

4. Public Hearing - Vested Rights Determination/Consent Agreement/Preliminary Subdivision Plat, South Shore Plat D, Silver Springs, Dennis Mayville

Chair Schifferli stated that agenda items 3 and 4 would be grouped together for presentation purposes and separate discussions and determinations would be made

Director Dotson reviewed the two projects including the locations. He noted that, in 1994, the County Commissioners considered an exemption from the provisions of the Development Code regarding the 30-day deadline. The County Commission felt the 30 days was somewhat questionable and the applications should be considered. Six criteria listed in the staff report were the basis for granting the exemption. Staff felt both the Quail Meadows and South Shore applications were consistent with the guidelines adopted by the County Commission in 1994 and suggested considering both projects as part of a Consent Agreement and Preliminary Site Plan/Subdivision Plat review.

Tom Spencer, representing Quail Meadows, reviewed the Quail Meadows project and stated that the applicant agreed with the staff report but wanted to add one item for consideration. The applicant believed the project was approved as part of the Silver Springs Master Plan. Copies of minutes from Summit County Planning Commission and Board of Commissioner meetings were submitted to verify the history of the project which had started in 1981 and was waiting to be finished. It was part of the approved Silver Springs Master Plan and had received preliminary plat approval for the entire project totaling 33 townhouse units. The County issued building permits based on preliminary plat approval, and the developer had installed all utilities and street improvements and constructed 17 of the 33 units before the collapse of the Utah economy in 1984. The project continued at a snail's pace with four additional units being constructed between 1985 and the present, leaving 12 units to be completed of the original 33 approved. However, the applicant proposed completing Quail Meadows with only nine units, representing a 10% reduction in density from the original approval. He felt this was a unique situation where a project had been prevented from completion midstream. He asked if an applicant should be penalized for being slow in completing their project. Materials and colors for the proposed project were reviewed.

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Director Dotson presented elevations for Quail Meadows and South Shore. Commissioner Weiss asked Director Dotson to elaborate on concerns about the landscape plan. Director Dotson reviewed the area Staff felt needed more landscaping.

Commissioner Weiss confirmed with Staff that the application complies with the current Code and confirmed with the applicant that they concurred with Staff's recommendations.

Commissioner Hillyard asked how the density in this project compares to current zoning in the area. Director Dotson responded that current zoning is one unit per acre. The site is one acre and would have nine units.

Chair Schifferli opened the public hearing.

Andy Holland, resident of Silver Springs, reviewed a letter from State Engineer Robert Morgan discussing the canals which empty into a small pond called Willow Creek Pond. Canals run through both proposed properties. Mr. Holland was concerned that maps do not indicate an allowance for the canals to flow into the pond. He hoped that the canal would go between the two buildings. Mr. Spencer indicated that the canal would go between the two buildings.

Mr. Holland noted that Mr. Morgan had stated that historical diversions must be maintained to preserve the distribution of water within the subdivision and delivery of water to downstream water right holders. The party holding the title to the water right was responsible for maintaining various diversions and delivery systems. Landowners should be informed of the situation and the water company, landowners, and developers should work together to rectify existing situations with the canals. Mr. Holland was disappointed that the pond and canals did not appear on all maps. He gave a copy of Mr. Morgan's letter to Staff and stated that he hoped the canals would be maintained and allowed to continue. Director Dotson indicated the location of the canal on a map and noted that it was proposed that one stretch of it be relocated. The developer would have to receive approval from the Army Corps of Engineers to do so.

Mr. Holland explained that a culvert was buried by the developer in the South Shore development. It was reported to the County, but the developer was released from bonds before it was rectified. He explained that the developer had dug a trench and hole which caused two lots to flood and the County Engineer was aware of it. Mr. Holland urged that

both developments be required to maintain the irrigation canals, that the one project put the canal on the map, and that a proper canal be installed to the satisfaction of the home owners associations and residents who already border the properties. He also felt that the new units should be required to join the Master Home Owners Association. Mr Spencer indicated they would be required to do so.

Ruth Wagner wanted to be certain the concerns of the creek were included in the minutes of this meeting. She wanted to be assured that the creek, when leaving Quail Meadows, would continue down the existing channel between the Silver Springs homes into the pond.

Mr Holland reiterated that the diversions as they now exist must be maintained and continue along the current path.

Mr Spencer stated that the applicant intended to maintain the existing ditch and that it was on the Quail Meadows site plan to be maintained. He thanked Mr Holland for bringing in the letter which clarified that these were irrigation ditches and must be maintained. He doubted the Army Corp had jurisdiction, but he understood that there were irrigation rights which must be maintained and intended to maintain them.

QMTA Stream →

Ruth Wagner reiterated that the assurance she wanted was that the ditch would not go down the sewer but would continue into Silver Springs. Mr Spencer stated that they were not changing the entrance or exit point of the stream at Quail Meadows. He also noted that all of Silver Springs drainage goes to the pond, there is no separate County storm drainage system.

Mr Holland again stated his concern that the project maps be corrected to show that the streams would be protected and that both developments be required to join the Silver Springs Master Home Owners Association and pay associated dues.

Lyle Jackson was concerned about adequate parking due to the narrowness of the road. Mr Spencer acknowledged that concern and noted that the driveways were oriented to Meadow Loop Road. All driveways would be quite deep which would allow more off-street parking.

Jamie Cipher, resident of Silver Springs, asked how wide the driveways would be and if there would be room for guest.

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parking Mr Spencer responded that the new units would have two-car garages and could fit four cars in the driveway

Karl Bencke asked about the square footage of the units Mr Spencer responded they would be 1,400 square feet finished, not including the garage

Rory Singer, resident of Silver Springs, asked if the siding would be wood and if there would be shake roofing Mr Spencer responded that the siding would be wood like the existing units, but the shingles would be asphalt to address fire concerns Singer asked if treated shingles could be used Mr Spencer responded that the Fire Department would not allow them Chair Schifferli noted that the Fire District was very sensitive to fire hazards and building materials Ruth Wagner noted that there were not any asphalt shingles in Quail Meadows

Mr Jackson asked about the elevation and pitch of the roof and entrances Mr Spencer noted that they would be similar to existing units

Mr Singer asked if there was an exterior lighting plan Mr Spencer indicated the only lighting would be beside front entrances and patios, and no additional lighting was planned

Ms Cipher was also concerned with the stream and what section would need to be piped Mr Spencer indicated there was a section that would need to be piped under the driveway, but it would be open between the buildings Ms Cipher requested that the rocks recently added to the stream at Quail Meadows be continued in the proposed project Mr Spencer explained that the stream would be landscaped and should be similar to the existing Quail Meadows

Quail
Stream →

Karl Bencke felt part of the answer to the water quality problems occurring in lakes was to maintain grass in the streams to filter pollutants Chair Schifferli noted that the developer was willing to work with the landscaping He felt there was a way to compromise and maintain natural grasses in the stream but landscape the sides

Mr Jackson asked if Mr Spencer envisioned the owners of the new units being interested in belonging to the Quail Meadows Home Owners Association Mr Spencer stated that, because the property fronts on the public road, they had

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discussed whether the home owners association for those units would be a little different. A final decision had not been made, but they would comply with the Planning Commission's recommendation.

Mr. Holland felt the decision should be made by the current board members of the Master Home Owners Association in conjunction with the developer and existing home owners associations. There are currently about 19 associations, and he did not feel adding more would be wise.

Angela Pessim, resident of Quail Meadows, was concerned with the setback of one of the buildings. Mr. Spencer acknowledged that concern and noted that the building was placed as far west as possible, and the building was turned so the two units would not directly face each other.

Ms. Pessim asked about expected start and finish of the project. Mr. Spencer indicated that, if approval was obtained, the applicant wanted to start in June and expected completion realistically in January. Landscaping would continue into next spring.

Chair Schifferli closed the public hearing.

Commissioner Weiss felt a condition should be added regarding the canals. Director Dotson suggested language be added to Condition 5 of the Quail Meadows application stating that the applicant would ensure that the drainage channel maintain its natural course entering and leaving the property. Commissioner Weiss also suggested indicating that landscaping of the channels would be consistent with the existing Quail Meadows design standards.

Commissioner Toole was concerned with Condition 6 and debris associated with construction. He asked if a bond could be required. Mr. Spencer asked if this was a condition for which citations could be given. Commissioner Toole indicated that the problem was that the County was not citing anyone. Don Craig, an owner and contractor on the project, stated that they owned a Bobcat and had purchased a street sweeper to keep job sites clear. Commissioner Weiss suggested a sign be required listing a phone number residents could call if they had complaints. Commissioner Weiss felt this should be added as a condition.

Commissioner Toole felt the home owners associations work together and try to merge rather than have 19 in a small

area. He also felt adding rocks to the sides of the stream would decrease the amount of fertilizer entering the stream.

Commissioner Hillyard wanted to ensure that Condition 5 was clear to comply with the letter presented to Staff. Director Dotson responded that the condition had been expanded to ensure a natural course entering and leaving the site and to maintain the existing Quail Meadows design. Mr. Spencer asked if language could stipulate that the applicant comply with requirements of either the Army Corps of Engineers or the State Engineer's Office regarding what materials would occur in the stream bed. Mr. Holland stated that the letter he furnished indicated that neither entity had jurisdiction because it was an irrigation canal. He felt the real concern was that the landscaping be similar to the existing. Rocking the sides and letting the stream bed occur naturally seemed the best alternative. Director Dotson responded that the condition could state that it meet the requirements of the State Engineer or Army Corps of Engineers and could be determined prior to final approval. Chair Schifferl felt neither would have input with an irrigation ditch. He suggested that language state that the applicant follow the existing design or as required by the Army Corps or State Engineer.

Commissioner Weiss made a motion to forward a positive recommendation on the Consent Agreement and Preliminary Site Plan for Quail Meadows Phases III and IV with the following conditions of approval, noting modifications to Conditions 1 and 5 and the addition of Condition 12:

1. The applicants shall submit a detailed landscape plan to be approved by Staff prior to adoption of the preliminary site plan by the Board of County Commissioners.
2. The applicants shall provide CC&R's that restrict the outside storage of materials and fencing in the project.
3. Boundary description errors identified by the County Engineer shall be corrected prior to the final approval.
4. The applicants shall reserve initial sewer system capacity prior to final approval.
5. The applicant shall comply with the current Quail Meadows landscape design of the drainage channel or with any requirements of the State Engineer's Office or Army Corps of Engineers related to the design or relocation of the drainage channel and

- ensure that the natural course of the channel is maintained both entering and leaving the property
6. The applicants shall be responsible for keeping adjacent roads clear of dirt, mud, and debris resulting from the construction of the projects.
 7. The project shall comply with all fire codes related to the construction of specific units proposed
 8. All roof materials shall be non-combustible.
 9. All fire hydrants shall be inspected and approved by the Park City Fire District for adequate fire flows before issuance of any building permits for the projects
 10. The applicants shall comply with all applicable impact fee requirements prior to the issuance of building permits
 11. The applicants shall be responsible for controlling airborne dust generated as a result of the construction of the projects
 12. A sign shall be posted on the property and remain there until certificates of occupancy are issued indicating that the owner of the project is required to keep adjacent roads clear of dirt, mud, and debris resulting from construction of the project. The sign shall list the telephone number where complaints may be directed at Summit County.
- Commissioner Hillyard seconded the motion which passed unanimously, 5 to 0.

With regard to Item 4, South Shore Plat D, Planner Burns stated that Staff recommended adding language similar to that approved in the Quail Meadows recommendation regarding the drainage channel. In this application, the channel should be located between Lots 5 and 6 as referenced in a letter received from Silver Springs Water Company and the Division of Water Rights. Staff also recommended adding a condition to have a sign with a phone number to register complaints regarding construction debris.

Marty Breene, representing the South Shore development, stated that the applicant agreed with the staff report. Regarding the drainage ditch, they understood that the original culvert ran between Lot 6 and the adjacent South Shore subdivision and was damaged by the South Shore developer. It was simply a relief channel to allow the water a place to go and had been partially dug out toward the pond and then terminated, causing the water to pool on Lots 1 and 2. He hoped the County had a way to leverage the

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original developer to mitigate the problem. It was the applicant's understanding that the original intent of the waterway to the pond was an underground culvert adjacent to the south property line of Lot 6, differing from information provided by Planner Burns that the channel should go between Lots 5 and 6. Planner Burns explained that the letter had just been received from the Silver Springs Water Company stating that the flow of Willow Creek which crosses Silver Springs Drive between proposed Lots 5 and 6 should be allowed unrestricted passage to the upper pond.

Mr. Holland stated that the culvert Mr. Breene was speaking of was not the one indicated by Silver Springs Water Company. He had been extensively involved in the drainage problem which he reviewed briefly. He noted that the culvert Mr. Breene was speaking of borders the South Shore property and is tied into the current drainage system where the gutters are. This is approximately 12 feet south, where the culvert for the drainage of the Willow Creek Pond exists, and is not the same culvert.

Mr. Breene stated that, if the applicant was required to maintain the waterway between Lots 5 and 6 to the pond, there was no problem with that. The only concern was that the ditch was man-made by another developer, and the location of it may or may not be beneficial to the location of homes on the lots. The applicant wanted to have the ability to relocate the ditch in a way that would provide a beneficial location for plotting the homes. They did not want to be required to abide by the location of a ditch put in by another developer.

Commissioner Weiss asked if this could be an administrative approval issue with Staff with input from the home owners associations and if Mr. Breene would be willing to work with the home owners associations.

Ruth Wagner reviewed the arbitrariness of the previous developer, stating that he had completely blocked off a spring, causing the pond to nearly flood homes.

Mr. Holland noted that the spring had flowed undisturbed before Mr. Barnes dug foundations for the last houses on the southeastern part of the development. He felt it was Mr. Barnes' obligation to restore the canal to its previous condition which had not happened.

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Commissioner Weiss felt there was a willingness and expertise with the current developer and the home owners associations to deal with the problem

Chair Schifferli opened the public hearing

There was no public comment

Chair Schifferli closed the public hearing

Commissioner Weiss made a motion to forward a positive recommendation on the Consent Agreement and Preliminary Subdivision Plat for South Shore at Silver Springs Plat D with the following conditions of approval, including additional conditions 8 and 9 as suggested by Staff:

1. The applicant shall provide CC&R's similar to those of the existing South Shore Subdivisions.
2. The applicant shall reserve initial sewer system capacity prior to final subdivision plat approval.
3. The applicant shall provide all necessary survey information for the County Engineer
4. The applicant shall provide an erosion control plan prior to preliminary subdivision plat review by the Board of County Commissioners
5. The applicant shall be responsible for keeping the adjacent road clear of dirt, mud and debris during construction.
6. The applicant shall comply with all applicable impact fee requirements prior to the issuance of any building permits.
7. The subdivision shall be included in the Silver Springs Master Homeowners Association
8. Staff will work with the applicant in conjunction with the Home Owners Association to maintain the course of the irrigation ditch to the pond.
9. A sign shall be posted on the property and remain there until certificates of occupancy are issued indicating that the owner of the project is required to keep adjacent roads clear of dirt, mud, and debris resulting from construction of the project. The sign shall list the telephone number where complaints may be directed at Summit County.

Commissioner Toole seconded the motion which passed unanimously, 5 to 0