. Along the north side of the lot, the neighboring property has landscaping including two stone retaining walls which encroach onto this property by up to 9 feet for a length of 60 feet.
9. The proposed lot meets the minimum lot area of 1,875 square feet for a single-family dwelling at 2,250 square feet in size.
10. The minimum lot width of 25 feet is also met as the proposed width is 30 feet.
11. The proposed lot will also be 75 feet deep.
12. The minimum Front and Rear Setbacks are 10 feet each.
13. The minimum Side Setbacks are 3 feet each.
14. The maximum building footprint is 991.38 square feet.
15. A Historic District Design Review application is required for any new construction proposed at the existing site.

Conclusions of Law – 341 Woodside Avenue

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 – 341 Woodside Avenue

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 Woodside Avenue.
5. All encroachments must be removed prior to approval of the plat, including the wood deck along the south side of the lot and the landscaping and retaining walls along the north side of the lot.
6. **Park City Back Nine Subdivision – The proposed Park City Back Nine Subdivision seeks to combine all existing parcels addressed at 1884 Three Kings Drive into one lot of record. (Application PL-18-03956)**

Planner Morlan stated that the Planning Commission would address the subdivision separately from the MPD and the CUP.

Planner Morlan reviewed the application for a one-lot subdivision. The City owns the entire golf course and water treatment plant property; however, it currently consists of several separate parcels. This request would combine all the City owned property into one lot of record. It would clean-up the property lines interior to the golf course. It would also lay out and memorialize the existing easements across the property.

Planner Morlan noted that the property is in the ROS zone and no residential uses are allowed. This proposed subdivision would not change the use or the boundaries of the property. Planner Morlan stated that no future development is proposed outside of the new Three Kings water treatment plant and related improvements.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council; finding good cause that it meets the ROS zone requirements, cleans up property lines and easements on the site, and does not change the use or boundaries of the site.

Commissioner Suesser asked if the combining the parcels would move any of the easements. Planner Morlan replied that some did not have specific locations on the property. There is a snowmaking easement on the property and the City had to work with Vail to figure out the location of those easements. What was shown is the culmination of discussions between the City and Vail.

Commissioner Hall questioned why the height exception was reference in Finding #4. Planner Morlan explained that typically in subdivisions they state whether or not the requirements of the zone are met in terms of setbacks and building height. She had included that note as the condition of the height on the site and how it meets the ROS zone.

Commissioner Suesser asked if the access easement to the plans meet the conditions. Planner Morlan replied that it would remain as the access to the new Three Kings Water Treatment Plant.

Vice-Chair Phillips opened the public hearing.

Brian O'Locklin, a resident at Three Kings subdivision wanted to know why he had not received a notice about this issue. He understood that people within certain limits of any property line of a project should be notified. He lives at 1423 Three Kings Drive on the 16th fairway.

Planner Morlan stated that she had sent approximately 1100 notices and several were returned. Notices were sent to all properties within 300 feet of the boundary shown on the map.

Mr. O'Locklin stated that in addition to being a property owner, he sits on the Board of the Three Kings HOA and the majority of the owners were not notified. He noted that people on the 14th fairway received notification about the Water Treatment Plan, but the majority were not notified of this subdivision. Planner Morlan stated that it was included in the same notice. Mr. O'Locklin reiterated that a large number of people did not receive notices.

Commissioner Hall asked Planner Morlan about the process for obtaining addresses for the notices. Planner Morlan replied that they come from the County Assessor's Office. Commissioner Hall clarified that if people receive their tax notice they should also receive notices from the Planning Department. Planner Morlan answered yes.

Commissioner Kenworthy asked when the notices were sent. Planner Morlan stated that the standard in the Code requires a 14-day courtesy notice. On this one it took a

little extra time to fill the envelopes. She estimated that notices were sent 15-16 days prior.

Commissioner Suesser asked if Planner Morlan had received feedback. Planner Morlan stated that people had a lot of questions. All the comments were included in the Staff report.

Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the Park City Back Nine subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Park City Back Nine Subdivision

1. The site is located at 1884 Three Kings Drive.
2. The site is located in the Recreation and Open Space (ROS) zoning district.
3. There is a concurrent application for an MPD-CUP for a water treatment facility which is an essential municipal public utility use.
4. An exception to the Building Height up to 45 feet from Existing Grade is requested as a part of the MPD.
5. The existing Spiro water treatment plant needs to be replaced in order for water treatment related to the Spiro Tunnel to comply with state regulations.
6. The proposed site is 67.89 acres in size.
7. The proposed site is owned entirely by Park City Municipal Corporation and used as the Park City Golf Course and a water treatment facility.
8. The proposed subdivision creates 1 lot of record.
9. A legal lot of record is required for construction of a new water treatment plant on a portion of the existing site where the current Spiro facility exists.
10. On August 16, 2018, the City received a complete application for the Park City Back Nine Subdivision.
11. On July 16, 2018, the applicant held a public Open House for the Three Kings Water Treatment Plant and for the golf maintenance facility at this location.
12. A concurrent application for a Master Planned Development and Conditional Use Permit has been submitted for the reconstruction of the existing water treatment plant on this lot (see PL-18-3941).
13. No portion of this plat is within the Park City Soils Ordinance boundary.
14. The use of the property will remain the same.

15. The property is accessed from Three Kings Drive in the immediate vicinity of the existing Spiro facility with a secondary emergency access proposed to the north of the new 3Kings facility.

16. The subdivision plat complies with the Land Management Code regarding final subdivision plats.

17. 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.

18. The property within proximity of the existing and proposed water treatment plant is not within a flood zone. Areas surrounding the two ponds are located within FEMA flood zone A.

19. Utilities will be routed within the access road, along and across the PCGC fairways, within and parallel to Three Kings Drive, and within Silver Star Drive.

20. The City will enter into the necessary service agreements with the Snyderville Basin Water Reclamation District (SBWRD) in order to secure adequate sanitary sewer service for the Project.

21. The proposed buildings will connect to the existing sanitary lateral that extends east to the Park City Hotel Cottages.

22. The source of electric power for the Project will be Rocky Mountain Power's existing underground electrical distribution system located within Three Kings Drive street rights-of-way or utility easements.

23. Communications for internet and phone will be provided by City owned fiber optic lines that are located at the eastern limits of the Project site.

24. The source of natural gas for the Project will be Dominion Energy's existing underground gas distribution system located within Three Kings Drive street rights-of-way or utility easements.

25. Water will be provided to the Project by the Park City Water District.

26. A water distribution line, for both potable and fire protection uses, will be routed from an existing water main in the driving range vicinity, south across PCGC Holes No. 10 and No. 11, and continue through the site within the access road to Three Kings Drive where it will connect to the existing water main.

27. Green roofs are proposed on structures to the south of the site.

28. Energy efficient design for the water treatment process is also proposed in order to meet net zero goals.

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

Conclusions of Law – Park City Back Nine Subdivision

1. There is good cause for this Subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Park City Back Nine Subdivision

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. Fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. Conditions of approval of the 3Kings Water Treatment Plant Master Planned Development and Conditional Use Permit shall apply and shall be noted on the plat.
5. All required public utility, access, drainage, and snow storage easements shall be dedicated on the plat prior to recordation.

7. **1884 Three Kings Drive – This application is a request for a Master Planned Development (MPD) and a Conditional Use Permit (CUP) to allow a new water treatment plant to replace the existing City owned and operated Spiro water treatment facility on the premises of the Park City Golf Course. (Application PL-18-03941)**

Planner Morlan reported that the City was requesting a conditional use permit and master planned development application for a new water treatment plant for a public facility that is greater than 600 square feet. Master Planned Developments are required for projects exceeding 10,000 square feet.

Planner Morlan stated that the City needs to replace the Spiro Water Treatment Plan to be in compliance with State requirements for water treatment. This site would be for water treatment from the Spiro Tunnel, the Judge Tunnel, the Thiriot Spring on site.

The project is proposed in three phases. The first phase of construction will be the demolition of the existing Spiro building. The second phase is the construction of the new Three Kings water treatment plant. The third phase are site improvements and infrastructure related to the facility, such as piping improvements. Water lines and other utilities need to be upgraded to work with the new facility. Planner Morlan stated that each phase will require a separate building permit application and a separate construction mitigation plan. Each phase will have its own approval process. Planner Morlan noted that the proposed construction mitigation plan in draft form was included on page 399 of the Staff report.

Planner Morlan stated that the proposed application meets MPD and CUP criteria. The applicant was requesting exceptions for height and parking, which are allowed if approved by the Planning Commission. The applicant was requesting up to 45' in height for Buildings A and B. Additional height is allowed by the MPD process based on certain criteria. The applicant had addressed the criteria in their letter that was included in the Staff report.

Planner Morlan stated that the purpose of this request is to limit the footprint and the impact on the golf course. Some of the administrative offices will be above the water treatment facility in order to reduce the size of the facility and the footprint. Landscape buffers are proposed, including berms and a green roof on some of the southern buildings. The design reflects architecture from the surrounding subdivision. Planner Morlan thought it was important to note that brown water is present; therefore, excavation and digging the building into the site is not possible for this location. The site currently experiences seasonal flooding and the existing facility floods every spring. The proposed buildings were sized to meet State requirements. Planner Morlan explained that the new water treatment process requires different technology in a different size than what currently exists. Planner Morlan reiterated that the applicant was requesting a height exception up to 45'.

Planner Morlan reported that the applicant was requesting a parking reduction. Currently, 35 spaces are provided. With the parking easement the City has with Silver Star, 20 of the 30 spaces are assigned to this site. The applicant was proposing 15 on-site parking spaces as well. Planner Morlan stated that based on the required parking standards in Section 15-3 of the LMC, 59 spaces would be required based on the square footage of the site. The standard requires two spaces per three employees, or one per 1,000 square feet of floor area; whichever is greater. Based on 14 employees in the peak season and 58,305 square feet of floor area, 59 spaces is the higher number.

Planner Morlan stated that the Planning Commission could choose to increase or decrease parking requirements based on occupancy, comparisons with other similar

projects, or plans to encourage alternative modes of transportation. She thought it was important to note that the number of employees would be reduced from 56 current employees down to 14 employees, which meets the first criteria. She noted that when the City did the Quinn's facility water treatment plant project, they reduced the parking requirements by calculating the administrative as office space; which requires 3 spaces per 1,000 square feet of floor area. The Three Kings site will have 6,500 square feet of administrative space. That would amount to 21 spaces if the Planning Commission agrees to reduce the parking using a calculation similar to what was done at Quinn's.

Planner Morlan commented on the plans to encourage alternative modes of transportation, and noted that this facility is located on a public bus route.

The Staff recommended approval, including the height and parking exceptions, as conditioned. The proposed construction mitigation plan uses best management practices and mitigation, addressing issues such as the scope and timing of construction of delivery, hours of operation, meets the standards of the ROS zone, and is a required public facility.

Roger McClain, with Public Utilities, stated that the applicant was prepared with a short presentation to help the Commissioners better understand the project and some of the reasons for the building heights and building massing, as well as the architectural approach.

Mr. McClain explained that the project is the result of the Clean Water Act requirements, which the City is currently in the process of negotiating. A stipulated compliance order requires treating all the water from the Judge and Spiro tunnels. For over a year the City has been in negotiations on reduction of the requirements in terms of how much water is being treated. The process was not yet finalized, but they reached initial understandings that would reduce the treatment plant to the size proposed. The building would be significantly smaller than what would be required to treat all the water, because a building that size would not fit on the site.

Mr. McClain stated that they have been working on the location for the past year and it is a result of sizing and location. It is the head of the East Canyon Creek and the water zone. In terms of delivering water back up to the site, energy constraints and considerations, and location of the plant, this site was selected as the best site to reconstruct the existing treatment plant.

Mr. McClain stated that they worked extensively to mitigate the impacts with the golf course. They have worked with the golf manager and his staff for several months on siting of the plant and making it fit under the constraints of playability and aesthetics.

Paul Swaim, the project manager from Jacobs Engineering, noted that the Planning Commission had visited the site prior to the meeting. He reviewed a site plan to orient the Commissioners and the public to the proximity of the golf course, the golf maintenance buildings, and the Three Kings Water Treatment Plant.

Mr. Swaim noted that the blue shaded buildings were the water treatment plant building. He indicated power generation equipment that would take advantage of sustainable energy. The flow proceeds through the plant and cascades down to the disinfection and pumping building at the end. On the south side were a number of ancillary buildings that support the process requirements of the treatment facility. Mr. Swaim stated that the design approach was the outcome of a multi-faceted planning and site optimization effort. There were five primary drivers of the size and treatment approach. Mr. Swaim commented on a number of environmental approaches that needed to be considered, including net zero per City requirements. From the water treatment plant side, they focused in on operations and maintenance. The water quality requirements of the Clean Water Act were drivers for the overall treatment approach. The last consideration was risk and making sure the facility could run round-the-clock reliably. Mr. Swaim remarked that those were the factors that went into the sizing and treatment process selection, and how this site plan comes together.

Mr. Swaim stated that each building has brain power behind it, and a number of decisions were arrived at in an effort to reduce the footprint of the facility, loading rates for process facilities, and stacking facilities with basins below and equipment above. Some of the individual processes selected makes the facility smaller. They oriented vessels vertically to take up less footprint. A mechanical de-watering process was also done as a better option than putting solids in large basins.

Mr. Swaim remarked that the State criteria from the Department of Drinking Water governed the contact time and loading rates behind their design. A plant design flow rate drives the sizing of 7.2 million gallons per day of treatment. They need to meet building codes on clearance, meet fire code for the certified chemicals that are stored and fed into the drinking water. They have to be able to reach equipment to operate and maintain the facility. They also had to consider reliability for the 24/7 operation.

Mr. Swaim showed a plant that was 30% smaller than the proposed plant overlaid on the same footprint. It was a plant where land was not as constrained around the facility. He considered it to be a more normal water treatment plant layout and the type of site required for this type of plant. He compared that to how they had compacted the proposed facility in a campus type layout to fit everything into a tighter space.

Justin, with Jacobs Engineering, reviewed some of the process facilities on the site. The first was the chemical building located on the west side of the site nearest Three Kings Drive. A 3D isometric of the building showed some of the contents of the building and the processes within the facility. In order to reduce the footprint and height of the building, they explored recessing the chemical tanks below grade up to 14' to help reduce the building height. They also assumed that tank repair would be done in place. Justin remarked that the building height was driven by the ability to be able to remove one of the tanks from the building if it ever becomes necessary to remove a tank or install a new tank. Justin indicated the different chemical systems with the tanks, stairs leading into the areas, and the supporting equipment.

Justin commented on the flocculation and sanitation process, which is one of the first steps of the treatment process. That facility is located on the northern side of the site, but more centrally located. He pointed to a 3D isometric showing some of the contents of the facility. He stated that some of the ideas they explored for reducing the footprint and height of this facility was to implement a high rate settling process. It helps reduce the footprint that is needed to achieve the proper removal of particles. Justin pointed out that the height was driven by the deepest portion of this structure that needs to be above the water table. Therefore, the maximum amount they could sink into the ground was based on the water table.

Justin referred to a different process called the backwash waste and equalization basin, which is centrally located on the site on the northern side. Using the 3D isometric he pointed to a backwash waste equalization basin underneath the main process area. The entire water holding basin is buried, which helped reduce the footprint. The height of the building above grade is driven by the ability to get on top of the clarifiers for maintenance.

Justin moved further down east on the site to the filters building. Vertical filters were selected as opposed to a horizontal configuration primarily to reduce the footprint. Tank repair could be done in place. The main driver for the building height is the clearance above these vessels to both load and remove media during media changes. Media needs to be changed out within these vessels on a periodic basis. There also needs to be access for maintenance staff to get on top of these vessels to maintain certain pieces of mechanical equipment.

Justin stated that the last process in this portion of the presentation was the watering building, which was located further on the east end of the site. The dewatering building utilizes mechanical dewatering, which helps reduce the footprint as opposed to other passive dewatering systems. The dewatering technology is called filter presses and they were sized to allow for 24/7 operation during high solids loading events. If they did

not allow for 24/7 operation, the facility would have been larger in order to spread it out over shifts. Justin remarked that the height for this facility was driven by the ability to get a solids hauling truck underneath this equipment. As solids are pressed and squeezed out they will drop into the trucks.

Dave Kaselak with Zehren Architects, stated that during each phase of design they focused on a handful of design tenets to make sure this building would fit as comfortably as possible on the site. They ensured that the building respected the planning setbacks, as well as the spring in this location. The building was shifted to the east, which helped to eliminate an imposing presence on Three Kings Drive near the residences. They also made sure that the western portion of the building maintained a residential scale to be respectful of Silver Star Lodge and other residences across the street. They also introduced a mining heritage to the architectural character to work with Park City's rich mining era.

Mr. Kaselak presented an image showing how the massing was broken up horizontally. Subsequent images showed how the massing was also broken up vertically. He pointed out how the façade and the roof ridges were interrupted to avoid long continuous ridges and eaves on the site. Mr. Kaselak stated that the design created a campus layout for the facility. Rather than two or three large buildings there are multiple facilities, and all of those facilities are further broken up. Mr. Kaselak explained how they minimized the visual impacts by introducing green roofs and an interesting roofscape. When this campus is seen from Silver Star and other points above, people will see something interesting instead of a large expanse of flat roof. They also bermed along the edges to soften the transition between the campus and the golf course.

Mr. Kaselak stated that they were respectful of the golf course and actually tried to improve the quality of play. He pointed to a new water feature on the southwest corner, which was part of the project. Some of the processes were turned into interesting pieces of architecture that will be seen from the golf course. Mr. Kaselak noted that the entire perimeter of the campus was jogged so at no point will someone be confronted with a large, unbroken building wall. Mr. Kaselak commented on landscape to screen the facility. They were trying to complement the existing vegetation and the transition with the golf course.

Mr. Kaselak presented a series of images showing the details of the six tenets he had mentioned.

Mr. McClain commented on parking on site. He stated that the change in function on the site results in significant reduction of the parking needs. They looked at parking from the standpoint of treatment operations and administration, which are the two main

uses for the site. The City currently has an agreement with Silver Star for 30 spaces on the upper parking lot. Ten of those spaces will be assigned to the golf maintenance facility. The remaining 20 spaces would be for administration and the treatment operations personnel. On-site parking would be for City vehicles and maintenance operation related to the treatment. Parking for water distribution, parks, and golf would all be located on the site. Most of the parking would be destination type activity such as administration and treatment since those are longer shifts. Limited visitor parking was added to accommodate occasional vendors or consultants. Mr. McClain pointed out that car sharing and the bus route would help the parking situation. He believed they were more than adequately parked for the site and the activity.

Commissioner Sletten referred to the water feature that was presented on the renderings. He asked if that feature captures the water from the spring. Mr. McClain stated that there is water from the Spiro Tunnel that bypasses the plant, as well as overflow from the Thiriot Spring. That water will be routed through the water feature waterfall. Commissioner Sletten wanted to know the plan to mitigate the impact of the spring so there would not be continued flooding on the relocated buildings. Mr. McClain explained that they raised the floor elevation of the existing building and set the building back from the spring. They also raised the footprint by 5 feet. Any drainage from the spring would go underneath the roadway and the improved drainage area, out through the water feature area, and down to the golf course pond. To address past flooding issues on the golf course, culverts will be improved across the golf course to mitigate those impacts.

Commissioner Kenworthy recalled that Mr. McClain had mentioned diverting some of the Spiro Tunnel water for the water feature. Mr. McClain stated that the plan is for water that does not come into the treatment plant for treatment would carry through that area and out and down through the water feature area and to the golf course pond. Commissioner Kenworthy asked about the volume. He understood that the building was designed to treat 7.2 million gallons per day. He asked for the million gallon per day number that would come from the full Spiro, with the additional water from the Judge.

Clint McAfee, Public Utilities Director, stated that the volume varies seasonally. It varies with the snowpack, number of dry years, number of wet years. The maximum amount recorded for the Judge and Spiro combined was 10,000 gallons per minutes at 14-1/2 mgd. Commissioner Kenworthy pointed out that they were now proposing a building that would do 7.2 million gallons. He asked if the contract had been negotiated. Mr. McAfee explained that in 2014 they were issued discharge permits for the Judge and Spiro. Along with those permits they were issued a stipulated compliance order. The State recognized the extreme financial burden and the

complexity of this project, and allowed the City to treat both the Judge and Spiro tunnel up to the year 2033. Mr. McAfee stated that as a team they developed conceptual design and cost estimates. There was “stick shock” once they understood how much it would cost and how it would impact the golf course. He remarked that the City has a great relationship with the Division of Water Quality. In May 2017 they told the Division that they could not afford it because Park City is a small community and they believed there was a better approach.

Mr. McAfee reported that they have been working for over a year on an amended compliance order that would require a full treatment of the Judge Tunnel, which is the smaller of the two sources; as well as a phased approach to treating the Spiro Tunnel. Mr. McAfee remarked that areas of the Spiro Tunnel can be isolated with higher metals concentrations that could be collected, piped out, and treated at the Tunnel. Based on a combination of relieving the financial burden and the data showing how they could restructure the standards through a different treatment approach, the State began working on an amended stipulated compliance order. The order was not yet finalized but it was in the final stages. He anticipated taking the agreement to the City Council on November 8th for authorization to execute the agreement. The Division of Water Quality is required to put it out for public comment for 30 days. After the comment period the agreement will be signed. Mr. McAfee noted that the State had issues a comfort letter from the Director of the Department. It is not binding but it signals a strong intent that the State only expect Park City to build a 3,000 gallon per minute treatment plant before 2033. The amended stipulated compliance is set up such that after 2033 they will look at all the performance data and if additional treatment is required, they would develop another compliance period. Mr. McAfee stated that in addition to building up extra capacity, they allowed for expansion space if needed in the future.

Commissioner Kenworthy asked Mr. McAfee if he was optimistic that the compromise would be met. Mr. McAfee replied that he was very optimistic. Commissioner Kenworthy wanted to know what happens to the extra water in a big snow year. Mr. McAfee stated that physically the water bypasses the plant and continues downstream. From the water feature it goes down through the golf course. In the summer, the municipal golf course irrigates the back nine with that water. In the winter, Vail Resorts diverts 100% of the water to use in snowmaking. It provides water to McCloud Creek and it continues down to East Canyon and eventually the Weber River. Water that is not diverted and flows untreated out of the Spiro Tunnel to the north irrigates the City’s front nine holes. Water is provided to the Park Meadows Country Club through that ditch. They also provide water to downstream irrigators in Silver Creek. Mr. McAfee stated that sometimes there is so much water that it fills East Canyon Reservoir and Echo Reservoir.

Commissioner Kenworthy asked what would happen if they could not come to an agreement with the State. City Attorney Harrington preferred to keep the discussion away from the compliance agreement; with the exception of how it drives the timeframe. The terms of the agreement were not a basis for Planning Commission review or reflected in the Findings. Mr. Harrington stated that in anticipation of the agreement, the City would need a Plan B. However, there is an agreement that contemplates the first phase for treating the Judge as soon as possible. The City Council would have to decide whether to proceed with the agreement or amend immediately to a different strategy. Mr. Harrington emphasized that the design criteria were the basis of the CUP and the MPD.

Commissioner Kenworthy asked if it the agreement was not pertinent even if it requires changing the scale of the building or making other changes. Mr. Harrington stated that the Planning Commission would address those issues if that were to occur.

Vice-Chair Phillips wanted to know how long the new building was designed to last. He understood the old building they were abandoning was 35 years old. Mr. McClain stated that the interior equipment replacement has a shorter life span and they are designed to be replaced. The exterior building is designed as a 30-50 year building with maintenance. The ability to replace interior tanks and other equipment was built into the overall design and scale of the project.

Commissioner Suesser asked if the adsorber building was the tallest building. Mr. McClain answered yes. Planner Morlan stated that it was 44.5 feet. Mr. McClain stated that the numbers provided for the exception were based on the LMC and the existing elevations. Using the scale, they tried to mitigate some of the exposed faces so that the building is different from the exact roof over existing elevations. There is variation and it is actually a lesser number. Commissioner Suesser understood that the building would be set back a little further than the current building. Mr. McClain replied that she was correct. He explained that the design reflects the fact that the floor elevation was raised, and the roof elevations were based on the adjusted grade.

Commissioner Suesser asked Mr. McClain to explain the path around the north side of the campus. She understood there was a current cart path. She asked if the path shown in gray would replace the existing path. Mr. McClain answered yes. It is the new cart path where they locate the T-boxes. He indicated how the footprint extends to the north more than with the existing buildings. They worked extensively to look at relocating the T-boxes and offsetting the buffer with the cart path. Commissioner Suesser asked if there was access to the flocculation building and the rapid mix building from that side of the building. Mr. McClain stated that those would be occasional

maintenance. They are not daily access points. Commissioner Suesser asked if there would be fencing around the north side. Mr. McClain stated that it has been discussed in terms of site security. With the campus style there are limited areas that allow access. The spring requires fencing to meet the Division of Drinking Water requirements, and they were looking at a six-foot metal fence that would be in between buildings. It will be a residential style fence primarily to restrict access to people just walking through. The fence would be from the buildings around the spring area and between the buildings. The entrance area has a gate. He noted that the Quinn's Junction plant only has a gate. There is no other fencing. The gate restricts people from driving in.

Commissioner Suesser ask if signage would be visible to the public. Mr. McClain replied that there is signage stating that it is a secured facility.

Commissioner Hall commented on the proximity of the cart path and asked if the landscape plan has evergreen trees or other vegetation to obscure and protect the building against the golfers. Commissioner Hall could see small plants but nothing larger to conceal the building. David Kaselak stated that the larger landscaping was introduced where possible. The dilemma was that putting larger trees on the north side decreased the size of the fairway. They were trying to strike a balance between residential scale landscaping and offering large trees where they can, without trying to screen the facility with blue spruce or other trees that take up horizontal space. He pointed out that the entire north edge is landscape, but not all the landscaping is tall enough to screen the building. He pointed out that the building was designed to be aesthetically pleasing so it would not have to be screened from visibility.

Vice-Chair Phillips asked to see an isometric of the north side. He asked if the glass was designed to take a hit from a golf ball. Mr. Kaselak stated that the vertical glass would be designed to take hits from golf balls.

Commissioner Suesser asked about a specific space and asked for its purpose. Mr. McClain replied that it was an area reserved for a future basin.

Mr. Kaselak noted that not all the proposed landscaping on the northern edge was shown because they wanted the Commissioners to see the architecture.

Commissioner Hall favored having substantially large evergreen trees to conceal the building.

Commissioner Sletten thought they had already constrained the T-boxes significantly. Vice-Chair Phillips pointed out that there were some evergreens that would grow large.

He believed that a few evergreens with residential scale landscaping in between would be sufficient. He personally thought the buildings were aesthetically pleasing to look at. Commissioner Hall agreed that the buildings were pretty as pictured from the golf course.

Commissioner Suesser asked about the size of the current administration space. Clint McAfee stated that they were spread out all over. He remarked that the current admin space houses the water distribution group in the circular building. He indicated another admin space where the building maintenance staff and parks maintenance staff are housed. He explained that water distribution was going to the Quinn's Water Treatment Plant; Parks Department was going to Iron Horse; Golf Maintenance was going to their building; and Building Maintenance was going to Iron Horse. Mr. McAfee stated that the admin staff that is currently located at Iron Horse will be moving out of Iron Horse into the new facility to make room for transit growth and other growth at Iron Horse. The water treatment staff will be doubled. Mr. McAfee explained that the admin space was added into the project later. A public utilities facility near Quinn's Junction was planned, but due to a number of issues that project was delayed. Because they needed additional admin space in the project, they used existing footprint and took a logical outline of what they could add a second story on to. It added a second story above rapid mix without adding horizontal space.

Commissioner Hall asked for the expected total of admin staff on a regular day. Mr. McClain believed the admin staff was in the 16-18 range; including the reception and building staff for water. The treatment staff is variable because they all work on shifts.

Commissioner Suesser asked if the expectation of the admin space exclusively for the water treatment plant employees. Mr. McAfee stated that it would also be used by the Water Department. Commissioner Suesser asked if it would be office space and conference rooms. Mr. McAfee replied that there would be five or six offices, some cubes, a conference room, a lunch room, copy room, and storage room. Mr. McClain noted that space was included in the footprint as a gathering space for water tours when schools and other community groups come to tour the facility.

Commissioner Suesser was concerned with the size and thought the building should be smaller. She did not believe it was as small as it could be. Commissioner Hall agreed. Commissioner Suesser thought they were maximizing the size by adding the second story and putting in 10,000 square feet of admin space. She understood that there were reasons for it and that they were planning for growth. Mr. McAfee stated that there was not a lot of space for growth. He pointed out that the current water treatment staff is capable of running Quinn's Water Treatment plant and a couple of well facilities. This project will add the need to double that staff and accommodate office space. Mr.

McAfee clarified that they were not planning for significant growth. They were only putting additional staff into this space.

Commissioner Hall commented on the conference room and the parking. She asked if they envisioned that City Staff would utilize this facility for large meetings that require more parking. Mr. McAfee recalled that the conference room would accommodate 15 people. Currently, if they have a meeting with 6 or 8 people they need to leave the office and meet at the Library. A 10 or 15 person would accommodate the Water Department. Considering the parking reduction, Commissioner Hall asked if school buses would drop off school tours, if visitors would be required to take the bus. She pointed out that people could not park at Silver Star. Mr. McAfee felt the parking would be sufficient because they were not making accommodations for a large amount of visitors. Visitors would have to arrange transportation and shuttle in on a van or bus. It is similar to how Quinn's Treatment Plant is operated. Mr. McAfee noted that tours or visitors are not frequent, but it is important to offer that ability. They spend a lot of the water users' money and they want to make it available if people are interested in the facility.

Commissioner Suesser asked if the parking set aside in Silver Star is currently used by employees at the current facility. Mr. McAfee answered yes. They have a year-round easement for 30 spaces. He stated that they recently met with Silver Star to discuss the parking, and Silver Star supported their continued use of the parking spaces.

Commissioner Kenworthy asked how many spaces they occupy at night. Mr. McAfee replied that currently there was no need to park on the Silver Star site at night. He did not expect that to change with the new facility. Mr. McClain agreed. Any functions from operators or anyone coming in for an on-call scenario would park on site. The facility will run 24/7 but there will be minimal staff on weekends and they will park on-site.

Commissioner Hall asked if the 30 extra parking spaces would be marked to allow people to use the parking spaces on weekends or in the evenings. Mr. McAfee stated that currently they were not marked at all. Parks, Golf, Building Maintenance, and the Water staff all come about 7:00 a.m. By the time they leave, the trail users and other people use the parking for different reasons.

Planner Morlan noted that the Engineering Department requested a condition of approval on this CUP, as well as the Golf Maintenance Facility CUP, requiring these spaces to be striped and marked for this use.

Commissioner Kenworthy asked what they considered minimal staff at night and on weekends. Mr. McAfee stated that it would be less than five; but most likely only one or two.

Mr. McClain stated that the construction mitigation plan, which was included in the Staff report, addresses restricted and reduced times during construction for delivering materials. Because this is in a neighborhood, the hours for delivery would be reduced. They would shuttle in construction personnel to avoid workers parking on the right-of-way or at Silver Star. Other restrictions were also imposed on this construction project as outlined in the construction mitigation plan; with the understanding that each of the pieces of the project would enhance the newly developed construction schedules, construction mitigation, and follow the over-arching site specific issues. Mr. McClain noted that access would come back with its own construction mitigation. Any off-site water lines would go through the engineering process and have its own construction mitigation plan.

Mr. McClain pointed out that the Planning Department has always dealt with large projects, but none where they had to protect golfers from construction or construction from golfer. For that reason, they were looking at golf netting fencing strategically placed during times of construction that would be included in the construction mitigation plan. Mr. McClain stated that since that was not typical, he wanted the Planning Commission to be aware that those types of measures will be brought forward as they develop schedules for construction; and reviewed through the building permit process.

Commissioner Suesser asked about the approximate timeframe for general construction. Mr. McClain anticipated that demolition would begin late next year; possibly in October at the earliest. Contracts would extend into the first part of 2023. Mr. McClain stated that the intent is to be operational in 2022 and beginning to treat water. They would begin to operate and merge construction activities with the way the plant needs to operate.

For the public hearing, Vice-Chair Phillips requested that the public ask their questions but avoid back and forth dialogue. The Staff and Commissioners would address the public comments after the public hearing.

Vice-Chair Phillips opened the public hearing.

Julie Breslin, a resident at 1395 Three Kings, next door to the Silver Star development. Ms. Breslin remarked that at first they had a lot of trepidation about this project, however, they have learned a lot over the past few months and a number of the issues were addressed. She thanked everyone for helping them to understand the process.

She had sent a number of emails that she assumed the Commissioners had received and read. Ms. Breslin asked if they could show the site parking plan. She asked if the upper golf cart path was adjacent to the road where they were looking at hard surface. She understood that hard surface means no green belt between the cart path. That means when golf balls go into her yard the golfers will drive off the cart path onto the street and over to her yard. She asked if there was some way to obstruct the golf carts from leaving the golf cart path to keep the golf carts off the road. Ms. Breslin understood that the lower path was the sidewalk. She noted that there are already sidewalks on the Silver Star side of the street. She pointed out that it was the only sidewalk on all of Three Kings and to have two in the same section would be redundant. She thought it would be nicer and more visually appealing to have landscaping rather than another hard surface.

Ms. Breslin asked if she needed to state on the record the items highlighted in her emails. Director Erickson assured Ms. Breslin that her emails, as well as the email from Jack Breslin regarding the pipe and mitigation strategies, were already included in the record.

Stan Rodman, a resident in the Three Kings Condominium commented on the mitigation of vehicular traffic during four years of construction. He stated that during the ski season the traffic at the Empire and Silver King corner that leads down to Three Kings Drive is backed up significantly during the morning and afternoon hours. During the summer, the traffic backs up anytime there is an event. Therefore, the best way to reach the Three Kings Condominium is to come up Empire with a left turn onto Three Kings Drive, which goes right past the water treatment plant. Mr. Rodman wanted to know how that would be impacted by four years of construction traffic, and whether that had been addressed. Mr. Rodman pointed out that if a vehicle is stopped on Three Kings Drive it becomes a one-way street and people trying to get back and forth sometimes drive up on the grass to get around. The situation becomes worse as Vail sells more Epic passes.

Frank Jenger, stated that he lives at 1 Kings Court, which is 200 feet from the front door of the treatment plant. Mr. Jenger understood that these were special unit processes in terms of being compressed. He asked if these have ever been put together in tandem before, and whether the process has a history of success. Mr. Jenger stated that the point of any treatment is to detract the heavy metals. The usual question is where do the metals go, and based on the picture shown, they go in the sludge. Mr. Jenger wanted to know where the sludge goes. If it is spread out in a field, it rains back into the water when it rains. Mr. Jenger understood that occasionally there is bypass water that is used for snowmaking or irrigation. He remarked that the snow melts and the deer and elk eat the grass from the irrigation. When people bike in locations where

there is irrigation and the dust comes up, the heavy metals are inhaled in the dust. If a hunter shoots a deer that has been feeding off the grass and eats the meat, the heavy metals are ingested. Mr. Jenger stated that the point of treatment is to concentrate and isolate, and he believed the antithesis was happening.

Josephine Jenger had concerns with the height of the building because they live very close to them. She could understand the need for a two-story building if there were 50 to 75 employees. However, originally they said that 14 employees would be at the water treatment plant. Suddenly, the number has increased to 40 or 50 employees. Based on the presentation this evening, there would be 10,000 square feet of administrative space. Ms. Jenger noted that it was the size of a 10,000 square foot homes, which is very huge. She thought the number of administration staff was still unclear, but the size was excessive. Ms. Jenger could appreciate the need for that much space if they intend to have 60 people; but if there is only 14 to 20 people, they do not need a 10,000 square foot building. They could keep the building to one story with offices and a conference room. Ms. Jenger stated that as a resident living on Three Kings Drive, she hoped the Planning Commission would require that all construction vehicles come from the PCMR area and not up Thaynes Canyon Drive.

Jeff Ward stated that he owns the Café at Silver Star, as well as the condo that houses the café. He is also a member of the HOA Board. Mr. Ward remarked that some of his comments would represent the HOA and others were his personal comments. Mr. Ward clarified that the agreement of the 30 slots was non-exclusive and they did not support the condition to strip and label the parking spots in an exclusive manner. Mr. Ward requested clarity on the construction mitigation and specific times when construction can begin and end. It is a concern of the HOA. He understood that it would be a shorter duration than allowed by the City Code, but they would like to see it defined. He thought 6:00 a.m. was too early to start and 9:00 p.m. was too late to continue to work.

Mr. Ward stated that on a personal note he felt there was an opportunity missed to try and address parking. He remarked that parking in general is a challenge in this area and he felt like plans automatically moved forward on the basis of having 30 spaces at Silver Star. He thought the applicant could be more creative in trying to create more parking on the specific sites or mandate shuttling employees to free up additional parking at Silver Star. Mr. Ward explained that since the agreement was first defined, there has been the addition of the trail. The reality on the ground is that Silver Star is seeing a lot of trail use impacts and parking beyond what was penciled in in the original agreement. If there is an opportunity to relook at the agreement between Silver Star and the City and to shift or look for a creative approach, this would be the best time to do it considering the four-year construction timeframe and the size of the project.

Vice-Chair Phillips closed the public hearing.

Regarding the sidewalk along Three Kings Drive, Mr. McClain clarified that it was a cart path for golf course operation. He had no objection to adding a green space barrier between that path and the roadway. There is ample room to create the buffer to keep the cart path separate.

Vice-Chair Phillips referred to the Y in the cart path by the T-boxes that then goes out alongside the road. Mr. McClain explained that it is a walking path for the treatment plant employees walking to and from the parking lot. The sidewalk on the west side is 4-feet and it is not maintained in the winter. Commissioner Suesser questioned how the employees would use that path. Mr. McClain explained that they would come down the stairway, cross, and come down the path. On the west side, they could come down the existing 4-foot walkway and cross to the treatment plant.

Commissioner Hall asked if there was an entrance by the micro-hydro building that employees could access. Mr. McClain replied that it is a secondary access and the employees could use it. He noted that the access by the micro-hydro is on the second level of the building. The other access is on the lower level of the building. The lower level would be the ADA access.

Vice-Chair Phillips asked if there would be signage so golf carts do not mistake the path and head in that direction. Mr. McClain replied that the path would be narrower and there would be signs indicating which way to the fairway and to the T-boxes.

Commissioner Hall understood that if someone was handicapped they could park in one of the five spots at facility and access the building through the first floor; and that the other employees would take the most direct route. Mr. McClain answered yes. Commissioner Hall questioned the need for the sidewalk since the employees would probably not use it if they took the most direct route. Vice-Chair Phillips agreed. Commissioner Hall asked if the sidewalk could be removed and replaced with trees. She thought it would be a benefit to the community because it would provide an additional buffer. Commissioner Hall clarified that in general she favors sidewalks and walkability; but in this particular situation trees and landscaping was a better use of the land. Mr. McClain was not opposed to removing that section of the sidewalk.

Vice-Chair Phillips favored Commissioner Hall's suggestion. He thought they could reconfigure and make it one walking path that curls to the building. Commissioner Suesser wanted a green buffer between the path and the road on the northern section as well.

Vice-Chair Phillips commented on the concerns regarding construction traffic. Mr. McClain remarked that in the construction mitigation plan that was submitted they had addressed in detail some of the items with respect to delivery and vehicle traffic and turning movements. Specific requirements do not allow parking and off-loading of equipment and materials on Three Kings Drive. That activity needs to occur on-site, with the exception of long, special members that would prohibit entering the site. It would be outlined in the building permit and requires prior approval by the Chief Building Official. It would occur minimally and be very specific. Mr. McClain stated that they looked at restrictions on delivery and delivery times to mitigate the construction impacts. The times were reduced, and as indicated in the mitigation plan, during the weekdays deliveries can only occur between 9:30 and 3:30. Delivery times were restricted even further on weekends. Also included in the plan were restrictions specific to the peak winter season and skier traffic. Mr. McClain noted that they worked with the Building Department on delivery schedules and materials schedules because there is no staging on-site. Minimal staging on-site would be similar to staging downtown. Due to the significant amount of concrete in the project, concrete deliveries would pull in.

Commissioner Suesser asked why there is no staging on the site. Mr. McClain stated that construction would be on the site. Because there is limited space to work, staging would be limited. Vice-Chair Phillips clarified that materials would be brought in as needed rather than storing material on-site, and the delivery times would be coordinated. Mr. McClain replied that he was correct.

Vice-Chair Phillips asked if there would be a restriction on parking vehicles for construction employees. Mr. McClain stated that employee parking would be off site and remote. The construction employees would be shuttled in. The site is on a bus route, but the buses do not run early enough for the workers. The contractor will look at alternatives for shuttling the employees to the site. Vice-Chair Phillips asked if they would be willing to direct the shuttles through the preferred route that was suggested in public comment. Mr. McClain had no objection. He noted that the construction mitigation plan indications that the primary access would be up Thaynes Canyon Drive and down Three Kings, but they were open to looking at the suggested route. Mr. McClain explained that the Thaynes Canyon route was proposed because it is the most direct route and has the least impact versus going through Park Avenue and Silver King Drive and down to Three Kings Drive.

Commissioner Hall thought these were to issues. The first issue is the day to day workers who need to be bused in because there is no parking on site. Deliveries is the second issue. She had concerns with mandating one route over another because there may be unforeseen issues. Commissioner Sletten concurred. At certain times it would

be difficult to access coming up through the Resort. Commissioner Hall understood the neighbors' concerns, but she felt the on-the-ground contractor would have a better idea of the best path based on the time of day, conditions, etc. She preferred to leave it to the discretion of the contractor.

Commissioner Hall commented on the restriction of 9:30 a.m. to 3:30 p.m. for deliveries. She thought it was better to push through to get the project completed rather than drag it on longer than necessary. She suggested that 8:00 might be a better delivery time.

Commissioner Sletten agreed. He noted that in the winter months during ski season there is a big difference in traffic at 8:00 a.m. versus 9:00 a.m. Mr. McClain suggested being discretionary but possibly having an early morning timeline. Commissioner Hall favored lifting some of the restrictions because each day is different in that area.

Clint McAfee corrected an earlier comment and noted that it is a 30-month construction period for this plan.

Commissioner Suesser asked if it was possible for construction employees to use City transit at the end of the day. Mr. McClain offered to explore that idea with the contractor as a preferred approach. Commissioner Hall was interested in hearing the options the contractor may have for shuttling employees because she is concerned that construction employees would use the 30 parking spaces in Silver Star. Mr. McClain recalled that the construction mitigation plan includes restrictions for contractor parking in the Silver Star lot. It would be for City Staff, City Inspectors, and others who are inspection or administrative related. It could not be contractor parking.

Regarding the compressed building question, Vice-Chair Phillips assumed the applicant was 100% confident that the facility would function properly.

Paul Swaim stated that the backbone of the process is called conventional treatment. He explained how the process separates out and filters the particles. In this case they did a pilot test for 7 months with these facilities and they were monitored around the clock. They investigated some accelerated loading rates that still meet State criteria. The DDW was involved during the pilot period and they reviewed the results and signed off on the loading rates. Mr. Swaim remarked that the adsorption process is unique and it was also tested throughout the pilot. It has also been used at the Alta Treatment Facility for several years. Mr. Swaim was very confident in the treatment process.

Vice-Chair Phillips asked if the sludge goes to the landfill. Mr. Swaim answered yes. It goes to the Summit County Landfill, which is the same place where the sludge currently

goes from the Spiro. It is hauled out in the trucks that are parked underneath the building. It is hauled to the landfill on a periodic basis; not daily. Mr. McClain believed the truck would go to and from the County landfill once a week.

Commissioner Sletten assumed the sludge was not toxic if it was going to the regular landfill. Mr. McClain replied that it was not the same processed metals seen in the Soil Ordinance. It has to pass a Toxicity Characteristic Leaching Potential test for disposal at that landfill. Michelle Downard with the Building Department has had conversations with Summit County with respect to disposal at the landfill site. Summit County gave the general nod that disposal could continue from the new facility.

Commissioner Sletten recalled a question during public comment regarding the overflow. Mr. McAfee stated that the Judge was the City's first water source and it has been periodically putting zinc and cadmium metals in the drinking water system untreated from the time it was drilled until 2013. What wasn't used in the drinking water system ran down the creek as it does today. That will be fully treated and the issue will be eliminated. The Spiro was bored back in the early 1900s and has been free discharging up until now. The EPA implemented the Clean Water Act to address these issues. The City was issued permits in 2014 and they needed to come into compliance, which is the purpose of this new water treatment plant. The management strategies will eventually come into compliance with water quality standards. Mr. McAfee stated that he did not have the knowledge to address the risk of someone killing a deer and eating the meat.

Vice-Chair Phillips noted that the next question related to height and size of the building.

Planner Tippe Morlan referred to the building summary on page 366 of the Staff report. She noted that the administrative space was 6504 square feet. She clarified with Public Works that a maximum of 17 employees currently work for both water and treatment staff. That is the maximum number of people who will be in the facility at any one time. Adding three additional employees for growth puts the maximum at 20 employees. Planner Morlan stated that the parking rate for a public facility is 2 spaces per three employees. At 20 employees, the required parking would be 14 spaces or one space per 1,000 sf of floor area. Using the calculations used at the Quinn's Water Treatment Plant, which was to calculate the administrative space as a general office use, three spaces per 1,000 sf of floor area at 6504 square feet, equals 21 spaces required. This applicant was proposing a total of 35 spaces; 15 spaces on site and 20 spaces in the parking agreement with Silver Star.

Commissioner Suesser asked Planner Morlan to clarify why some slides showed 10,000 square feet of Admin Space and other slides show 6,500 square feet. Planner Morlan was unsure where the 10,000 sf. number came from. A representative for the applicant apologized for the discrepancy. He had made the mistake when he added in some of the operation space. Planner Morlan noted that 200 sf of the 6500 square feet is for operations.

Commissioner Hall assumed that due to the ground water and adding the admin buildings a height exception was necessary to avoid sprawl. Her primary reaction when she looked at the building was that it looked massive. She asked if there was any way to make it smaller. Mr. McAfee stated that they had looked at it many times and came up with three options. They could go under the ground water. They could lower the building and go lighter. They could compromise the architectural look and character by going to a bigger footprint, lower height, adding a flat roof. Commissioner Hall questions whether the admin space could be made smaller. Mr. McAfee clarified that the height restriction did not only apply to the admin building. There are four total buildings.

Vice-Chair Phillips understood that the applicant had tried to condense the project as much as possible. However, they were also planning on the potential of running 50% more water at some point in the future. They may have to stretch what they have to facilitate more employees in 15-20 years. Vice-Chair Phillips was concerned about cramping it down to the absolute bare minimum without leaving space to grow.

Commissioner Sletten had spent a lot of time looking at the graphics. He thought the articulation would break up the building, even though it is higher. A flat roof or some other under-performing mitigation creates a box appearance. Commissioner Hall understood his concern because she does not want the Walmart look.

Mr. McAfee noted that they were replacing the existing treatment plant because conditions, regulations, and future plans changed. They were doing everything possible with this building to anticipated any future changes.

Commissioner Kenworthy commented on removal of the sidewalk. He thought it would help immensely if they could take advantage of the landscaping in that area. Commissioner Kenworthy was more concerned with the parking. He referred to the site plan and asked if it was possible to put additional parking in the area next to the pump on the northeast corner of the lot. He noted that they were talking about massive construction over a 30-month period and it is important to be flexible and consider other people in the area who will also be doing construction.

Mr. McClain stated that the golf group identified iconic trees that affect the aesthetic of the golf hole, and they worked around the site layout to protect those trees. He recognized that parking is an important key aspect, but they also need to be respectful of the golf course aspect. Mr. McClain stated that the employee parking on-site for operations takes care of itself. They also made sure the admin parking was preserved.

Commissioner Kenworthy clarified that they were not using the area he had suggested for parking because of the landmark nature of the trees. Mr. McClain replied that he was correct. Commissioner Kenworthy favored saving those trees. However, on the north side of the property the landmark trees were being removed.

Director Erickson stated that the difference is that people were playing away from the building on the north hole, and playing towards the green on the south. The trees on the south are used as distance markers. Director Erickson anticipated a higher parking demand during construction, but they would not lose the full site until the foundation is poured for all the buildings. He expected a phased construction, parking, and layout plan that may change seasonally. Director Erickson stated that they would add a couple of lines in the construction plan about seasonal changes in operation hours and seasonal changes regarding layout. They also have strategies in the plan for licensed special events.

Commissioner Sletten noted that the representative from Silver Star mentioned that the preference was not striping or reserving those 30 spaces. Planner Morlan referred to page 30 of the Staff report, which was the last page of the parking agreement. In her opinion, the agreement identifies the 30 specific parking spaces. Commissioner Sletten understood that the agreement was for 30 spaces. However, they had not requested striping or specific signage. Planner Morlan noted that the spaces are not any 30 spaces in the parking lot. They are 30 specific spaces.

Vice-Chair Phillips understood from the Silver Star representatives that they would prefer to keep the parking as it is now and not striped. He agreed that if it was functioning, there was no reason to change it. Planner Morlan pointed out that the striping was requested by the Engineering Department. She noted that the condition of approval had already been approved for ten spots with the golf maintenance facility.

Mike Thomas, the General Manager at Silver Star, understood that the easement states non-exclusive. City Attorney Harrington disagreed and explained that the parking is exclusive. Silver Star can grant other use rights over it as long as it does not interfere with that particular parking. The parking is only needed during the day so there was no need to label it as City parking. He believed the status quo could continue with the operations because they have not needed all 30 spots. Mr. Harrington wanted it clear

that the 30 stalls is a City parking lot. They will continue to allow others to use it as long as it does not interfere with their operations.

Vice-Chair Phillips was comfortable with that explanation. Commissioner Sletten could see no reason to change it if it was working. Vice-Chair Phillips stated that the plan is to have the parking continue as it has been. He believed the talk of striping it had changed the focus.

Mr. Thomas stated that the 30 parking spaces were not an issue because it is managed daily on a rotation system. He noted that there are underground parking options for some of the commercial spaces on site. It is just a matter of managing. Vice-Chair Phillips thought everyone was on the same page.

Commissioner Sletten referred to an issue raised in the letter from Jack Breslin with respect to the suitability of the current piping. Director Erickson stated that the current piping is very fragile and contains asbestos. They want to make sure that the construction mitigation plan mitigates for that pipe and that there is no damage prior to the replacement when they do the Spiro tunnel. Director Erickson believed that was included in the information that Mr. McClain had submitted. He noted that the construction management plan is extended to the mouth of the Spiro. Director Erickson remarked that the concern is in the record and the Staff will be watching it during the construction mitigation to make sure the pipe is sound during the construction cycle. Director Erickson stated that when Mr. Breslin submitted his original comment, Mr. McClain had not yet submitted the off-site utility plan. It has since been submitted and was available to the public. The construction mitigation plan will be updated to show how the pipeline is phased. It is the source of water for the Spiro and the timing would all work together. Director Erickson assured Commissioner Sletten that there were no concerns at this point.

Mr. McClain clarified that there were no apparent human health issues with the pipe material. It is called an asbestos cement pipe but it does not carry asbestos. It is throughout the system in the City and throughout the United States. It was used during a period of time and it functions.

Commissioner Hall asked if it was feasible to squeeze in one or two extra parking spots on the south side of the sidewalk on Three Kings next to the existing parking spaces. Mr. McClain thought it might be possible to add one or two spaces as long as it does not encroach on the spring protection zone.

Director Erickson stated that the Staff would request a redesign of the front yard setback to see if there is an opportunity to increase parking, reduce the paved surfaces,

and change the circulation system. Rock walls on the other side of the street preclude widening the sidewalk. He suggested adding a condition stating that the west front yard setback will be redesigned to reduce the amount of pathway, maintain adequate pedestrian circulation, and where there is an opportunity for an additional parking space or two. Director Erickson noted that because this is an MPD, the setback of the building was changed from 10' to 25' in order to meet the MPD requirements. However, the Planning Commission has the authority to vary the setbacks back to the zone depth. Director Erickson stated that the Commissioners could work on drafting the condition this evening or they could direct the Staff to draft the condition.

Commissioner Sletten preferred to leave it to the Staff. Director Erickson stated that if the Planning Commission elects to approve the MPD this evening, the Staff would take another look at the landscaping on the north building, they will look at rezoning the prior setback, and take a closer look at how to protect the important trees on the golf course.

Commissioner Hall asked if the parking spots being designated exclusive was in the conditions. City Attorney Harrington replied that they were talking about the existing terms of the existing easement. He did not believe they needed to over-emphasize the exclusive nature. The City's use is primary and they do not have to look for 30 spaces; but others can use the parking as long as it is compatible with their use. Mr. Harrington pointed out that it was subject to change if necessary in the future. He pointed out that coordination is the key and it has worked well so far.

Commissioner Kenworthy referred to the condition on page 360 which states that the parking spaces would be designated. Commissioner Hall noted that it was also addressed in Finding of Fact #30. Mr. Harrington stated that it was up to the Commissioners whether to keep it in or remove it. He was not opposed to removing it. Commissioner Hall preferred to remove the language. Planner Morlan noted that it came from a discussion on the golf maintenance facility a few months ago and she could not recall the actual discussion. Commissioner Suesser clarified that it substantiated where the parking is for this facility.

Director Erickson suggested that they delete Condition #11 as part of the motion. He thought the solution would be to do public information signage rather than regulatory signage stating that the parking is for City use but can be used for trail users and other Silver Star uses when not in use by the City.

Vice-Chair Phillips commended the Staff and the applicants for answering all the questions thoroughly. It was a job well-done.

MOTION: Commissioner Suesser moved to APPROVE the application for a Master Planned Development and a Conditional Use Permit for 1884 Three Kings Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, with the amendment to eliminate Condition of Approval #11, and with the additional direction to Staff to address the setback from Three Kings Drive and the landscaping around the property on the west side and the north side properties. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – MPD/CUP Three Kings Drive

1. The site is located at 1884 Three Kings Drive.
2. The site is located in the Recreation and Open Space (ROS) zoning district.
3. The proposed facility is to be located between the existing driving range and Hole 10 of the Park City Golf Course.
4. A water treatment facility is an essential municipal public utility use, which is classified as a conditional use in the ROS zone if it is greater than 600 square feet.
5. The existing Spiro water treatment plant needs to be replaced in order for water treatment related to the Spiro Tunnel to comply with state regulations.
6. The Public Works employees housed at this location will be permanently moved to another City office.
7. There will be a net decrease in the number of employees working at this location.
 - a. The number of employees at this location is decreasing from 56 to 14 during the summer season and from 18 to 10 during the winter.
8. The proposed site is 67.89 acres in size.
9. There is a concurrent 1-lot subdivision, the Park City Back Nine Subdivision, for this site.
10. The proposed project encompasses 8 buildings and all related improvements.
 - a. Improvements needed in order to complete this project include the construction of the buildings, structures, associated utilities, golf course pond improvements, and Spiro Tunnel reconstruction that will be constructed in accordance with City approved construction drawings.
11. The applicant has indicated that all structures will be constructed concurrently.
12. All structures amount to a total of 58,305 square feet of gross floor area with a footprint of 48,530 square feet.
13. The proposed structure complies with all setback and LMC requirements, with the exception of Building Height, as outlined in the analysis.
14. An exception to the Building Height up to 45 feet from Existing Grade is requested as a part of the MPD.

15. On August 16, 2018, the City received a complete Conditional Use Permit application for this water treatment plant.
16. On July 16, 2018, the applicant held a public Open House for the Three Kings Water Treatment Plant and for the golf maintenance facility.
17. The Thiriot Spring is located at the western extent of the site and is currently used as a municipal drinking water source and for in-stream flow, originally developed in 1974.
18. The subject area east of Three Kings Drive is outside the Park City Soils Ordinance boundary.
19. The area west of Three Kings Drive where off-site improvements related to the new water treatment plant will occur is located within the Park City Soils Ordinance boundary.
20. The existing access to the site from Three Kings Drive will remain.
21. Water will be provided to the Project by the Park City Municipal Corporation.
22. The City will enter into the necessary service agreements with the Snyderville Basin Water Reclamation District (SBWRD) in order to secure adequate sanitary sewer service for the Project.
23. The source of electric power for the Project will be Rocky Mountain Power's existing underground electrical distribution system located within Three Kings Drive street rights-of-way or utility easements.
24. Communications for internet and phone will be provided by City owned fiber optic lines that are located at the eastern limits of the Project site.
25. The source of natural gas for the Project will be Dominion Energy's existing underground gas distribution system located within Three Kings Drive street rights-of-way or utility easements.
26. Construction will occur in three phases: 1) demolition of the existing Spiro facility, 2) construction of the new facility, and 3) construction of site improvements and related infrastructure.
27. This development will not affect the operations of the golf course including the driving range.
28. The project anticipates a construction start in the fall of 2019 with completion in the spring of 2023. Construction activities will be continuous throughout that period.
29. The project meets the ROS and MPD Setback requirements of 25 feet from the property line or ROW.
30. A portion of the parking for the project is provided at the adjacent Silver Star Subdivision through an existing parking easement granted to Park City Municipal Corporation (Entry No. 00762729).
 - a. This agreement allocates 30 spaces to the City, of which 10 are assigned to the golf maintenance facility and 20 are assigned to the Three Kings Water Treatment Plant project.

31. Operations vehicle parking is provided on site.
32. The proposed site calls for 59 parking spaces under a Public Utility Use.
33. The applicant is proposing 35 spaces and has requested a parking reduction from the Planning Commission.
34. Green roofs are proposed Buildings A and B.
35. All structures must be no higher than 28 feet from Existing Grade. The maximum height above Existing Grade on any of the structures is 45 feet. A height exception is requested as a part of the MPD.
36. Staff finds that the requirements for a height exception within an MPD have been met by this proposal.
37. The height proposed for this, and this project is unique to this location given the proximity to the Spiro Tunnel and Thiriot Spring. Burying the building is not an option with the spring located on site, and staff supports minimizing the impact of the footprint on the property.
38. The existing footprint of the site is 54,892 square feet.
39. The proposed footprint of the site is 80,760 square feet.
40. The MPD process is required since the overall floor area exceeds 10,000 square feet.
41. This project does not have residential or commercial space allocated to this property.
42. There is no increase in density.
43. All proposed structures meet 25 feet MPD Setback requirements.
 - a. The proposed facility is 25 feet from the west property line along Three Kings Drive.
 - b. To the north, the facility is approximately 600 feet from the Hotel Park City property.
 - c. To the south, the facility is approximately 350 feet from the Payday Condominium property.
 - d. To the east, the facility is approximately 200 feet from the Hotel Park City Condominium property.
44. The minimum required open space is 60 percent of the site. The applicant has indicated that 94.69 percent of the lot is to remain as open space. With a footprint of 80,760 square feet, the proposed water treatment plant occupies approximately 2.73 percent of the overall site.
45. The proposed facility is clustered on the site of the existing Spiro facility to reduce the impact of the new structures on the overall site.
46. The current water treatment plant does not provide employee or affordable housing.
47. The proposed facility does not trigger a requirement for employee or additional housing since it will not generate an increase in staff.
48. The entirety of the Back Nine lot is outside of the Sensitive Lands Overlay Zone.

49. The property is outside of the Soils Boundary Ordinance area, with some improvements taking place within the boundary between the Spiro mine and the water treatment plant.

50. The building pad is not within a flood zone. Areas surrounding the ponds are located within flood zone A.

51. Temporary Trailers and Storage Containers are proposed as a part of this MPD. The Construction Manager will install the basic construction trailers and materials storage containers required for the Project.

52. Trailers and containers will be approved by the Building Department, screened or positioned on the site to avoid visual impacts to adjacent properties, and secured without exterior lighting.

53. The proposed facility meets the criteria for a Conditional Use Permit found in Section 15-1-10 (E) of the LMC as detailed in the Analysis.

Conclusions of Law – MPD/CUP 1884 Three Kings Drive

1. The Application complies with all requirements of this LMC.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.
4. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
5. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein.
6. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission.
7. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
8. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
9. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses.
10. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities.
11. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed. No residential or commercial space is proposed as a part of this project.
12. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the

most developable land and least visually obtrusive portions of the Site.

13.The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.

14.The MPD has been noticed and public hearing held in accordance with this Code.

15.The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

16.The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

17.The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

18.The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditions of Approval – MPD/CUP 1884 Three Kings Drive

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
 - a. No construction related parking or material storage shall be allowed in the Right-of-Way.
 - b. There shall be no construction vehicle staging on the street and deliveries shall be “just in time” to the satisfaction of the City Engineer and Building Department.
 - c. The Project requires a MS4 storm water permit for all land disturbance activities for each separate phase of construction, prior to building or City engineering permit issuance.
 - d. The Project requires a Utah Division of Water Quality permit for construction activities associated with improvements to the existing Park City Golf Course ponds.
 - e. No construction access, pedestrian or vehicular, is allowed via the Park City Hotel, Park City Hotel Cottages, or Pay Day Condos property without express written approval by the authorized property representative.
 - f. Construction within and/or access across the Park City Golf Course boundaries shall be approved by the Golf Course Manager, or designee.
3. Any improvements within the Soils Boundary Ordinance area must meet the requirements of the ordinance.

4. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit (not including the grading permit).
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance (not including the grading permit).
6. A final landscape plan, including details for the green roofs, shall be submitted for review and approval by the City Planning Department, prior to building permit issuance (not including the grading permit).
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
9. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. Access to the site must meet fire access requirements including adequate road widths and turnaround areas.
11. Six (6) bicycle parking spaces are required according to LMC Section 15-3-9: Bicycle Parking requirements.
12. Green roofs and photovoltaic panels shall meet best practices for green roofs in the Intermountain West, in terms of the structural design, substrate base materials (what plants are planted in), the types of plant materials, and the irrigation system as reviewed and approved by the Planning Department before a building permit may be issued.
13. Any part of this project that may affect historic sites require a Historic District Design Review.
14. This approval will expire on October 24, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.
15. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.

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The Park City Planning Commission Meeting adjourned at 8:30 p.m.

Approved by Planning Commission: _____

APPROVED