

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
August 11, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:10 p.m. and noted that all Commissioners were present.

II. APPROVAL OF MINUTES - July 14, 2010

MOTION: Commissioner Strachan moved to APPROVE the minutes of July 14, 2010. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF & COMMISSIONER COMMUNICATIONS/DISCLOSURES

Planning Director Thomas Eddington reported that the General Plan public process was successful and the Staff was in the process of inputting the data. He would update the Planning Commission on the results at the next meeting.

Commissioner Pettit suggested that they schedule another General Plan public outreach in the Fall so people who were on vacation or involved in other summer activities would have the opportunity to participate. Director Eddington offered to find a date to schedule another outreach.

Assistant City Attorney, Polly Samuels McLean, stated that it was time for the Planning Commission to elect a Chair and Vice-Chair. However, because two terms were expiring, she suggested that the Planning Commission wait until those appointments were made before holding the election. Commissioner Hontz expressed her desire to have the same Commissioners fill those spots if possible. Ms. McLean replied that both Commissioners had

expressed an interest to be re-appointed. The positions were formally advertised and applications were being accepted until the end of the month.

Chair Wintzer noted that at that last meeting he and other Commissioners had inquired about unfinished projects. Director Eddington stated that he had met with Roger Evans regarding their concerns and Mr. Evans would research the projects and provide an update. Director Eddington noted that the City was also looking at future opportunities for bonding as a way to encourage the completion of projects.

Commissioner Luskin asked about the status of City email addresses for the Commissioners. Director Eddington replied that the addresses have been established and Patricia would be sending them passwords and logins next week.

Chair Wintzer disclosed that he was the applicant for the 310-350 McHenry zone change and plat amendment and he would be recusing himself on those items.

CONTINUATIONS AND PUBLIC HEARING

1. 50 Shadow Ridge - Amendment to Record of Survey
(Application PL-10-00938)

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

MOTION: Commissioner Savage made a motion to CONTINUE 50 Shadow Ridge - Amendment to Record of Survey to August 25, 2010. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

2. 29 & 39 Silver Strike Trail - Amendment to Record of Survey
(Application PL-10-01023)

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

MOTION: Commissioner Pettit moved to CONTINUE 29 & 29 Silver Strike Trail - Amendment to Record of Survey to August 25, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 310-350 McHenry Avenue - Zone Change
(PL-10-01040)

Chair Wintzer recused himself from this item and the next item. Vice-Chair Peek assumed the chair.

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 310-350 McHenry Avenue Zone Change to August 25, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 310-350 McHenry Avenue - Plat Amendment
(Application #PL-10-01040)

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 310-350 McHenry Avenue Plat Amendment to August 25, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer resumed the Chair.

CONSENT AGENDA

1. Risner Ridge & Risner Ridge #2 - Plat Amendment
(Application #PL-10-00940)

Planner Francisco Astorga reviewed the application for the Risner Ridge Subdivision and the Risner Ridge #2 subdivision. The applicant, which is the HOA, was requesting to add a plat note that would mimic the more restrictive setbacks indicated in their CC&Rs. The discrepancy has caused confusion in the past and the HOA would like to add a plat note on both plats to reflect consistency between the Risner Ridge CC&Rs and the recorded plat.

Planner Astorga noted that both plat amendment were consolidated under one Staff report, however the Planning Commission should take two separate actions.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Chair Wintzer asked if all the homeowners were in favor of this plat amendment. Planner Astorga stated that he had not received any public comment.

Commissioner Pettit noted that the City does not enforce CC&Rs and typically disfavors these types of plat notes. She understood that the intent was to sync the plat with the CC&Rs.

Assistant City Attorney, Polly Samuels McLean clarified that the City does not enforce CC&Rs and they typically try not to put CC&R matters on the plat.

MOTION: Commissioner Pettit made a motion to forward a POSITIVE recommendation to the City Council for the Risner Ridge Subdivision plat amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Pettit moved to forward a POSITIVE to the City Council for the ordinance approving the Risner Ridge #2 subdivision plat amendment in accordance with Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Risner Ridge Subdivision Plat

1. The property is the Risner Ridge Subdivision.
2. The property is within the Residential Development (RD) District.
3. The applicant proposes to add the following note to the plat:
"All buildings and structures on all lots shall be set back at least 15 feet from the side lot lines, 20 feet from the rear lot line, and a minimum of 30 feet from the front lot line".
4. The plat note will increase the setbacks beyond what is required in the Land Management Code.
5. All existing buildings and structures meet the requirements of the proposed note. This note will not create any non-complying structures.
6. The City does not enforce Covenants, Conditions, and Restrictions (CC&Rs), but does not enforce notes and instructions on a plat.

Conclusions of Law - Risner Ridge Subdivision Plat

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 subdivision.
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 - Risner Ridge Subdivision Plat

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the amended plat to the City for recordation 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.

Findings of Fact - Risner Ridge #2 Subdivision Plat.

1. The property is the Risner Ridge No. 2 Subdivision.
2. The property is within the Residential Development (RD) District.
3. The applicant proposes to add the following note to the plat:
"All buildings and structures on all lots shall be set back at least 15 feet from the side lot lines. Other than lots 10 through 13, setback for the rear lot line shall be 15 feet. Setback for the front lot line shall be as required by the Park City Land Management Code, but in any case not less than 15 feet."
4. Due to the proximity to the golf course, the rear setbacks for lots 10 through 13 in Risner Ridge N. 2 Subdivision are more restrictive than the LMC requirements and vary from fifteen (15) to twenty feet (20'). Those additional setback restrictions are already noted on the plat.
5. The plat note will increase the setbacks to or beyond what is required in the Land Management Code.
6. All existing buildings and structures meet the requirements of the proposed note. This note will not create any non-complying structures.
7. The City does not enforce Covenants, Conditions and Restrictions (CC&Rs), does not enforce notes and instructions on a plat.

Conclusions of Law - Risner Ridge #2 Subdivision Plat

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 subdivision.

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 - Risner Ridge #2 Subdivision Plat

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the amended plat to the City for recordation 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.

REGULAR AGENDA - Discussion, Public Hearing and Possible Action

1. Park City Heights - Pre-Master Planned Development
(Application #PL-10-01014)

The Planning Commission held a site visit prior to the meeting. All Commissioners were present with the exception of Commissioner Pettit.

Planner Kirsten Whetstone reported that this item was a continuation of the discussion from the July 14th meeting regarding the Park City Heights Pre-Master Planned Development application. On July 14th, the Planning Commission requested additional time to review the Staff report and to better understand the proposal. The Planning Commission also requested a site visit, which was held at 5:00 p.m. today. In response to a request for the traffic summary, Planner Whetstone had emailed the traffic study summary to each Commissioner.

Since there was some confusion at the last meeting regarding the pre-MPD process and what the Planning Commission would actually be approving, Planner Whetstone had outlined the process in the Staff report and included a flow chart. She clarified that a property that has gone through an extensive annexation process is different from a property that has not had that level of review. Planner Whetstone explained that due to the size of development being proposed, a master planned development is required, which triggers a pre-MPD application process and public hearing for early feedback and direction to the applicant.

Planner Whetstone noted that on July 14th the Planning Commission had expressed concerns with the concept plan, which was an exhibit to the annexation agreement. The concept plan was fairly detailed and after the last meeting the Staff realized that it was important to step back and focus on initial compliance and not the design details. The applicant had submitted a bubble diagram concept land plan which identified the site, the uses, access and the parameters of development. Planner Whetstone remarked that the bubble diagram was more appropriate for the pre-MPD review and requested that the Planning Commission focus their

discussion on the bubble diagram as opposed to a specific site plan. She clarified that the Planning Commission should still provide direction on specific issues within the General Plan, since that would be important information for the applicant to consider when preparing the actual MPD.

Planner Whetstone stated that the master planned development must be found in compliance with the General Plan, but at that point the process requires a more detailed level of review of the General Plan.

Planner Whetstone stated that the action being requested this evening was determination of initial compliance with the General Plan. However, because there is an annexation agreement, the review of the General Plan must be in context with that annexation agreement.

Planner Whetstone presented slides showing the general orientation of the site and surrounding areas.

Planner Whetstone recalled comments from the last meeting regarding density, and had provided additional information for this meeting. She had used developments at Fairways Hills Village, West Ridge, Sunny Slope and others as density comparisons. She also looked at the residential portion of Prospector, including the condominiums.

Planner Whetstone presented the entire annexation area. She identified the MPD parcels, as well as an open space parcel with a conservation easement that is owned by the City. Other parcels included in the annexation are owned by private individuals. All the parcels identified, as well as State Parks land and UDOT property, comprise the 286 acres. Planner Whetstone noted that the master plan is proposed on 239 acres.

Planner Whetstone stated that the concept plan proposed 160 market rate units with approximately 79 deed restricted work force units. She pointed out that 28 of the 79 work force units were coming to Park City Heights from the IHC obligation. Rather than isolate the IHC units, the City believed it was better to incorporate those units into Park City Heights. Planner Whetstone remarked that 16 affordable housing units come from the market rate units and an additional 35 units are tied to past developments. Planner Whetstone stated that as a condition of the annexation, the City Council wanted the affordable units to be integrated in the development.

Commissioner Savage asked Planner Whetstone to explain the relationship between the 28 affordable units and the 48 unit equivalents. Planner Whetstone remarked that an affordable unit equivalent is approximately 800 square feet. Based on a set formula, if a 1600 square foot single family deed restricted home is built, it would be equivalent to two affordable housing units. She explained that 239 units is the maximum allowed in terms of individual units, and that number could be reduced if the units exceed 800 square feet.

Planner Whetstone noted IHC had an affordable housing obligation of 44.7 unit equivalents and that number was based on the square footage of the hospital. Commissioner Savage understood that the hospital was able to convert their obligation to 28 larger units and still meet the requirement. Planner Whetstone replied that this was correct. Commissioner Savage asked if the decision for 28 units was made by Phyllis Robinson replied that it was included in

the IHC annexation agreement.

Chair Wintzer clarified that IHC originally planned to build those units on their campus and the City encouraged them to move those units through the Park City Heights process. Planner Whetstone explained that there was still a pending pre-MPD from IHC for the affordable units on the IHC site.

Commissioner Peek asked if the square footage of those units would be monitored to make sure it does not exceed the unit equivalents. Planner Whetstone answered yes and stated that it would be similar to the process with Talisker where the units are documented and recorded.

Chair Wintzer requested that the Staff conduct an affordable housing seminar with the Planning Commission in the near future so they could better understand the process for other projects. Commissioners Savage concurred that a seminar would be very helpful. Planner Whetstone stated that the units would be clustered to keep them off the ridgeline. She noted that the density ratio for Park City Heights is one unit per acre, including the affordable units. However, if the required affordable housing units are excluded from the density calculation, which is allowed by the LMC in the master plan, the net density ratio is 0.81 units per acre. Planner Whetstone remarked that the required open space in the CT zone is 70%. Of the 239 acres, approximately 175 acres would be open space.

Planner Whetstone clarified that the applicant understands that approval of the pre-MPD would not guarantee approval of the MPD. In the pre-MPD process, the Planning Commission only finds initial compliance with the General Plan and there is no approval of a specific site plan. If the pre-MPD application is approved, the applicant would submit an MPD application and that would require a separate process which includes review of the MPD criteria and public hearings. If the MPD proposal does not comply with the criteria, the MPD can be denied.

Planner Whetstone recalled comments at the last meeting regarding trail connections. She noted that the project proposes future trail connections to the Rail Trail and the Quinn's Trail. A future bus route is currently addressed in the transportation plan when the park and ride is completed and to service future development units.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the bubble concept plan in terms of the annexation agreement, and consider finding that the pre-MPD complies with the General Plan per the stipulations of the annexation agreement.

Planner Whetstone reported on a phone call she received from Greg Erickson, the owner of the County parcel. Mr. Erickson was unable to attend the meeting this evening and requested that the MPD application address the uses that could occur on the dedicated open space parcel adjacent to his property. Mr. Erickson also expressed concern with how the development relates to the Rail Trail. He wanted to make sure that the plans for extension to the Rail Trail and any improvements would consider the safety of bikes and how people would get over to the Quinn's Trail. Mr. Erickson also wanted to know the breakdown of workforce housing in terms of size and the number of different sizes.

Patrick Moffatt, representing the Boyer Company, believed Mr. Erickson's concerns referred to the MPD stage of the process. Planner Whetstone agreed and noted that Mr. Erickson had specifically mentioned the MPD stage.

Chair Wintzer stated that as a Planning Commissioner he had volunteered for the task force, which met for a year and a half on the Park City Heights project. He had concerns that were highlighted by the bubble diagram, but in general, he believed the current proposal was a better plan than what the previous Planning Commission had voted on. Chair Wintzer felt the City Council had addressed some of their concerns and came back with better solutions.

Chair Wintzer stated that when the project was originally presented it was considered a second home community. The current proposal is for primary residents in a community. He was concerned with how they could make this community a neighborhood and still fit within the General Plan. Chair Wintzer wanted the bubbles to overlap so the houses blend with each other and there would not be a distinguishing feature from one economic status to another. He noted that the original plan had duplexes where one side was a market rate unit and the other side was an affordable rate. This helped create a seamless community. Chair Wintzer felt it was important to keep with that direction.

Chair Wintzer stated that the Rail Trail is a great community amenity but it is a riding trail and not a destination trail. He suggested some type of commercial entity that ties into the Rail Trail to create a destination stop on the trail where people could buy a drink or sandwich. He encouraged a stronger connection with the Rail Trail as a main amenity for the community. Chair Wintzer noted that this development is away from town and he felt it was important to keep people out of their cars by providing a recreation facility that children can access by bike or walking. He suggested that a field for a pick-up soccer game or baseball could be counted as open space if it is open to the public.

Chair Wintzer supported commercial space to service that community. He also suggested adding more affordable rental units on top of the commercial, and stated that he would be willing to add additional density of one or two units for that to occur.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Pettit echoed Chair Wintzer's comment in terms of evolving into a better project with less density. She also concurred with his statement about integrating the market rate units with the affordable units to create less separation between the two. Commissioner Pettit commented on how the community in this development would be isolated from the rest of the build out in Park City. In her opinion, connectivity is critical. Commissioner Pettit felt this proposal was inconsistent with neighborhood development best practices typically seen in that area. This project borders on sprawl to a certain extent because it is not contiguous with other developed parts of town. She struggled with how to make that work. Commissioner Pettit

stated that if they could weave more recreational elements into this project as amenities that are shared with the public, it would encourage people to ride their bike out there on the Rail Trail and help bridge that separation from Town. That stretch of the Rail Trail is relatively flat and it would be easy for children to ride their bikes.

Commissioner Pettit wanted it clear that the annexation agreement is the framework by which they could move forward with the MPD, but it does not give the applicant a vested right. The Planning Commission can deny the MPD if they cannot find compliance with all the criteria. She noted that the elements within the annexation agreement related to traffic mitigation and sustainable development are starting points at a minimum. She expected that the Planning Commission would go well beyond the annexation agreement in terms of meeting traffic mitigation requirements and sustainable development. Commissioner Pettit noted that the annexation agreement focuses primarily on individual homes meeting certain criteria, but it does not speak to the community as a whole and the elements that are important in neighborhood development best practices.

Commissioner Pettit stated that in looking at the General Plan elements she echoed Chair Wintzer regarding the need to incorporate commercial that not only supports the community but also serves as a destination for people on the Rail Trail. She was also open to considering some form of office space because people are moving away from long distance commutes to offices. There is a need to create more nodes within a neighborhood similar to a home office, but where people are part of a social setting and less isolated. Commissioner Pettit recognized that this alternative may not work for this particular community, but she encouraged them to think about.

Commissioner Pettit stated that during the MPD review she would be focusing on specific criteria, which included preserving the mountain resort and historic character of Park City; future development should compliment the existing historic and resort qualities of the mountain community; new development should be modest in scale and utilize historic building and natural building materials. She would also focus on preserving environmental qualities and thinking about the wildlife habitat in that area to make sure they are sensitive to areas that need to be protected, and mitigate the impacts from this project. Commissioner Pettit stated that she would also be looking at matters such as the right mix for the affording housing component of this project. She noted that Park City is experiencing a huge change in its inventory and pricing and they may to rethink the mix based on who lives in the community. Commissioner Pettit requested an updated analysis to help the Planning Commission understand the changes in the economy, the need, and the appropriate mix.

Commissioner Pettit stated that added density should come with a significant public benefit, such a creating amenities that benefit both the residents of that community, as well as other residents in Park City.

Commissioner Hontz felt the site visit was very helpful. She concurred with the comments from Commissioners Wintzer and Pettit. Commissioner Hontz was concerned about the connectivity with all of Park City, but specifically access to the IHC Clinic across the street. The pedestrian perspective is important, but she was also concerned about creating opportunities for vehicular

connections that do not involve Highway 248. If IHC is successful, vehicle circulation and connection will be a key factor and she would need to know that this plan would not increase traffic problems on Highway 248. Commissioner Hontz used other projects as examples of inadequate vehicular circulation and why those projects are not walkable.

Commissioner Hontz commented on the tiers of affordability and stated that she would like to better understand the income levels and the current and future housing needs in Park City. She had conducted her own research and found a large number of rentals and for-sale units at different price ranges. Commissioner Hontz requested a market study/needs analysis to help determine the appropriate housing product for this project. Commissioner Hontz felt it was also important to know if there were other housing units besides the 35 Talisker units that need places to be built. If there is an affordable housing report, she would like to see that. If not, she would like to have one done.

Commissioner Hontz appreciated clarification on the pre-MPD application process so the Planning Commission could feel comfortable that finding initial compliance with the General Plan would not approve a specific density or location of uses. She stated that during the actual MPD review, she would be focusing her direction on the community character elements of the General Plan. She would be looking for an authentic feeling of place rather than a sprawl subdivision. Commissioner Hontz stated that she would be more specific with her concerns regarding community character if they reach the MPD stage.

Commissioner Luskin thanked the Staff and applicant for the site visit. Commissioner Luskin concurred with his fellow Commissioners who had outlined the majority of his concerns. He stated that the Planning Commission are the protectors and caretakers of the character of Park City. When he looks at a place like Quinn's Junction he likens it to driving through the Yosemite tunnel and suddenly coming upon the Yosemite Valley. That is your first impression and that impression is lasting. When his friends come to Park City, their first impression is lacking if they come through Kimball Junction. Commissioner Luskin stated that Quinn's Junction is the back door to Park City, but in some cases, it could be the front door. When thinking about preserving the historic character, they should be mindful that this will be the first view coming in from Quinn's Junction. Commissioner Luskin remarked that the People's Health Building and the IHC hospital are nice buildings, but it is much riskier to have subdivision sprawl because that makes it harder to preserve the historic character. Commissioner Luskin encouraged the applicant to be conscious of this when they reach the design phase of the project and to consider the importance of this whole area.

Commissioner Luskin disagreed with Chair Wintzer regarding commercial development on the bike trail. In his opinion, the bike trail is a journey and not a destination. He finds it satisfying that there is no commercial development in the area and he would like to preserve that rural quality. Commissioner Luskin commented on the recreation element and suggested winter ski tracks, similar to what occurs on the golf course, to keep the resort nature.

Commissioner Luskin stated that he is always conscious of dead animals on the road, particularly in the winter, and he felt it was important to look at the wildlife corridors. He suggested that the applicant contact the Wildlife Protection Society for their input on this matter.

Commissioner Luskin stated that he loves to mountain bike and he would like to see a mountain bike trail from Quinn's Junction to Redstone to eliminate the use of cars. Planner Whetstone pointed out that the trail is extending and it is currently within a mile from Redstone. He agreed with Commissioner Hontz that connectivity is a key element. He assumed the development would be mostly residential, which would add to the transportation limits. Commissioner Luskin stated that the Planning Commission has a major responsibility in reviewing the MPD for all the reasons outlined.

Commissioner Peek concurred with most of the comments from his fellow Commissioners. He believed the Rail Trail is an important connection, as well as the tunnel that crosses Highway 248. He felt it was important to work with the City across that parcel to get the trail connection from the Rail Trail to the tunnel off the dump road. Commissioner Peek stated that connectivity to the regional commuter trail system is also important and needs to be done well.

Commissioner Peek favored a commercial element to the project. He referenced his comments from the last meeting regarding suburban elements, and read from the General Plan. Page 13, "Steps should be taken to prevent the area from developing with traditional suburban features". Page 17, "Limit size of homes in relation to the lots". "Vary building setbacks to avoid giving neighborhoods a suburban feeling". Page 18, "For developments near City entries, add special controls regarding setbacks, landscaping, building mass and character". With regard to the concept plan, Commissioner Peek favored blurring the lines with a shadow drawing showing the uses within the entire bubble. He used Silver Star as an example of how the uses are well integrated into the overall use and feel of the project. Separating the Estate lot area from the affordable units is not appropriate because it creates greater impacts on the affordable use.

Commissioner Savage asked if the entire development was contemplated as condominium style home ownership regardless of where the units are located, or if it would be single family homes. He asked if the applicant would actually build the homes or if the lots would be sold. Mr. Moffatt replied that it would be a mix of both. Some areas will be a condominium-type product; however, the majority is contemplated as lots to be sold for individuals to build. Commissioner Savage assumed that the homes would be custom designed on those individual lots. Mr. Moffatt replied that this was correct. Commissioner Savage could not envision a situation where the affordable homes would be scattered among the Estate lots. As a practical matter, he felt they should be cognizant of the fact that the affordable housing sector would be populated by families with two full-time workers. In an effort to maintain a neighborhood feel at the major entrance, Commissioner Savage strongly recommended a form of condominium/HOA ownership where the economics of that HOA is sufficient to maintain a quality entrance that is not dependent on the individual willingness of those occupants. Commissioner Savage believed the idea to have individual home ownership was contrary to the idea of blending the units. He supported finding a way to emphasize a high quality, integrity feel of the entrance for the affordable housing area through that type of mechanism. Commissioner Savage felt that a duplex with one side being affordable and the other side being market rate would create a negative marketing and sales issue. He was open to more dialogue on that issue.

Mr. Moffatt stated that integration has been contemplated and some of the detached product would be affordable. In those instances the developer would hire the builder for the affordable homes to meet their obligation. Mr. Moffatt stated that the HOA would be responsible for maintaining the entrance to the affordable housing units. Commissioner Savage reiterated his preference that all the affordable housing units be part of an HOA that is structured to have enough associated resources to make sure they do not end up with dilapidated areas.

Mr. Moffatt wanted the Planning Commission to be aware that they were listening to their concerns and were prepared to address the issues if they move forward to the MPD.

Commissioner Savage stated that because Park City has ownership in the area, he wanted to know whether there were potential conflicts of interest between their role as a Planning Commission and the ownership of the City as a co-applicant.

Assistant City Attorney McLean stated that in this situation the Planning Commission is the regulator and they should treat this the same as any other application that comes before them. She explained that the Planning Department and the City, as the applicant, maintain a separation. Phyllis Robinson is the Staff person representing the City and Kirsten Whetstone is the Staff Planner for the project. If either has questions regarding Park City Heights, they are required to follow the same process as any other application.

NOTE: Due to recording problems portions of the discussion was not recorded and some of the text was taken from handwritten notes.

Commissioner Strachan echoed the comments of his fellow Commissioners and he thanked Planner Whetstone for the comparisons she had provided from other developments. Commissioner Strachan stated that he still struggled with how the plan proposed meets the intent of the General Plan. He could find no compliance with the goal that future development should compliment the existing historic and resort qualities of the mountain community, or the goal that new development must be modest in scale. This proposed development is too large in size and scope and it is not anywhere close to matching the historic qualities of the community. In terms of creating a buffer, he agreed with Commissioner Luskin's example of the tunnel to Yosemite Valley. Commissioner Strachan found it difficult to think about driving in on Highway 248 and not having that open space buffer. He also could not find compliance with the goals to preserve the environmental qualities and the natural views.

Commissioner Strachan stated that in his opinion, the proposed plan and the General Plan do not compute and for that reason he could not find initial compliance.

Chair Wintzer agreed with Commissioner Strachan's concerns, however those issues could be addressed in the MPD process. He emphasized that they first needed to move from this step to the second step, which is the MPD, before they could discuss specific details with the applicant.

Assistant City Attorney McLean pointed out that the LMC was recently amended to allow the

Planning Commission to find initial compliance with the General Plan. The Code is clear that the pre-MPD stage is only a concept level and that approval at this stage would not mean automatic approval of the MPD.

Chair Wintzer asked if finding initial compliance means that the Planning Commission is satisfied that the number of units meets the MPD. Chair Wintzer requested clarification on what the Planning Commission would actually be voting on this evening.

Assistant City Attorney McLean recalled that at the last meeting she had read from the section of the Code that talks about giving the applicant direction and finding initial compliance with the General Plan. The language also talks about public notification and public input on the preliminary concepts. Ms. McLean clarified that density per se is not approved in a concept plan. However, density and other considerations need to be viewed with the focus on annexation and the zoning that was approved by the City Council. She pointed out that the City Council felt the proposed density was appropriate for that zone. Ms. McLean remarked that based on specific criteria of the MPD, the density may need to be decreased, but the Planning Commission would need specific facts and evidence to allow them to reduce the density.

Commissioner Savage understood that the conceptual plan fits within the LMC and touches on some of the General Plan elements. However, Commissioner Strachan had pointed to areas where they could push back because the plan does not feel right relative to the intent of the General Plan. Commissioner Savage was uncomfortable with the ambiguity in terms of the direction to the applicant relative to trying to address those concerns. He pointed out that even if some of the Commissioners like the meadow, in reality that meadow can no longer exist with respect to the proposed plan, assuming that the plan moves forward. Commissioner Savage thought it was important for the Planning Commission to provide specific suggestions to the applicant, so if this pre-MPD is approved they would have enough explicit guidelines to consider and incorporate into the MPD.

Commissioner Savage believed that the Planning Commission wanted to approve the pre-MPD, but with the understanding that their concerns would be addressed in the MPD. He was unsure if the Commissioners had been explicit enough in their direction.

Chair Wintzer stated that the Planning Commission had the ability to condition the approval with added conditions. He reiterated that in order to begin talking about the major issues, they must first determine whether or not the concept plan complies with the General Plan. Commissioner Pettit pointed out that this stage in the process was only a checklist against the General Plan for compliance. The Land Management Code criteria for an MPD has not been considered at this point and a Land Management Code analysis has not been done.

Commissioner Savage understood that the Staff had done a preliminary study for the zone that City Council approved for this annexation and found that the pre-MPD was consistent with the Code.

Planner Whetstone explained that the proposed density, the size, the use, and the sensitive lands analysis was not contrary to the Land Management Code CT zone. Based on the City

Council action, Commissioner Savage believed there was a higher degree of explicit compliance with the LMC than with the General Plan.

Commissioner Pettit explained that compliance with the LMC has not been determined, as it relates to the MPD criteria. She stated that basic concepts are compliant, but in terms of extensive review and applying the criteria to the details of the MPD application, that process has not been started. Commissioner Pettit noted that the LMC contains a lot of guidance and the applicant is aware of their burden to demonstrate that they have satisfied the criteria in the LMC.

Commissioner Savage asked if the LMC criteria needed to be on the table before the Planning Commission could approve the pre-MPD application. Assistant Attorney McLean explained that the pre-MPD is an initial look at the proposal because a formal application had not yet been submitted. The purpose of the MPD under State law is for the Planning Commission to give the applicant direction on what they want to see in the MPD.

Commissioner Luskin pointed out that the main question this evening was whether or not this proposal complies with the General Plan. Assistant City Attorney McLean clarified that the question is initial compliance.

Mr. Moffatt stated that if the Planning Commission votes to move forward with the MPD this evening, he had a list of issues to work with. He believed the next step would be work sessions with the Planning Commission where the applicant could explicitly talk about one issue at a time, such as traffic, wildlife, etc. This would allow them to work on specific issues piece by piece in conjunction with the Planning Commission to resolve their concerns. These work sessions would occur prior to public hearings and a final vote on the MPD.

Planner Whetstone noted that the Staff report includes findings and suggested conditions of approval that address the issues the Staff would like to see in the MPD application. She stated that the Planning Commission could add findings that address their own concerns related to connectivity, trails, uses, and the desire to create a neighborhood community that integrates with other neighborhoods in Park City. Planner Whetstone suggested a destination public park that would draw the communities together.

Director Eddington asked the Assistant City Attorney if the issues raised by the Planning Commission could be addressed in their action if they choose to vote for initial compliance this evening. Ms. McLean did not think the items needed to be included in the motion because they were already stated in the direction to the applicant. If the Planning Commission chooses to vote in favor of the pre-MPD and find initial compliance with the General Plan and the applicant comes back with a plan contrary to the direction given, that would be reason to deny the MPD.

Chair Wintzer clarified that the direction given would not need to be a condition of the approval. Ms. McLean replied that this was correct. Commissioner Pettit asked if it could be a condition. Given the fact that the record is the written minutes rather than the recording, she was more comfortable moving the pre-MPD forward with findings of fact and conclusions of law and conditions of approval that reflect their discussion this evening.

Assistant Attorney McLean suggested reflecting their discussion in the findings of fact rather than conditions of approval. Commissioner Pettit referred to Finding of Fact 21, which talks about the fact finding the Planning Commission would make if they move forward. She did not think the finding went far enough in terms of meeting some of the other Quinn's Junction Joint Planning Principles. She felt the finding needed to include more details since this was the first stepping stone towards the MPD application process.

Assistant City Attorney McLean understood the concern that the minutes are only a summary of the discussion, however, she believed there was ample opportunity under the MPD process to work out the details in work session meetings. She reiterated that in the pre-MPD process the Planning Commission should only be looking at the general concept. If they get too mired in the details at this point it does not allow the applicant to move forward with the MPD, nor would they be complying with the intent of the pre-MPD process under State law. Ms. McLean wanted the Planning Commission to be aware that as part of the annexation, the City Council made a finding that the type of zone for that area was CT zoning. In Utah, once a property is zoned, you can expect some form of development associated with that zone. Ms. McLean recognized that there was obvious tension with the General Plan, which is why the General Plan is being revised. She noted that the area was not drawn as open space and that needs to be considered.

Commissioner Peek pointed out that the area could be open space if the City exercised its buyout rights and decided that it should remain open space. Ms. McLean remarked that the applicant has rights and this property was annexed in with a the CT zone. At this point the lots have not been subdivided and recorded, but there is a certain amount of density associated with the land. The MPD process is the nuts and bolts process of how this development would look.

Commissioner Savage understood that if a plan is not approved by a certain date, the developer has the right to put his 50% to the City. Ms. McLean stated that the Planning Commission should not be concerned with that factor because it is not relevant to their decision. The Planning Commission has the responsibility to treat this the same as any other application. All applicants have a due process right and those deadlines should not be a part of the decision making process, particularly since the City is involved with those deadlines. The Planning Commission should give this applicant the required due process because every developer has the right to resolution. Commissioner Savage asked if he was correct in assuming that there would be ample time to resolve the issues prior to any deadlines. Ms. McLean replied that this was correct.

Commissioner Strachan acknowledged that the zoning is CT and whether or not it is this project, something would be built. He believed that whatever is built would destroy the meadow and the hillside and would be in conflict with the objectives of the General Plan.

Commission Strachan felt the question comes down to the definition of initial compliance and whether that is different from full compliance with the General Plan. He thought the Planning Commission should think about questions they would ask during a full compliance analysis at the MPD stage that they were not asking now. In his opinion, there was nothing. If he asks himself all the questions the General Plan requires him to ask regarding this development and it

can meet the General Plan, he is duty bound under the statute to make the determination of initial compliance. If it cannot meet the General Plan, despite what the zone may allow, he still needs to make that finding.

Ms. McLean agreed with Commissioner Strachan that he needs to find for initial compliance, however, it is not enough to say that any development on that land would be in conflict with the General Plan based on how the General Plan is written. If it is not in compliance, there needs to be specific reasoning for why it does not comply and what the developer could do differently to bring it into compliance. She stated that the General Plan needs to be clearer because if the General Plan calls for open space, that conflicts with property rights and the right to develop. Ms. McLean offered hypothetical examples to explain situations where the concept plan may not comply with the General Plan. In those instances, the Planning Commission would have specific reasons that the developer could address.

Commissioner Savage asked if the City Council made the determination that the zone was in compliance with the General Plan when they established the zone for that property subsequent to the annexation. Ms. McLean answered yes and believed that it was a finding in the annexation. Planner Whetstone reported that there was discussion during the annexation that the General Plan was very broad and had competing objectives.

Commissioner Savage pointed out that a higher authority had already determined that this annexation and the zoning is compliant with the General Plan. Director Eddington replied that this was correct. The City Council made that determination based on the recommendation from the Planning Commission during the previous pre-MPD approval. Chair Wintzer stated that the Planning Commission had recommended density similar to the current proposal and asked the City Council to look at three or four items. According to the minutes he felt those items were discussed and addressed. Chair Wintzer agreed that the City Council made that determination after the Planning Commission forwarded their recommendation.

Based on Chair Wintzer's explanation and the City Council's process, Commissioner Savage thought if it was apparent that initial compliance had already been determined for this level of the pre-MPD. Planner Whetstone clarified that the Planning Commission had not made that determination. Ms. McLean explained that the City Council determination was part of the annexation. The City Council made a finding that the density is appropriate for that area. However, the Planning Commission is looking at the actual concept plan and what could occur with that density. As an example, if the density is proposed on the ridge rather than in the meadow, it would not comply.

Commissioner Strachan clarified that the Planning Commission was not bound by the City Council's decision on the annexation. An annexation is one standard under the Code and the pre-MPD is another standard. Ms. McLean stated that the Planning Commission needed to balance the fact that the City Council make a finding that the density of the CT zone is an appropriate density.

Commissioner Peek noted that the annexation agreement specifically says, "This agreement

does not represent approval of vesting with this MPD or any subsequent MPD.” Director Eddington felt it was important to recognize that the Planning Commission was not looking at a lot by lot approval. This is a pre-MPD, which is where they determine initial compliance. If it moves forward to the MPD stage, there would be the requirement to determine full compliance with the General Plan. He referred to Finding of Fact #22 on page 98 of the Staff report, and noted that the Planning Commission would need to make that determination as well.

Planner Whetstone stated that the purpose of the pre-MPD is to hear feedback and direction from the Planning Commission so the applicant can work with that information and incorporate it into the MPD before they come back for the full MPD review.

Planner Whetstone referred to the findings she had prepared in the Staff report and suggested that Finding of Fact #21 was not factual and thought it could be deleted. She noted that the remaining findings were facts for the Planning Commission to consider, but not something the applicant is held to.

Commissioner Strachan stated that as they get further into the process as identified in the Staff report, it becomes harder and harder and the standards become more and more burdensome. If the Planning Commission is having difficulty with this first step, it will only get more difficult and it will be harder for the developer to meet the requirements of the LMC and mitigate the impacts. Commissioner Strachan remarked that if the Planning Commission finds initial compliance in hopes of resolving the issues at the next step, he was unsure if that would happen.

Chair Wintzer agreed with Commissioner Strachan’s comment, but if they do not move to the next stage, there is no way to judge whether or not it could be done. He concurred that if the applicant comes back with something similar to the concept plan, it would be difficult to go further. Planner Whetstone felt it would be easier because at that point the Planning Commission would see more details that would address their concerns. She believed the applicant should have the opportunity to submit the MPD application to see if they can address those concerns. Without moving past the pre-MPD stage, they cannot submit an application.

Commissioner Strachan stated that because the area was zoned CT, anything that could be built in that zone would not be compliant with the General Plan. However, because the zoning is in place, they need to live with that fact and have no choice but to find initial compliance. He believed the General Plan had been trumped by the zone. Commissioner Strachan remarked that even if they are forced to find initial compliance, he was unsure if compliance with the General Plan would be on the table at the MPD stage because the City obviated the General Plan with the CT zone.

Commissioner Savage felt the Planning Commission had the choice to deny the pre-MPD if they feel it is not compliant. Commissioner Strachan reiterated that the applicant has a vested right to at least the minimum allowed under the CT zone and nothing built in that zone would be compliant with the General Plan.

Commissioner Luskin stated that the CT zone is a density issue, but there is still historic

character, the resort concept, and other features that do not comply with the General Plan. If the Commissioners believes those issues are insurmountable, they logically cannot approve it.

Commissioner Strachan stated that if the zone has approval for CT development, the Planning Commission needs to view the General Plan within the context of the CT zone. Director Eddington stated that at this stage the Planning Commission should only look at initial compliance with the General Plan. However, if it moves to the next step, the Planning Commission would take a harder look at design, layout, and typical MPD requirements. The applicant would be required to meet the intent of the zone, as well as the requirements for the MPD. At that point the MPD must be consistent with the Land Management Code. Director Eddington noted that the applicant has expressed an interest in working pro-actively with the Planning Commission during work sessions. That opportunity would benefit the Commissioners and the applicant in terms of what is vested in the CT zone and what the Planning Commission feels is appropriate development based on the General Plan.

Director Eddington stated that the Staff would prepare a bullet-point list compiled from the direction given this evening, and the Planning Commission could refer to that list during the MPD process.

Chair Wintzer pointed out that the Planning Commission has the ability to correct the minutes before they are approved if they feel the discussion was inaccurately reflected.

Assistant City Attorney McLean stated that the goals of the General Plan outlined on Page 94 of the Staff report were open to individual interpretation, however, the Planning Commission would be voting as a whole. The City Council made a finding that a certain amount of density is allowed. In reading the General Plan there are broad strokes, but there is also discussion that new structures should blend in with the landscape. Therefore, a 20-story building to use up all the density would not comply with the General Plan and would not meet the LMC criteria. The input in terms of compliance should focus on whether the scheme initially complies with the broad strokes of the General Plan.

Chair Wintzer stated that some of these same issues were raised in the previous pre-MPD approval. He noted that the concept does not comply with every aspect of the General Plan, and they need to look at whether there is compliance with the general concept of the General Plan. Having gone through this process initially, he recognized that it is difficult to make that finding based on how the General Plan is written. Chair Wintzer also thought the definition of initial compliance was vague.

Commissioner Strachan hoped that the applicant would take the direction given this evening and come back with an MPD that comes close to compliance with the General Plan. He suggested that connectivity would be a good start. Commissioner Strachan stated that it would be difficult for him to find compliance with the General Plan because he sees many conflicts. He felt the Commissioners should follow the procedure and vote they way they needed to.

Commissioner Pettit favored striking Finding #21 as suggested by Planner Whetstone, primarily because there needs to be additional public benefit in addition to just meeting the affordable housing requirement. Commissioner Pettit suggested revising Finding of Fact #22 to read, "A

finding of **initial** compliance with the General Plan is required prior to submittal of applications...". She revised Findings of Fact #24 to read, "Planning Commission action for General Plan **initial** compliance does not constitute approval of a Conditional Use permit or Master planned Development."

Commissioner Pettit referred to the fifth bullet point under Condition of Approval #1, and added, "including but without limitations, public recreation areas." Commissioner Pettit referred to page 99, the tenth bullet point under Condition of Approval #1, and added "A housing needs assessment that directly addresses affordability."

Commissioner Hontz added an additional bullet point to Condition #1 to require a traffic study. As suggested by Planner Whetstone, Finding of Fact #26 was added to read, "Discussion from the Planning Commission meetings of August 11, 2010 shall be incorporated herein."

It was noted that Findings #10 and #11 were duplicates and that Finding #11 should be deleted. Deleting Findings 11 and 21, would change the number of Findings to 24.

Assistant City Attorney McLean requested that the Planning Commission better articulate how the MPD would comply in order to provide better direction to the applicant. Commissioner Luskin noted that based on the guidelines of initial compliance, the Planning Commission should articulate a big picture of their concerns and the applicant should come back with their interpretation of those concerns and how they were reconciled. He was not convinced that they could be reconciled.

MOTION: Commissioner Savage made a motion to APPROVE the Park City Heights Pre-MPD application based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report and as amended. Commissioner Pettit seconded the motion.

VOTE: The motion passed 4-2. Commissioners Luskin and Strachan voted against the motion.

Findings of Fact - Park City Heights pre-MPD

1. The 239 acre Park City Heights Master Planned Development property is located within the Community Transition (CT) zoning district.
2. This property is subject to the Park City Heights Annexation plat and Annexation Agreement, including the Water Agreement, as approved by the Park City Council on May 27, 2010.
3. On April 9, 2008, the Planning Commission voted to forward a positive recommendation to the City Council on the 286.64 Park City Heights Annexation that included the 239 acre MPD property. A pre-MPD application was submitted with the revised annexation application on July 5, 2007 and reviewed by the Planning Commission and City Council as part of the annexation review.

4. The Planning Commission found the proposed annexation in compliance with the General Plan, with the caveat that the final MPD application addresses several areas of concern. Those areas of concern include 1) overall density (reduction of market units and limit on total units, including affordable units); 2) location of units on the site in consideration of sensitive lands; 3) better integration of the affordable units within the overall project; 4) enhanced entry area to better identify a neighborhood gathering area and sense of arrival; 5) sustainability and water conservation requirements; and 6) a greater overall design/appearance as a residential community that relates to Park City's resort identity rather than as a "cookie cutter" suburban subdivision.
5. On November 12, 2009, Council approved a land purchase agreement to acquire a 50% interest in approximately 200 acres of the 239 acre annexation property.
6. On May 27, 2010, City Council voted to adopt an ordinance approved the Park City Heights Annexation approving an annexation agreement and water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.
7. On June 17, 2010, the applicant provided an updated pre-MPD submittal, revising the July 5, 2007 application submitted with the revised annexation application. The revised application included a revised conceptual site plan, for a mixed residential development consisting of 239 dwelling units on 239 acres.
8. The pre-MPD application consists of 1) 160 market rate units in a mix of cottage units on smaller (6,000 to 8,00 sf lots) and single family detached units on 9,000 to 10,000 sf lots; 2) 44.78 Affordable Unit Equivalents configured in approximately 28 units to satisfy the IHC MPD affordable housing requirement; 3) 32 Affordable Unit Equivalents configured as approximately 16 units to meet the CT zone affordable housing requirement for Park City Heights; and 4) approximately 35 affordable units the City proposes to construct consistent with the stated public purposes in the acquisition of an ownership interest in the land.
9. Affordable housing units are proposed as a mix of stacked condominiums, townhouses, and cottage style units. The final configuration and mix will be determined prior to submittal of the MPD application.
10. The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including the extension to the Rail Trail.
11. Setbacks within the CT zone are twenty five feet (25') from the perimeter of the MPD property. The conceptual plan complies with these setback requirements.
12. The Planning Commission may approve decreased setbacks for individual lots within the MPD at the time of MPD and subdivision plat approval.

13. Approval of a final subdivision plat is a condition precedent to issuance of building permits.
14. A phasing plan and overall construction mitigation plan will be reviewed as part of the final MPD review.
15. Trails and linkages to trails shown on the City's Mater Trail Plan will be reviewed as part of the final MPD review.
16. Residential development requires a Conditional Use Permit in the CT zone to be reviewed concurrently with the final MPD review.
17. Intermountain Health Care's affordable housing units were transferred to the Park City Heights property per the Park City Heights Annexation Agreement and the Intermountain Health Care/USSA/Burbidge Annexation Agreement.
18. Utilities, such as water, sewer, electricity, phone and cable will need to be extended to the site and a utility phasing plan will be reviewed as part of the final MPD review.
19. Access to the property is from Richardson's Flat Road, a public road, and the two upper estate lots have access from Sunridge Cove within the Hidden Oaks at Deer Valley Subdivision.
20. A finding of initial compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit.
21. Compliance with applicable criteria outlined in the Land Management Code, including the CT zone (Section 15-2.23) and MPD (Section 15-6) is required as part of the final MPD review.
22. Planning Commission action for General Plan initial compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
23. The discussion in the Analysis section is incorporated herein.
24. The discussion from the Planning Commission meeting of August 11, 2010 shall be incorporated herein.

Conclusions of Law - Park City Heights pre-MPD

1. The pre-MPD application complies with the Land Management Code, Section 15-6-4(B) pre-application Public Meeting and Determination of Compliance.
2. The proposed pre-MPD application initially complies with the Park City General Plan, as

conditioned.

Conditions of Approval - Park City Heights pre-MPD

1. The following items shall be submitted with the MPD/DUP application, in addition to all required MPD submittal information:
 - A detailed site plan (lot layouts for development areas and phases, setbacks for individual lots and multi-family buildings, demonstration of the integration of affordable and market units) consistent with the General Plan elements;
 - preliminary Subdivision plat;
 - statement of architectural objectives and character, including architectural elevations, exterior materials/colors/details, and building height;
 - statement of green building objectives and compliance with annexation agreement requirements, including landscaping and water conservation objectives; consideration of additional land uses, such as allowed uses and amenities; including without limitation, public recreation areas.
 - parking and circulation objectives and plans (vehicular-street widths, pedestrian, trails, emergency vehicles, public transit, bike lockers, bus stops, etc.);
 - visual analysis from identified vantage points (revised to reflect proposed site plan);
 - phasing plan for development and extension of utilities and trails;
 - existing and final grading plan identifying cut and fill areas, grade retaining structures, storm water detention areas, etc.;
 - an affordable housing plan consistent with the Annexation Agreement describing unit sizes, configurations, rental and sale restrictions, occupancy requirements, etc, as well as a housing needs assessment that addresses affordability.
 - wildlife corridors and proposed mitigation for impacts to these corridors and additional information regarding mitigation for sage grouse habitat losses.
 - A traffic study is required.

2. All conditions of the Park City Heights Annexation Agreement, including the Water Agreement shall be complied with.

The Park City Planning Commission meeting adjourned at 9:10 p.m.

Approved by Planning Commission _____