MINUTES
SNYDERVILLE BASIN PLANNING COMMISSION
REGULAR MEETING
TUESDAY, July 14, 2020
Electronically, via Zoom

COMMISSIONERS PRESENT:

Ryan Dickey, Chair
Joel Fine
Canice Harte

John Kucera
Crystal Simons
Malena Stevens

Regrets: Thomas Cooke

STAFF PRESENT:

Peter Barnes– Planning & Zoning Administrator
Jami Brackin– County Attorney
Ray Milliner– Principal Planner
Patrick Putt– Community Development Director

Jennifer Strader– Senior Planner
Blaine Thomas– County Attorney
Kirsten Whetstone– County Planner
Kathy Lewis– Secretary

The meeting was called to order at 4:30 PM.

REGULAR SESSION

1. General Public Input

The public hearing was opened. No comments were made and the public hearing was closed.

2. Adoption of the June 23, 2020 partial Snyderville Basin Commission minutes relating to the motion for a Conditional Use Permit on the Colby School Bed and Breakfast Inn at 3770 N. HWY 224 Rural Residential (RR) zone Parcel PP-103-A-3

The Commissioners said they had reviewed the minutes of the motion of denial for the Colby School. Several corrections were made. Chair Dickey requested to have the recording to be reviewed for accuracy.

Commissioner Harte made a motion to approve the minutes as amended.
Commissioner Stevens seconded the motion. All voted in approval.

• MOTION CARRIED (6-0)
3. Public hearing and possible action regarding a Conditional Use Permit for a Summit County Clubhouse that is a non-profit organization providing vocational, education, social, health and wellness skills with staff, and is not an overnight residential treatment facility, located at 6304 Highland Dr. Parcel HE-B-232, Amber Mackay, Applicant–Kirsten Whetstone, AICP, County Planner

Planner Whetstone said this application is for a Conditional Use Permit for personal improvement services to be located at 6304 Highland Drive. The proposed use is listed in the Development Code as a conditional use. The use is described in the Staff Report and will be further described by the applicant during their presentation.

Staff reviewed the application for compliance with Section 10-3-5(B) of the Snyderville Basin Development Code. The analysis and findings of the review are located in the Staff Report. She reviewed the Standards of approval as applied to this application. These findings are also in the Staff Report.

Staff found that all standards are being met and are in compliance; therefore, Staff recommends the Planning Commission hold a public hearing and approve the application. Planner Whetstone said additional public input has been received since the packets for the meeting was sent out.

Applicant’s Presentation

Amber Mackay said she is the executive director of Summit County Clubhouse. She mentioned her experience associated with this organization. She introduced those in attendance that are also representing the Summit County Clubhouse: Sally Jablon, Attorney Polly McLean, and Matthew Rattan.

Ms. Mackay explained the purpose of a Clubhouse. It is a place where people with mental illnesses can learn how to live healthy and productive lives. They are not defined with a disability label. Each person is a critical part of the organization and is
engaged in important work. The Clubhouse provides friendship, family, employment and education.

Ms. Mackay said there are over 300 Clubhouses in 32 countries. Five are located in Utah. In November of 2017, the Clubhouse was approved by the County Council as an essential program in the mental illness strategic plan. Clubhouse is two years ahead of their strategic date. They are in need of a permanent location so that they can continue to grow. Prior to Clubhouse being established in Summit County, there was no place where adults could receive social and pre-employment support.

Ms. Mackay said that a requirement of a Conditional Use Permit is to mitigate any impacts that may occur. At this meeting, they will inform the Commission on how they plan to mitigate the impacts.

Currently there is an average of six individuals who attend the Clubhouse on a daily basis. This should remain fairly constant for awhile because of the COVID19 pandemic. Interior changes will be made to comply with the ADA requirements. The planned changes were described. There is room for up to 10 vehicles for parking on the property. The building is located on the bus route. This will be a convenient way for members to access the Clubhouse.

Ms. Mackay said she would like to address some of the neighbor’s primary concerns. She stated the first concern is for the safety of families and children in the area. To attend Clubhouse, a person must be deemed safe to themselves and others by a mental health clinician. They cannot be under the influence of any substance.

Ms. Mackay said in the 14 years she has been working with Clubhouse she has never once felt that her safety was threatened. She added that the children of Staff or visiting family members may visit the Clubhouse. They have always been accepted.
Another concern of the public is this may lower property values. Ms. Mackay said one of their goals is to add value to the neighborhood by beautifying the property. The image of a private residence will be maintained. Research has shown that even with the development of multiple businesses in this neighborhood, home prices have continued to raise.

The third comment from the public she would like to address is the question of why this will be located in a residential neighborhood. Some of the reasons are that the property is affordable, it is located by a bus route, and it enhances the educational program. This will allow the members of Clubhouse to integrate into the community. She said they meet all of the requirements. They want to integrate the Clubhouse and the community together. They believe this location will help them to do that.

Matthew Rattan spoke next. He is one of the founding members of Summit County Clubhouse. He stated he was diagnosed with a mental illness and started treatment approximately five years ago. Clubhouse helps him learn about jobs and life skills. The routine and structure helps him to maintain a productive life. He listed some of the skills that he has learned.

Mr. Rattan said that 50% of the Summit County Clubhouse members are currently working. Because of family, friends, and treatment team, he will be able to move into a place of his own in August. This is an important step in becoming self sufficient and gaining independence. He wants to see others be able to grow as he has. That is why it is important to find the right location. Ms. Mackay thanked Mr. Rattan.

Polly McLean was the next person to speak. She said the applicant has done a good job of addressing and mitigating the impacts to the community. Ms. McLean reminded the Commission that a Conditional Use is an allowed use if the impacts can be mitigated. The use being proposed is for personal services, which is allowed in the RR zone.
The public hearing was opened.

Phyllis Sharples said she retired from Valley Mental Health after 30 years. She has spent the last six years at Alliance House in Salt Lake City. When she first went to Clubhouse she saw a living, thriving community. There are individuals working towards a common goal. She told about other benefits that she saw there. What she didn’t see was a diagnosis, stigma, or discouragement.

Ms. Sharples said she would gladly welcome a Clubhouse in her neighborhood. It gives the opportunity of seeing people who are successful in overcoming their challenges. She has taken her children to the Clubhouse many times. She hopes the Commission votes to approve.

Andrea Spaulding said she lives next door to the Clubhouse’s current location. She is proud to have the Clubhouse next to where she lives. She encouraged anyone with concerns to check it out. Go to a Clubhouse and met the members. For some reason, there is the stigma that people there are scary, but they are not.

Clubhouse is a place to find friends, hope, and happiness. It gives people a reason to get up in the morning. It helps them to get out into the community and helps them be productive. She reiterated she is thrilled to have Clubhouse in Park City.

Jack Yatsko said he is in support of the Clubhouse. He submitted a letter of support, but wanted to add to what was said. He understands the safety concerns about locating the Clubhouse in a residential area. He stated in all of the Clubhouses throughout the world, safety is the most important factor. At Clubhouse, there is a safe environment for the people who come there. The safety of the community is also a priority.
Mr. Yatsko said Clubhouse has been around for 70 years. If there was a safety problem, there wouldn’t be over 300 facilities internationally. He said that people with mental illness are often the victim of violence, not the perpetrator. Members of the Summit County Clubhouse want to become part of the fabric of the community. They want to earn respect and reduce the stigma that accompanies mental illness.

Mr. Yatsko said there are other Clubhouses that are located within residential communities. They are doing wonderfully well. He told of his daughter’s positive experience with Clubhouse. It is their experience that value is added to a community. It doesn't subtract. He encouraged support of this proposal.

Kathy Silver said she thinks the facility sounds like a fantastic opportunity. She understands that mental health patients needs help and support as much as any disease. Her concern is that this is another business being allowed on Highland Drive. She named some of the businesses that are allowed. Highland Drive has turned into a highway. There is a major school bus stop right across the street. If approved, this proposal will add to the traffic.

Ms. Silver said this is a safety issue. There is walkway that parallels Highland Drive. It is difficult to walk there and carry on a conversation because of the traffic. There are children in the area that rides bikes. She said this is the safety concern; it is not the mental health issue. This is a residential area.

Richard Pohl said he is a child and adolescent psychiatrist. He didn’t know that a Clubhouse existed until he moved to Utah in 2006. He described some of his practices in helping those who are mentally ill. His treatment cannot provide a sense of belonging to a community. The Clubhouse does this and more, including a sense of self worth and independence. These are qualities that all people should have. He has not seen another organization that does this as well.
Paige Huff is the Deputy Director for Alliance House in Salt Lake City, which was established in 1987. They have been at the same physical location that entire time. They are in a residential facility. Some of their clients rent apartments within that same structure. They have never had any issues.

Ms. Huff said that a lot of their members use public transportation. This makes it possible to have only 15 parking stalls while close to 45 members come in a day. As a parent, she understands the traffic concerns; however, she doesn’t think this will create additional traffic above what would be expected for the standard residency.

Eve and Jeff Stanger said they have a son with mental illness. He is a founding member of the Summit County Clubhouse. Every aspect of his life has improved since attending Clubhouse. She described some of the benefits he receives. Clubhouse is like a second family to their son with meaningful relationships and friendships. With the help and support of a fulltime Staff, their son holds a fulltime job and lives independently. This is something they never thought would be possible.

Diego Zegarra said he is representing the Park City Community Foundation, who fully endorses the Summit County Clubhouse. They recommend the Planning Commission approve the application. This is a unique moment for this community.

Deanna Rhodes said she sent in a letter that is in the Commission’s packet where she made some important points. She is the executive director of Connect Summit County, a mental health organization. She is grateful that Summit County Clubhouse is here. She hopes the Commission will vote to approve.

Todd Marsh said that he has concerns. He is the property manager of the unit next door. He is representing the property owner who lives in another state. He told about helping a family move into the neighboring home. Within five minutes of the
family's arrival, someone came to the door and handed them a flyer. This person warned the new family about this facility.

He said although this seems like a wonderful opportunity for the Clubhouse, it seems to him that it is more commercial in nature than residential. If they are already in a commercial zone, which seems to be working well, why are they seeking to move?

Aaron Newman said he is the Summit County Director of Behavioral Health. He is also on the Board of the Summit County Clubhouse. The community support has been overwhelming. They have had many donors and volunteers. This support has allowed them to get this program up and running two years ahead of schedule.

The people involved in Clubhouse are average people who have received the help that they need. Studies have shown that being able to interact in a structured way within a residential environment is helpful to the person to become active and engaged within the community.

Kasey Plourde said she is the current owner of a house on Highland Drive. She has operated a business out of her home. She has a business license and does event planning. She has three full-time year-round staff members and up to 20 part-time employees during the busy summer months. She doesn’t think the amount of traffic generated for this business will be much different.

Phillip Mason said he lives on the corner of Highland Drive and Fairview. He doesn’t think that anybody has a problem with the Clubhouse itself, but to the location. He quoted Ms. Mackay. Earlier, she made a statement about “people who struggle to maintain mental health.” He understands the good that Clubhouse is doing. He also understands the problem of being located in Park City and being able to afford a location that is within reason. He doesn’t think it is fair to put this in a residential
community where there will be children located so closely to the facility. He feels certain that somewhere along the way, there have been some issues.

Mr. Mason said that putting 10 cars at that location will make it look like a used car lot. How that can be construed as low impact? Additionally, if you add to that scenario, people with mental health issues, the impact to the neighborhood will certainly not be a positive one. There will be an impact property values, the traffic, and the safety of the residents. This doesn’t belong in a family neighborhood.

Wendy O’Leary said she works at Connects Park City. She has been a mental health advocate since 2007. She agrees with all of the positive comments that have been made. She has never seen an issue with safety. She wondered if there are numbers that can be used to demonstrate that is truth. People who go to Clubhouse are in a stage of recovery. They are ready to become active members of the community.

The public hearing was closed.

Chair Dickey asked Attorney Brackin if the Commission doesn’t think this is the right location, are they able to deny this application? Attorney Brackin answered that it is the Commission’s job is to mitigate the impacts. Denying the application is not an option. Only if the application does not meet the criteria in the Code, or the impacts cannot be mitigated, does the Commission have the ability to deny.

Attorney Brackin said in this instance, the application does meet the criteria outlined in the Code. The determination that this is an appropriate place was already made legislatively by the County. Speaking for the applicant, Ms. McLean noted that the location has five parking spots that are in garages or covered. The cars will not be out in the open.

**Commission Comments and Questions**
Commissioner Stevens addressed the public concern about the impact to the traffic. She noted that the Engineering Department has looked at this application. They expressed no concerns. Planner Whetstone added that the home is on 1.5 acres. It has a circular driveway. It has five parking spaces that are either in a carport or a garage. The Code allows this application to have a maximum of seven parking spaces, but they are requesting 10 to accommodate a special event. There is plenty of room on the driveway for the additional cars.

Commissioner Simons asked Planner Whetstone to explain why the additional parking spaces are being recommended for approval; however, she isn’t concerned if this as an intermittent use. Planner Whetstone said there is space for 10 on the property. None of the vehicles will need to be parked on the road. The formula being used for the parking is for a small business.

Commissioner Simons read Findings of Fact #14. Is there actually room for 10 vehicles to be parked? Planner Whetstone said there is room for 10. Perhaps the wording for that Finding of Fact #14 should be changed to reflect that fact. The Code allows the applicants to ask for more parking spaces.

Commissioner Simons said she likes that the Clubhouse is not a rehab facility. There will be no overnight patients. There will be no clinical or medical treatments being provided. She added that there is precedence within Summit County of a non-profit organization being located within a residential community.

Commissioner Simons said she lives within ½ mile of this location. She understands the frustration expressed about the traffic on Highland Drive. She doesn’t believe this use will increase the traffic because a business use is already in place. She appreciates the concerns expressed by the neighbors; however, it is her opinion that this is an appropriate use. This will most likely be an asset to their neighborhood.
Chair Dickey asked Planner Whetstone about a mechanism within the Code to allow more parking. What are the details? Planner Whetstone said when the maximum parking spaces was figured, Staff used the standards for an office. This seems to fits the use the best. This standard is 3.5 parking spaces per 1,000 square feet.

Chair Dickey asked if this number is a hard cap. Can more parking spaces be negotiated? Administrator Barnes said the parking standard is found in Section 10.4.9. The objective is to have a maximum parking number; however, this number is referred to as a guide. An applicant can supply a study for more or less than that amount. Based on the information received by the applicant a formal traffic study is not needed. There are various ways to turn this from a prohibition to something with a variation.

Ms. McLean said they are only anticipating there will be 3-4 people parking, but the site can accommodate up to 10 cars. The current owner stated that she has had 3 fulltime employees and up to 20 part-time employees. She managed to have that amount of activity on the site. Clearly, there is accommodation on the site for a lot of parking.

Commissioner Harte said he has a “bigger picture” question. It is not necessarily about the use being proposed. He stated there are conditional uses within a zone that the County sees as a benefit. At what point, has a residential neighborhood been converted to a commercial neighborhood? Is there a condition that a home in a residential area has to have someone living in the house? Planner Whetstone said this is an allowed use in the Rural Residential zone. Staff discussed at length if the Clubhouse fits the definition of what is allowed in this zone.

Commissioner Harte said he understands if a use is listed on the chart of allowed uses, the Commission cannot deny it. He has no problems with this use. His question is more in the bureaucratic sense of being a Planning Commissioner. He wants to make sure they are doing their job properly.
Attorney Brackin said that basically what **Commissioner Harte** is asking is about a saturation point. She said if the use is on the chart of allowed uses with no other parameters, it is an allowed use. In this case, it does not have to be owner occupied. This application is a use that is allowed with conditions.

Attorney Brackin said one of the things the Commission might look at is to mitigate the traffic impact. Will it generate so much traffic that the level of service on the road declines? If so, a possible mitigation might be to set hours of operation. If it is listed as an allowed use, it is allowed. It doesn’t matter if that use is taking place at every house in the neighborhood.

Attorney Brackin said the Planning Commission can decide that the situation warrants a review of the Use Chart. Parameters could be established. One might be to allow a certain number of businesses. Legislative recommendations could then be made to the County Council. **Commissioner Harte** said he doesn't have any additional proposed mitigations. What he saw on the list looked appropriate. **Commissioner Fine** had no comments to make.

**Commissioner Kucera** said he appreciated hearing from people who from both sides of this application. He asked Ms. Mackay how many of the centers in Utah are in residential zones. Should this be located in a commercial zone?

Ms. Mackay answered that Alliance House in Salt Lake City is in a residential zone and has been for 33 years. The Clubhouse in Provo has a cemetery on side; on the other side they have neighbors. There are many throughout the Country that is located in a residential location.

**Commissioner Kucera** asked Ms. Mackay does she believe there will be a change in the neighborhood feel or character. Ms. Mackay answered she believes the character will stay the same. They don’t intend on changing the footprint or the façade. Most of the
neighbors will be away from home while the Clubhouse will be operating. No one will be there in the evening. They are going to landscape the property.

**Commissioner Kucera** asked if there have been any complaints received at the location they are currently at. Ms. Mackay said there have been no complaints or problems. To answer a question asked in the public hearing, the reason they are leaving the area is because they are two years ahead of schedule. They are outgrowing the capacity of the facility. She said one of their current neighbors commented said they weren't aware that they are there.

**Commissioner Kucera** asked Planner Whetstone about the review that will occur in one year. Planner Whetstone said that is because Staff hasn’t seen this type of use before so Staff felt that it was important to check back. They will check to see if any complaints had been filed and if the conditions of approval are being met.

**Commissioner Kucera** asked if a use, that has to deal with mental health, fits into the RR zone. Is it appropriate? Planner Whetstone said the project falls under vocational training. This is an allowed use in the Rural Residential zone. It is not be about the treatment of a patient.

**Chair Dickey** asked if the parking allowance of up to 10 is only for special activities. He questioned if that is measureable or enforceable. Planner Whetstone said the condition states that the parking is limited to 10 and no parking shall be permitted on Highland Drive. A violation would be if more than 10 vehicles are being parked, or if there are vehicles parking on Highland Drive. If additional parking is needed for a special event, they would have to come to the County for a permit.

**Chair Dickey** noted that Findings of Fact #14 states there is adequate parking for seven. He asked is that true? Planner Whetstone said it is. She recommended that Findings of Fact #14 should state there is adequate parking for 10.
MOTION

Commissioner Harte made a motion to approve the Conditional Use Permit as outlined in the Staff Report. Commissioner Fine seconded the motion.

Commissioner Stevens asked if the Findings of Fact #14 should be changed to reflect that 10 cars do fit on the site.

Commissioner Harte said he will amend his motion to include that Findings of Fact #14 should state there is room for 10 cars to be parked. Commissioner Fine seconded the amended motion. A roll call vote was taken. All voted in favor.

FINDINGS OF FACT

1. The applicant is executive director of the Summit County Clubhouse, a non-profit organization providing vocational, educational, social, health and wellness, and business training services to its members, as described in the application submittal documents.
2. The Clubhouse is not an overnight or residential treatment center, or a drop-in center and no medical or clinical treatments are provided. The Clubhouse is not a rehab facility.
3. The property is located at 6304 Highland Drive.
4. Access to the property is from Highland Drive.
5. A circular driveway provides safe ingress and egress from Highland Drive.
6. The property is a 1.5-acre lot within the Highland Estates Pat B Subdivision.
7. The property is zoned Rural Residential (RR).
8. The applicant is proposing a Personal Improvement Services use, to be known as the Summit County Clubhouse, within the existing house, to be used during standard working hours, as further described in the application.
9. Personal Improvement Services is a conditional use in the RR zone.
10. The Development Code defines Personal Improvement Services as “an establishment primarily engaged in offering courses and services for the enhancement of personal recreational interests, business skills, and similar
activities including vocational schools, dance schools, art schools, public speaking programs, and similar activities.”

11. The Clubhouse provides members with valuable workplace skills and social relationships where they can pursue educational and vocational goals and develop business, social, health, and wellness skill through activities, training and classes held during standard working hours and supervised by the Executive Director and staff.

12. The property is in the residential neighborhood of Highland Estates with frontage on Highland Drive and backing to Highway 40, north of the Silver Summit interchange.

13. There is an existing one-story 2,050 square foot (sf) house on the property, with an attached garage and carport. The house was constructed in 1998.

14. The maximum parking standards in the Development Code are 3.5 parking spaces per 1,000 square feet for similar uses. There is adequate parking for 10 vehicles.

15. The applicant requests parking for up to 10 vehicles to accommodate on-site parking for special activities.

16. Parking not within the garage or carport will be screened from adjacent residential properties to the north and south, with fencing or landscaping.

17. There is covered exterior rear patio area and a 400-sf tool shed located behind the house.

18. The property is served by the public bus system and there is a bikeway on the adjacent street.

19. The house is setback from the street by a minimum of 80 feet. Setbacks from side and rear property lines exceed the 12’ required by the Code, with approximately 20 feet on the north, 40 feet on the south, and 150 feet on the east (rear).

20. There is existing open fencing on the property lines.

21. No changes to the footprint of the existing house are proposed.

22. No expansion to the square footage of the existing house, garage or carport is proposed.
23. No expansion of the existing parking area is proposed.

24. Limited exterior modifications are proposed at this time to comply with Building and Fire codes and for ADA compliance. These modifications will not change the residential character of the house or property.

25. Existing landscaping will be retained and maintained, and the property will be beautified with additional trees, shrubs, flowers, and a vegetable garden as part of the approved use.

26. The applicant proposes to modify portions of the internal layout to accommodate the use and to comply with the Building and Fire Codes and for ADA compliance.

27. The property is not served by public sewer and is not within the distance required for extension of public sewer. The property has a septic system.

28. The property is serviced by a private water company.

29. No commercial signs are proposed. A small plaque at the front door will identify the use.

CONCLUSIONS OF LAW

1. The proposed Conditional Use Permit, as conditions complies with all requirements of the Snyderville Basin Development Code.

2. The use as conditions is consistent with the Snyderville Basin General Plan, as amended.

3. The use is not detrimental to public health, safety, and welfare, as the roads and public services in the area are adequate to accommodate the proposed use.

4. The use as conditioned is compatible with the existing neighborhood character and will not adversely affect surrounding land uses.

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

CONDITIONS OF APPROVAL
1. Prior to issuance of a building permit and final certificate of occupancy, the applicant shall obtain all required licensing from the County and State and shall adhere to all occupancy requirements.

2. Health Department inspections of the septic system and all necessary permits and approvals from the Health Department are required prior to issuance of a building permit and final certificate of occupancy.

3. Confirmation of water capacity for the proposed use shall be provided prior to issuance of a building permit and final certificate of occupancy.

4. Prior to issuance of a building permit and final occupancy, the applicant shall provide a fire code analysis for Park City Fire District review and approval, indicating the intended Occupancy Class, existing requirements, emergency lighting requirements, and other life safety requirements.

5. Prior to building permit issuance, Staff will review plans for exterior changes to the house, for items such as entry doors and ADA ramps, for compatible building materials, colors, style, and architectural character.

6. Prior to issuance of a certificate of occupancy, all exterior lighting fixtures shall be reviewed at the time of the building permit and shall comply with lighting standards as outline in Chapter 10-4 of the Development Code.

7. Fencing and/or landscaping shall be installed along the side property lines to screen parking that is not provided within the garage and carport, from adjacent residential properties to the north and south.

8. Existing landscaping shall be maintained and may be enhanced by planting trees, shrubs, flowers, and a vegetable garden as part of the use.

9. To reduce the likelihood of impacts from noise, the project construction shall comply with the hours of operation set forth by County Code and the use shall operate during standard working hours (week days 9 am to 4 pm) and as described in the CUP application.

10. Parking shall be limited to 10 vehicles on the site and no parking shall be permitted on Highland Drive or any other local street for this use, without specific permission from the County for limited special activities.
11. A one-year review of the Clubhouse use shall be performed by the planning Staff and reported to the Planning Commission, one year following issuance of a certificate of occupancy. The report shall consist of a review for compliance with the conditions of approval, a list of any complaints filed against the property, and a general review or survey of unmitigated impact of the use on adjacent properties.

- **MOTION CARRIED (6-0)**

4. **Public hearing and possible action** regarding a Plat Amendment, Colony Lot 71, the purpose of the amendment is to adjust the boundaries between Lot 71 and the adjacent Parcel PP-3, located at 78 White Pine Canyon Rd., Parcel CWPC-II-71 and PP-3, Mark Begor, Applicant- Amir Caus, AICP, County Planner

Planner Caus shared a vicinity map. He said this application deals with a plat that was recorded in 1999 in the Colony. For an unknown reason, the original developers platted a 0.5-acre portion of Lot 71 as part of a Park City Mountain Resort ski run. The applicants are requesting to amend the subdivision plat to accurately reflect the boundaries of Lot 71 and the adjacent parcel (Parcel PP-3).

The applicant is requesting a 1:1 property exchange with the ski resort. The result will be that none of the ski run will be located on Lot 71. Staff is recommending approval as outlined in the Staff Report.

Martina Nelson, Kate Rogers, and John O'Connell are in attendance for Park City surveying. They said they had no additional comments, but can answer any questions the Commission may have.

*The public hearing was opened. No comments were made and the public hearing was closed.*

- **MOTION**
Commissioner Harte made a motion to approve the application as outlined in the Staff Report. Commissioner Fine seconded the motion. All voted in approval.

FINDINGS OF FACT

1. Kristen Mark Begor are the owners of record of Parcel CWPC-II-71 (7.84 acres), located at 78 While Pine Canyon Road, Summit County, Utah.
2. TCFC PC LEASECO LP is the owner of record of Parcel PP-3 (152.92 acres), located adjacent to Parcel CWPC-II-71.
3. The Colony at White Pine Canyon Phase II Subdivision was recorded in September of 1999. The subdivision consists of 49 lots.
4. Parcel CWPC-II-71 is developed with a single-family dwelling.
5. Parcel PP-3 is used for ski resort operations.
6. There is an existing Park City Mountain Resort ski run that encroaches Lot 71.
7. Based on historic aerial information, the ski run was improved after the lot was platted.
8. The applicant is requesting to amend a 0.5-acre portion of Lot 71 of the Colony at White Pine Canyon Phase 2 Subdivision Plat.
9. The proposed amendment includes a 0.5-acre portion of the adjacent Parcel PP-3.
10. The purpose of the amendment is to adjust the boundaries between Lot 71 and the adjacent Parcel PP-3 so that the run is no longer on Lot 71.
11. The applicant is requesting 1:1, 0.5-acre property exchange between the two parcels.
12. The ski easements are being added over the areas that are currently being skied on.
13. The easements were not part of the original plat but are being added to match the existing uses.
14. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels.
15. Public notice of the public hearing was published in the Park Record.
16. Service providers have reviewed the plats for compliance with applicable standards.

17. Staff has reviewed the plat for compliance with applicable Development Code standards.

18. Staff has reviewed the plats for compliance with Development Agreement standards.

CONCLUSIONS OF LAW

1. There is good cause for this amendment to accommodate for a more up to date operation needs.

2. This amendment will not increase density in the Colony at White Pine Canyon.

CONDITIONS OF APPROVAL

1. All service provider requirements shall be met.

- MOTION CARRIED (6-0)

Ms. Nelson complimented the Planning Staff and in particular Planner Caus. He makes sure that everything is in order before they come to the Planning Commission.

5. Public hearing and possible action regarding a Conditional Use Permit for a Rocky Mountain Power transmission line upgrade in the U.S.R. 40 corridor area between the Snyderville Basin and Eastern Summit County Planning Districts and along I-80 corridor up to Kimball Junction, Don Watts representing Rocky Mountain Power, Applicant– Amir Caus, AICP, County Planner

Planner Caus said Rocky Mountain Power is submitting a Conditional Use Permit to upgrade a ~7.5 mile transmission line on both the Eastern Summit side and the Snyderville Basin of Summit County. This is part of their wildfire management program. An aerial map was shared. Planner Caus pointed out the location of the lines in question.
Planner Caus pointed to the location where the most impact will take place. Some cuts and fill will be necessary. For the most part, the cuts will not be more than a 2:1 slope. As Rocky Mountain Power replaces the poles, they intend to re-contour to the natural grade and are working with Swaner Nature Preserve and Utah State University on a custom seed and shrub mix specific to that hillside. Minimal permanent damage is expected. The most impacted area will be located behind (East of) the Spring Creek and Black Hawk neighborhoods. Staff reviewed the application against the standards of the Code and recommends approval as outlined in the Staff Report.

Planner Caus said Lisa Romney and Brett Richardson are representatives from Rocky Mountain Power that are on the Zoom call. They can answer any questions the Commission may have. There will be some poles that with an increase in height. One of the conditions of approval includes working with Utah State University on reseeding the disturbed areas. Rocky Mountain Power has agreed to this condition.

Staff requests the Commission discuss the metal pole that will be located by the Powderwood Apartments. Currently, there is a galvanized steel pole located there and another one has already been ordered. Rocky Mountain Power is asking to install that pole for now and replace it with a COR-TEN pole if the Planning Commission wants to mitigate the visual impact. Planner Caus said the COR-TEN pole is brown/rust in color. It blends better into the background.

**APPLICANT’S PRESENTATION**

Lisa Romney said she is the regional business manager with Rocky Mountain Power. She is the point person that works with Summit County. She would like to compliment Planner Caus. He has been incredible to work with. Brad Richardson is the project manager and is attending the Zoom meeting.

Ms. Romney said the Planning Commission has the detailed application with information about the construction and the equipment. Because of the heightened risk of wildfire, Rocky Mountain Power has proactively created a Utah Wildland Fire
Protection Plan. They are investing millions of dollars for equipment upgrades in order to protect the communities they serve. The plan centers on the high wildfire risk areas, which is most of Summit County. In the future, similar projects will come before the Commission. This program is above and beyond standard utility practices. It is not typical to tear down and rebuild an entire line.

Rocky Mountain Power has chosen this approach because it will make the entire line more resilient to wildfire. They are moving quickly on the project. They ask for the support of the Planning Commission. They are working with Summit County and the land owners on the project.

**Commissioner Fine** asked what the time frame is for the project. What will be the disruption to the home owners? Ms. Romney said they always intend to minimize the impact to the community. They proceed with caution and safety in mind.

Brad Richardson addressed the timeline. They want to start as soon as possible. The wildfire program was started earlier this year. This is one of the first programs they are working on. The goal is to have this particular line back in service by October 15th, 2020. As far as outages, they won’t be impacting any of the areas. Because of their duplicate system, they will still be able to provide power to their customers. There is a small section of distribution that will be rebuilt near the Bitner area. They will work with the landowners for any outages that need to be taken.

**Commissioner Harte** referred to Exhibit 8.33. He noted this refers to a double pole. The next exhibit refers to a single pole. He asked how many existing poles will be changed to be a double pole. Mr. Richardson said that for the majority of the project, the new poles will be exactly the same as the existing pole. It is a pole-for-pole replacement. There is one distribution pole that is 35 feet tall. It will be replaced with a full transmission pole with higher voltage lines. These poles are usually taller.
Commissioner Harte confirmed that most of the poles will be the same that is currently there. In other words, a single pole will replace a single pole and so on. Mr. Richardson said the goal of this project is to replace old poles with new poles and a new conductor. The small increase in height is to meet the current standards. For 99% of the project there won’t be a discernible difference.

Commissioner Harte said he thinks the galvanized steel should be a COR-TEN pole to blend in better. Is it possible for Rocky Mountain Power to put in a temporary pole and then replace it sometime next year? Mr. Richardson said it takes approximately six months to receive a COR-TEN pole. He explained that because the current pole is galvanized steel, they planned on replacing it with another galvanized steel pole.

Ms. Romney said they are more than willing to change this with a COR-TEN pole, but there will be an impact to the budget. It is estimated to be an additional $40,000-$50,000. That will take money away from other wildfire protection projects. If there is any inclination from the Commission that a steel pole is acceptable, they would be happy to leave it as it is. She repeated a COR-TEN pole can be installed next year.

The public hearing was opened.

Nell Larson said she is the executive director for the Utah State University Swaner Preserve. Immediately before this meeting there was a three-way call between Swaner, Rocky Mountain Power, and Planner Caus. They talked through more of the details of the plan.

Ms. Larson said the power line will cross about 1 mile of the Swaner Property. Unfortunately, there will need some cutting required to create a road. Not only is this a sensitive area, it is also one of the most diverse areas. They would like to express some hopes about how the project is managed.
They would like to have a condition stating that Rocky Mountain Power agrees to create a re-vegetation and restoration plan in advance. Swaner would like to designate what the seed mix will be, the woody shrubs that will be planted, the monitoring, how noxious weed spreads will be prevented, and how noxious weed infestation will be treated afterwards. It is costly for a non-profit organization, like Swaner, to fund that activity. There are other things they would like to work through with Rocky Mountain Power. They want to minimize disturbance on the front end, so there is a smaller job on the back end.

Linda Gordon said she lives in Powderwood Apartments. She has a couple of concerns. It looks like there will be minimal impact on the High Ute Ranch Conservation easement. Planner Caus said they are accessing that area to update some equipment; however, they will not replace any poles there. He said the pole in Powderwood is being decreased by 2 ½ feet. She strongly prefers the COR-TEN pole. The galvanized steel will impact property values.

Doug Harrington is an owner at the Crestview Condominium next to Powderwood. He said that Pole 269 should most definitely be the COR-TEN pole. It was foolish to order the galvanized steel pole. It is unfortunate the COR-TEN pole costs $40,000 more, but it not acceptable to put in the other pole.

Marc Bathgate said he lives on Nob Hill due north of tower 291. He is curious about the disruptions they can expect. He and his wife both run businesses from their home. Mr. Richardson said everyone in that area will be contacted. Rocky Mountain Power will work with them as far as best timing when they will cut the lines over to the new line. The intention is to not interrupt power due to line duplicity. To replace the line completely, there could be some hiccups.

*The public hearing was closed.*
Chair Dickey asked if there is or will there be a construction plan. Planner Caus said whenever there is a fair amount of grading the Engineering Department requires a plan to be made. A full cut and fill analysis has already been requested. It is a good idea for Rocky Mountain Power to work with Utah State and Swaner about appropriate species for the re-vegetation plan. Re-contouring is another item that should be discussed. He suggested possible language that could be created to revise Condition #5.

Commissioner Simons said she has dealt with this professionally. She doesn’t think revising Condition #5 will accommodate the request made by Utah State University. When cut and fill takes place on their parcel, they should have the opportunity (prior to construction) to have a written restoration plan already agreed upon between themselves and Rocky Mountain Power. This plan doesn’t need to be decided upon before the CUP is granted.

Commissioner Simons said the details should be worked out about what the seed mix will be, what the timeline is for restoration, and etc. It is important for Utah State University to see the construction plan in order to write the restoration plan. This will show what the impacts will be. Planner Caus said that would be a good idea if the Summit County attorney agrees.

Commissioner Simons said it is important to designate who is paying for both the restoration and the construction. Of course, Rocky Mountain Power will do the mitigation of the construction of the power line. The restoration itself, on a protected parcel, is typically done by a contractor who has experience with this type of native species. It would be great to have a condition that will empower Summit County, Swaner, and Rocky Mountain Power to work together on a restoration plan prior to any impact to that parcel.

Attorney Brackin said she doesn’t think there should be a condition of approval about working with a specific property owner. She suggested the condition may read as “On
any property where cut and filled is required, Rocky Mountain Power will work with the property owners on an appropriate plan. That plan would be approved by the Engineering Department.”

Commissioner Simons said she thinks that verbiage will work. The fact that the parcel is encumbered by a conservation easement means there are probably terms regarding how a restoration would need to occur. By working with Planner Caus, the Commission could add language that doesn’t define a certain party.

Attorney Brackin said one assumes there will be engineering plans anywhere this kind of work is done. She is hesitant to create language for a specific party. Anytime there is a conservation easement or steep cuts and fills, Rocky Mountain Power should be working with the property owner. Planner Caus said there is an upcoming joint meeting between Rocky Mountain Power and Swaner Preserve. There may be some good conditions that will come from that meeting. It was suggested to come to the next meeting with the language of this condition worked out.

Ms. Romney said the timing of this project is critical. They want to move quickly to protect the communities they serve. Additionally, these areas have a very short construction window. She added they are meeting with Ms. Larson this coming week. It is their commitment to work with the landowners to their satisfaction. They would like to have a decision at this meeting if possible. Planner Caus asked Attorney Brackin if a condition can be created at this meeting. Chair Dickey said while Attorney Brackin is working on the language, he will give time to the Commission to ask questions.

Commission Comments and Questions

Commissioner Simons said because the public has stated the COR-TEN pole is preferred, that is her preference as well. She would like to have Rocky Mountain Power replace the pole within one year. She asked what would be the enforcement mechanism to ensure that happened. Is there a CUP review in one year's time?
Planner Caus said that could be added to the conditions. It may state that the pole must be replaced by October 15, 2021; if not, it would need to come back to the Commission for review. **Commissioner Simons** said this is an ambitious timeline. Can it really be completed by October 15th of this year?

Mr. Richardson said yes, it is very feasible. They discussed this with the contractors. They said it will be a 3 to 3 ½ months job. October 15th is three months from today. He intended to have this meeting, last month but there was a problem with the noticing. He has contractors ready. He added that the EPA will also has some conditions that they must abide by.

**Commissioner Simons** said she respects Rocky Mountain Power for taking on this project. Her last question is about the bond. Who will be restoring the properties? Will it be Rocky Mountain Power or a contracted source? Attorney Brackin said who ever pulls the permit will pay for the bond whether that is Rocky Mountain Power or another company.

**Commissioner Harte** said a lot of his questions were answered at the beginning. He wants to be sure that the resulting visual effects would be no greater than what they already see. He would like to have a condition of approval that pole #269 is replaced with a COR-TEN pole. He is in favor of the comments about re-vegetation.

**Commissioner Fine** said he thinks it is imperative that the mitigations are put into the conditions of approval. This should be done before the project gets underway. **Commissioner Kucera** said he agrees with what **Commissioner Harte** said about the COR-TEN pole.

**Commissioner Stevens** said she would like to get a better understanding about the need for a COR-TEN pole over galvanized steel. What is the effect of the weather on the
two poles? Is the height that is a concern? She asked for an explanation of what the visual impact would be.

**Commissioner Harte** said it is purely cosmetic. In the past, when Rocky Mountain Power came before the Commission for different projects, the Commission decided they want to have COR-TEN poles. The difference is basically a brown versus a silver pole. COR-TEN is the standard they have used in all of the previous projects. **Chair Dickey** said he had no additional questions to ask.

Attorney Brackin said she drafted some language and sent it to them over chat. She thinks this may work. After the Commission read the language, they indicated they like what is says. Attorney Brackin said the reality is that Rocky Mountain Power will have to get a mitigation plan. This condition will ensure they take into consideration any issues. The Engineering Department will also take these issues into consideration as well. She thinks RMP Romney is committed to making things right.

**Commissioner Simons** said she would like to see the wording of a restoration plan added to the wording suggested by Attorney Brackin. A mitigation plan can be different than a restoration plan. At the end of the discussion, Attorney Brackin recommended the following language:

5. *An appropriate construction mitigation plan with appropriate restoration bonding shall be obtained from and approved by the Summit County Engineer. In presenting the construction mitigation plan, the applicant should consult with and consider the issues and interests of property owners or other material property right holders on any land on which cut-and-fill or significant construction impacts may occur. The Engineer should also consider those issues in approving the plan.*
6. **In the event there are conservation easements or other specialized criteria on any parcel within the construction path, any appropriate restoration plan or other permit would need to be approved by the applicant prior to this being effective.**

**Chair Dickey** asked if a replacement deadline for the COR-TEN pole should be added as a condition. Without a deadline, it may not be enforceable. He asked if October 15, 2021 is a reasonable date. Ms. Romney said she believes it would be. An additional condition (#10) will be added.

**Commissioner Stevens** asked if the height on the COR-TEN pole will be the same as the galvanized steel. Mr. Richardson said the COR-TEN pole will have the same features and height as the galvanized steel pole that will be going in temporarily. The two will be identical with the exception of the brown-rust color. He said an issue with the COR-TEN poles is that the rust color can leach onto the ground. If there are sidewalks close to this pole, they could be impacted.

**Commissioner Fine** asked if this is delayed until next year will it impact too many people. Mr. Richardson said it could be pushed until next year, but the system and the area would be put at risk due to wildfire. The longer an older system stays in place, the more risk there is. He thinks they can get it done this year. It is getting all of the agreements in order that is the longer, more difficult part.

**Commissioner Simons** asked if Rocky Mountain Power can begin construction on other portions of the line while they are negotiating with property owners about sensitive land. That way the project wouldn’t be held up. Can that be written into the condition of approval? Attorney Brackin said that can be done if that arrangement is made ahead of time. Mr. Richardson depending on how the upcoming meeting goes with the Eastern Summit County Planning Commission, they may be able to start on the eastern side of Summit County.
Ms. Romney said Rocky Mountain Power intends to take videos of the before and after of their project. That will help show if the agreed upon work has or has not been completed. Having the videos may also help with the timeline. **Chair Dickey** said the conditions seem to have the flexibility needed to work with the Engineering Department, get the project done, and meeting the needs of the community.

**Commissioner Simons made a motion, which was seconded Commissioner Harte, to approve the Rocky Mountain Power transition line upgrade conditional use permit pursuant to the findings of fact, conclusions of law, and conditions of approval found in the Staff Report and as amended:**

**Findings of Fact**

1. **The applicant is requesting to upgrade ~7.5 miles of an existing Rocky Mountain Power transmission (~100 poles), located in the U.S.R. 40 corridor area between the Snyderville Basin and Eastern Summit County Planning Districts and along the I-80 corridor up to Kimball Junction (~7.5 miles)**
2. **The upgrades take place in both the Snyderville Basin Planning District and the Eastern Summit County Planning District.**
3. **The purpose of the project is to upgrade the lines as part of an ongoing effort for wildfire mitigation.**
4. **According to the applicant, the lines will be rebuilt to the up-to-date national electric safety codes and avian safe standards.**
5. **The upgrade will accommodate existing and future electric power needs for Summit County.**
6. **Per the Snyderville Basin Development Code, “Utility Facilities, above ground” are defined as “Utility towers and transmission and distribution tower greater than forty-five feet (45’) in height” and are reviewed under a Conditional Use Permit.**
7. **The average pole height of the existing transmission line is ~63 feet.**
8. **The average pole height of the upgrades transmission line is ~70 feet.**
9. **Heights of poles are determined through this Conditional Use Permit.**
10. **The galvanized steel pole (#269) is 70.5 feet tall and is located at the Powderwood Apartments.**
11. **The applicant proposes to replace that pole with a 75-foot tall galvanized pol.**
12. **The applicant has stated that they have already ordered this pole and that it is currently not possible to re-order a COR-TEN steel pole in time to meet this year’s installation schedule. Should the Planning Commission choose to require**
a COR-TEN steel pole to help mitigate visual impact, the applicant has requested that this be conditioned to have a replacement pole installed the following year.

13. Portions of the transmission line are located in the Silver Creek Overlay zone and the United States Environmental Protection Agency (EPA) will need to forward their approval prior to this Conditional Use Permit taking effect.

CONCLUSIONS OF LAW

1. The proposed project, as conditioned, meets the requisite standards set forth in the Snyderville Basin Development Code, Section 10-3-5: Conditional Use Permit.

CONDITIONS OF APPROVAL

1. The location and height shall be as per the Exhibit A drawing as found in this Staff Report.

2. No outdoor storage is permitted.

3. No modification to the approved Conditional Use Permit is permitted without the prior approval of the Summit County Community Development Department.

4. Final grading shall be reviewed and approved by the Engineering and Planning Departments at the grading permit time.

5. An appropriate construction mitigation plan with appropriate restoration bonding shall be obtained from and approved by the Summit County Engineer. In presenting the construction mitigation plan, the applicant should consult with and consider the issues and interests of property owners or other material property right holders on any land on which cut-and-fill or significant construction impacts may occur. The Engineer should also consider those issues in approving the plan."

6. In the event there are conservation easements or other specialized criteria on any parcel within the construction path, any appropriate restoration plan or other permit would need to be approved by the landowner.

7. The United Stated Environmental Protection Agency (EPA) will need to forward their approval prior to this Conditional Use Permit approval taking effect.
8. All necessary permits must be obtained and fees shall be paid prior to the commencement of any construction activity, including but not limited to the Summit County Engineering and the Summit County Building Departments (when applicable).

9. All other service provider requirements shall be met.

10. The replacement for pole 269 from galvanized steel to COR-TEN will be completed by October 15, 2021.

- MOTION CARRIED (7-0)

6. Public hearing and possible action regarding a proposed Preliminary Subdivision Plat, for Lot 13 and 16 located within the Silver Creek Village Center, Parcels SCVC-13, ACVC-16, C. W. Land, Applicant– Jennifer Strader, Senior Planner

7. Public hearing and possible action regarding a Final Site Plan, for Lots 13, 15, 16, located within the Silver Creek Village Center, Parcels SCVC-13, ACVC-16, C. W. Land, Applicant– Jennifer Strader, Senior Planner

8. Public hearing and possible action regarding a Condominium Plat for Lot 15 located within the Silver Creek Village Center, Parcel SCVC, C. W. Land, Applicant– Jennifer Strader, Senior Planner

Administrator Barnes said he is filling in for Planner Strader. All three agenda items will be covered in one discussion; however, three motions will need to be made. He shared a power point presentation that was put together by Planner Strader. At this meeting, they will be discussing one of the larger applications they have had on the Silver Creek Village project. The application consists of 133 units of residential housing. There is one development application that will be spread over several parcels. The location of the original parcels (Lot #13, #15, and #16) was shown on an aerial map. He said that Lot 13 and Lot 16 needs to be further subdivided.

At the end of this process, they will be looking for recommendations to approve a final site plan. This will break down to 47 townhomes, 48 single family lots, and 38
apartments in two separate buildings. Each building will have 19 units. There will 34 units of affordable housing. He pointed to the locations where these will be built.

Administrator Barnes showed a series of slides with pictures of the lots in question. The subdivisions were previously approved. The application includes a request to subdivision Lots 13 and 16. Lot 15 does not need to be subdivided as part of this process. There is one application is for the different requested processes. He said Staff has been working with this applicant for approximately two years.

A slide showed the different development areas. Administrator Barnes pointed to the different projects underway. He said Lot 15 will be the two apartment structures. Lots 13 and 16 will be single family lots and townhouses.

Lot 13 will have 33 townhomes and 15 single family lots. He pointed to a group of three townhomes and one single family home that will be affordable units. These are located on Lot 13. He said the apartment buildings on Lot 15 will be two stories. Of the 19 buildings in each townhome, 12 will be affordable units. The apartments in each building will range in size from one to three bedrooms. Lot 16 has 14 townhomes and 33 lots.

Administrator Barnes said after the applicant’s presentation, a public hearing should be held. Staff recommends the Planning Commission send a recommendation of approval to the County Manager for each of the three separate items. He explained the original affordable housing map in their packet has the wrong illustration. He emailed an updated map of the affordable housing distribution. He is available to answer questions as needed.

**APPLICANT’S PRESENTATION**

Darlene Carter is the president of CW Urban. She introduced the team that has been working on the project. They are all on the Zoom call. The owner of the company is
Colin Wright. Dane Smith has been the project management lead. John Galbraith is the lead architect.

Ms. Carter thanked the Silver Creek DRC and Staff for their assistance. She believes they are presenting a complete and accurate application. Her company has been working on this project for three years. There have been a lot of iterations which has made the project better. They believe the Staff Report gives an accurate depiction and analysis of their project.

This project matches exactly the illustrative plan for Silver Creek. It is in compliance with the already approved Silver Creek Development Agreement. They hope to resolve at this meeting any concerns that the Planning Commission may have. If approved, they are prepared to begin the project immediately.

Ms. Carter said that due to the length of this meeting, it is not her intention to address all of the complexities of this complex plan. They are happy to answer any questions the Commission may have. She has one correction of the presentation given earlier by Administrator Barnes. He referred to the structures on Lot 15 as apartments; however, they are platted as condominiums. These are intended to address the Summit County need for affordable for-sale housing.

Ms. Carter had a short slide presentation to share. She said one of the things the Commission may want to know is how they have divided the phasing of the project. They have committed to a timeframe for the construction of the affordable housing.

Phase 1: Lot 13 and Lot 15
Upon approval, both of those lots will mobilize at the same time. Immediately, the bulk of their affordable housing for this project will be under construction. When they get to Lot 16 they will be ahead on delivering their affordable housing.
Ms. Carter noted that one of the goals for the Silver Creek development is to have the affordable housing spread throughout the development. A proximity map was shown. This helps to demonstrate how well the affordable housing is integrated. There will be a variety of affordable housing units available.

Ms. Carter emphasized the next slides are not simple renderings. In terms of multi-family housing, almost every detail has to be approved by Staff by the time they reach this point. The slides show where the windows are placed, the height of the building, the exterior materials they have committed to use. This is true for both townhome and multi-family. They have submitted lighting plans, window plans, exterior door plans, and other building aspects. She stated their goal tonight is to take this to a vote and move forward.

The public hearing was opened for all three items. No comments were made and the public hearing was closed.

**COMMISSION COMMENTS AND QUESTIONS**

**Commissioner Kucera** said that Commissioner Cooke who is on the Silver Creek DRC could not attend this meeting. He asked Administrator Barnes if Commissioner Cooke or Planner Strader had any comments of concern. Administrator Barnes responded there was a lengthy discussion that took place almost two years ago about the distribution of affordable housing. Staff had a question if the three affordable housing townhomes should be split up. The conclusion was reached that it wouldn't make any difference because the exterior of the townhomes will look identical. Other problems arose if these were split up. In the end, Staff was quite pleased with the distribution.

Administrator Barnes said that when it came to the multi-family units, the applicant took the lead in creating a mixture of affordable housing units and market rate in the same building. This has been a point of discussion for all involved.
Commissioner Stevens asked if it was always intended to condominiumize some of the units, or was it initially intended to be apartments? She said the applicant stated they were told that for-sale units are needed more than for-rent. She asked where the information came from.

Ms. Carter responded it is her understanding they could choose between having for-rent and for-sale units. This project has never been slated to have for-rent apartments in that location. Administrator Barnes said Staff has never indicated which type of units would be preferred. The Development Agreement allows for either. The housing agreement will drill down further into those details. That is a separate process.

Ms. Carter believes it was the DRC that said changes have happened with past applicants. The indicated apartments were changed to condominiums. The DRC said that change was frustrating to multiple individuals. The DRC recommended they state clearly in the beginning the types of units they are going to build.

Ms. Carter said some of the changes they made in their application include that the affordable units will be deed restricted. This will be indicated on the plat map. In addition, the AMI for each unit will be identified.

Commissioner Simons asked if the affordable housing has been secured. Has the funding for these units been obtained? How did this work for the applicant. Ms. Carter said they are committed to build the affordable housing. It will be up to them to make sure the capital will be there. They have capital in place. That entity is aware of the affordable housing requirements. If this funding were to fall through, they are still committed to building these units.

Commissioner Harte said it is nice to be talking about this at this time so the Commission doesn't feel that things are moving after the fact. He asked that the lots in question be displayed. He would also like to see the slide that showed the entire Silver Creek Development project and where the affordable housing is located throughout.
Administrator Barnes showed a slide of the approved units in Silver Creek Village. They are not all under construction. He used the map to point to the different affordable housing projects under construction. These are the Habitat for Humanity project and the Mountainlands projects.

Ms. Carter than shared her screen to point to where the affordable housing units will be located within their project. In Lot 13, they have three affordable units together and one single family unit. The condo has an even flow distribution. The units range from one to three bedrooms. On either side of Lot 16 there is a block of three units.

**Commissioner Harte** said he thinks this is the best job of integration the Commission has seen. It is a nice mix. Someone couldn’t point to a building and identify it as affordable housing. He appreciates that CW Urban has figured out how to integrate the affordable units so well.

**Commissioner Fine** asked Administrator Barnes if he finds the integration acceptable. Administrator Barnes answered that he does. **Commissioner Fine** asked Ms. Carter if they have stretched as hard as they can with the integration. She answered they have. She added there are some things they are doing that is not required. The interiors of the multi-family units will be identical whether it is market rate or affordable.

**Commissioner Fine** asked Ms. Carter how they have been able to figure how to make this work when other developers have not. Ms. Carter said she can only address the experience they have had. They have spent three years getting to this point. With the help of Staff and the DRC they have been extremely thorough. Administrator Barnes said this has not been an easy process for the applicant. They have worked very hard and have been very cooperative.

**Chair Dickey** said he loves the way the project looks and that the applicant has looked at every detail. He appreciates the integration they have been able to achieve. He
thinks Silver Creel Village seems to be heavily weighted towards stack-flat condos and apartments. This may put a burden on future applicants to deliver more of a variety. He encouraged Staff and the Planning Commission to keep an eye on the types of units. Commissioner Harte agreed. They have to be careful that this total project has an integrated look and feel.

There was no more discussion so Chair Dickey called for three separate motions to be made.

Commissioner Kucera made a motion to forward a positive recommendation to the Summit County Manager regarding the Silver Creek Village Center Lots 13 and 16 preliminary subdivision plat as outlined in the Staff Report. Commissioner Stevens seconded the motion.

FINDINGS OF FACT

1. C.W. Land submitted a Preliminary Subdivision Plat to divide Lots 13 and 16 of the Silver Creek Village Center Subdivision Plat into ninety-five lots.
2. Lot 13 contains 5.11 acres.
3. Lot 16 contains 6.78 acres
4. Lots 13 and 16 are zoned SPA/RR.
5. Lots 1-11 and 32-35 of the Lot 13 subdivision plat are single family lots.
6. Lots 12-21, 22-31, and 36-48 of the Lot 13 subdivision plat are townhome lots.
7. Lots 7-39 of the Lot 16 subdivision plat are single family lots.
8. Lots 1-6 and 40-47 of the Lot 16 subdivision plat are townhome lots.
9. There are a total of 48 single family lots and 47 townhome lots.
10. In conjunction with the development of Lots 13 and 16, the applicant is proposing to develop Lot 15, which is not being subdivided.
11. Lot 15 is included in the Final Site Plan that accompanies this subdivision application.
12. The plat and site plan are being processed as one application in order to satisfy the affordable housing requirement. The D.A. states: “35% of the first 271 units (95 units) within the Project shall be workforce units. Thereafter any future development shall have a proportionate number of workforce units of not less than 25% of the total units as workforce units...”
13. The applicant is proposing to develop Lots 13, 15, and 16 as one development application to spread the 25% workforce unit requirement among the three (3) parcels.
14. If each application is submitted separately, the 25% requirement would apply to each lot individually.

15. Details of the affordable housing will be memorialized in a Housing Agreement approved by the County Manager, concurrent with his approval of the subdivision plat and final site plan.

16. A written recommendation for approval was submitted to the County from the DRC.

17. The Silver Creek Village Center consists of approximately 244 acres and was approved for 1,290 residential units and 50,000 SF of commercial use through the Specially Planned Area (SPA) provisions of the 1998 Code and General Plan.

18. On August 6, 2015, the Development Agreement that implements the provisions of the SPA was recorded.

19. The Development Agreement contains several Exhibits that outline specific requirements as well as Development Standards that must be met for all development within the Village Center.

20. Where the Development Agreement is silent as to specific development standards, the Code provisions apply.

21. The Silver Creek Village Center Subdivision Plat was recorded on April 4, 2017. It consists of 19 lots that are intended to be further subdivided and developed, including Lots 13 and 16.

22. The processing of subdivision plats and other types of development permits are required to follow the provisions in the Code for the particular type of application.

23. This subdivision is being processed according to the Major Development standards found in Chapter 3 of the Code. The Major Development process is used for subdivisions that exceed ten (10) lots.

24. The plat contains a note stating: “All dwelling units will be subject to the National Green Building Standards, Bronze, and the then effective version in effect at the time of building permit with certification by a qualified third party consultant that will be submitted to the Summit County Building Department to ensure compliance prior to the issuance of a certificate of occupancy.”

25. The plat contains a note stating: “All fireplaces to be non-wood burning.”
26. The applicant filed a Final Site Plan application for the townhome lots in conjunction with the Preliminary Subdivision Plat. The Final Site Plan is scheduled for a public hearing and possible recommendation after the public hearing for the Preliminary Subdivision Plat.

27. The Final Site Plan staff report for Lots 13, 15, and 16, dated July 14, 2020, addresses all the applicable Development Agreement standards for approval.

28. The site does not contain Critical Lands, as defined in the Snyderville Basin Development Code.

29. The development will tie into the existing sewer system.

30. Mountain Regional Water will supply water to the subdivision.

31. The Summit County Engineering Department reviewed the subdivision plat and provided preliminary approval. Final details will be resolved prior to recordation of the Final Subdivision Plat.

32. The applicant provided will serve letters from the utility companies.

33. The subdivision has been reviewed by all applicable service providers who have stated they have adequate capacity to provide service to the development.

34. The subdivision has been designed to be compliant with the exhibits in the Development Agreement.

35. Written approval for the development of the subdivision has been granted by the property owner.

CONCLUSIONS OF LAW

1. The proposed subdivision complies with all applicable requirements of the Silver Creek Village Center Development Agreement as evidenced in the Finding of Fact and Conclusions of Law found in the staff report for the Final Site Plan for Lots 13, 15, and 16 dated July 14, 2020.

2. The subdivision is in accordance with the 1998 General Plan.

3. The subdivision conforms to all pertinent provisions of the Code.

4. The subdivision has been designed so that all lots created are clustered to the maximum extent possible and in a manner that places development near existing County infrastructure and services.

5. The subdivision is compatible with the appropriate social, cultural, rural, mountain and natural resource characteristic of the Snyderville Basin.

6. The subdivision complies with appropriate concurrency management provisions of the Code and the appropriate infrastructure and level of service standards of the Code.

7. The subdivision will not generate unacceptable construction management impacts; and the appropriate mitigation measures are included in the development proposal.

8. The subdivision will meet or exceed development quality and aesthetic objectives of the 1998 General Plan and the Code.

9. The development of the subdivision will not adversely affect the public health, safety and welfare.

10. The application for the subdivision includes written consent by the landowner.
CONDITIONS OF APPROVAL

1. Prior to Final Subdivision Plat approval, confirmation of the final details of the plat will be verified by Staff.
2. Written confirmation that the Subdivision Plat is compliant with the National Green Building Standard for Site Design will be required to be submitted prior to plat recordation.
3. Final details of any outstanding Engineering requirements shall be satisfied prior to recordation of the Final Subdivision Plat.
4. All service provider requirements shall be met.
5. A Workforce Housing Agreement shall be approved and recorded concurrent with the Subdivision Plat, Final Site Plan, and Condominium Plat for Lots 13, 15, and 16.

MOTION CARRIED (6-0)

Commissioner Kucera made a motion to forward a positive recommendation to the Summit County Manager regarding the Silver Creek Village Center final site plan for Lots 13, 15, and 16 as outlined in the Staff Report. Commissioner Fine seconded the motion.

FINDINGS OF FACT

1. C.W. Land, property owner, submitted a Final Site Plan application for a one hundred thirty-three unit development on Lots 13, 15, & 16 of the Silver Creek Village Center. The project consists of three phases:
   - Phase 1 = Lot 13: Thirty-three (33) townhomes and fifteen single family lots
   - Phase 2 = Lot 15: Thirty-eight (38) apartments
   - Phase 3 = Lot 16: Fourteen (14) townhomes and thirty-three single family lots
2. Silver Creek Village Center Lots 13, 15, and 16 are zoned SPA/RR.
3. The Silver Creek Village Center consists of approximately 244 acres and was approved for 1,290 residential units and 50,000 SF of commercial use through the Specially Planned Area (SPA) provisions of the 1998 Code and General Plan.
4. On June 22, 2015, the Development Agreement that implements the provisions of the SPA was recorded.
5. The Development Agreement contains a number of Exhibits that outline specific requirements as well as Development Standards that must be met for all development within the Village Center.
6. Where the Development Agreement is silent as to specific development standards, the Code provisions apply.
7. The Silver Creek Village Center Road Dedication/Subdivision Plat was recorded on April 4, 2017. It consists of 19 lots that are intended to be further subdivided and developed.

8. The processing of final site plans and other types of development permits are required to follow the provisions in the Code for the particular type of application.

9. The Development Agreement requires a minimum of twenty-five percent of the units be affordable.

10. The proposal includes thirty-four affordable units, spread among the three lots.

11. The applicant is proposing seventeen affordable units at <60% AMI and seventeen units at 60% - 80% AMI.

12. The Final Site Plan is being processed as one application in order to satisfy the affordable housing requirement. The D.A. states: “35% of the first 271 units (95 units) within the Project shall be workforce units. Thereafter any future development shall have a proportionate number of workforce units of not less than 25% of the total units as workforce units…”

13. The applicant is proposing to develop Lots 13, 15, and 16 as one development application in order to spread the 25% workforce unit requirement among the three (3) parcels. If each application is submitted separately, the 25% requirement would apply to each lot individually.

14. The parcels included in the Final Site Plan are 1.1, 1.2, 1.3, 2.1, 3.1, 4.1, 4.2, 6.2, 6.3, 8.1, 8.2, and 8.3.

15. These parcels are designated as VR1, VR2, VR3, and Open Space on the Land Use Plan found in the Agreement, which allows single family dwellings and multi-family uses.

16. Parcel 1.1 contains 11 single family lots.

17. Parcel 1.2 contains 10 townhomes.

18. Parcel 1.3 is designated open space.

19. Parcel 2.1 contains 38 apartments.

20. Parcel 3.1 contains 14 single family lots.


22. Parcel 4.2 contains 8 townhomes.

23. Parcel 6.2 contains 4 single family lots.

24. Parcel 6.3 contains 6 townhomes.


26. Parcel 8.2 is designated open space.

27. Parcel 8.3 contains 4 single family lots.

28. There is a neighborhood trail that runs along the north boundary line of Lot 16 that has been identified on the Final Site Plan. There is also a trail that runs along the east side of Lot 15. These connections will be constructed as part of the overall infrastructure.

29. Sidewalks adjacent to the main roads around the perimeter of the development parcels will be completed with the road construction.

30. The DRC submitted a written recommendation for approval.
31. There is a note on the accompanying subdivision plat stating: “All dwelling units will be built subject to the National Green Building Standard, Bronze, and the then effective version in effect at the time of building permit with certification by a qualified third party consultant that will be submitted to the Summit County Building Department to ensure compliance prior to issuance of a certificate of occupancy.”
32. There is a note on the accompanying subdivision plat stating: “All fireplaces to be non-wood burning.”
33. There is a note on the accompanying subdivision plat stating: “A maximum 20% of an entire building lot or residential development parcel that may include turf.”
34. The Park City Fire District submitted written approval of the site plan.
35. The Snyderville Basin Sewer Improvement District provide written confirmation that they are currently finalizing a Line Extension Agreement for the project.
36. The setback for each lot have been verified and the structures are compliant.
37. Lot 13 contains 66 parking spaces.
38. Lot 15 contains 50 parking spaces.
40. The height of the buildings do not exceed the maximum allowed in the Development Agreement.
41. There are no wetlands, slopes, ridgelines, avalanche zones, or geologic hazards located on the development parcels.
42. Mountain Regional Water will supply water to the development, confirmed in writing.
43. There are not any residential areas adjacent to the development that are not separated by a public road.
44. 1930.93 square feet of snow storage area is being provided.
45. 3654.43 square feet of parking lot landscaping is being provided.
46. The Summit County Engineering Department reviewed the plans and provided preliminary approval.
47. The applicant provided will-serve letters from the utility companies.
48. Community mailboxes have been identified on the site plan, the location of which have been reviewed and approved by the Postmaster.
49. The applicant worked with Republic Services (waste collector) to ensure that the location of the dumpsters is acceptable.
50. Details of the proposed dumpster enclosure have been provided.
51. The proposed architecture has been reviewed and recommended by the Silver Creek Village Center DRC.
52. A conceptual landscape plan was submitted with the Final Site Plan.

Conclusions of Law

1. The proposed multifamily development, as conditioned, complies with all requirements of the Silver Creek Village Development Agreement.
2. The proposed multifamily development, as conditioned, complies with all requirements of the Snyderville Basin Development Code.
3. The use is not detrimental to the public health, safety, and welfare.

CONDITIONS OF APPROVAL

1. All service provider requirements shall be satisfied.
2. Prior to the issuance of a building permit, Staff will review the final lighting plan for compliance with the standards in the Code.
3. Written confirmation that the Final Site Plan is compliant with the National Green Building Standard for Site Design shall be submitted prior to Final Site Plan recordation.
4. Final details of any outstanding Engineering requirements shall be satisfied prior to recordation of the Final Site Plan.
5. Prior to the issuance of the building permit, Staff will review the final landscape plan for compliance with the standards in the Code.
6. A Workforce Housing Agreement shall be approved and recorded concurrent with the Subdivision Plat, Final Site Plan, and Condominium Plat for Lots 13, 15, and 16.

• MOTION CARRIED (6-0)

Commissioner Kucera made a motion to forward a positive recommendation to the Summit County Manager regarding the Silver Creek Village Center Lot 15 condominium plat as outlined in the Staff Report. Commissioner Fine seconded the motion.

FINDINGS OF FACT

1. C.W. Land, property owner, submitted a Condominium Plat application for thirty-eight unit development on Lot 15 of the Silver Creek Village Center (SCVC-15).
2. Lot SCVC-15 contains 2.14 acres and is zoned RR/SPA.
3. The request to condominiumize the units is so they can be sold, rather than rented.
4. Out of the thirty-eight units, fourteen will be sold as market rate units and twenty-four will be sold as workforce housing units.
5. Seventeen workforce housing units will be sold at less than 60% AMI and seven will be sold between 60% - 80% AMI.
6. A workforce housing agreement will memorialize the pricing restrictions for the workforce housing units.
7. The request for a Condominium Plat will not change any details of the Subdivision Plat or Final Site Plan that were submitted concurrent with this application.
8. Staff sent the Condominium Plat to applicable service providers for their review. All corrections and necessary easements will be included on the plat prior to recordation.


10. Utah State Code requires that Condominium Plats be recorded with the associated Covenants, Conditions, and Restrictions (CCRs) for the development.

11. Draft CCRs have been provided to Staff.

**Conclusions of Law**

1. The condominium plat is consistent with all prior approvals for the project.
2. Approval of the condominium plat will not adversely affect the public health, safety, and general welfare.

**Conditions of Approval**

1. All necessary service provider requirements shall be noted on the final condominium plat prior to recordation.
2. Prior to final approval of the condominium plat, confirmation of the final details of the plat will be verified by Staff.
3. A Workforce Housing Agreement shall be approved and recorded concurrent with the Subdivision Plat, Final Site Plan, and Condominium Plat for Lots 13, 15, and 16.

- **MOTION CARRIED (6-0)**

9. **Approval Of Minutes**
May 12, 2020:
Commissioner Harte made a motion to approve the May 12, 2020 minutes as written. Commissioner Simons seconded the motion. All voted in approval.

- **MOTION CARRIED (6-0)**

**DRC Updates** *(None)*

**Commission Items** *(None)*

Commissioner Kucera asked if the Commission recently reviewed the Use Table. They hear a lot of comments from the Community that there are a lot of commercial uses
going into the RR zone. The Use Table has many items that fit into the RR zone. He wasn’t thinking some of these items would fit into the Use Table would take. He thinks there are residential neighborhoods that feel like it is turning a commercial neighborhood. When he read through the permitted uses, he believes some of them will bring a change of character to a residential neighborhood.

Commissioner Harte said that is also a concern for him. He said he thinks the cause of the application is great. He thinks that question should be taken seriously. If there is a residential community that has one business that operates only during business hours it probably wouldn’t be noticed. If this is done 20 or 30 times at some point it would flip from feeling like a residential neighborhood to a commercial one. He agrees. This can be a real issue. He was surprised that Attorney Brackin said there is no limit on the number of businesses that can be allowed in a residential area. He believed a neighborhood business would be for someone who lives in the neighborhood. It seems that it is morphing into quasi-commercial uses.

Chair Dickey said he was on the committee that went through the Use Chart. They removed some of the uses found in the residential zone. He is always in favor of revisiting uses. As different applications are submitted things become clearer.

A discussion took place. Director Putt said one test would be to come back in a year and evaluated the Conditional Uses they approved. It may be obvious that the Code needs to be amended. The other possibility is that everything is working out fine. Since he has worked for Summit County they have never received a complaint about the businesses that have been approved. He really likes mixed use neighborhoods. If there are problems in the future, they make the necessary adjustments.

**DIRECTOR ITEMS**
The upcoming agenda items were reviewed. Director Putt said Staff will update the Commission about the Hide Out annexation after the July 28th meeting.

**ADJOURN**

At 9:15 p.m., the meeting was adjourned.

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Approval Signature