



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
September 26, 2018**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the City Council Chambers
445 Marsac Ave
Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, September 26, 2018.

I. ROLL CALL

II. MINUTES APPROVAL

- II.A. Consideration to Approve the Planning Commission Meeting Minutes from August 22, 2018.
[August 22, 2018 Minutes](#)

III. PUBLIC COMMUNICATIONS

IV. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

V. CONTINUATIONS

- V.A. Municipal Code Amendments regarding Recreational Vehicle Parking in Title 9: Parking Code (Chapters 9-1 and 9-2), Title 11: Buildings and Building Regulations (Chapter 11-15), and Title 15: Land Management Code (Chapters 15-3, 15-5, and 15-15).
Public hearing and continuation to a date uncertain.
[PL-17-03479 RV Parking Continuation Report](#)

VI. CONSENT AGENDA

- VI.A. 243 Daly Avenue – Steep Slope Conditional Use Permit Extension Request – Application withdrawn and no further action required.
[PL-18-03933 243 Daly Avenue Report](#)

VII. WORK SESSION

- VII.A. Citywide Strategic Code Enforcement
[Planning Commission Code Enforcement Report](#)

VIII. REGULAR AGENDA

- VIII.A. 1406 Park Avenue – Proposal to create a legal lot of record from a metes and bounds parcel measuring 3,557 square feet.
[PL-18-03947 1406 Park Ave Plat Report Exhibits](#)
- VIII.B. 8945 Marsac Avenue – Moon Shadow Condominium plat for eight detached “PUD Style” units subject to the Flagstaff Development Agreement and Village at Empire Pass Master Planned Development.
[PL-18-03848 8945 Marsac Moon Shadow Condo Plat Report Exhibits](#)

IX. ADJOURN

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
August 22, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, Sarah Hall, John Kenworthy, John Phillips, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Tippe Morlan, Planner; Laura Newberry, Planning Tech; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Band called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

August 8, 2018

MOTION: Commissioner Suesser moved to APPROVE the Minutes of August 8, 2018 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Assistant City Attorney McLean asked if the Commissioners wanted to mention the Code Enforcement Report, which was heard recently by the City Council. She understood that Commissioner Hall had attended the meeting. She recalled that Commissioner Phillips was also involved. Commissioner Phillips stated that he was involved in the beginning but due to other commitment he was no longer able to participate.

Assistant City Attorney reported that the City Council had directed the Staff to work on Code Enforcement and to provide reports bi-annually. Ms. McLean asked if the Planning Commission wanted to send a representative to the next City Council meeting where Code Enforcement would be discussed. The representative could express

concerns that the Planning Commission has expressed in the past, and update the Commissioners on what took place at the meeting.

Commissioner Hall stated that she had attended the City Council meeting primarily to ask how Code Enforcement is done from a functional standpoint to make sure conditions of approval are being followed on long term projects. Code Enforcement had said they were looking at putting new information online so people could see the conditions of approval for each property.

Director Erickson stated that in addition, there would also be a distinction between the work by Code Enforcement and the conditions of approval over the long term that the Planning Department and Building Department enforce, which are relative to use and continuing to be used by the Planning Commission.

Commissioner Sletten understood from reading notes from the past that Code Enforcement was a big issue in public hearings.

Chair Band thought it was a good idea to have a representative attend the City Council meeting. Commissioner Phillips favored having a representative at every meeting because Code Enforcement is a major issue. He suggested that the Planning Commission could rotate so it would not fall to just one person. The Commissioners concurred. Chair Band volunteered to represent the Planning Commission at the next City Council Code Enforcement meeting on August 30th. Planner Suesser stated that she could also attend if she was in town.

Assistant City Attorney McLean commended Code Enforcement on the great job they do; especially in light of the Code Enforcement Officer in West Valley who was killed on-duty doing her job. It reminded her of the difficult people Code Enforcement Officers encounter when diligently doing their job.

Commissioner Kenworthy understood that posting the conditions online would enable the neighbors look up the conditions of approval before calling in a complaint. However, he wanted to know the position the City takes if the same people repeatedly commit violations. Assistant City Attorney McLean stated that the Planning Commission could address those issues as an agenda item for a future meeting. Commissioner Phillips thought it would be helpful to have that discussion after the next Code Enforcement Update, and invite the Chief Building Official to be present to answer questions.

Assistant City Attorney McLean noted that the Code Enforcement Staff report from the last meeting was online. It was a work session item and she offered to forward it to the Commissioners.

CONTINUATIONS (Public Hearing and Continue to date specified)

Municipal Code Amendments regarding Recreational Vehicle Parking in Title 9: Parking Code (Chapters 9-1 and 9-2), Title 11: Buildings and Building Regulations (Chapter 11-15), and Title 15: Land Management Code (Chapters 15-3, 15-5, and 15-15).
(Application PL-17-03479)

Planner Tippe Morlan gave a brief review of what the Staff has done to date regarding the RV parking regulations. It was given to the Staff at the direction of the City Council; and numerous work sessions have been held with both the City Council and the Planning Commission.

Assistant City Attorney McLean noted that this item was noticed as a Continuation. She recommended that Planner Morlan wait to give her presentation until it is scheduled as an agenda item. She was concerned that the public who might be interested in the Amendments had not attended this evening, thinking that it would not be addressed until the date listed on the agenda.

Planner Morlan noted that a public Open House was held on August 7th. Based on the input received, the Staff has tried to work through the issues, in conjunction with the direction received from the City Council and the Planning Commission. The Staff requested that the Planning Commission continue this item to September 26th rather than the 12th listed on the Agenda, to allow the Staff time to work through the changes

Chair Band opened the public hearing.

Cyndi Schwandt, an Old Town resident, asked if vans would be included as an RV.

Planner Morlan stated that the Staff was still working through the changes on the redlines.

Cyndi Schwandt noted that Director Erickson had mentioned a van that had been on Woodside for a couple of days. She clarified that it is a motor home that is parked there for months every year.

Commissioner Suesser noted that in the proposed changes the Staff will define RV. She noted that an RV is a motorized vehicle used for recreation, and she thought that might include a van. Director Erickson stated that one of the changes is not to attempt

to define a recreational vehicle. The Staff was working on other ways to address it. He recommended that the Commissioners wait until it comes back before making their comments.

Assistant City Attorney noted that the September 26th agenda was already lengthy. Director Erickson suggested that the Planning Commission continue this item to September 26th. If the Planning Department finds any issues that would generate a lengthy discussion or significant public input, this item could be continued again to a later date.

Helen Stanley stated that she has lived in Prospector for 18 plus years. It is a family neighborhood and there are already restrictions in that area on some of the things being discussed. Ms. Stanley noted that parking on gravel is due to the soil restriction, but they cannot get that restriction enforced. She walked around the block and found 15 violations. Ms. Stanley wanted to know who would enforce the proposed amendments. She does not consider a boat a motorized vehicle, but it is a recreational vehicle. Ms. Stanley asked if areas that already have HOAs restrictions in place will be forced to abide by whatever decision the City makes regarding "recreational vehicles", even if they are currently not allowed by the HOA.

Assistant City Attorney McLean explained that the City only enforces City laws and regulations. If the HOA has more restrictive requirements, the City would not enforce the more restrictive. If the HOA has less restrictive requirements, the City restrictions would apply to all homes within the City jurisdiction.

Ms. Stanley thought that was happening adversely, because her area has single-family homes and they are not allowed to rent short-term, and it is spelled out in the HOA. She understood that the Legislature has basically eliminated doing anything about advertisements for rentals without proof that it is happening. The fact that it is being advertised for short-term rental is not proof. Ms. Stanley believed that everything they think will help tourism actually compounds family neighborhoods because it does not help the residents who live there year-round. Ms. Stanley stated that if the City does not intend to enforce HOA restrictions, they are asking people to pay double or more homeowners dues to provide their own enforcement. She did not believe that was fair and requested that the Planning Commission address that issue at the next meeting. Ms. Stanley pointed out that the car situation in Park City has never been addressed in her 18 years living there. If the City puts restrictions in place but refuse to enforce those laws or the HOA laws, the burden is unjustly placed on the homeowners. Ms. Stanley emphasized the importance of addressing all these issues at the next meeting, because they are ignoring the fact that some of these areas are totally residential.

Unless the City has taken a survey of the neighborhoods that will be severely impacted, she did not believe they had a clear idea of what actually occurs.

Commissioner Phillips suggested that Ms. Stanley attend the City Council meeting on August 30th to hear the Code Enforcement discussion. Ms. Stanley replied that she intended to attend that meeting and provide pictures.

Chair Band closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the Municipal Code Amendments regarding Recreational Vehicle Parking in Title 9: Parking Code, Title 11: Buildings and Building Regulations; and Title 15: Land Management Code to September 26, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Prospector Village Subdivision Amended Lot 9 – Proposal to combine one existing lot and a remnant portion of a second lot into one new lot of record. (Application PL-17-03745)**

Planner Laura Newberry reviewed the proposal to combine a lot and a remnant portion because a road was built over the lot, which created a remnant parcel. The applicant was only combining what is already combined for tax purposes. Chair Band noted that the project on the lot was well under construction and this plat amendment was necessary for access.

Chair Band opened the public hearing.

Helen Stanley noted that currently there are 15 cars parked in that area. She was not aware that she had the option to make public comment because it is not in the area of Prospector that she lives in.

Chair Band informed Ms. Stanley that anyone could speak on any item. She clarified that this item was a proposal to combine an existing lot and a remnant portion into one lot. It was not about parking or any other issues.

Ms. Stanley remarked that since it was already under construction there was nothing to comment on.

Chair Band closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Prospector Village Subdivision Amended Lot 9 Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as contained in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Prospector Village Subdivision Amended Lot 9

1. The property is located at 2262 Comstock Drive.
2. The site consists of the entirety of Lot 9 and the southernmost remnant parcel of Lot 8 of the Prospector Village Subdivision.
3. The property is in the Single Family (SF) District.
4. There is an active Building Permit at this address.
5. On August 8, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on August 4, 2018, according to requirements of the Land Management Code.
6. The City received a complete Plat Amendment application for the 2262 Comstock Drive Amendment on January 26, 2018.
7. The proposed plat amendment will create one lot approximately 7,405.2 square feet in size.
8. The existing Prospector Village Subdivision was recorded in 1975.
9. In 1977, the right-of-way, Little Bessie Avenue, bisected Lot 8 of Prospector Village, creating two remnants, one on either side of the road.
10. The applicant proposes to combine the subject lots into one lot of record.
11. No known encroachments exist on this property.
12. The proposed lot will also be approximately 115.98 feet deep and an average of 63.325 feet wide.
13. The minimum front setback is twenty (20) feet. New front-facing garages must maintain a minimum of ten (10) feet from the Front Lot Line. The proposed house has a twenty (20) foot front setback for the main house and the garage will be setback more than twenty-five (25) feet.
14. The minimum rear setback is ten (10) feet. The proposed house has a ten (10) foot rear yard setback.
15. The minimum side setback is five (5) feet on the interior (south) side and ten (10) feet on the exterior, Street facing (north) side. The proposed house has a five (5) foot side setback on the south side and at least ten (10) foot side setback on the

north side.

16. The plat amendment does not create any remnant parcels.
17. The plat amendment does not create any non-conforming or non-complying situations.
18. The proposed house meets the Single Family building zone height of 28 feet.
19. The property is located within the Park City Soils Ordinance Boundary and must obtain a Certificate of Compliance.
20. The property is located within the FEMA Flood Zone X and this shall be noted on the Plat.
21. Ten foot (10') wide public snow storage easements along the frontage of Little Bessie Avenue and Comstock Drive are required and shall be provided on the plat.
22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Prospector Village Subdivision Amended Lot 9

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

Conditions of Approval – Prospector Village Subdivision Amended Lot 9

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. Side lot line snow shedding easements may be required for new construction per requirements of the Chief Building Official.
5. A 10 foot (10') wide public snow storage easement along both the Little Bessie Avenue and Comstock Drive frontages shall be shown on the plat.

2. Sunny Slopes Park Meadows Subdivision No. 6A Plat Amendment amending Lots 24A & 25 – Proposal to alter a lot line between Lot 24A and Lot 25 which will increase Lot 24A by approximately 1,116 square feet and reducing lot 25 by the same amount. (Application PL-18-03929)

Planner Newberry reported that the applicant was requesting to alter the lot line to accommodate a driveway.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Phillips asked if both lots were owned by the same person. Planner Newberry answered no. Planner Astorga clarified that the two lot owners were co-applicants.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the Sunny Slopes Park Meadows Subdivision No. 6A Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Draft Ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Sunny Slopes Park Meadows Subdivision

1. The subject Lot Line Adjustment via this Plat Amendment application is located between 2467 Sunny Knoll Court (Lot 24A) & 2463 Sunny Knoll Court (Lot 25).
2. The site is within the Single Family District.
3. The proposed Plat Amendment shifts a current side lot line with a length of approximately seventy-five feet (75') fifteen feet (15') to the south.
4. The proposed Plat Amendment increases Lot 24A by 1,116 square feet.
5. The proposed Plat Amendment decreases Lot 25 by 1,116 square feet.
6. The proposed Plat Amendment does not affect the density of the subdivision.
7. The proposed lot size of Lot 24A is 44,659 square feet.
8. The proposed lot size of Lot 25 is 31,174 square feet.
9. The proposed Plat Amendment meets lot and site requirements of the Single Family District.
10. The proposed Plat Amendment does not create any non-compliance issues and is consistent with the Sunny Slopes Subdivision.

11. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Sunny Slopes Park Meadows Subdivision

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

Conditions of Approval – Sunny Slopes Park Meadows Subdivision

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

3. **The applicant is requesting a Conditional Use Permit for a City owned and operated Golf Maintenance Facility at 1884 Three Kings Drive.**
(Application PL-17-03919)

Planner Tippe Morlan reviewed the request for a conditional use permit for an essential municipal public utilities structure greater than 600 square feet. The structure could also be classified as an accessory building greater than 600 square feet. Planner Morlan stated that the primary use, which is a golf course, is also identified as a conditional use in the Recreation and Open Space Zone.

Planner Morlan presented a rendering of the new golf maintenance facility. She explained that the current facility is housed in the Spiro Public Works Building. The Spiro building will be torn because the State has required the Spiro Water Treatment facility to be reconstructed. As part of that, the Golf Maintenance Facility will be constructed as its own new structure, and the existing water treatment plant will be constructed onsite as the new Three Kings Water Treatment. The Three Kings Water

Treatment Plan is a separate conditional use application that will come before the Planning Commission in the next few months.

Planner Morlan stated that the proposed golf maintenance facility building will be located between Hole 10 of the golf course and the Driving Range. Therefore, it will not affect the golf operations. It is proposed to have a total of 8,170 enclosed floor area over three building structures and two canopied operations and materials storage areas.

Planner Morlan reported that the number of employees for the golf maintenance facility will not change. When the uses within the current Spiro Water Treatment Facility are separated, approximately half will be used as the golf maintenance area and half as Public Works and the Water Treatment Facility. Planner Morlan stated that the golf maintenance use has seven employees in the summer and one to two employees in the winter; and that number will not change. The proposed use meets the ROS requirements and meets all required setbacks. It does not require additional parking. Based on the number of employees for the new structure, nine parking stalls are required and ten are proposed as part of the parking agreement the City has with the Silver Star subdivision. Planner Morlan remarked that in the conditions of approval, the City recommends that the ten parking spaces for this project, as well as the 20 spaces that the City has, be striped and allocated to indicate that those spaces are for this particular site. Currently, the spaces are in the lot but not allocated.

Chair Band asked if the City had permission from the property owner to stripe and allocate those spaces. Planner Morlan replied that there is a parking agreement. The document was submitted with the Water Treatment Plant and it will be attached to that file. Planner Morlan had it available if the Commissioners wanted to see it.

The Staff recommended approval finding good cause that this facility is necessary because the existing building will be torn down; and it does not impede the current use of the golf course.

Planner Morlan stated that the Staff was recommending several conditions of approval, including the parking striping. She had received late comments and recommendations from the Engineering Department that require minor changes to the conditions of approval. Condition of Approval #2 refers to the Construction Mitigation Plan. Engineering recommended under 2(a) that instead of saying for "No construction related parking or material storage shall be allowed on this street"; that it say "...in the right-of-way". Conditions #3, 4 and 5 are all prior to issuance of a building permit. However, this structure will be constructed in phases with a grading permit separate

from the building permit. Therefore, the Engineering Department wanted it specified that this only pertains to the building permit; not the grading permit.

Commissioner Suesser wanted to know the square footage that the existing maintenance facility occupies in the Spiro Water Treatment Building.

Roger McClain with the Department of Public Utilities stated that the existing golf maintenance building is slightly over 5,000 square feet. The Parks Department Building is slightly over 5,000 square feet. With the bifurcation of the two departments and the fact that the Parks Department will no longer be on the site, the new building allows for additional space for personnel that is currently shared. Mr. McClain explained that the existing Water Treatment Plan will be demolished and a new Water Treatment Plant will be rebuilt on the same site. The Parks Department will leave the site and move to Public Works; and golf will occupy the new building.

Commissioner Suesser asked if the maintenance needs of the golf course were doubling since they would occupy a facility twice the size of their current space. Mr. McClain replied that it was not doubling, but the additional space would be used for restrooms, office space, maintenance and other things that are shared with the Parks Department and the Golf Department in the current space. He noted that the storage space for fertilizer and pesticides would be larger than the existing site.

Chair Band opened the public hearing.

Frank Jenger, a resident at 1 Kings Court, commented on the new maintenance facility for the golf course; specifically, the access in and out. He used a map Planner Morlan had shown to orient the Commissioners to the area he was talking about. Mr. Jenger thought there appeared to be competition between how to get in and out of the maintenance facility. The path shown in green would go in a northerly direction to Thaynes Canyon Drive. The other choice, shown in white, was an existing access drive that is actually a cart path that exits on to Three Kings Drive. Mr. Jenger understood that the current plan was to go to the Access Road as opposed to the option shown in green. He spoke in favor of choosing that option because it is shorter and less expensive. If they choose the access drive in and out, it comes out by Silver Star. The road turns to left on a horizontal curve, and it also goes down. Mr. Jenger indicated a dip in the road and noted that once people get over the dip, some tend to accelerate and go faster than they should creating a safety issue. Mr. Jenger pointed to two major water measuring devices. There is also a large electrical box. For safety reasons, he questioned why they would want traffic to come out at that point. He did not believe it passed the common sense test.

Mr. Jenger remarked that a competing interest is the driving range. He suggested that they install a fence to separate the golf balls from the residents. Mr. Jenger reiterated his preference for using the road identified in green.

Suzanne Lamb, a resident at 63 Three Kings Drive, stated that the road identified in green is supposed to be for fire trucks in the case of fire in the new building. The road is supposed to be camouflaged to protect the driving range. Ms. Lamb noted that the parking will be at Silver Star, which is across the street and up the hill. It is nowhere close to the green path coming off of Thaynes Canyon Drive. Employees will have to walk from the parking to the building, which is not a short walk. Ms. Lamb thought this building was being shoe-horned into a very tight space. She was opposed to this proposal and she did not believe the green Access Road would work.

Suzette Lamb Robarge, stated that she lives next door to her mother, Suzanne Lamb. Ms. Robarge noted that her house is directly behind the driving range. Her home will be most affected by the Geo-Grid Road, which is actually a sub-surface grass support to support vehicles that will be coming across that road. Ms. Robarge stated that it was never presented to her as an option for regular use. Vaughn Robinson and Roger McClain had said that it would be used during construction to bring in vehicles, and in the winter as a potential fire department access. Mr. Robarge wanted to speak on those points, and to address the potential of using that road as regular access to the facility.

Ms. Robarge stated that she has owned the lot since 1994 and she built her home in 1999. She has been a full-time resident since 2006. Over the course of the years, she and Mr. Robinson have worked together on mitigating the influence and effect of the driving range on her home. She placed nets and Mr. Robinson controls the number of drivers. It is a good situation that has led to no broken windows in five years. Ms. Robarge stated that in building on that lot, she was unable to place any nets along the Aspens because of view shed issues. She believes that having any type of wire cage for a walking path or driving path would exceed the allowable height of fencing in a view shed. She believed that was the reason why she, Mr. Robinson, and previous golf course managers have worked carefully to mitigate the influence of the driving range.

Ms. Robarge stated that a benefit of living on the driving range that she holds near and dear is the fact that she gets to look at gorgeous, pristine snow all winter long. If they install 100 yards of cage, she would lose that element of her property that she holds so dear and really enjoys. She loves listening to the sound of the skiers, and she loves her view Park City during that time of the year. That would all be spoiled by a cage that would probably not meet the height requirement in a view shed. Mr. Robarge stated that at the last public meeting at the City Library, Mr. Robinson told her that the Fire

Department is requiring the Geo-Grid Road to be plowed during the winter. Being able to watch the fence line and tree line all winter long is already impacted by people looking for a shortcut or trespassers onto the cross-country ski course who do not understand ski course ethics. Having a road that is plowed in the winter for fire department access will only encourage the ongoing and slowly increasing use on the back side of the driving range. Ms. Robarge has tried to explain to people that it should not be used as a pathway because it destroys the cross-country ski course. She did not want to see that become habituated as a potential path.

Ms. Robarge understood that the Planning Commission does not always get involved in health and safety life issues. However, she pointed to an existing fire lane that she would like them to continue to use, even during the winter. She suggested that if a full capacity fire hydrant could be placed in that location, the fire department would not need to drive across the road and there would be no need to keep it plowed in the winter. Another alternative or additional measure would be to add fire sprinklers to the building design. On another issue, Ms. Robarge noted that Mr. Robinson preferred not to have a green roof because of maintenance costs; but she suggested that the energy efficiency of a sod roof would mitigate some of the costs of having the roof. Ms. Robarge believed that plowing Geo-Grid road would be an added cost to the golf facility, which is on its own for funding. Ms. Robarge reiterated her request that they consider other viable options and not plow that road in the winter. She agreed with the comment that the facility was being shoe-horned onto the lot.

Leslie Baliff stated that she lives in one of the houses on the lake. She agreed with her neighbors that they were facing a lot of things going on in the area with the Ranch, the Golf Maintenance Facility, and the Public Works space. Ms. Baliff supported Mr. Jenger's statements regarding the problems with the white Access Road as opposed to the green Access Road. She noted that where the road comes out on Three Kings Road right by Silver Star is very narrow. In the summer it is heavily traveled by bikers and walkers; and two cars are unable to pass each other. The road is also directly across from the shuttle stop. On a winter morning families with their skies walk down from the Silver Star area and the homes in Pay Day to the bus stop. She did not have a good sense of the intent for use of that road, but adding another element of vehicles coming in and out in that area is dangerous to those who use the road recreationally. Safety was her primary concern, and she cited one example of an incident that occurred today between bikers and vehicles on this very narrow road.

Chair Band closed the public hearing.

Director Erickson noted that Vaughn Robinson, the Golf Course Manager; Clint Dayley, Parks and Golf Maintenance Manager; and Roger McClain with Public Works were present to answer questions regarding access and facility operations.

Planner Morlan reported that an open house was held on July 16th to introduce the public this project.

Vaughn Robinson, the Golf Manager, remarked on the difficulty of making the road identified in green as in and out access. The balls will be more likely to bounce into the backyards of the homes at the back of the range, which can cause damage. In addition, if people are hitting range balls throughout the day, someone would have to stop people from hitting balls when someone is on the road. There are 19 stalls on the range and most times it is very busy. These were two main reasons for not making that the normal access road. Mr. Robinson stated that cross-country skiing was another reason why they could not move the access down below or in the middle because most of the ski training and teaching is done in that area. Mr. Robinson noted that the access would be the Geo-Grid road and they will try to grow grass to keep balls from bouncing.

Mr. Robinson explained that they did not take the fire access down the road identified in white because the access road needs to be twice as wide as that road for the various trucks that need access. He understood the comments regarding safety concerns with the exit point. He was also worried about safety concerns for their employees. Mr. Robinson remarked that there is an access for enter and exit that is approximately 40 yards to the south. The main entrance to the Golf, Spiro, and Parks facility will be 200 yards away. Mr. Robinson did not believe it would be a major impact because typically two vehicles a day on average go in and out. It would be someone bringing in something they need or to haul sand and seed once a month. He clarified that the road would not be access for employees driving in and out every day. The employees will park at Silver Star and walk down. He did not believe the road is plowed during the winter; therefore, there should not be any winter access because the employees working at the maintenance facility will park at the Hotel Park City and walk up.

Clint Dayley, Park City Parks and Golf Department, agreed with the comment that Three Kings is very busy. He noted that a positive change is that the 14 City vehicles will now be relocated at Public Works. The vehicles that currently come out of the Parks and Golf site four times daily, will all be relocated to the Public Works site. Mr. Dayley stated that the golf course only has two vehicles; a one-ton truck and a Colorado, and they would only be using the white road.

Chair Band understood that the Geo-Grid was only for fire access. No one else would ever use that road unless there is a fire. Commissioner Phillips asked if that road needed to remain plowed throughout the winter. Mr. Dayley answered yes.

Commissioner Phillips wanted to know why the access could not come right in front of the driving tees down at the bottom. Ms. Robinson identified on the map the area he thought Commissioner Phillips was referring to at the bottom by the hotel. He explained that when it was discussed with cross-country skiing, they had stated that higher up was better for safety reasons because that is where they stage and put on skis, as well as doing children and youth activities. Commissioner Phillips asked if the fire access could go over the same area that will be cleared for the skiers. Mr. Robinson replied that the concrete pad is not cleared because it is better to leave the snow on it.

Director Erickson asked them to clarify the fire sprinkling and fire hydrant. Mr. McClain stated that the buildings will be fire sprinkled per City requirements. He stated that they had considered the flumes and electrical box at the intersection. They met with some of the residents onsite to discuss a better location and determined that it could be moved slightly to the south. The existing flumes will be eliminated when the Treatment Plant is constructed. The box is a diversion box that is in the design process, but that will likely be reconfigured or eliminated. The location of the road and access is not dependent on those structures.

Commissioner Suesser asked the applicant to walk through the diagrams. She referred to Buildings A, B and C and the canopied storage area, and asked if they were seeing all of those structures in the schematic drawing on page 143 of the Staff. Commissioner Phillips believed those were cross sections that referred to another view in the plans.

Mr. McClain explained that there are two buildings separated by a driveway corridor. The southern building on the left side is the office and repair bank. On the right side is the fertilizer and pesticide storage building. In between those two buildings is open space for mower cleaning and a wash bay. The building on the north is one complete structure for vehicle or equipment storage. The building is not heated above freezing for energy considerations. Commissioner Suesser asked if the two canopied operations were overhangs that come off into the middle of the two buildings. Mr. McClain pointed to a canopy over the golf course material storage bunks. The area between the buildings is screened to protect the operators from golf balls or other activities. The area on the other side of the building has solar panels. Commissioner Thimm asked if it would be a living roof. Mr. McClain replied that that roof was not living. There will be PV array panels to offset the energy on the south building. There will be a living roof on the north building.

Commissioner Suesser questioned why they needed twice the space that they currently have. Mr. Dayley stated that currently the Parks and Golf facility total is 10,000 square feet. The golf maintenance part of the building is 5,000 square feet; however, the golf maintenance department shares space within the Parks. The lunchroom, offices, and bathrooms are all shared space. It may only be 5,000 square feet, but both departments utilize much of the same space. Another consideration is that the current building is two levels. There are mezzanines where they are able to stack equipment. This new building will be lower and they needed to increase the footprint in order to maintain the same size. Even though the building is larger, the working square footage is close to the same.

Commissioner Suesser asked for the number of employees who work out of the current space. Mr. Dayley replied that there are 17 employees in the summer seven days a week. Five are part-time, which could only be five to ten hours per week. There will only be two employees in the winter, and they will park at the Hotel and walk up. Mr. Dayley stated that approximately 10 to 11 employees would be working at any given time during the summer months.

Commissioner Kenworthy understood that they were allocating 20 parking spaces for the future redevelopment of the Spiro Water Treatment Plant. He wanted to know how that relates to the size of the building and number of employees. Planner Morlan stated that the Three Kings Water Treatment Plan is redoing the parking area onsite where the water treatment plant sits now. There will be additional parking in that location, as well as the 20 parking spaces at Silver Star. She had not yet completed the full Staff analysis, but it would be attached to the CUP for the Treatment Plant. Commissioner Kenworthy clarified that there would be additional parking if needed for the size of the building and number of employees. Planner Morlan answered yes.

Commissioner Kenworthy asked about the success of living roofs. Director Erickson replied that it works well if the roof is maintained. He noted that the architect for this project has done living roofs on other buildings in this local exposure. Commissioner Kenworthy asked for Director Erickson's opinion on the liquor store roof. Director Erickson thought the liquor store was coming along better than expected. The maintenance is low but it was not irrigated at all this year as a test for how the succulents thrive without irrigation. Director Erickson remarked that the difficulties with living or green roofs is when people use them for parks and people walk on the grasses. Another factor are poorly selected plant materials. He had faith in the living roofs for this project because he trusts the Park City Parks Department. In addition, there is a lot of mitigation strategy and reduction of ambient noise and active noise. He could imagine the noise if golf balls bounced off a metal roof.

Commissioner Kenworthy wanted to know who would maintain the living roof. Mr. Dayley replied that Golf Maintenance would be responsible for maintaining the roof. He pointed out that the liquor store roof is maintained by an HOA and not by the City.

Commissioner Kenworthy asked if both the Access Drive and the Geo-Grid would be plowed. Chair Band replied that the Access Drive would not be plowed.

Commissioner Suesser asked if materials or supplies need to get in and out of the building during the winter. Mr. Dayley stated that most of the supplies could be hauled in.

Commissioner Thimm asked if the applicants would be opposed to adding a condition of approval prohibiting the road from being used as access. He also suggested adding another condition to limit the amount of traffic on the access drive to a maximum of ten vehicular trips per day, except in the event of an emergency.

Mr. Dayley was not opposed to adding the conditions of approval; however, there will be one day a month where approximately ten loads of sand would be brought in. He believed ten vehicular trips on an average day would be excess.

Director Erickson recalled a Staff discussion regarding mitigating construction impacts for the neighborhood and Silver Star. He asked if they had agreed on the end of day construction time. Planner Morlan stated that it was discussed but she did not have the opportunity to talk to the Chief Building Official about construction times prior to this meeting. Director Erickson explained that based on comments received from Silver Star and the neighbors, the Staff was considering reducing the construction time period from 9:00 a.m. to 6:00 p.m. Chair Band favored the 9:00 a.m. start in a residential neighborhood. In an effort to reduce construction impacts, Director Erickson asked if the applicant was willing to restrict construction from 9:00 a.m. to 6:00 p.m. as a condition of approval. Mr. McClain had no objection to the proposed construction times.

Commissioner Suesser thought it appeared that the presentation was initially envisioned to present both the design of the Three Kings Water Treatment Plant and the Golf Maintenance Facility. She wanted to know why they were separated, because it would be helpful to see the plans for both building. Commissioner Suesser thought the plans for the Golf Maintenance Facility were vague, and she was interested in knowing more about the Treatment Plan in conjunction with an approval for the Golf Maintenance Facility.

Planner Morlan explained that she had received the application for each building at different times, and each application has different timelines. Director Erickson noted that the new water treatment plant would remain on the same site as the existing Public Works and Treatment Plant. They had originally conceptualized expanding the Spiro site; however, the building is now inside the constraints of the existing Spiro site.

Roger McClain explained that Public Works worked with the Golf Managers to keep the site within the two golf holes. The site was elongated slightly to set it back away from Three Kings Drive, but it remains in the same location. Commissioner Suesser asked if they had considered demolishing the existing Treatment Plan and constructing one facility to meet both needs. Mr. McClain stated that they looked at whether the site could hold both facilities, but they could not make it fit without exceeding the height requirements or other issues; or pushing it out onto the golf course.

Commissioner Sletten asked if it was within the same footprint and height, or whether either of those elements would change. Mr. McClain replied that it pushes out somewhat in length and width from what it is today. They worked hard to make it fit within the constraints of the playability and aesthetics of the golf course without impeding on the two golf holes. In terms of height, they need to accommodate the equipment that will be stored, but it will be shorter than the existing tower. He believed the Planning Commission would be pleased with the look of the facility and the layout. Mr. McClain clarified that in their efforts to try to fit everything on one site, it became apparent that the Parks Department had to move off the site. He pointed out that one benefit is that it will reduce the amount of traffic in the neighborhood.

Commissioner Kenworthy asked for the height restriction. Director Erickson replied that it is a maximum of 28 feet; and 35' to the peak.

Commissioner Suesser clarified that the Parks Department employees would be moved off the site, but the building was being made larger. Director Erickson explained that the treatment process that needs to go into the new building is significantly more sophisticated than what they have now. The Staff asked them to squeeze all the pumps, valves, and other things into the parcel that currently exists. The building shape will be different but the parcel will not change. Commissioner Suesser wanted to make sure the buildings are only what is needed and nothing in excess. It is a residential neighborhood and it is important that they are only designed for what is absolutely necessary. She used the Pump Houses off of Holiday Ranch as an example of designing for what was needed and nothing more. Mr. McClain stated that they would have liked to build more space, but they were constrained to the site and had to maintain the same footprint. It was the direction they were given, and what they had accomplished and submitted to the Planning Department.

Commissioner Hall asked for clarification as to why the Access Drive is not suitable for fire access in lieu of having the Geo-Grid. Mr. Robinson replied that the main difficulty is that the road would have to double in width and would require removing trees. It also narrows by the #10 green. If they widen the road it would go into the neighbors' property and remove trees that provide seclusion and protection from golf balls. Commissioner Suesser asked if it was a single lane road as proposed. Mr. Vaughn answered yes. Chair Band was surprised that the road was being driven on at all because it is a golf course. Commissioner Suesser emphasized that she was trying to clarify that the proposed access route was only 12'. Commissioner Hall clarified that the general consensus was that everyone preferred the Geo-Grid as a second route, rather than expanding the existing Access Drive.

Commissioner Suesser asked for an explanation of how the road will work as a fire access road during the winter. She was told that the Geo-Grid road would be plowed down to the grass. It would only be used for fire access during the winter. Commissioner Phillips thought it would be difficult to plow the road without tearing up the grass. Mr. Vaughn noted that they already have experience with plowing at Quinn's Junction. He envisioned a similar operation. It would be plowed to the minimum plowing requirements of the Fire Department.

Planner Morlan summarized the proposed added and amended conditions of approval. She reiterated the changes she had made earlier in her presentation. In addition, a condition was added that there would be no plowing of the access drive in the winter. For Condition #2c in the construction mitigation plan she added, "The hours of construction shall end by 6:00 p.m." Chair Band asked if they should add a start time of 9:00 a.m. Director Erickson was prepared to recommend a start time because there were already constraints on the construction operation. Commissioner Kenworthy pointed out that limiting both the start and stop times would extend the length of the project, and that would be an impact on the neighbors.

Planner Morlan continued that in Conditions 3, 4, and 5 she had added "not including the grading permit" to clarify that there will be several permits for this project. She had added a Condition stating that "Traffic on the Access Road from the structure to Three Kings Drive shall be limited to no more than ten trips per day on average. A Condition of Approval was added stating that "The Access Road shall not be plowed in the winter".

Suzette Robarge requested the opportunity ask a question.

Chair Band re-opened the public hearing.

Suzette Lamb Robarge asked if all the construction traffic would use the Geo-Grid Road.

Mr. McClain did not believe the Geo-Grid Road would be completely in before construction starts. There will also be utility work towards the bottom that is a point of access. Therefore, there could be three or four points of access. Mr. McClain noted that access issues would be addressed in the Construction Mitigation Plan that will be presented to the City. They were looking at a schedule for completion where access range would be back up and operable by early next year. It involves a lot of concrete work and grading and excavation. It also involves additional site work associated with the berming and other efforts to make the golf course operational without any lost time.

Commissioner Hall understood that the Geo-Grid Access Road would not have the Geo-Grid in during construction; and the pathway would essentially be used for construction trucks next summer. Mr. McClain answered yes. Mr. McClain explained that once there is substantial completion of the building, the Geo-Grid would have to be completed in order to obtain occupancy permits because it will fire access.

Commissioner Suesser asked if the Access Road that would not be plowed during the winter will be used for any construction access. Mr. McClain replied that the use would be limited because of interference with the golf course. Most of the construction traffic would be off of Thaynes Canyon Drive. Commissioner Suesser assumed they could apply the condition of approval limiting an average of 10 vehicles per day on the access drive during construction. Mr. McClain agreed. He asked that it be more related to access from Thaynes Canyon Drive versus Three Kings Drive. Commissioner Thimm asked if they could work out where there would be no construction access on the Access Drive; and only on the service drive. Mr. McClain preferred to say "limited" because they have to construct the access drive.

Planner Morlan added language to the Construction Mitigation Plan limiting construction traffic on the Access road to only that needed for construction of the access road and utilities associated with that area.

Josephine Jenger, a resident at 1 Kings Court, commented on the ten trucks per day that will be coming in and out. She asked if the golf cart road would still be used for people driving golf carts.

Mr. Robinson replied that the golf court road would be right up by the green. The access road will be behind the trees. They will do whatever they can to make sure people do not confuse those two roads. Mr. Robinson clarified that the Access Road

will be built separate from the current cart path. The cart path will remain similar to what it is now. The access road will be separate as much as possible; with the exception of 20 feet right by the green, and that area will have signage. Ms. Jenger asked what would happen if a truck is coming in and a golf cart is going out. Mr. Robinson reiterated that the roads would be separated. Ms. Jenger pointed out that it is illegal for golf carts to ride on the sidewalk, but they do every day on Three Kings Drive. Mr. Robinson thought that issue would be mitigated or even eliminated when the new building is in a different location. Ms. Jenger remarked that the little lawn mowers and the golf carts that go on Three Kings is part of the normal traffic pattern. She was unsure how that could be mitigated during construction.

Chair Band asked if the golf carts were driven by employees or golfers.

Ms. Jenger replied that the golf course workers ride the streets. She believed it was also a safety issue. It is not a good exit for all the vehicles because of Silver Star. She stated that Silver Star generates a significant amount of delivery traffic.

Commissioner Suesser informed Ms. Jenger that the Planning Commission had amended the conditions of approval to keep the construction trucks coming off Thayne Canyon and not going up Three Kings.

Chair Band closed the public hearing.

Suzette Lamb Robarge requested to speak again. Chair Band informed her that the public hearing had been opened twice and it was now closed.

Assistant City Attorney commented on the condition of approval limiting the number of vehicular trips to 10 trips on average. She thought Code Enforcement would have a difficult time counting trips to enforce the condition. Ms. McLean asked the Staff to consider how they could manage the condition to make sure it occurs to mitigate the impacts. Mr. Dayley stated that his Staff would manage it to make sure they do not exceed the 10 vehicle trips. He pointed out that only two City vehicles would be allowed to use that access. All the employees will park at Silver Star and walk down that path.

Commissioner Suesser thought Ms. McLean was specifically asking about vehicles during construction. Ms. McLean replied that she was correct; but it was helpful to know how the golf maintenance operations would be managed.

Mr. McClain clarified that any access would be part of the approved Construction Mitigation Plan. The City Engineer would put it in his encroachment permit on to the roadway, and that could be enforced through the construction manager and the

construction team. Assistant City Attorney McLean asked if someone from the City would be managing it as well. Mr. Dayley stated that it would be a City managed project and there would be a representative onsite at all times. He believed the representative would be Nick Rowley with the Department of Public Utilities.

Suzanne Lamb asked to speak again.

Chair Band reopened the public hearing.

Suzanne Lamb was displeased that Chair Band had cut off her daughter when she requested to speak. This was a public hearing and they have sat here the entire evening so their comments could be heard. She wanted her daughter to have the chance to say what she wanted.

Suzette Lamb Robarge wanted everyone to be aware that as the corner house at 3 Kings Drive and Thaynes Canyon Drive, she will endure the brunt of construction traffic. She wanted that clearly understood. Also, she would have a nicely plowed swath behind her house for eternity on the fire access. Mr. Robarge did not believe they had address the possibility of having a fire hydrant for fire safety versus a plowed Geo-Grid road. Ms. Robarge stated that the speed limit on their street is 20 miles per hour. She did not feel that the golf course equipment is a hazard because they travel within the speed limit to accomplish their job. In her opinion, that is a non-issue.

Dave Thacker, the Chief Building Official and Fire Code Official responded to the fire hydrant question. He stated that a fire hydrant is a great suggestion but it does not take the place of the requirement for fire access per Fire Code. The fire access is required even if the building is sprinkled and there is a fire hydrant next to the building. He pointed out that a fire hydrant is only a way for a fire truck to utilize the water. The truck needs to reach the building in order to use the hydrant. Mr. Thacker emphasized that a hydrant and sprinklers would not alleviate the requirement for the access road.

Chair Band closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the Conditional Use Permit for the Golf Maintenance Building to be located at 1884 Three Kings Drive in the ROS Zone, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed 5-1. Commissioner Suesser voted against the motion.

Finding of Fact – Golf Maintenance Facility

1. The site is located at 1884 Three Kings Drive.
2. The site is located in the Recreation and Open Space (ROS) zoning district.
3. The proposed facility is to be located between the existing driving range and Hole 10 of the Park City Golf Course.
4. The proposed structure complies with all setback and LMC requirements as outlined in the analysis.
5. An essential municipal public utility use, facility, service, or structure greater than 600 square feet, and an accessory building greater than 600 square feet are classified as conditional uses in the ROS zone.
6. The primary use for this address, a golf course, is also classified as a conditional use in the ROS zone.
7. On July 10, 2018, the City received a complete Conditional Use Permit application for this golf maintenance facility.
8. On July 16, 2018, the applicant held a public Open House for the Three Kings Water Treatment Plant and for the golf maintenance facility.
9. The proposed facility is intended to replace the portion of the Spiro Public Works building currently used as a golf maintenance facility.
10. This facility is intended to serve as the primary support facility for golf course operations.
11. This development will not affect the operations of the golf course including the driving range.
12. The proposed facility consists of three building structures and two canopied operations/materials storage areas.
 - a. Building A is identified as a 2,270 square foot administrative office and maintenance building.
 - b. Building B is identified as a 5,000 square foot tempered equipment building.
 - c. Building C is identified as a 900 square foot fertilizer and chemical (pesticide) storage building.
 - d. There will also be a covered wash and fuel bay (1,150 square feet) and a covered bulk material storage area (1,080 square feet).
 - e. In total, this facility will consist of 8,170 square feet of enclosed floor area and 2,230 square feet of covered space totaling 10,400 square feet in all.
13. The applicant has indicated that all structures will be constructed concurrently.
14. The applicant is proposing two access points to the site designed to minimize impacts to the golf course and driving range. The first is an access via private cart path extending from Three Kings Drive, and the second is a secondary access road consisting of grass covered reinforced geo-cell will extend to the project site across the rear of the driving range from Thaynes Canyon Drive.

15. Parking for the project is provided at the adjacent Silver Star Subdivision through an existing parking easement granted to Park City Municipal Corporation (Entry No. 00762729).

16. This agreement allocates 30 spaces to the City, of which 10 are assigned to this facility and 20 are assigned to the future Three Kings Water Treatment Plant project.

17. Operations vehicle parking is provided on site.

18. Off-street parking standards in the LMC require 9 spaces for this site which are met with the existing 10 spaces.

19. Green roofs are proposed Buildings A and B (the administration building and the equipment storage building), and photovoltaic panels are proposed on Building C (the fertilizer and chemical storage).

20. The ROS District requires 25 feet minimum Setbacks from the boundary line of the Lot, district, or public Right-of-Way. The proposed facility meets these requirements with these setbacks:

- a. 285 feet from Thaynes Canyon Drive
- b. 215 feet from the western property line
- c. 30 feet from the southern property line
- d. 175 feet from the eastern property line

21. All structures must be no higher than 28 feet from Existing Grade. The maximum height above Existing Grade on any of the structures is 23.89 feet in compliance with this standard.

22. This site is not located within the Park City Soils Ordinance Boundary.

23. The location of these structures on the existing golf course is not located within a designated flood zone.

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

Conclusions of Law – Golf Maintenance Facility

1. The Application complies with all requirements of this LMC.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval - Golf Maintenance Facility

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

- a. No construction related parking or material storage shall be allowed in the Right-of-Way.
 - b. There shall be no construction vehicle staging on the street and deliveries shall be “just in time” to the satisfaction of the City Engineer and Building Department.
 - c. The hours of construction shall end by 6:00 PM.
 - d. Limit construction traffic on the Access Road to only that needed for construction of the Access Road and utilities associated with that area.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit (not including the grading permit).
 4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance (not including the grading permit).
 5. A final landscape plan, including details for the green roofs, shall be submitted for review and approval by the City Planning Department, prior to building permit issuance (not including the grading permit).
 6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit.
 7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
 8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
 9. Access to the site must meet fire access requirements including adequate road widths and turnaround areas.
 10. Traffic on the Access Road from the structure to Three Kings Drive shall be limited to no more than 10 trips per day on average.
 11. The Access Road shall not be plowed in the winter.
 12. Designated parking spaces which are a part of the Silver Star Subdivision parking easement shall be clearly marked and identified for this use.
 13. Green roofs and photovoltaic panels shall meet best practices for green roofs in the Intermountain West, in terms of the structural design, substrate base materials (what plants are planted in), the types of plant materials, and the irrigation system as reviewed and approved by the Planning Department before a building permit may be issued.

14. This approval will expire on August 22, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.

15. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.

The Park City Planning Commission Meeting adjourned at 7:20 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: RV Parking Amendments
Author: Tippe Morlan, AICP, Planner II
Date: September 26, 2018
Type of Item: Legislative – Municipal and Land Management Code Amendments

Project Number:	PL-17-03479
Applicant:	Park City Planning Department
Affected Municipal Code Sections:	Title 9: Parking Code Title 11: Buildings and Building Regulations Title 14: Trees/Landscaping; Streets, Sidewalks And Stairs; Streetcuts; Snow Removal; Street Address System; News Racks Title 15: Land Management Code
Reason for Review:	Municipal Code Amendments require Planning Commission review, and City Council review and action.

Proposal

The applicant is requesting an amendment to the existing Municipal Code under Title 9 (Parking Code), Title 11 (Buildings and Building Regulations), Title 14 (Trees/Landscaping; Streets, Sidewalks And Stairs; Streetcuts; Snow Removal; Street Address System; News Racks), and Title 15 (Land Management Code) in relation to Recreational Vehicle parking and related parking materials. Recommendations related to non-Land Management Code amendments (i.e. Titles 9, 11 and 14) are not mandated. However, Planning Commissions thoughts on these amendments are useful, especially as they are so closely linked to the Land Management Code amendments.

Recommendation

The Planning Department requests that the Planning Commission hold a public hearing and continue this item to a date uncertain.

Background

As part of constant review of the Land Management Code, the proposed amendments came up either as policy discussions or as procedural items which need to be updated and were discussed at the following meetings:

July 21, 2016 – The City Council held a work session on the topic of the use of gravel throughout the City, specifically focusing on xeriscaping and parking requirements (see [link](#) for minutes).

October 26, 2016 – The Planning Commission held a work session to discuss the use of gravel mulch in Landscaping (LMC Section 15-5-5 (M) Landscaping), and Parking in side yards (all Zones) (see [link](#) for minutes).

April 26, 2017 – The Planning Commission held an additional work session on the same topic (see [link](#) for minutes).

August 7, 2018 – The Planning Department and Community Engagement Department held an open house to receive feedback from the public and to discuss proposed changes to RV Parking regulations. The outreach strategy incorporates email messaging and a public open house session to discuss these amendments and their effect on community members. Staff was also interviewed by KPCW regarding the RV Parking changes. The goals of the Outreach efforts are:

- To inform impacted neighborhood residents about LMC Updates
- To address questions and concerns in a proactive manner.
- To provide an avenue for impacted residents to learn more about the proposed LMC updates
- Keep the information simple and straight forward. Explain the “why” and benefit.

August 22, 2018 – The Planning Commission held a public hearing and continued the item to the September 26th Planning Commission meeting at the request of staff.

Analysis

The main objectives of the proposed amendments are to encourage safe and appropriate parking, improve the aesthetic and visual experience of Park City, and maintain public infrastructure. Following the outreach program for this item held at the City Library on August 7, 2018, Planning Staff is working to evaluate and incorporate comments received. Specifically, Planning Staff is reviewing several potential directions for these changes and is preparing for a City Council work session on October 11, 2018 to receive a recommendation on which direction staff should take. Staff will then proceed to prepare updated code sections for Planning Commission to review. Staff is focusing on enforcement and clarity of regulations

Planning Commission Staff Report

Subject: 243 Daly Avenue
Project #: PL-18-03933
Author: Anya Grahn, Historic Preservation Planner
Date: September 26, 2018
Type of Item: Administrative – Steep Slope Conditional Use Permit
Extension Request

Summary Recommendations

Staff recommends the Planning Commission remove this item from the agenda. Per Land Management Code (LMC) 15-1-10(G), the Planning Director may grant an extension of the Conditional Use permit for one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria of Section 15-1-10(E) or other provisions of the LMC in effect at the time of the extension request.

The item was included in the Legal Notice; however, no mailing or property notice was completed for this item as it is a Planning Director determination and does not require Planning Commission review.

Description

Owner/ Applicant: Alexander and Elizabeth Cohen, represented by architect Chimso Onwuegbu
Location: 243 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of an addition to an existing historic single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater. The Planning Director has the ability to grant a one year extension to their Steep Slope Conditional Use Permit approval. Any further extensions require Planning Commission review and approval.



Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: Code Enforcement Update
Author: Michelle Downard, Deputy Chief Building Official
Dave Thacker, Chief Building Official/Fire Code Official
Date: Sept. 26, 2018
Type of Item: INFORMATIONAL

Code enforcement staff continues to prioritize community outreach, education, construction mitigation and conditions of approval as a focal point of all enforcement activity. Since the previous code enforcement update to the Planning Commission, staff has accomplished the following:

Construction Mitigation and Conditions of Approval

- As we communicated to Planning Commission last year, the Planning and Building Departments are and have been well coordinated in the implementation of Conditions of Approval as defined in Planning Commission approvals.
- The King's Crown project was recently issued a grading permit, requiring a construction mitigation plan with specific conditions of approval and pre-construction meetings.
- Code Enforcement has been working with the Planning Department to amend Technical Report 15, Construction Mitigation Plan for the Empire Pass Master Planned Development.
- Staff intends to utilize the Backhoe Report and the Department's electronic newsletter to provide additional education to the community, including explaining construction mitigation plans. The Backhoe Report is published on our website. Printed copies can be provided as needed.

Noise

- Code Enforcement worked in coordination with the Police Department who provided training for night clubs and bars on Main Street on July 23, 2018. The training covered multiple topics including the noise ordinance amendments, community concerns and expectations for compliance.
- Staff is continuing conversations with residents and businesses regarding the noise ordinance. As needed, staff may return to Council to discuss how to amend the ordinance to maximize the balance between residents' standard of living and thriving businesses.
- Staff will be discussing enforcement efforts with the Planning Commission, including how the noise ordinance specifically relates to the Kimball Garage, 638 Park Avenue. Staff intends to address enforcement concerns by discussing both misunderstandings and identifying how to make improvements. For example, concerns were previously raised about having to visit a violating property with an officer if they called in a noise complaint. While staff cannot say with certainty that this has never happened, that is not consistent with methods to deescalate the situation. To further ensure that this does not occur in the future, enforcement officers have been reminded that this is not a suitable way to handle the situation.

In addition to implementing the above listed items, staff also recommends the following additional actions to address the previous feedback.

Customer Service

City staff is continually having conversations with community members. That said, it is important to note our customer is not only the person we are speaking with, they are also the rest of the community including residents, visitors and business owners and patrons. The City Code is generally a reflection of the standards of living, which the larger community desires. Staff must find a balance between the overall community interests (the adopted code) and the individual requests. For example, exterior residential lighting is regulated to preserve Park City's dark skies. However, some property owners are disappointed to hear they cannot install the light fixtures they prefer, and request an exception to the regulation. Additionally, while protecting residents from construction impacts through mitigation efforts, contractors often ask for leniency and, if granted, the property owner is sometimes aware, and sometimes unaware. Staff believes that having a balanced enforcement approach, with consideration of the interests of all of our customers, is crucial, despite not always being able to provide the answer that a customer desires. A clear and balanced enforcement effort is key in establishing and maintaining standards of living and compliance with the City Code.

The Parking Services Department also works closely with the Building Department to assist with customer service issues related to construction vehicles and mitigation in the residential areas of Old Town. Routine parking enforcement involves educating the public, customers, and construction workers while balancing resident parking needs. Construction impacts on residential parking are a very common community concern.

Messaging

Staff recognizes, and appreciates, opportunities to explain regulations and provide problem solving solutions when interacting with customers facing a violation. Enforcement staff has an obligation to explain each violation and why it is important. Staff must explain that regulations make sense for the health and safety of the community. By doing this, our approach is one of education and resolve not strictly issuance of citations. This has often been viewed by the community as an equitable compliance solution.

Staff further recognizes that community members are not always clear about when they should contact the City. Some have even communicated a hesitation as a result of fear of bothering city staff. Code Enforcement personnel intend to address some of these concerns by discussing them within the Backhoe Report. Specifically, explaining what enforcement roles exist within Park City, (Building, Police, Parking, Engineering, Environmental, Planning, Fire, etc.) what each department enforces and scenarios when they should contact the City. Staff will also explain how understanding community concerns and having extra eyes on the street are helpful. Staff has facilitated anonymous complaints through the Park City website. A complainant never needs to feel responsible for code enforcement action against someone else, as our enforcement is determined by the code, not the complainant's comments.

Enforcement Policy

Discretion is crucial for enforcement staff. Enforcement must be equal and consistently applied. Strategic enforcement must be based on a concern and the content of the violation. Our enforcement policy has already established an education based approach of verbal warning, written warning and then enforcement action, unless there are specific life safety concerns. While this policy has provided beneficial guidance, it does not specify when an issue should be elevated to another staff member for interpretation, such as the Chief Building Official for interpretation of the International Building Code or what enforcement action is most appropriate, such as an administrative code enforcement citation or a stop work order. The Chief Building Official and Deputy Chief Building Official intend to provide more procedural clarity to staff including when issues should be elevated to other staff who have the ability to dedicate additional time to provide a thorough response.

Proactive Code Analysis

As stated above, the City Code is a reflection of the community interests and should be amended as those interests evolve over time. As feedback is received, staff intends to bring those topics to City Council as early as possible for further discussion and consider taking action before an concern becomes more problematic.

In order to accomplish the customer service, messaging, enforcement policy and proactive code analysis listed above, Community Development is also considering a Customer Liaison position which would provide enhanced customer service, where needed. The liaison would focus on community engagement within the Community Development Department, similar to the Community Outreach Police Officer for PD. Currently, multiple staff help to troubleshoot specific circumstances as they arise but there is no consistent point of contact. A liaison would be able to dedicate time and support toward challenging concerns, minimizing runaround for the customer and being a consistent contact. Staff believes that this would allow a staff member to prioritize customer service and balanced enforcement, with an increased level of service.

Planning Commission Staff Report

Subject: 1406 Park Avenue Plat Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-18-03947
Date: September 26, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1406 Park Avenue Plat Amendment, located at the same address, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Richard and Janice Ehrenkrook
Location: 1406 Park Avenue
Zoning: Historic Residential Medium (HRM) zoning district
Adjacent Land Uses: Single and multi-family residential structures
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The applicant proposes to create a legal lot of record from a metes and bounds parcel measuring 3,557 square feet. This is a developed containing a house that has been found not to be historic. The site is not designated on the Historic Sites Inventory (HSI).

Background

This property has had several previous land use applications. In 1982, the previous owners requested a variance for the legalization of the existing side and rear yard setbacks in order to construct a porch that would maintain the same setbacks as the historic house; the applicant later withdrew this application as they were not ready to move forward with the project.

The historical significance of this house has also been disputed several times. In 2009, the site was included in the adoption of the Historic Sites Inventory (HSI); however, further investigation of its history led the Historic Preservation Board (HPB) to remove the property from the HSI in March 2010. Following Land Management Code (LMC) changes that expanded the criteria for designation as “Significant” in 2015, staff once again re-evaluated the site’s historical significance. On April 6, 2016, the HPB reviewed a Determination of Significance (DOS) application and found that the house did not meet the new criteria for designation as “Significant.” The site is not listed on the Historic Sites Inventory and the existing building is eligible for demolition.

The current owners submitted a Historic District Design Review (HDDR) application on March 3, 2018. The application was deemed complete on March 29, 2018, and the HDDR application was approved on June 4, 2018. The HDDR included a Condition of Approval that no building permit would be issued until a plat amendment had been recorded to create a legal lot of record from the metes and bounds parcel.

On July 26, 2018, the applicant submitted a Plat Amendment application to the Planning Department to combine the existing metes and bounds parcel into a single lot of record. The current Summit County Parcel Number is SA-236.

The plat amendment application was complete on July 26, 2018.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- C. encourage the rehabilitation of existing Historic Structures,
- D. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. encourage Affordable Housing,
- F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

The purpose of this application is to combine the existing metes and bounds parcels into a single lot of record measuring 3,557 square feet.

Alliance Engineering has provided a site plan showing several encroachments of an existing fence wraps the west (front), north (side) east (rear), and south (side) property lines; the fence encroaches over the west, north, and east property lines.

The existing single-family house, constructed in 1912 and then significantly altered between 1949 and 1982, does not comply with setbacks; however, the house is proposed to be demolished in order to construct a new single-family home on the lot. Should the house not be demolished, it would remain non-complying; the applicant could submit a Non-Complying Structure Determination application and allow the Planning Director to determine if the building is legal non-complying. The non-complying conditions outlined in the following table already exist and would not be created by this plat amendment.

In the HRM Zoning District, there is no maximum building footprint. Rather, any new development will need to comply with the required setbacks as outlined in [Land Management Code \(LMC\) 15-2.4](#). This property is surrounded by single and multi-family dwellings. Directly across the street are large condominium developments, directly south of this lot are condominiums, and directly north is a single-family historic house at 1420 Park Avenue. More condominiums abut the east side of the property along Sullivan Road. There is not a consistent house size in this neighborhood due to the mix of housing developments.

The properties surrounding this site are significantly larger than the proposed plat amendment (see Exhibit D). Staff finds that the lot at 1406 Park Avenue measuring 3,557 square feet is much smaller than the typical lot sizes in this neighborhood. Staff has analyzed lot sizes along the 1300-1500 blocks of Park Avenue within the HRM Zoning District. The average lot size is 18,738.5 square feet overall. The average lot size for a single family lot is 6,051.94 square feet. The largest lot is at the Woodside Park Subdivision at 1353 Park Avenue (20,752 sf) and the smallest was at the single-family house at 323 Park Avenue (2,178 sf).

	LMC Requirements for HRM District (Based on Existing Lot Size):	Existing Conditions:	Proposed Lot A:
Minimum Lot Size	1,875 SF for single family house; 3,750 SF for duplex	3,557 SF; complies for Single Family, does not comply for duplex	3,557 SF; complies for proposed single family house
Lot Width	37.50 feet	51.42 feet; complies	51.42 feet; complies
Setbacks			
Front Yard	15 feet; 20 feet for front-facing garages	22 feet; complies	22 feet; complies
Rear Yard	10 feet	4 feet; does not comply	4 feet; does not comply
Side Yard	5 feet	6.4 feet (north side); complies 4.9 feet (south side); does not comply	6.4 feet (north side); complies 4.9 feet (south side); does not comply
Building Height above Existing Grade	27 feet	15.8 feet; complies	15.8 feet; complies

***Non-complying conditions are existing and will not be created through this plat amendment.*

Good Cause

Staff finds good cause for this Plat Amendment as the City will receive a snow storage easement along Park Avenue. This plat will also resolve existing encroachments into

the City's right-of-way such as the fence, as well as the encroachment of the fence on to neighboring properties. Furthermore, if the plat is not approved, the applicant will not be able to move forward with their plans to construct a new single family house on this lot.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On September 12, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on September 8, 2018, according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 1406 Park Avenue Plat Amendment, located at the same address, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1406 Park Avenue Plat Amendment, located at the same address, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1406 Park Avenue Plat Amendment, located at the same address, and request additional information or analysis in order to make a recommendation.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the metes and bounds parcel would not become a legal lot of record. No building permit could be issued to allow the applicant to construct a single family house.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1406 Park Avenue Plat Amendment, located at the same address, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Surveys of Existing Conditions

Exhibit C – Site Photographs

Exhibit D – Lot Size Analysis

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE 1406 PARK AVENUE PLAT AMENDMENT LOCATED AT 1406 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1406 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on September 12, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on September 8, 2018 proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on September 26, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 26, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on October 25, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1406 Park Avenue plat amendment located at 1406 Park Avenue.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The 1406 Park Avenue Plat Amendment located at 1406 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1406 Park Avenue.
2. The site is not designated as historic on the City's Historic Sites Inventory.
3. On July 26, 2018, the applicant submitted a plat amendment application to the Planning Department to combine the existing metes and bounds parcel into a single lot of record measuring 3,557 square feet. It is Summit County Parcel SA-236.
4. The plat amendment application was complete on July 26, 2018.
5. There are several encroachments on this site. There is a wood fence that wraps the west (front), north (side) east (rear), and south (side) property lines; the fence encroaches over the west, north, and east property lines.

6. The existing house was constructed in 1912 and significantly altered between 1949 and 1982; it does not comply with the required setbacks. The applicant has proposed to demolish this house in order to redevelop the site.
7. The minimum required lot size in the Historic Residential Medium-Density (HRM) zoning district is 1,875 square feet for a single family house and 3,750 square feet for a duplex. The proposed lot size is 3,557 square feet; it complies for a single family house but does not comply for a duplex.
8. In the HRM Zoning District, there is no maximum building footprint. Rather, any new development will need to comply with the required setbacks as outlined in LMC 15-2.4.
9. This property is surrounded by single and multi-family dwellings. There is not a consistent house size in this neighborhood due to the mix of housing developments.
10. The proposed lot at 1406 Park Avenue measuring 3,557 square feet is much smaller than the typical lot sizes in this neighborhood. The average lot size is 18,738.50 square feet overall for lots in the 1300-1500 blocks of Park Avenue within the HRM Zoning District. The largest lot is at the Woodside Park Subdivision at 1353 Park Avenue (20,752 sf) and the smallest was the single-family development at 1323 Park Avenue (2,178 sf).
11. The minimum required lot width in the HRM zoning district is 37.50 feet; the proposed lot complies at 51.42 feet in width.
12. The minimum required setbacks in the HRM zone are 15 feet front yard, 20 feet for front-facing garages; the existing house complies with a 22 foot front yard setback.
13. The minimum required rear yard setback is 10 feet; the existing house does not comply with a 4 foot rear yard setback.
14. The minimum required side yard setbacks are 5 feet; the existing house complies with a 6.4 foot north side yard setback, and does not comply with a 4.9 foot south side yard setback. This is an existing non-complying condition.
15. The maximum building height above existing grade in the HRM zoning district is 27 feet. The existing house complies with a height of 15.8 feet.
16. The plat amendment will not create any new non-complying conditions. All non-complying conditions are currently in existence.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10 foot wide public snow storage easement along the frontage of Park Avenue is required and shall be provided on the plat.
5. There is a wood fence that wraps the west (front), north (side) east (rear), and south (side) property lines; the fence encroaches over the west, north, and east property lines. The applicant shall either remove the fence or relocate the fence within his property lines prior to recording the plat amendment.
6. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 25th day of October, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

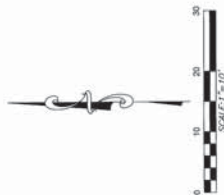
ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

1378 PARK PLACE CONDOMINIUM



I, ALAN L. SIBSON, A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NO. 5047053, IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREON DESCRIBED PARCEL AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

DATE: OCTOBER 26, 2018

beginning at a point, 1820 feet along a section line, from the southwest corner of section 9, township 3 south, range 4 east, salt lake base and meridian, and running thence east along a section line, 13.90 feet, thence north 16 degrees 56 minutes 0 seconds west 13 feet, thence north 53 degrees 28 minutes 0 seconds east 58 feet, thence south 35 degrees 59 minutes 0 seconds east 52.68 feet, thence south 54 degrees 01 minutes 0 seconds west 69.03 feet, thence north 35 degrees 59 minutes 0 seconds west 46.69 feet to the point of beginning.

BEGINNING AT A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF PARK AVENUE, SOUTH
POINT BEING-521.192 FEET ALONG SECTION LINE AND NORTH 31.4 FEET FROM
THE SOUTHWEST CORNER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT
CREEK RANGE, 10TH PRINCIPAL MERIDIAN, THENCE NORTH 25.5142 FEET
ALONG EASTERN RIGHT-OF-WAY LINE OF PARK AVENUE TO THE POINT OF BEGINNING.

THE PURPOSE OF THIS SURVEY IS AN ATTEMPT TO RESOLVE THE APPARENT DISCREPANCIES BETWEEN THE SUBJECT PROPERTY AND THE ADJACENT PROPERTIES. IT'S CLEAR TO ME THAT THE WESTERN PROPERTY LINE SHOULD FOLLOW THE EASTERLY RIGHT-OF-WAY LINE OF PARK AVENUE. THE NORTHERLY PROPERTY LINE SHOULD FOLLOW THE PLATTED SOUTHERLY LINE OF "1412" 1416 PARK AS CONDOMINIUMS. THE EASTERLY AND SOUTHERLY PROPERTY LINES SHOULD FOLLOW THE EASTERLY AND NORTHERLY LINES OF "1401" 1 OF WASHCOT CONDOMINIUM. SINCE PROBLEMS HAVE BEEN IDENTIFIED, I HAVE BEEN ADVISED TO MATCH THE PROPERTY LINES OF ADJACENT PROPERTIES.

BY ADJUSTING THE SUBJECT PROPERTY AS DESCRIBED ABOVE, IT MATCHES THE SURROUNDING IMPROVEMENTS QUITE WELL AS SHOWN ON THIS PLAT.

BY ADJUSTING THE SUBJECT PROPERTY AS DESCRIBED ABOVE, IT MATCHES THE SURROUNDING IMPROVEMENTS QUITE WELL AS SHOWN ON THIS PLAN.

DRAWN BY: ALS	SURVEYED BY: ALS	SHEET DESCRIPTION BOUNDARY SURVEY	SHEET NO. 1
CHECKED BY: ALS	CALCULATED BY: ALS		OF ONE
SURVEY DATE: 10/23/16	EPOCH 25		
JOB NO.: 15-071		DWG: GARDEN-PARK CITY	

REVISED: 10/27/16
ADDED SETBACK INFO
11/23/16 ADDED COR. INFO
3/12/18 ADDED CONTOURS
3/28/18 ADDED UTILITIES

RICHARD EHRENKROOK
1406 PARK AVENUE, PARK CITY

✓	
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**SIBSON ASSOCIATES
LAND SURVEYORS**
BOUNDARY, TOPOGRAPHIC & CONSTRUCTION SURVEY
33 EAST 100 NORTH, AMERICAN FORK, UTAH 84403

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
AND THE SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
LOTS 2, 3 AND A PORTION OF LOT 4, BLOCK 23
SNYDER'S ADDITION TO PARK CITY
RECORD OF SURVEY
SUMMIT COUNTY, UTAH

I, Charles Gelati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the herein described property and that to the best of my knowledge this plot is a correct representation of said survey.



Beginning of a point 1800 feet East along the Section line from the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence East along the Section line 1.90 feet; thence North 36°56'00" West 13 feet; thence North 53°28'00" East 58 feet; thence South 35°59'00" East 52.08 feet; thence South 54°01'00" West 69.03 feet; thence North 30°55'00" West 46.69 feet to the point of beginning.

Also described by as-surveyed description as follows:

Beginning at a point on the Eastern right-of-way line of Park Avenue, said point being East 1782.98 feet along the Section line and North 3.14 feet from the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake basin and Meridian (said point further selected as follows: 1400 North Street, East 22.91 feet; 111118 feet from the Southwest corner of said Section 9, Township 2 South, Range 4 East, Salt Lake basin and Meridian; 2754.53 feet from said point; 68.75 feet; thence South 35°53'20" East 52.08 feet; thence South 34°06'40" East 68.75 feet; to said Eastern right-of-way line; 2553.20 feet along and Eastern right-of-way to said Eastern right-of-way line; 51.42 feet along and Eastern right-of-way to the point of beginning.

1. Status of financing for this survey is between the found street monuments in Park Avenue as shown on the plat.
2. Field work for this survey was performed June 20, 2018, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Record of Survey and supplemental existing condition map to supplement an unrecorded survey performed by Alan Sloan (see note 5 below) to meet Park City plot amendment submittal requirements.
4. A Title Report was not provided to the surveyor and no easements were located as part of this survey. The surveyor is not responsible for any easements that may exist but that may not appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. County tax maps, recorded deeds, Snyder's Addition to Park City plat, an unrecorded survey performed by Alan Sloan dated 10/23/76 (with revisions dated 3/28/81), and physical evidence found in the field were used to determine the boundary as shown on Park City plat.
6. Site BENCHMARK 488507 is located on the intersection of Parkway and 14th Street.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were shown as shown.
9. Measured bearings and distances, when different from record, are shown in parenthesis ().



	(405) 442-4467	STAFF: SAUN CHIP TONGSON TOM LUND JENNIFER PING RYAN BETZ	DATE: 7/27/18
		CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 400 West 7th St. Suite 404 Los Angeles, CA 90012	SUPPLEMENTAL EXISTING CONDITIONS MAP 1406 PARK AVENUE

Exhibit C



1406 Park Avenue - looking northerly



1406 Park Avenue - looking easterly



1406 Park Avenue - looking southeasterly



1406 Park Avenue - looking southerly



1406 Park Avenue - looking westerly

Exhibit D

Comparison of Neighboring Lot Sizes at 1406 Park Avenue

Address	Lot Size (SF)	Use
1301 Park Avenue	6,534.00	Single-family
1313 Park Avenue	4,791.60	Single-family
1323 Park Avenue	2,178.00	Single-family
1327 Park Avenue	6,098.40	Single-family
1353 Park Avenue	20,752.00	Multi-Family
1359 Park Avenue	3,884.10	Single-family
1373 Park Avenue	5,662.80	Single-family
1375 Park Avenue	4,061.00	Multi-Family
1378 Park Avenue	11,077.21	Multi-Family
1384 Park Avenue	6,630.00	Multi-Family
1399 Park Avenue	6,850.00	Multi-Family
1403 Park Avenue	14,839.60	Multi-Family
1406 Park Avenue	3,557.00	Single-family
1412-1418 Park Avenue	11,714.14	Multi-Family
1415 Park Avenue	9,071.60	Multi-Family
1420 Park Avenue	16,970.00	Single-family
1435 Park Avenue	10,537.00	Multi-Family
1438 Park Avenue	12,734.40	Multi-Family
1450-1460 Park Avenue	18,294.00	Multi-Family
1451 Park Avenue	9,596.27	Multi-Family
1465 Park Avenue	10,018.80	Multi-Family
1470 Park Avenue	9,365.40	Multi-Family
1475 Park Avenue	8,113.00	Multi-Family
1476-1486 Park Avenue	12,714.00	Multi-Family
1483 Park Avenue	4,438.00	Multi-Family
1488 Park Avenue	4,791.60	Single-family
1492 Park Avenue	8,414.00	Multi-Family
1493 Park Avenue	10,758.00	Multi-Family
1500 Park Avenue	12,196.80	Commercial (7-11)
Average Lot Size (ALL)	18,738.50	
Average Lot Size (Single Family Hous	6,051.94	

Planning Commission Staff Report



Subject: Moon Shadow Condominiums
Author: Kirsten Whetstone
Date: September 26, 2018
Type of Item: Condominium Plat
Project # PL-18-83848

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Storied Deer Valley, LLC
Location: 8945 Marsac Avenue (Lot 1 of the Village at Empire Pass North Subdivision)
Zoning: Residential Development (RD) subject to the Amended Flagstaff Development Agreement and Village at Empire Pass Master Planned Development (VEP MPD)
Adjacent Land Uses: Open space, development parcels of the VEP MPD Pod A and Ontario Mine Bench properties (PCMC and JSSD)

Proposal

The Moon Shadow Condominiums application is a request for approval of a condominium plat for the eight (8) PUD style units/lots with access from a private street located off Marsac Avenue (Exhibit A) to be located on Lot 1 of the Village at Empire Pass North Subdivision. PUD style units are described by the Amended Agreement as “clustered, detached, single family or duplex units with common open space and coordinated architecture.”

Lot 1 consists of a total of 6.77 acres and the proposed condominium units (lots) range in area from 0.48 to 0.98 acres. The applicant proposes a total of thirty-one (31) Unit Equivalent (UE) or 62,000 square feet of floor area to be divided among eight (8) condominium units. This plat identifies sufficient private area to accommodate a typical 4,000 sf building pad with the remaining lot area designated as limited common. No building height exceptions are requested. An existing conditions survey, utility and grading plans, construction plans for the private street and utilities, a slope analysis, aerial photo and photos of the site and architectural design guidelines were submitted with the application (Exhibits B, C, G and J).

The property is subject to the 2007 Amended Flagstaff Development Agreement (Amended Agreement) ([Exhibit E- link](#)), the Village at Empire Pass MPD (Exhibit L), and the Village at Empire Pass North Subdivision (Exhibit D). Administrative Conditional Use

permits (ACUP) are required prior to building permit issuance for PUD style units. Supplemental condominium plat approvals memorializing private, common and limited common area of each unit are required prior to issuance of certificates of occupancy.

Each supplemental plat will also provide documentation of the final UEs and unit counts to ensure that no more than 31 UE of residential density (62,000 sf) are constructed. No commercial density is allocated or approved at this site. No deed restricted affordable units are required, or proposed for this site. Front setback exceptions are requested as described below. No height exceptions are requested.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement was amended and recorded in March 2007 ([Exhibit E- link](#)).

The Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60. The Mountain Village is allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A). The development pods are linked by public transit as well as private shuttle service and the private Empire Club provides common amenities nearby. A fourth pod, pod D, is allowed 30 single family lots (this area was platted with the Red Cloud Subdivision for 30 single family home sites). To date a total of 484 units (multi-family, hotel and PUD style) representing a total of 699.3 UE have been constructed and/or platted within PODs A, B1 and B2, not including proposed units and UEs of this plat.

Fifteen Technical Reports, along with the Land Management Code and the Amended Agreement form the standards under which the subject condominium plat, and subsequent Administrative Conditional Use Permits and supplemental condominium plats for individual units, will be reviewed ([Exhibit F – Technical Reports- link](#)).

Village at Empire Pass Master Planned Development (VEP MPD)

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (VEP MPD) (Exhibit L). A maximum of 60 PUD-style units (single detached or duplex) are allowed with the remaining units to be multi-family (stacked-flat lodge buildings or attached townhouses). In addition, 16 single family homes on individual lots in the Village and up to 30 in Red Cloud (Pod D) are allowed. Six Banner wood lots and 10 North side lots account for the allowed single family lots in the Village.

The VMPD was the first step in the development process for Pod A. A separate MPD for Pod B1 was approved in May 2002 and amended in 2008. On March 14, 2007, the Planning Commission approved an MPD Pod B2 at Empire Pass (for the constructed Montage Resort and future B2 East condominiums).

Construction to date

Seven lodge buildings have been built to date within Pod A (Exhibit K), namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, Grand Lodge and One Empire Pass.

Additionally, six (6) Larkspur East PUD style units and nine (9) Larkspur East attached multi-family units, twelve (12) Larkspur West attached multi-family units, twelve (12) Paintbrush PUD style units, seventeen (17) Belles PUD style units, and six (6) single family lots in Banner Wood are platted within Pod A.

An additional seventeen (17) Nakoma PUD style homes are platted in Pod B1, along with twenty-four (24) Ironwood multi-family units and ten (10) North side single family lots. There are a total of 52 PUD style units currently platted and/or constructed within the Village. This application requests approval of a condominium plat for the final eight (8) PUD style units.

Lot 1 is identified in the amended Construction Mitigation Plan Technical Report #15 as a tipping site for excavated material within the Flagstaff Development. A grading permit has been issued for a portion of Lot 1 to prepare the site to accept excavated clean soil from the Empire Residences Condominiums, located on Lot 3 of the same subdivision.

Subdivisions

On June 15, 2017, the Village at Empire Pass North Subdivision plat was approved by Council. The plat created a lot of record (Lot 1) for future development of the subject property, aka the "Horseshoe Parcel" located on the north side of Marsac Avenue, as well as Lots 2 and 3 for MPD Lodge Buildings 3 and 4 (Exhibit D), consistent with the VEP MPD.

Submittal

This condominium plat application was complete on August 2, 2018.

Analysis

The property consists of a total of 6.77 acres and the proposed condominium units (lots) range in area from 0.48 to 0.98 acres. The applicant proposes a total of thirty-one (31) Unit Equivalents (UE) (62,000 square feet of total floor area to be divided among eight (8) condominium units). This plat identifies sufficient private area to accommodate a typical 4,000 sf building pad with the remaining lot area designated as limited common. The eight condominium units (lots) have frontage on a private street (a cul-de-sac). This layout is similar to the Belles and Nakoma PUD style detached units where each unit initially encompasses just the three-dimensional air space of the unit or lot that is designated as private area. After construction of each unit, the boundaries of each unit

will be platted with a supplemental condominium plat to become the perimeter walls of the unit. All units shall be located only within the RD Zoned portion of the property.

Applicant submitted Architectural Design Guidelines for the Moon Shadow Condominiums (Exhibit J) that reflect a unified architectural character, as well as consistency with the Empire Pass Design Guidelines. Approval by the Empire Pass Design Review Board is a condition precedent to building permit issuance for each unit.

The plat has been reviewed for compliance with the Flagstaff Development Agreement and Technical Reports, as well as the Village at Empire Pass MPD and Village at Empire Pass North Subdivision. Construction mitigation plans and landscaping plans shall be submitted with each ACUP and building permit addressing all requirements of the Amended Agreement and Technical Reports.

Land Management Code and MPD Review

	LMC/MPD	Proposed
Height	28' (+5' for pitched roof)	No height exceptions requested.
Front setback	20' front, 25' to front facing garage (VEPMPD allows setback exceptions to internal lot line), subject to criteria of the LMC Section 15-2.13.3 (C).	Requesting 15' front, 20' to front facing garage per LMC Section 15-2.13.3 (C) (1). Property line is the back of the street gutter, consistent with all private streets at Empire Pass.
Rear setback	15'	15'
Side setbacks	12'	12'
Parking	Two spaces required per unit	Two spaces provided per unit
Total Floor Area	Development Agreement requires PUD style units to include all floor area, including all basement areas, into the Unit Equivalent (UE) calculations. 600 sf of garages are excluded.	62,000 sf (maximum of 7,750 sf of total floor area per unit) only excluding 600 sf of garage area. Up to 31 UE of residential density are permitted. (See Exhibit K- Flagstaff Density and Unit Chart)

Village at Empire Pass Master Planned Development (VEP MPD)

The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village, as well as addressing overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetric diagrams, including specific height exceptions, density, and development location. No height exceptions were approved for PUD style units. Prior to building permit issuance for any construction, applicants must receive site-specific Conditional Use Permit approval from the Planning Commission for

all Lodge Buildings and Administrative Conditional Use Permits for all PUD style and townhouse units. There is not a separate development agreement for the VEP MPD. Site specific review is based on consistency and compliance with the Amended Flagstaff Development Agreement and Technical Reports.

The MPD included the larger denser buildings at the Village core with the PUD style units and single family lots and PUD style on the perimeter. The pattern of development of these proposed PUD style units is similar to the Nakoma PUD units that are located on a cul-de-sac off Marsac Avenue at the perimeter of the development as demonstrated on the overall development aerial (see Exhibit N). Units tier out from a) Lodge Buildings around the lifts, runs, and village amenities, then b) to the attached multi-family units, then c) to an outer tier of units that are either SF like Banner Wood, North side and Red Cloud or PUD style like Nakoma and Belles PUD.

This parcel was identified as 19 multi-family attached units. While the MPD did not call out a specific density, multi-family townhouses have been approved with density ranging from 2,500 to 5,000 sf of floor area (Larkspur Townhouses in Pod A range from 3,250 sf to 3,450 sf per unit and average 3,350 sf). The 19 multi-family attached units of the concept plan would have resulted in between 47,500 sf to 95,000 sf of residential floor area (or 63,650 sf if each unit was on average 3,350 sf similar to the nearby Larkspur units).

The proposed density (in terms of number of units, traffic, and general activity) is reduced from 19 to 8 units. The proposed density in terms of total square feet and UE (up to 62,000 sf (31 UE) is between the 47,500 sf and 95,000 sf that the 19 multi-family attached concept would have resulted in, had the units been between 2,500 sf and 5,000 sf. By comparison, nineteen (19) multi-family units at the 3,350 sf Larkspur average size would have resulted in a total of 63,650 sf (31.83 UE). Ground disturbance would be reduced from approximately 76,000 sf for the townhouse building pads versus the 32,000 sf proposed with the PUD pads. The PUD concept is similar to the Nakoma Condominium PUDs which are predominately second homes. The skier bridge is not part of this application and only one permanent entrance to Marsac has been approved by UDOT.

Staff finds that the proposed project results in one less road intersection with Marsac Avenue, less site grading due to the reduction of road and driveway areas and less than the floor area of the VEP MPD planned townhouse units. The net square footage of the proposed project is less than or consistent with the townhouses planned in the VEP MPD. Staff finds that the proposed project is consistent with the approved VEP MPD, the Village at Empire Pass North subdivision and the Amended Flagstaff Development Agreement.

Floor Area Calculations

At the time of final construction and re-platting with a supplemental condominium plats, all floor area including basement area and garage space greater 600 square feet is counted towards the total Unit Equivalents as allowed by the Flagstaff Development

Agreement. The applicant requests a plat note that the maximum floor area for each unit is 7,500 sf (this includes all floor area, including basements per the MPD).

Setback Exceptions

The applicant is requesting a fifteen foot (15') front setback (with twenty (20') feet to a front facing garage) in order to cluster the development closer to the private street given the relatively steep downhill slope of the lots (15%-40%). The reduced front setbacks also reduce the amount of cut and fill, manage excess driveway grades and surface area, protect additional Significant Vegetation, provide more open space in the rear lot areas, and increase the separation from areas of 40% and greater slope, as further described in the applicant's letter (Exhibit I). Building pads are located a minimum of 10' from slopes 40% and greater, with the exception of topographic slope anomalies located on units A and D that are under the minimum threshold measurements of 25' rise and 50' run.

LMC Section 15-2.13.3 (C) (1) allows the Planning Commission to vary front setbacks to solve access problems for Lots with relatively steep grades, preserve Significant Vegetation, eliminate or minimize cut and fill areas, promote Clustered Development and to preserve Open Space. This front setback reduction is consistent with exceptions permitted for other parcels within the VEP MPD, including Larkspur PUD units, where the lots have frontage on a private street and reduce site disturbance to the north.

Landscape Plans

Consistent with conditions of the VEP MPD and Subdivision plat, a landscape plan, including provisions for water-efficient irrigation systems and drought tolerant plantings with limited turf, is a submittal requirement for each administrative CUP application and building permit. An arborist report identifying trees and the general conditions of trees proposed to be removed beyond the building pads is required to be submitted with the required landscape plans. Staff reviewed the visual analysis portion of the VEP MPD and will re-review the impact of each individual unit at the time of the Administrative CUP and Building Permit approvals. The Building Pad shall be considered the Limits of Disturbance for each condominium unit. Forest health restoration and landscaping consistent with the Arborist reports and visual analysis would be considered similar to the Red Cloud Subdivision that allows an additional disturbance area within 20 feet of the building foundation. Driveways and utility installation would be exempt. No disturbance is allowed into the Limited Common ROS area.

A fire protection plan is required for each unit including fire protection in the form of residential sprinklers and landscaping in compliance with Urban Wildland Interface requirements of the Park City Building Department at the time of building permit issuance.

Sensitive Lands Compliance

The Sensitive Lands (overlay) Zone did not specifically apply to the Flagstaff Mountain Resort (Large-Scale MPD) and annexation; however, the locations of the development pods are based on Sensitive Lands principles of avoiding very steep slopes, ridgeline

development, wetlands and streams, and wildlife habitat areas.

Access and Private Street

The private cul-de-sac has one permanent access to Marsac Avenue (aka SR 224) and the applicant has obtained a conditional access permit and encroachment permit from UDOT for a secondary access for construction of the private street. The private cul-de-sac, to be known as Moon Shadow Court, is designed with the Fire District required total width of thirty feet (30') (roadway plus 24" roll gutters on both sides) as well as the required cul-de-sac diameter of ninety-six (96') feet.

Trails

Additional Recreational Trail Easements will be provided outside of those identified in the existing Flagstaff Development Agreement. Easements for both existing trails and a proposed new trail identified in Exhibit M will be identified on the plat prior to recordation and a plat note shall indicate that once constructed and or re-constructed the public trails will be considered to be within a fifteen foot public trail easement. The City will provide funding for construction and ongoing maintenance for these trails as they are part of the community wide trail system. The existing trail traverses the northern border of the open space and is located on portions of the proposed open space common area. The proposed trail is also located within the common open space area, approximately 50' north (and downhill) from the development area.

Good Cause

Staff finds good cause for this condominium plat as the plat is consistent with the overall development pattern envisioned in the Village at Empire Pass MPD, is a reduction in the MPD concept density (from seventeen multi-family units attached as three and four townhouses) and is in compliance with the Amended Agreement, including the 15 Technical Reports.

Department Review

This project has gone through an interdepartmental review. Issues regarding the proposed utility plans and street design were discussed. The proposed plat, utility plan and private street were revised to address these issues. Condition of approval address approval of the final utility plan prior to issuance of building permits, approval and recordation of supplemental condominium plats for each unit prior to issuance of a certificate of occupancy, re-vegetation and landscaping of each lot prior to certificate of occupancy, as well as requiring each unit to have fire protection in the form of sprinklers and landscaping that complies with the Urban Wildland Interface recommendations from the Building Department. See Exhibits G and H for revised utility and street plans and SBWRD letter.

Notice

On September 12, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on September 8, 2018.

Public Input

Staff has not received any public input positive or negative at the time of this report.

Alternatives

- Planning Commission may forward a positive recommendation to approve the Moon Shadow Condominium plat as conditioned or amended, or
- Planning Commission may forward a negative recommendation and direct staff to make findings for this decision, or
- Planning Commission may continue the discussion and request additional information from the Applicant and/or Staff.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been addressed with revisions to the plat and/or conditions of approval.

Consequences of not taking the Suggested Recommendation

The units could not be constructed or separately sold.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Condominium plat

Exhibit B – Existing Conditions and Zoning

Exhibit C – Aerial Photo and photos of the site

Exhibit D – Existing plat- Village at Empire Pass North Subdivision

[Exhibit E – Flagstaff Development Agreement Amended \(link\)](#)

[Exhibit F – Technical Reports \(link\)](#)

Exhibit G – Utility, grading, slope analysis and street construction plans

Exhibit H – SBWRD letter

Exhibit I – Applicant's letter

Exhibit J – Proposed Architectural Design Guidelines for Moon Shadow Condominiums

Exhibit K – Flagstaff Development Density Chart

Exhibit L – Village at Empire Pass MPD approval minutes and Village MPD plan

Exhibit M – Existing and proposed public trails

Exhibit N – Aerial of Flagstaff Development

DRAFT

Ordinance No. 2018-

**AN ORDINANCE APPROVING THE MOON SHADOW CONDOMINIUMS PLAT,
LOCATED AT LOT 1 OF THE VILLAGE AT EMPIRE PASS NORTH SUBDIVISION,
PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Lot 1 of the Village at Empire Pass North Subdivision, have petitioned the City Council for approval of the Moon Shadow Condominiums plat; and

WHEREAS, the property was properly noticed and posted on September 12, 2018, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was published on September 8, 2018, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 26, 2018, to receive input on the Moon Shadow Condominiums plat; and

WHEREAS, the Planning Commission, on September 26, 2018, forwarded a recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Moon Shadow Condominiums plat.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Moon Shadows Condominiums plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law and Conditions of Approval:

Findings of Fact:

1. Moon Shadow Condominiums plat for eight (8) units and a private cul-de-sac is located at 8945 Marsac Avenue on the 6.77 acre Lot 1 of the Village at Empire Pass North subdivision.
2. Lot 1 is located in the RD-MPD and ROS-MPD zoning districts.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Agreement was amended in 2007. The Amended Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum densities, location of densities, and developer-offered amenities, requirements and obligations.
4. The Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed

for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60.

5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass that identified the area of this proposed plat for multi-family condominium units, subject to density limitations of the Amended Flagstaff Development Agreement.
6. On June 15, 2017, the City Council approved the Village at Empire Pass North Subdivision creating four lots of record. Lot 1, the subject lot of this condominium plat, is 6.77 acres in area, and sufficient in size to cluster the proposed eight PUD style units accessing a private cul-de-sac.
7. Only RD zoned portions of the property are designated as private area and no units are allowed to be constructed in the ROS zoned portions.
8. The private cul-de-sac has access to Marsac Avenue (aka SR 224) and the applicant has obtained a conditional access permit and encroachment permit from UDOT for a secondary access for construction of the private street. The private cul-de-sac, to be known as Moon Shadow Court, is designed with the Fire District required total width of thirty feet (30') (roadway plus 24" roll gutters on both sides) as well as the required cul-de-sac diameter of ninety-six (96') feet.
9. No affordable housing units are required as part of this condominium plat. Final on-mountain affordable housing obligations are to be incorporated into the remaining Village at Empire Pass MPD Lodge Buildings 1, 3 and 4, as well as future condominium buildings at B2 East Subdivision (Parcel B2 MPD Phase 2), as noted on the respective subdivision plats.
10. At the time of final construction and re-platting, all floor area including basement area and garage space greater than 600 square feet, will be counted towards the Unit Equivalents as allowed by the Flagstaff Development Agreement.
11. Applicant submitted Architectural Design Guidelines for the Moon Shadow Condominiums that reflect a unified architectural character, as well as consistency with the Empire Pass Design Guidelines.
12. The proposed pattern of development and this condominium plat are consistent with the approved Village at Empire Pass MPD and the Village at Empire Pass North Subdivision in terms of density, unit type, location and layout of units.
13. A total of 60 PUD style units are allowed within Pods A, B1 and B2 subject to the Amended Agreement. Fifty-two (52) PUD style units are currently platted and/or constructed within the Mountain Village in Pods A and B1. There are no PUD style units platted in Pod B2.
14. Up to thirty (31) Unit Equivalents (62,000 sf) are proposed to be divided between the eight (8) PUD style units, subject to all requirements of the 2007 Amended Flagstaff Development Agreement.
15. This parcel was identified as 19 multi-family attached units. While the MPD did not call out a specific density, multi-family townhouses have been approved with density ranging from 2,500 to 5,000 sf of floor area (Larkspur Townhouses in Pod A range from 3,250 sf to 3,450 sf per unit and average 3,350 sf). The 19 multi-family attached units of the concept plan would have resulted in between 47,500 sf to

95,000 sf of residential floor area (or 63,650 sf if each unit was on average 3,350 sf similar to the nearby Larkspur units).

16. The proposed density (in terms of number of units, traffic, and general activity) is reduced from 19 to 8 units. The proposed density in terms of total square feet and UE (up to 62,000 sf (31 UE) is between the 47,500 sf and 95,000 sf that the 19 multi-family attached concept would have resulted in, had the units been between 2,500 sf and 5,000 sf. By comparison, nineteen (19) multi-family units at the 3,350 sf Larkspur average size would have resulted in a total of 63,650 sf (31.83 UE).
17. The proposed project results in one less road intersection with Marsac Avenue, less site grading due to the reduction of road and driveway areas and less than the floor area of the VEP MPD planned townhouse units. The net square footage of the proposed project is less than or consistent with the townhouses planned in the VEP MPD.
18. The PUD concept is similar to the Nakoma Condominium PUDs which are predominately second homes. The skier bridge is not part of this application and only one permanent entrance to Marsac has been approved by UDOT.
19. The proposed 8 unit PUD style plat is consistent with the approved VEP MPD, the Village at Empire Pass North subdivision and the Amended Flagstaff Development Agreement.
20. Two parking spaces are required for each unit.
21. Maximum Building Height in the RD District is 28' (33' allowed with a minimum 4:12 pitched roof).
22. Fifteen foot (15') front setbacks (20' to the front of the garage) are proposed to cluster units closer to the private street in order to decrease cut and fill, decrease driveway area, increase the separation from areas of 40% and greater slope, and to protect additional existing vegetation. Building pads are located a minimum of 10' from slopes 40% and greater, with the exception of topographic slope anomalies located on units A and D that are under the minimum threshold measurements of 25' rise and 50' run.
23. The MPD requires Construction Mitigation Plans to be submitted with each ACUP and building permit addressing all requirements of the Amended Agreement and Technical Reports.
24. Additional Recreational Trail Easements will be provided outside of those identified in the existing Flagstaff Development Agreement. Easements for both existing trails and a proposed new trail identified in Exhibit M of the Staff Report.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Amended Flagstaff Annexation and Development Agreement, the Village at Empire Pass North Subdivision, the Park City Land Management Code and applicable State laws regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, Land Management Code, 2007 amended Flagstaff Development Agreement, the Village at Empire Pass MPD, and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless an extension is requested prior to expiration and is granted by the City Council.
3. City Engineer and SBWRD approval of the final infrastructure and utility plans is a condition precedent to plat recordation.
4. A non-expired UDOT conditional access permit and encroachment permit shall be obtained prior to construction of the private road that accesses from Marsac Avenue (aka SR 224).
5. SBWRD shall be included in the Owner's Dedication.
6. Conditions of approval of the Village at Empire Pass MPD (Pod A) and the Village at Empire Pass North Subdivision plat continue to apply.
7. An administrative Conditional Use Permit for each of the eight dwellings is required prior to issuance of any building permits for the units. CUPs maybe combined.
8. All administrative Conditional Use Permit applications and approvals are subject to the Amended Development Agreement and Technical Reports as approved or amended.
9. The plat shall note that a declaration of condominium and a supplemental condominium plat for each unit shall be approved and recorded at Summit County prior to issuance of a certificate of occupancy. Supplemental plats may be combined.
10. The plat shall note that a Construction Mitigation Plan, including truck routing, is a submittal requirement for each administrative Conditional Use Permit and building permit.
11. The plat shall note that a final grading and utility plan, including storm water and drainage plans shall be submitted with each administrative Conditional Use Permit application. No building permits shall be issued until all necessary utility easements are recorded.
12. The plat shall note that approval by the Empire Pass Design Review Board is a condition precedent to building permit issuance for each unit.
13. The plat shall note that a landscape plan, including provisions for water-efficient irrigation systems and drought tolerant plantings with limited turf, is a submittal requirement for each administrative CUP application and building permit. An arborist report, identifying trees and the general condition of trees located outside of the building pad that are proposed to be removed, is required to be submitted with the landscape plans. Final landscape plans, including plans to remove trees outside of the building pad, shall be approved by the Design Review Board prior to building permit issuance.
14. The plat shall note that a fire protection plan is a submittal requirement for each building permit and shall include fire protection in the form of residential sprinklers

- and landscaping that complies with Urban Wildland Interface requirements of the Park City Building Department at the time of building permit issuance.
15. The plat shall note that fire sprinklers will be required for new construction on the lots per the Chief Building Official at the time of review of building permits.
 16. The plat shall note that at the time of final construction and re-platting with supplemental condominium plats, all floor area including basement area and any garage space greater than 600 square feet will be counted towards the Unit Equivalents as allowed by the Flagstaff Development Agreement.
 17. The plat shall note that a maximum of 31 Unit Equivalents of residential density may be utilized for the eight units and each unit shall not exceed 7,750 total square feet, including all floor area, include all basement areas and excluding 600 square feet of garage area.
 18. The plat shall note that no more than eight residential PUD style units are allowed on this property.
 19. The plat shall note that no commercial density is allocated to this property with this plat.
 20. The plat shall note that at the time of plat recordation, Moon Shadow Condominiums includes land within the RD Zone and additional lands within the ROS Zone. The ROS zoning line shall be indicated on plans submitted with the administrative conditional use permit applications. All construction of units shall be restricted to the RD zoned portion. Construction disturbances within ROS portions are subject to the Amended Development Agreement and associated Technical Reports.
 21. The plat shall note that setback exceptions allow a minimum front setback of 15' with a minimum front setback to a front facing garage of 20'. All other LMC setbacks, setback exceptions and building height requirements of the RD Zone apply.
 22. A financial guarantee, in a form and amount acceptable to the City and in conformance with these conditions of approvals, for the value of all required public and private improvements, shall be provided to the City prior to plat recordation. All public and private improvements shall be completed according to City standards prior to release of this guarantee. Ten percent of the guarantee shall be held by the City for the warranty period and until such improvements are accepted by the City.
 23. All required easements for trails will be provided prior to plat recordation.
 24. A ten foot (10') wide snow storage easement shall be dedicated to the Empire Pass Master Owners Association along the street frontage of the lots.
 25. All existing and required easements, based on review by the City Engineer, Department of Public Utilities and SBWRD will be shown on the plat prior to recordation, including utilities, storm drainage, access (public, utility and emergency), and snow storage.
 26. The plat shall note that utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
 27. The plat shall note that this development is part of a common plan development and an MS4 storm water permit is required for all land disturbance activities, prior to building permit issuance.
 28. The plat shall note that public safety access and public utility easements are hereby dedicated for all public and private streets.
 29. The plat shall note that trees, structures and retaining walls shall not be located

within SBWRD easements.

30. A plat note shall state that all Units will require privately owned and operated wastewater ejector pumps for wastewater service.
31. The plat shall note that the private street shall be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration.
32. The plat shall note that prior to building permit issuance, documentation from UDOT showing a valid, non-expired approval of access to Lot 1 off Marsac Avenue is required. Approval of the location of permanent access shall also be approved by the City Engineer.
33. Additional Recreational Trail Easements will be dedicated outside of those identified in the existing Flagstaff Development Agreement. Easements for both existing trails and a proposed new trail, as identified in Exhibit M of the Staff Report, will be identified on the plat prior to recordation and a plat note shall indicate that once constructed and or re-constructed these public trails will be considered to be within a fifteen foot public trail easement.
34. Moon Shadow Court (a private street) shall also be dedicated as "Public Utility Access for purposes of operation and maintenance.
35. There shall be 30' wide public utility easements dedicated as Park City Water Service District easements for the purpose of operating, maintaining, repairing, eventual replacement and upgrade of one or more underground pipelines and appurtenances for conveyance, distribution, and/or transmission of water. The exact location of these easements shall be approved by the City Engineer prior to recordation of the plat.
36. The Building Pad shall be considered the Limits of Disturbance for each condominium unit. Forest health restoration and landscaping consistent with the Arborist reports and visual analysis would be considered similar to the Red Cloud Subdivision that allows an additional disturbance area within 20 feet of the building foundation. Driveways and utility installation would be exempt. No disturbance is allowed into the Limited Common ROS area.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 25th day of October, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

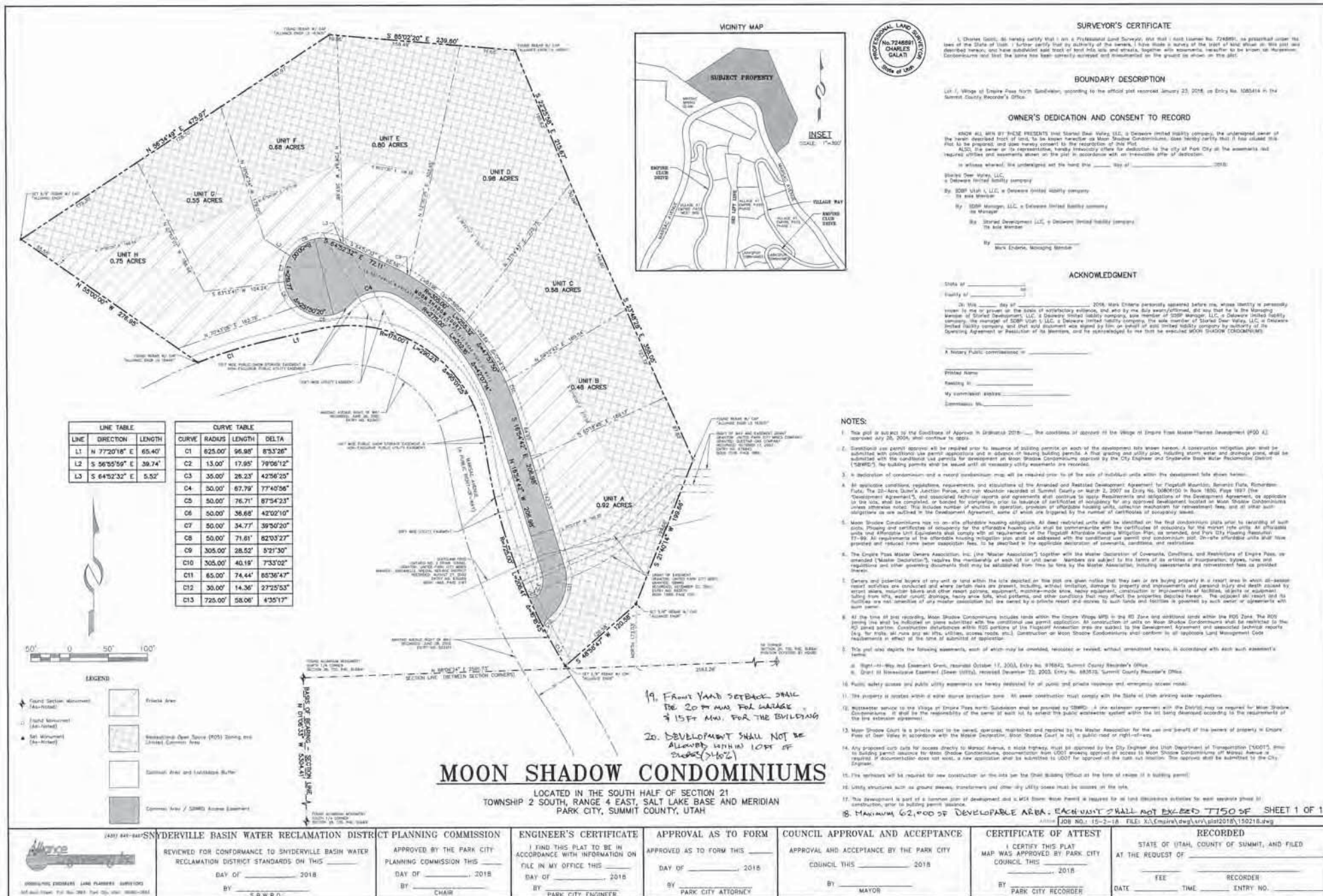
Michelle Kellogg, City Recorder

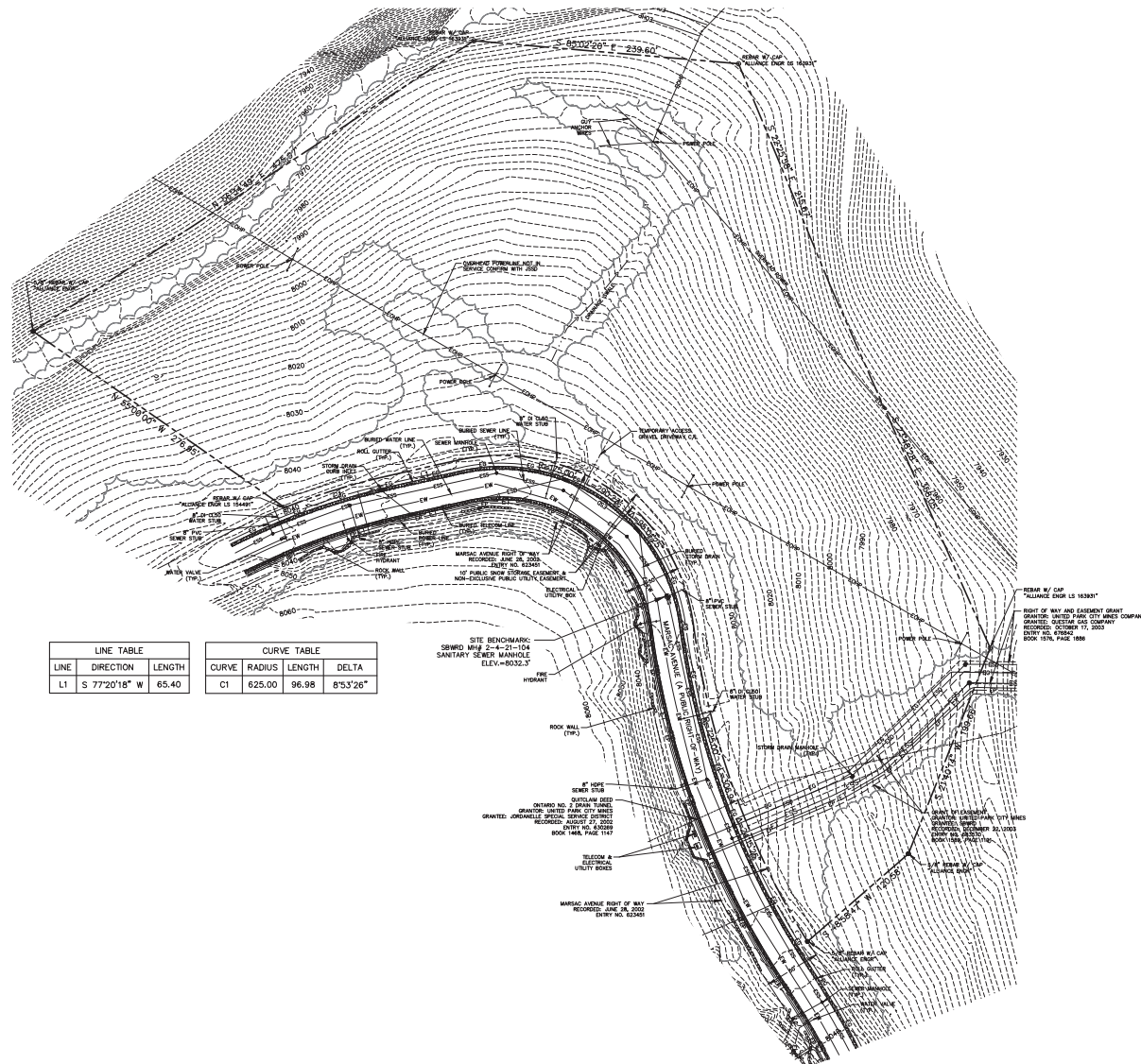
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Moon Shadow Condominium plat





BOUNDARY DESCRIPTION

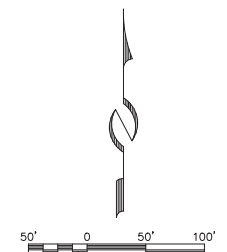
Lot 1, Village at Empire Pass North Subdivision, according to the official plat recorded January 23, 2018, as Entry No. 1085414 in the Summit County Recorder's Office.

NOTES

1. Field work for this survey was performed March 16, 2018, and is in compliance with generally accepted industry standards for accuracy.
2. The purpose of this survey was to locate and monument the boundary in addition to performing an existing Conditions and Topography survey for the subdivision of the property.
3. Village at Empire North Subdivision, recorded Survey S-9338, and physical evidence found in the field were all used to determine the boundary as shown on this plot.
4. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
5. This topographic map is based on a combination of field survey, as-built and design information, and aerial topography.
6. Property corners were set or found as shown.
7. Site Benchmark: Sanitary Sewer Manhole Elevation=8032.3' as shown.

LEGEND

—ESS— EXISTING SEWER
 —EW— EXISTING WATER
 —ESD— EXISTING STORM DRAIN
 —EOP— EXISTING OVERHEAD POWER
 —EG— EXISTING GAS
 —ET— EXISTING TELECOMM
 —EP— EXISTING POWER
 —ES— EXISTING SANITARY SEWER MANHOLE
 —ESD— EXISTING STORM DRAIN GRATES
 —E— EXISTING ELECTRICAL BOXES
 —F— EXISTING FIRE HYDRANT
 —W— EXISTING WATER VALVE
 —B— SITE BENCHMARK
 —T— ASPEN TREES AND NATIVE SHRUBS



(435) 649-9457

STAFF:
MICHAEL DEMKOWICZ
JUAN CARRASCO
CHARLES GALATI
JASON WYNNE
CHIP TOMSUDEN

EXISTING CONDITIONS AND TOPOGRAPHY MAP
LOT 1 VILLAGE AT EMPIRE
NORTH SUBDIVISION

FOR: STORIED DEER VALLEY

JOB NO.: 15-2-18

FILE: X:\Empire\dwg\src\src2018\150218-VEPN L1 Moonshadow 2018\150218 existing conditions.dwg

DATE: 8/21/18

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VILLAGE AT EMPIRE PASS NORTH SUBDIVISION
ZONING EXHIBIT

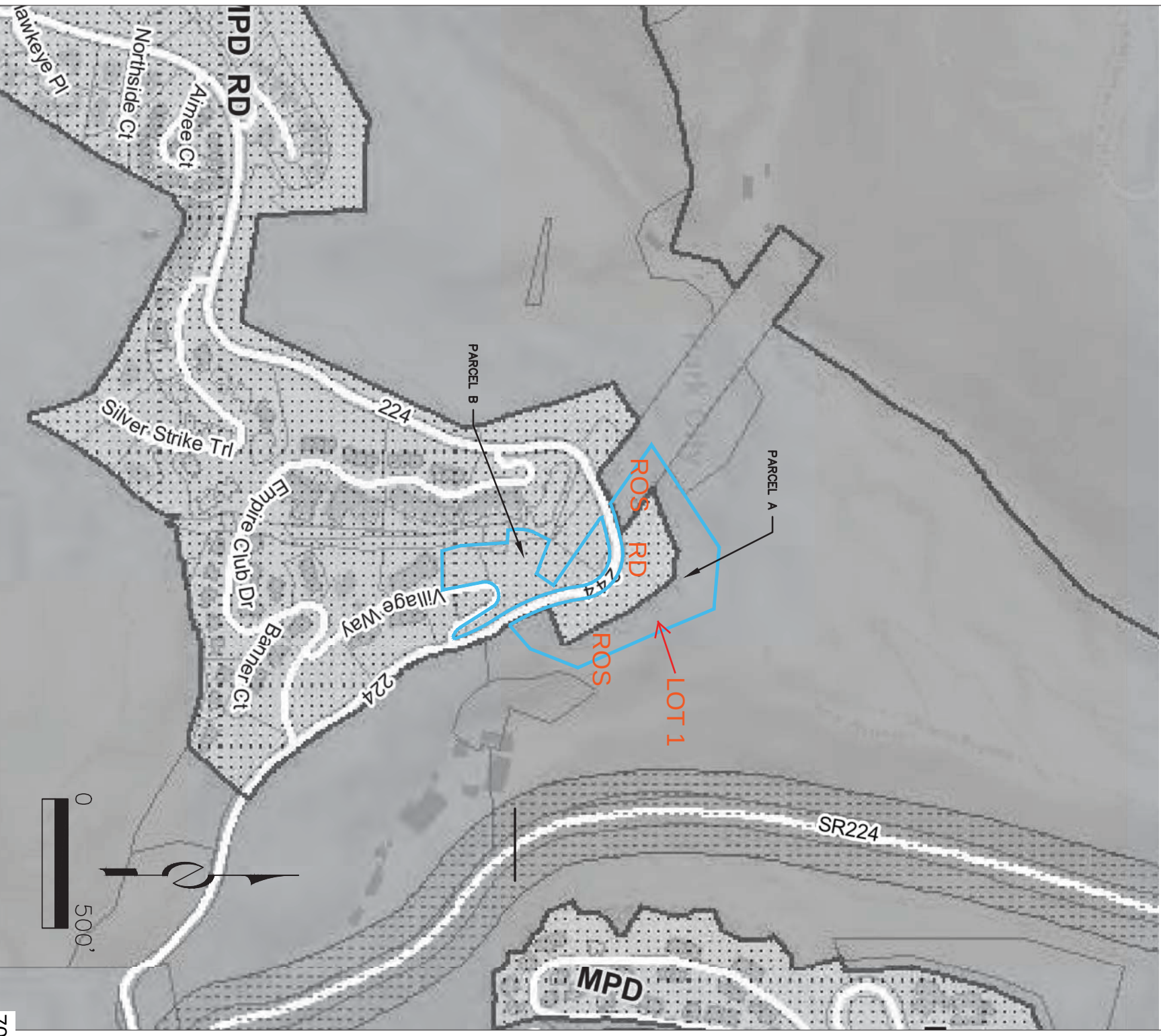
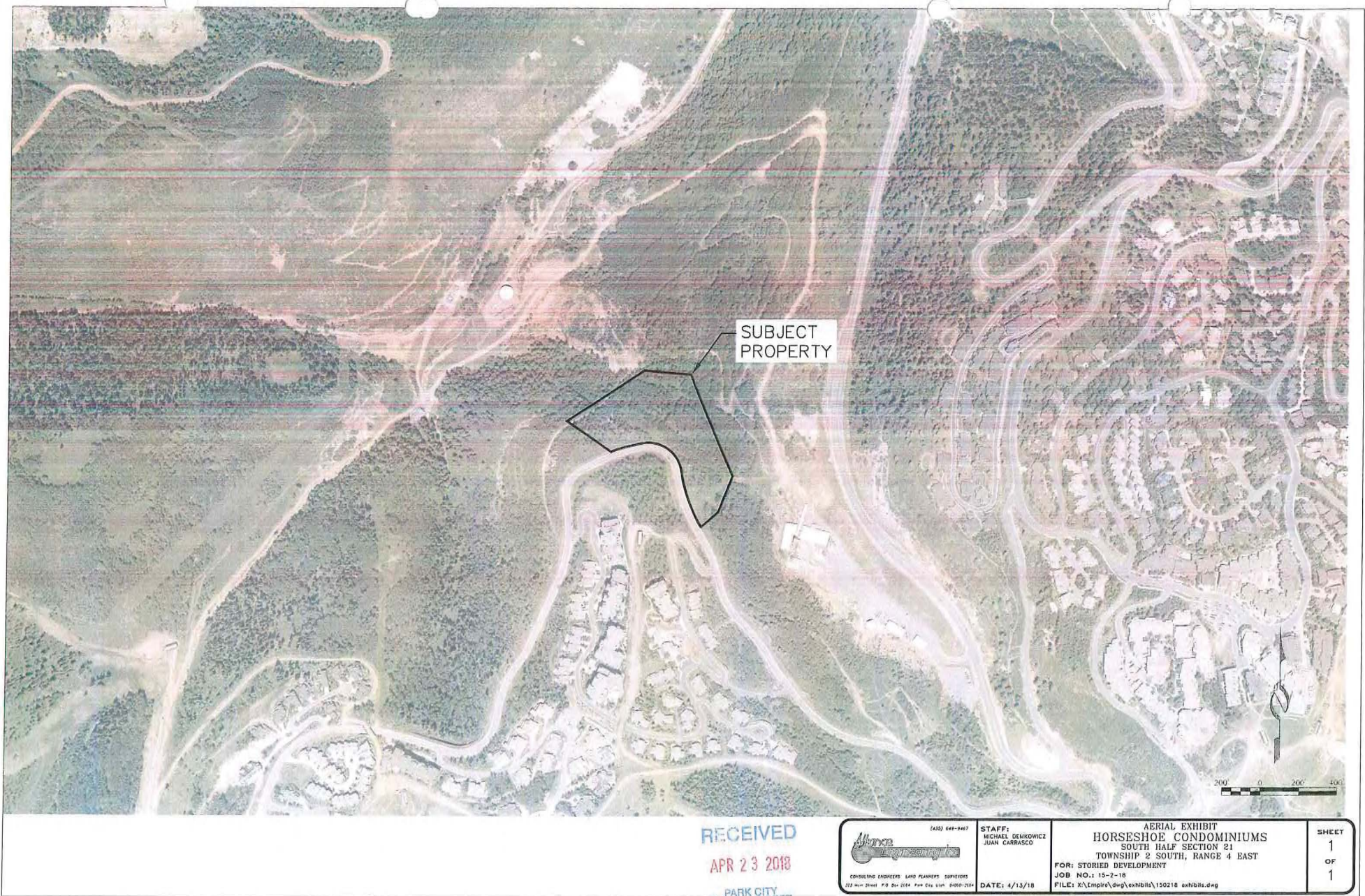
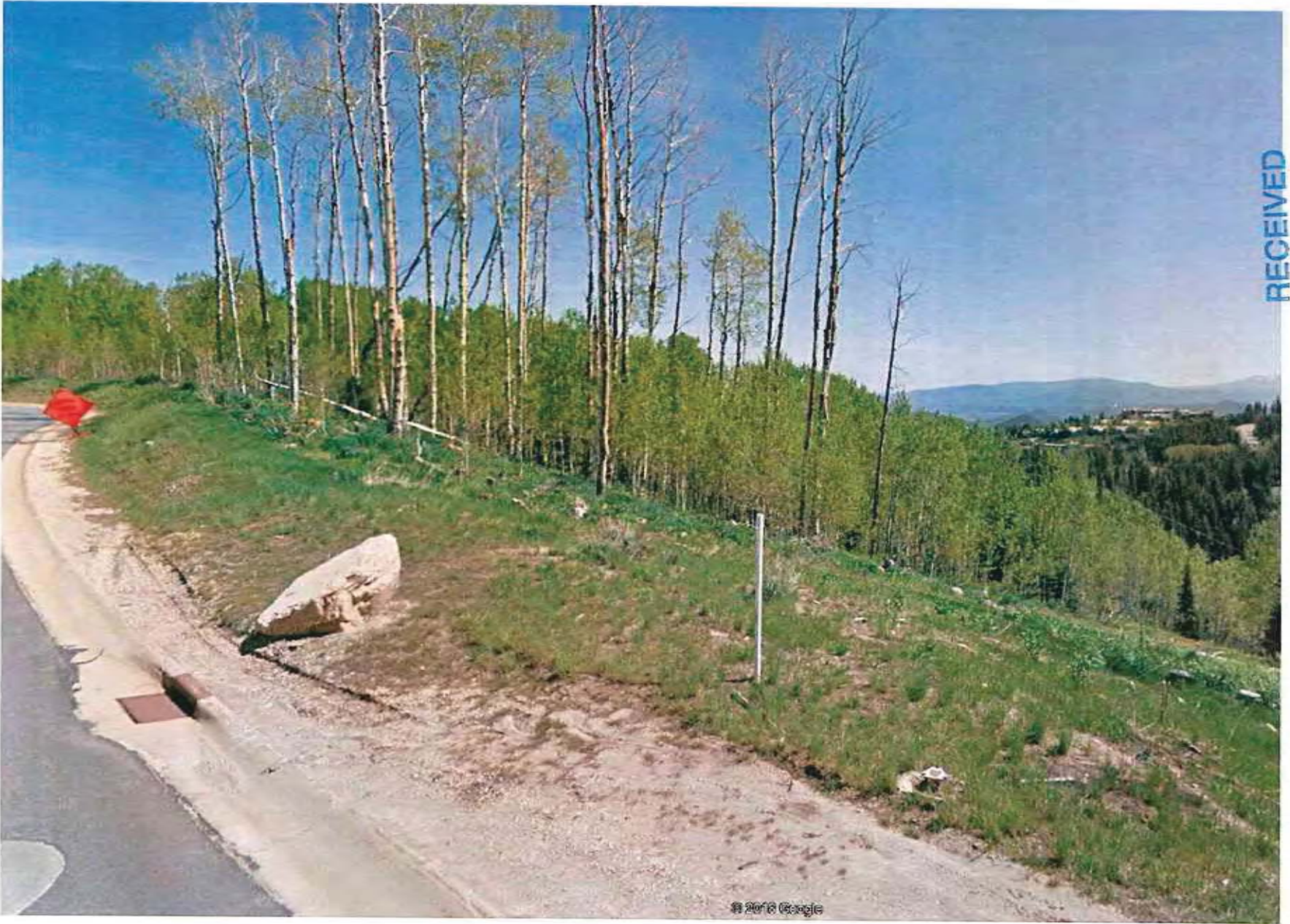


EXHIBIT C





RECEIVED

APR 23 2018

PARK CITY
PLANNING DEPT.

Lot 1 Village at Empire Pass North Subdivision, looking easterly on Marsac Avenue



RECEIVED

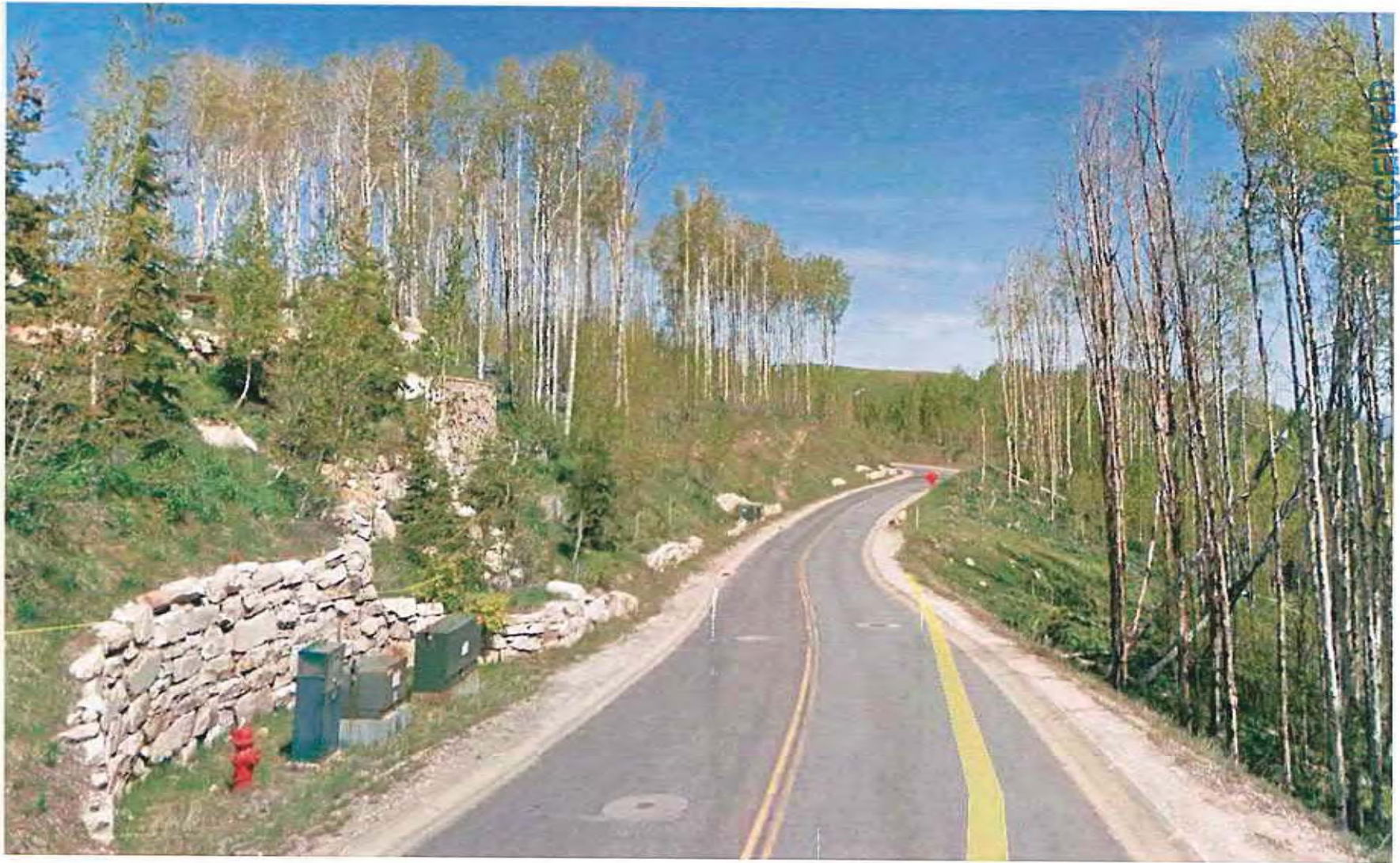
APR 23 2018

PARK CITY

Lot 1 Village at Empire Pass North Subdivision, looking southeasterly on Marsac Aven



Lot 1 Village at Empire Pass North Subdivision, looking southeasterly on Marsac Avenue



Lot 1 Village at Empire Pass North Subdivision, looking northerly on Marsac Avenue

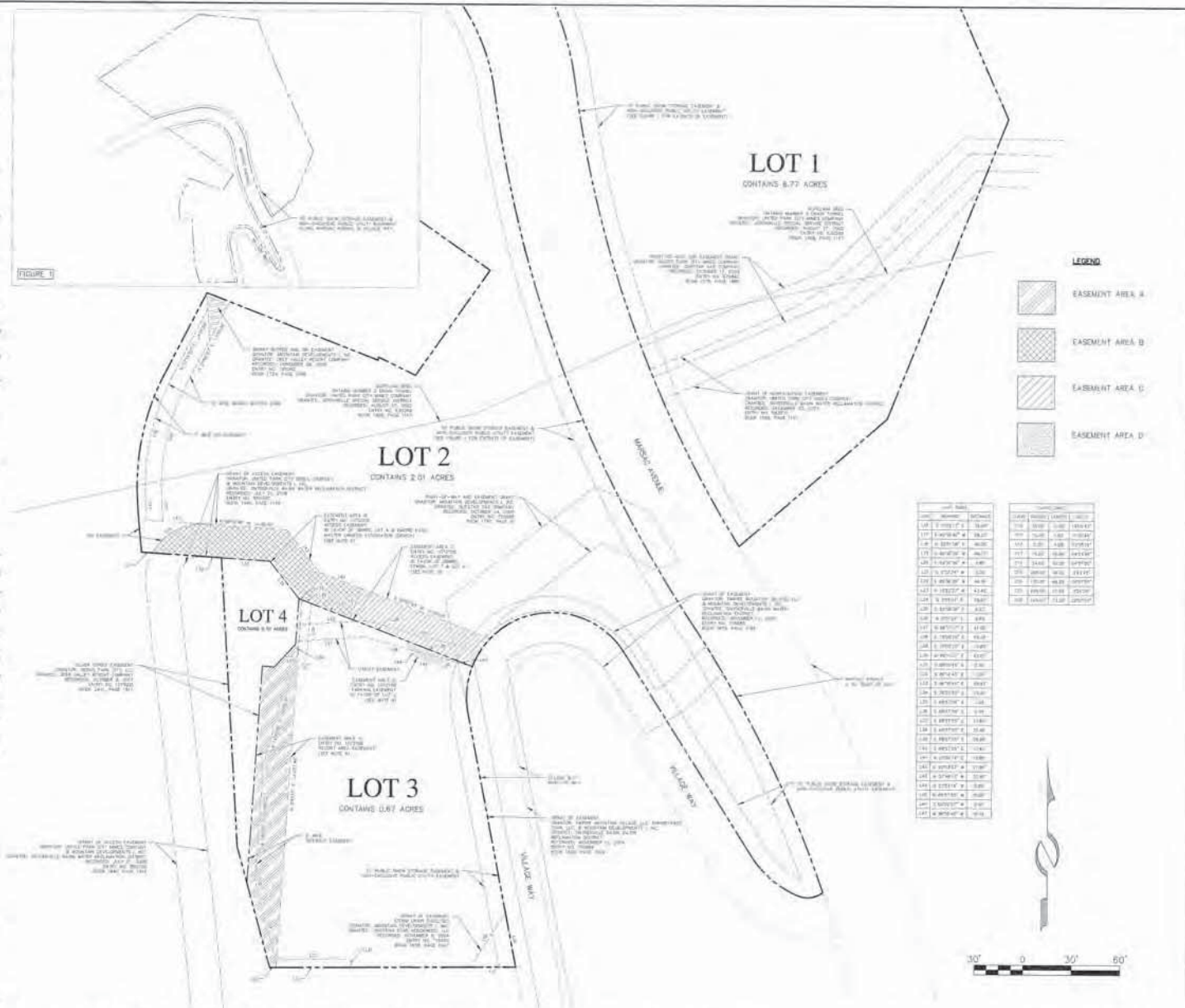
RECEIVED

APR 23 2018

PARK CITY

NOTES:

- This plat is subject to the Conditions of Approval in Ordinance 2017-30. The conditions of approval of the Village at Empire Pass Master Planned Development (POD A), approved July 28, 2004, shall continue to apply.
- Conditional use permit approval will be required prior to issuance of building permits on each of the development lots shown herein. Lot 4 is not a development lot. A construction mitigation plan shall be submitted with conditional use permit applications and in-lieu-of building permits. A final grading and utility plan, including storm water runoff drainage plans, shall be submitted with the conditional use permit application. The City Engineer and Snyderville Basin Water Reclamation District ("SBWRD") for building permits shall be issued until all necessary utility easements are recorded.
- A declaration of condominium and a record condominium map will be required prior to the sale of individual units within the development lots shown herein.
- All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Plate, Richardson Plate, The 20-Jane Quinn's Junction Parcel, and Iron Mountain recorded at Summit County by March 2, 2007 as Entry No. 0208100 in Book 1850, Page 1993 (the "Development Agreement"), and associated technical reports and agreements shall continue to apply. Requirements and stipulations of the Development Agreement, as applicable to the lots, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lots 1, 2 and 3, unless otherwise noted. This includes number of shuttles in operation, provision of affordable housing units, collector mechanism for investment fees, and all other such obligations as are outlined in the Development Agreement, some of which are triggered by the number of certificates of occupancy issued.
- Lot 3 is subject to the Declaration of Payment and Development Covenants, recorded October 4, 2016 as Entry No. 01055123 in the official records of the Summit County Recorder, as amended by the First Amendment to Declaration of Payment and Development Covenants recorded November 20, 2017 as Entry No. 0108599 in the official records of the Summit County Recorder. Lot 3 has an on-site affordable housing obligation of 1.1 Affordable Unit Equivalents, as defined in the Development Agreement. Lot 3 has an on-site affordable housing requirement of 2.0 Affordable Unit Equivalents. Lot 1 has no on-site affordable housing obligation. All deed-restricted units shall be identified on the final condominium plat prior to recording of such plat. Phasing and certificates of occupancy for the affordable housing units shall be commensurate with the certificates of occupancy for the market rate units. All affordable units and Affordable Unit Equivalents shall comply with all requirements of the Flagstaff Affordable Housing Mitigation Plan; be amended, and Park City Housing Resolution 17-59. All requirements of the affordable housing mitigation plan shall be addressed with the conditional use permit and condominium plat. On-site affordable units shall have protected and reduced home owner association fees, to be described in the applicable declaration of covenants, conditions, and restrictions.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessment fees and investment fees as provided therein.
- Deeds and potential buyers of any unit or land within the lots depicted on this plat are given notice that they are or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by avalanches, mountain fires and other resort patterns, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, and potholes, and other conditions that may affect the properties depicted herein. The applicant will report on facilities and not amenities of any mountain facility not owned by a private resort and access to such lands and facilities is governed by such owner or agreement with such owner.
- At the time of plat recording, Lot 1 includes land within the Empire Village MPO in the RD Zone and additional land within the RDS Zone. The RDS zoning law shall be submitted with the conditional use permit application. All construction of units on Lot 1 shall be restricted to the RD zoned portion. Construction disturbances within RDS portions of the Flagstaff Association area are subject to the Development Agreement and associated technical reports (e.g. the Voids, all rules and all lifts, utilities, access roads, etc.). Construction on Lot 1 shall conform to all applicable Land Management Code requirements in effect at the time of submission of application.
- This plat also depicts the following easements, each of which may be amended, recorded or revised, without amendment herein, in accordance with each such easement's terms:
 - Agreement and Covenant of Cooperation (Ski Access/Storm Drainage), recorded July 18, 2003, Entry No. 845556, Summit County Recorder's Office affects Lot 2 and Lot 3.
 - Right-of-Way and Easement Grant (Gas Utility), recorded October 24, 2005, Entry No. 755686, Summit County Recorder's Office, potentially affects Lot 2 and Lot 3.
 - Grant of Access Easement (Sewer Utility), recorded July 21, 2008, Entry No. 850350, Summit County Recorder's Office, affects Lot 2.
 - Grant of Easement (Sewer Utility), recorded November 12, 2004, Entry No. 716588, Summit County Recorder's Office, affects Lot 2.
 - Grant of Easement (Storm Drain Facilities), recorded November 9, 2004, Entry No. 716459, Summit County Recorder's Office, affects Lot 3.
 - Reciprocal Easement Agreement (Resort and Access), recorded June 26, 2017, Entry No. 1072158, Book 2410, Page 1410, Summit County Recorder's Office, affects Lot 2, Lot 3 and Lot 4, and describes the use of Easement Area C, Easement Area D, and Easement Area E.
 - Grant of Easement (Ski Lift Access), recorded October 9, 2017, as Entry No. 1079221 in Book 2431 at page 1517, Summit County Recorder's Office, affects Lot 4.
 - Skiway Buffer and Ski Easement, recorded November 29, 2005, Entry No. 760092, Summit County Recorder's Office.
 - Right-of-Way and Easement Grant, recorded October 17, 2003, Entry No. 878840, Summit County Recorder's Office.
 - Grant of Easement (Sewer Utility), recorded November 12, 2004, Entry No. 716588, Summit County Recorder's Office.
 - Grant of Nonexclusive Easement (Sewer Utility), recorded December 22, 2003, Entry No. 855570, Summit County Recorder's Office.
- Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- Wastewater service to the Village at Empire Pass North Subdivision shall be provided by SBWRD. A line extension agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the line extension agreement.
- Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Village Way is not a public road or right-of-way.
- Any proposed curbs cuts for access directly to Morano Avenue, a state highway, must be approved by the City Engineer and Utah Department of Transportation ("UDOT"). Prior to building permit issuance for Lot 1, documentation from UDOT showing approval of access to Lot 1 off Morano Avenue is required. If documentation does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.
- Fire sprinklers will be required for new construction on the lots per the Chief Building Official at the time of review of a building permit.
- The owner of Lot 2 hereby grants a non-exclusive resort and access easement over the western edge of the property as depicted on this plat as the "Ski Way Ski Easement". This easement is for the benefit of Lot 1 for resort operations and trail maintenance and for the benefit of the Village at Empire Pass Westside Lot 15 property owners, unless and guests for purposes of ski and pedestrian access.
- The owner of Lot 3 hereby grants a non-exclusive easement over the western edge of the property as depicted on this plat as the "Ski Way Ski Easement". This easement is for the benefit of Lot 1 for resort operations and trail maintenance and for the benefit of the Village at Empire Pass Westside Lot 15 property owners, unless and guests for purposes of ski and pedestrian access.
- Utility structures such as ground stations, transformers and other dry utility boxes must be located on the lots.
- This development is part of a common plan of development and a M4 Storm Water Permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.



VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 12-2-16 FILE: F:\Empire\dwg\env\pnt\2016\120216-YAEP North Sub



RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, and FILED
AT THE REVENUE NO. 01085414
21-22-2018 11:40:40 AM BY: 2447 P. 0455
FEE: \$4.00 BY: CANTON TITLE & RECORDS
CANTON TITLE & RECORDS
TIME: 10:16 DATE: 11/16/18

VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

SHEET 2 OF 2

VICINITY MAP

MOON SHADOW LOT 1 VILLAGE AT EMPIRE PASS NORTH SUBDIVISION PRIVATE ROAD AND PUBLIC UTILITY DESIGN

SHEET INDEX

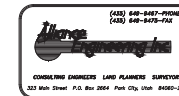
0. COVER SHEET
1. EXISTING CONDITIONS
2. OVERALL GRADING AND UTILITY PLAN
3. ROAD PLAN AND PROFILE 0+00 TO 6+85
4. SLOPE MAP
5. UNIT A-D SECTIONS
6. UNIT E-H SECTIONS
7. CMP & SWPPP
8. DETAILS

PREPARED FOR

STORIED DEER VALLEY, LLC.
9785 N TUHAYE PARK DR.
KAMAS, UT 84036

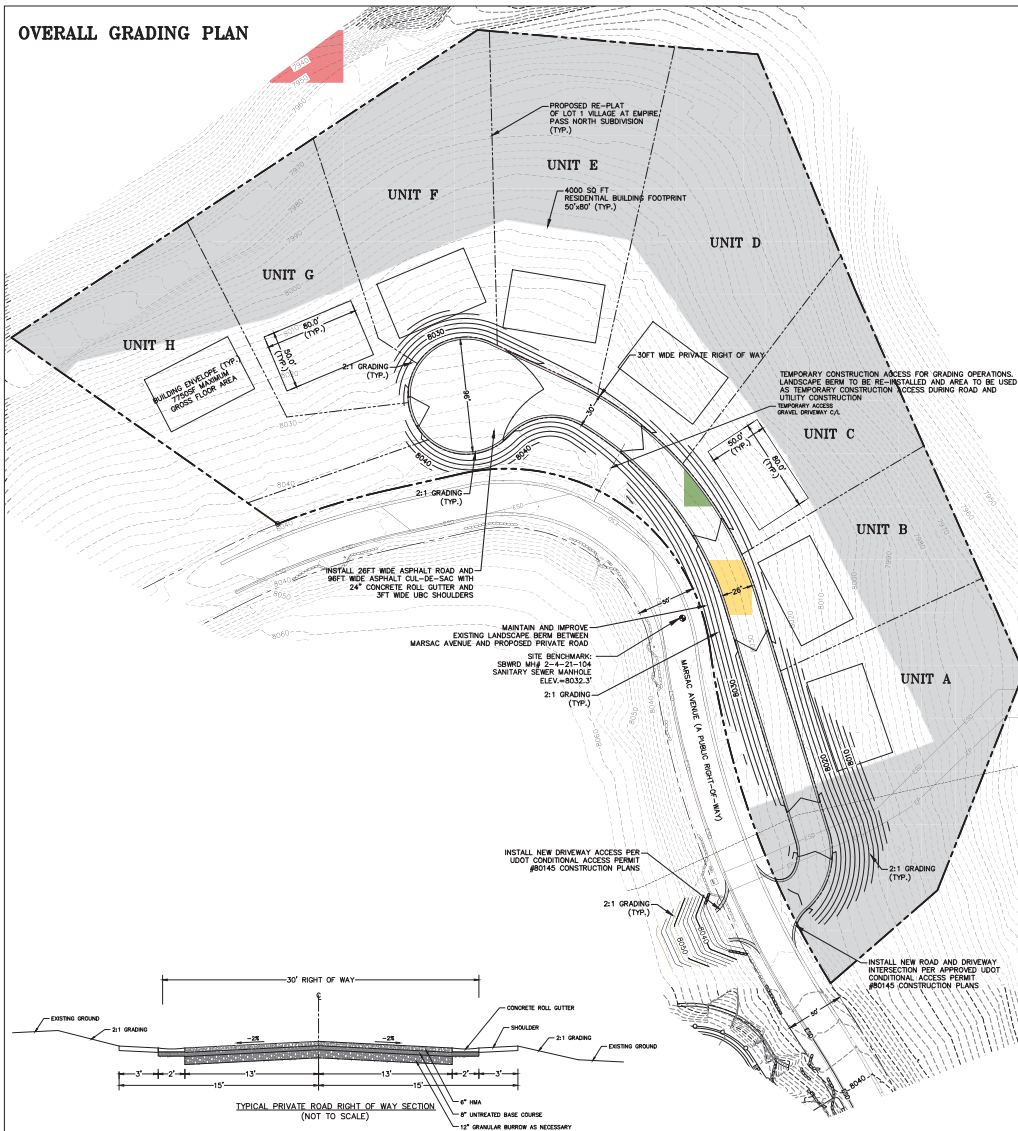
GENERAL NOTES

- G-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
- A. Park City Design Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - B. Snyderville Basin Water Reclamation District (S.B.W.R.D.) Development Procedures, Design Standards and Construction Specifications, February 22, 2016 or latest edition.
 - C. Manual of Uniform Traffic Control Devices 2009 Edition with 2012 revisions.
 - D. UDOT Standard Specifications for Road and Bridge Construction, latest edition. (for improvements in the UDOT right of way)
 - E. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - F. Approved construction plans and details.
 - G. Approved Traffic Control Plan.
 - H. Storm Water Pollution Prevention Plan. (SWPPP)
- G-2 Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, city engineer, S.B.W.R.D. engineer, P.C.M.C. engineer, and their designated representatives and inspectors.
- G-3 The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, and road construction.
- G-4 The contractor shall maintain accurate records of "As Built" conditions of all underground work. The "As Builts" shall be tied to easily defined monuments and/or surface improvements or as required by accuracy for the as-built conditions. The as-built information shall be given to the owner and be incorporated in the final "As Built" drawings. Special as-built requirements for HDPE sewer mains are required per as outlined on the drawings.
- G-5 Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- G-6 The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- G-7 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.
- G-8 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.
- G-9 Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to earthwork, trench back-fill, base course, and asphalt pavement. Compaction testing shall be performed by a qualified, independent testing company retained by the contractor.

CIVIL ENGINEER

See Exhibit B for Existing Conditions

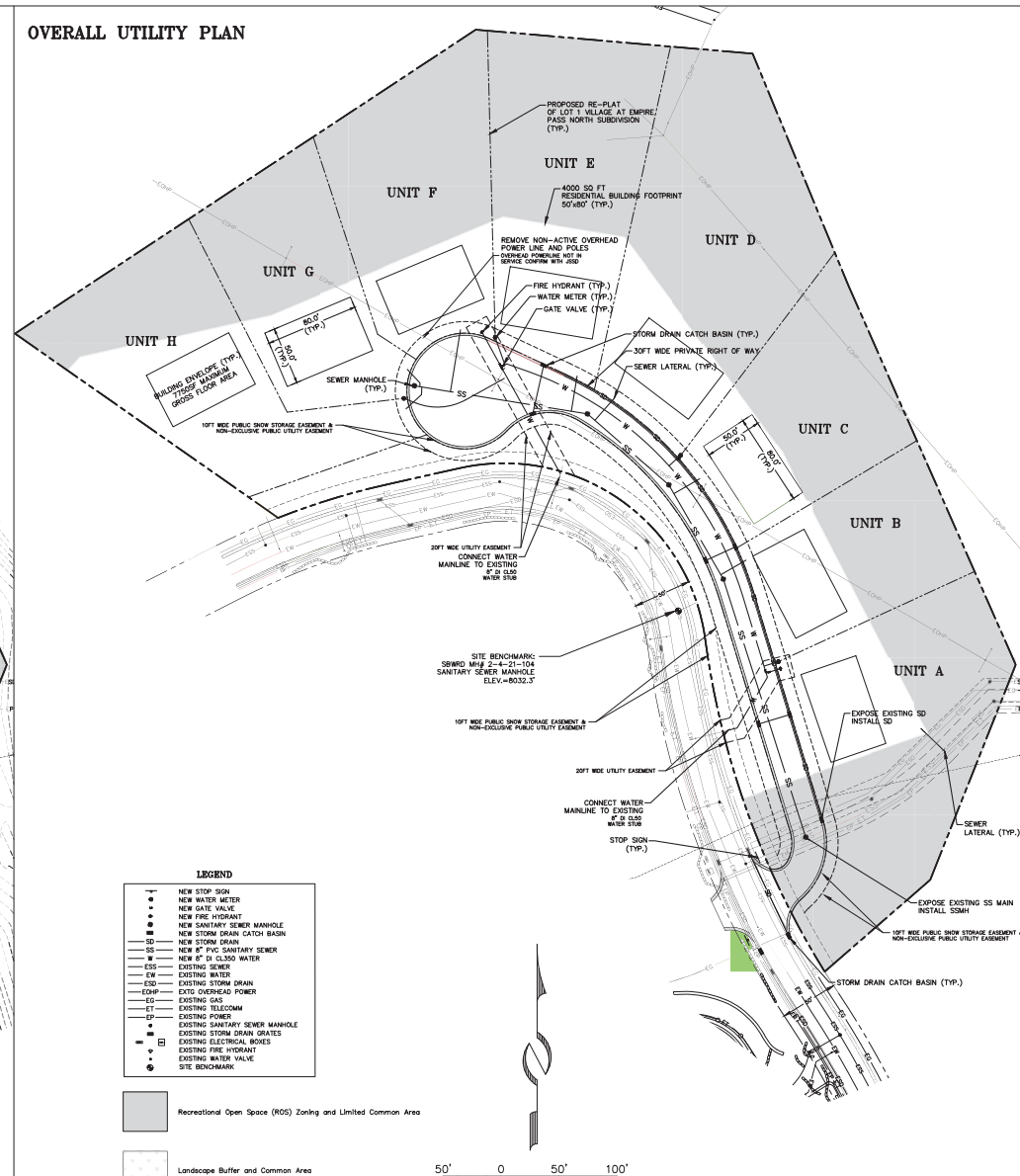
OVERALL GRADING PLAN



NOTES:

- INSTALL ROAD INTERSECTIONS AND NEW STORM DRAIN INLETS IN MARSAC AVENUE PER UDOT CONDITIONAL ACCESS PERMIT #B0143 APPROVED CONSTRUCTION PLANS
- INSTALL 30FT WIDE PRIVATE ROAD WITH 20FT WIDE 6" ASPHALT AND 8" MIN. UNTREATED BASE COURSE. INSTALL 24" CONCRETE ROLL GUTTERS WITH 5" UNTREATED BASE COURSE. INSTALL 18" CUL-DE-SAC. PROVIDE 3FT UNTREATED BASE COURSE SHOULDERS ALONG ROAD AND CUL-DE-SAC. TOTAL LENGTH=68FT±. SLOPE=5.0% (172FT FROM MARSAC AVENUE) AND SLOPE=3.0% (84FT TO END OF CUL-DE-SAC) FROM LOW POINT OF ROAD.
- PROPOSED 30FT WIDE RIGHT OF WAY AND EIGHT CONDOMINIUM UNITS WITH H.O.A. CONDOMINIUM PLAT TO BE PREPARED WITH EACH UNIT AND BUILT PER EMPIRE PASS DESIGN GUIDELINES.
- PRIVATE ROAD PRELIMINARY EARTHWORK ESTIMATE: CUT = 4,632 BCY
CUL = 2,678 BCY
NET = 2,254 BCY

OVERALL UTILITY PLAN



(435) 648-9467

STAFF:
MICHAEL DEMKOWICZ
JUAN CARRASCO
STEVE MILLER

OVERALL GRADING AND UTILITY PLAN
LOT 1 VILLAGE AT EMPIRE PASS
NORTH SUBDIVISION

FOR: STORIED DEER VALLEY
JOB NO.: 15-2-18

FILE: X:\Empire\dwg\Storied Development\Moonshadow Site plan.dwg

DATE: 8/21/18

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SLOPE MAP

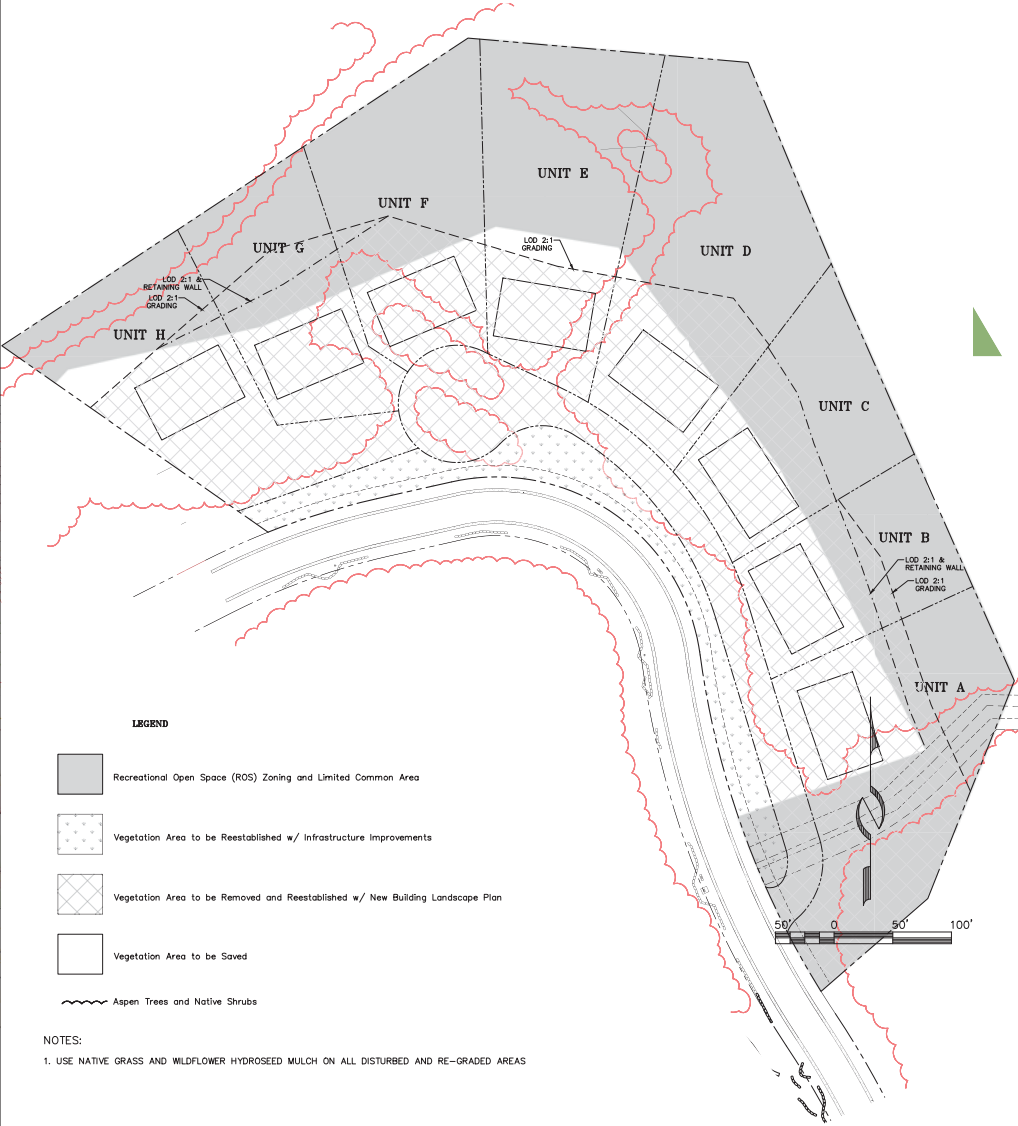


Slopes Table

Number	Minimum Slope	Maximum Slope	Area (SQ FT)	Color
1	0.00%	15.00%	490131	Green
2	15.00%	30.00%	541110	Yellow
3	30.00%	40.00%	272107	Orange
4	40.00%	100.00%	1021072	Red

- NOTES:
1. ROAD AND BUILDING DEVELOPMENT WILL NOT OCCUR ON SLOPES GREATER THAN 40%.
 2. UNIT "C" BUILDING DEVELOPMENT MAY REQUIRE A VARIANCE OF LESS THAN 50 FEET FROM VERY STEEP SLOPES TO IMPROVE THE ORGANIZATION OF UNITS AND WILL NOT AFFECT THE EXISTING RIDGELINE OR CREATE EXCESSIVE CUT AND FILL SLOPES.
 3. ROAD IMPROVEMENTS WITHIN 30% SLOPES ARE APPROXIMATELY 50 FEET IN LENGTH AND DO NOT EXCEED 100 FEET.
 4. MAJORITY OF SLOPES GREATER THAN 30% WILL REMAIN AS OPEN SPACE. MINOR DEVELOPMENT TO OCCUR ON SLOPES BETWEEN 30% AND 40%.
 5. SLOPE SQUARE FOOTAGE SHOWN IS FOR AREAS WITHIN THE PROJECT BOUNDARY.

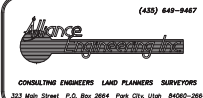
VEGETATION MAP



LEGEND

- Recreational Open Space (ROS) Zoning and Limited Common Area
- Vegetation Area to be Reestablished w/ Infrastructure Improvements
- Vegetation Area to be Removed and Reestablished w/ New Building Landscape Plan
- Vegetation Area to be Saved
- Aspen Trees and Native Shrubs

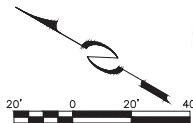
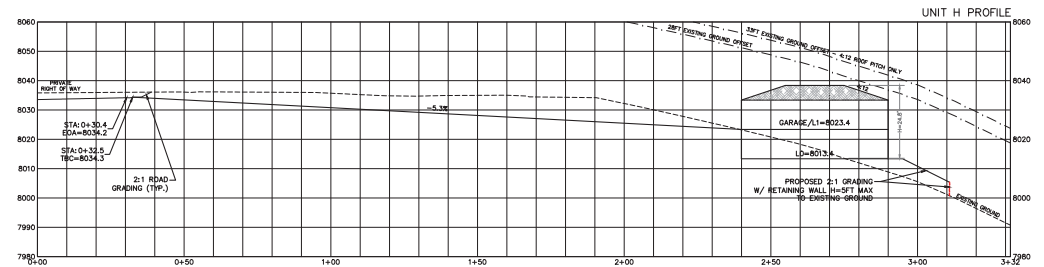
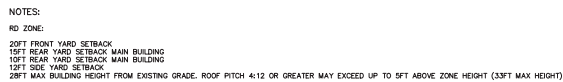
- NOTES:
1. USE NATIVE GRASS AND WILDFLOWER HYDROSEED MULCH ON ALL DISTURBED AND RE-GRADED AREAS



STAFF:
MICHAEL DEMKOWICZ
JUAN CARRASCO
STEVE MILLER

SLOPE & VEGETATION MAP
LOT 1 VILLAGE AT EMPIRE PASS
NORTH SUBDIVISION
FOR: STORIED DEER VALLEY
JOB NO.: 15-2-18
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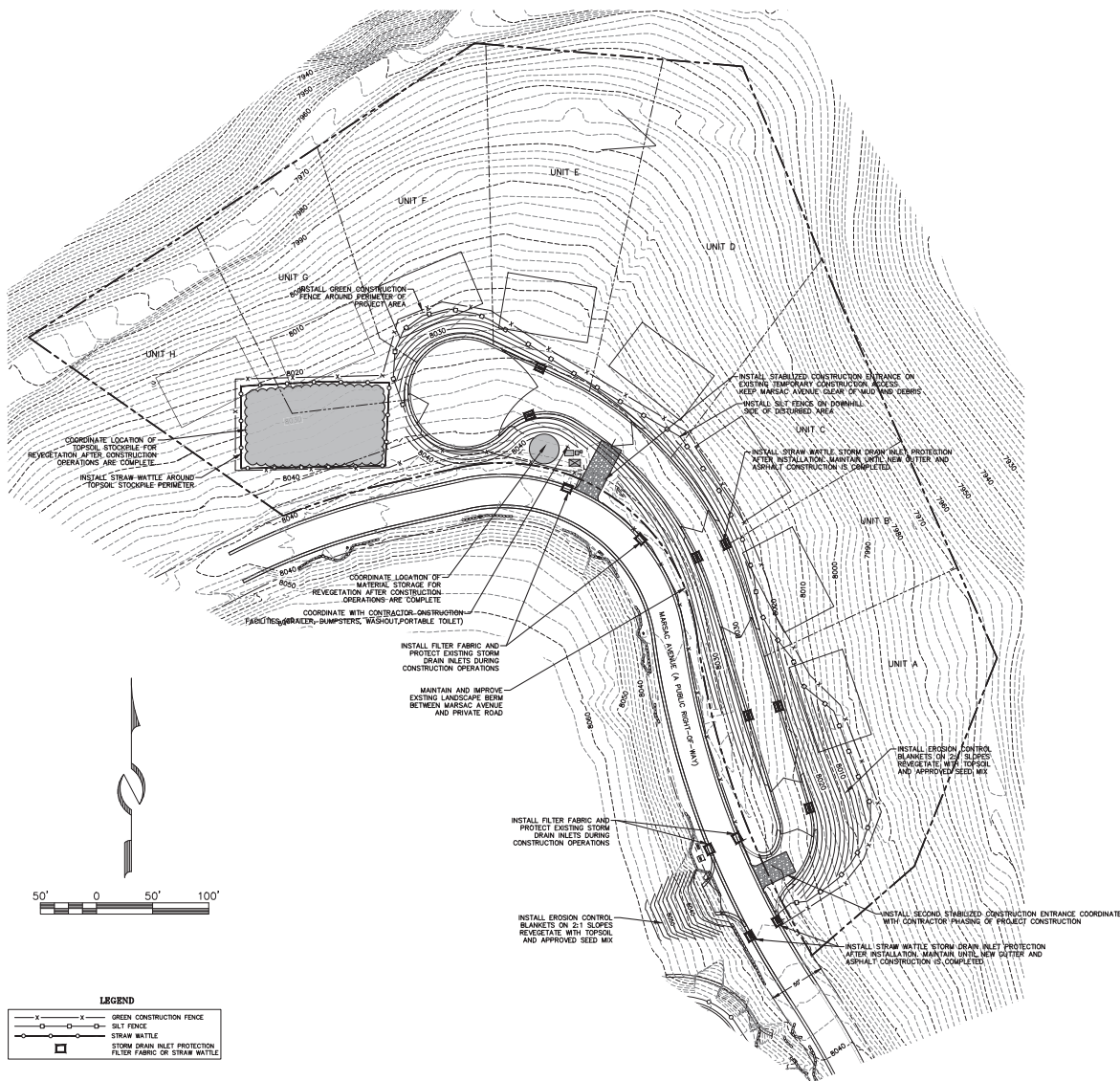
(435) 649-9445

STAFF:
MICHAEL DEMKOWICZ
STEVE MILLER

DATE: 8/10/18

FOR: STORIED DEER VALLEY
JOB NO.: 15-2-18
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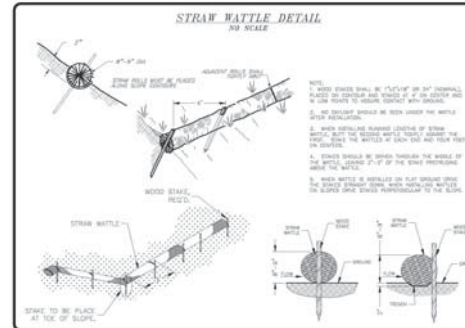
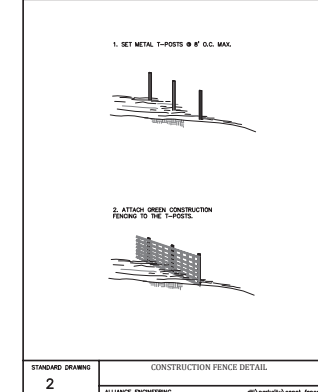
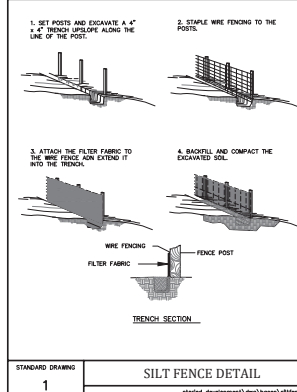
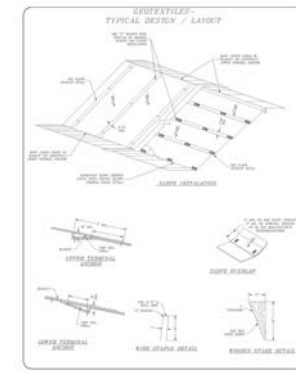


INSTALLATION

1. Install at any point of ingress or egress at a construction site where adjacent travel way is paved.
2. Clear and grab area and grade to provide slope shown for driveway, or access/intersection. If adjacent to waterway, use a maximum slope of 2%.
3. Compact subgrade and place filter fabric if required.
4. Place coarse aggregate, 1 to 2 1/2 inches size, to a minimum depth of 6 inches for commercial projects, and 4 inches for residential projects.

MAINTENANCE

1. Inspect daily for loss of gravel or sediment buildup.
2. Inspect adjacent roadway for sediment deposit and clean by sweeping or blowing.
3. Repair curbs and replace gravel as required to maintain current to good working condition.
4. Expand installed area as required to accommodate traffic, and off-street parking and prevent erosion at driveway.

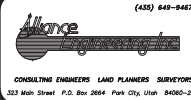


CMP NOTES:

1. CONSTRUCTION PARKING/TRAFFIC MAY NOT BLOCK THE STREET WITHOUT A PERMIT (AVAILABLE FROM THE ENGINEERING DIVISION)
2. MUD TRACKED OUT ONTO THE STREET MUST BE CLEANED PRIOR TO THE END OF THE WORK DAY
3. THE CONSTRUCTION SITE MUST BE MAINTAINED IN A NEAT MANNER. TRASH AND OTHER DEBRIS MAY NOT ACCUMULATE OUTSIDE THE DUMPSTER.
4. ROADSIDE PARKING IS NOT ALLOWED ON MARSAC AVENUE

EROSION CONTROL NOTES:

1. INSTALL EROSION CONTROL BLANKETS ON ALL SLOPES STEEPER THAN 2:1.
2. STRIP EXISTING TOPSOIL & STOOPKLE FOR RE-VEGETATION.
3. INSTALL 4" TOPSOIL (EXISTING OR NEW), NATIVE GRASS SEED & WILDFLOWER MIX ON ALL DISTURBED AREAS.
4. TOTAL AREA OF DISTURBANCE = 1.15 ACRES



STAFF:
MICHAEL DEMKOWICZ
JUAN CARRASCO
STEVE MILLER

CMP & SWPPP
LOT 1 VILLAGE AT EMPIRE PASS
NORTH SUBDIVISION
FOR: STORIED DEER VALLEY
JOB NO.: 15-2-18
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OF
8



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

August 22, 2018

Mr. Rich Wagner
Storied Deer Valley LLC
P.O. Box 4349
Park City, UT 84060

RE: Moonshadow
Line Extension Agreement Acceptance

Dear Mr. Wagner,

The Line Extension Agreement (LEA) for the above referenced project was accepted by the Snyderville Basin Water Reclamation District (SBWRD) Board of Trustees at their August 20, 2018 meeting. A copy of the LEA is enclosed. With this acceptance you may now submit design drawings to SBWRD for review.

Please contact Kevin Berkley with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Atwood", is written over a horizontal line.

Bryan D. Atwood, P.E.
District Engineer

Enclosure

cc: Michael Demkowicz, Alliance Engineering
Project File



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

September 5, 2018

Ms. Kirsten A. Whetstone, MS, AICP
Senior Planner
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

RE: Moonshadow Condominium Plat and Infrastructure Improvement Construction Plans

Dear Ms. Whetstone:

The purpose of this letter is to supplement the Moonshadow condominium plat application to address the infrastructure improvements that are necessary to provide access and utility service to the new residential units as well as address any exceptions to the Residential Development (RD) and Sensitive Land Overlay (SLO) Zoning Regulations that require Planning Commission approval and affects the design of the residence.

The Moonshadow condominium project will create eight new unit locations within Lot 1, Village at Empire Pass North Subdivision, consistent with the Flagstaff MPD and other projects within Empire Pass, such as Belles and Nakoma. The current Moonshadow condominium plat will establish the private area limits for the design of eight new residential units and will establish exceptions from a few specific zoning regulation items based on the existing site restrictions. The new house designs will require an amended condominium plat for each unit and will define the built interior spaces that are privately owned as well as the limited common and common areas, which will be owned and managed by the Home Owner's Association.

In addition to the condominium plat, a set of Moonshadow Construction Plans have been produced for the necessary infrastructure, including road and utilities, to access and service the future development.

A new private road with public utilities will be required to provide access and services to the new residences. A conditional access permit and encroachment permit have been gained by the Utah Department of Transportation to allow the construction of a single private road access to Moonshadow from SR-224 (Marsac Avenue) roadway. A private 26ft wide asphalt road and a 96ft diameter asphalt cul-de-sac with 24" roll gutters will be constructed per Park City Fire Department requirements. The construction plans provide the necessary information, including grading to build the new roadway and connect to the public road.



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During the development of Empire Pass and the construction of SR-224 (Marsac Avenue) in 2002, utility mainlines were installed within the roadway. In addition to the main lines within the roadway, 8" water stubs were installed outside of the roadway to service the future development site. The Moonshadow project will use both 8" water stubs and provide a new 8" waterline loop through the development and add two new fire hydrants and four new dual water meter services for the eight new units. The main utility corridor that provides offsite connections for the Empire Pass development is located on the south end of the Moonshadow project and includes Sewer, Storm Drain, Power, Telecommunications and Gas. The Moonshadow project will install a new 8" sewer mainline with manholes and connect to the existing sewer mainline in the utility corridor as well as new storm drain inlet boxes and piping that will connect to the existing storm drain mainline in the utility corridor. A large detention basin was constructed in the early 2000's to detain the Empire Pass development. The detention basin is located within Empire Canyon, south of the water tank, accessible from Daly Avenue. A significant piping system conveys the storm water runoff from Empire Pass to the detention basin and the Moonshadow project will connect to this existing system. The size of the existing detention basin was designed to include the future Moonshadow project. A Line Extension Agreement application with S.B.W.R.D. is currently being pursued, having gained board approval and currently the construction plans are being reviewed.

The construction plans provide information relating to both SLO and RD Zoning regulations. A slope map has been produced to address the sensitive land analysis and identifies areas with terrain slopes of 15%-30%, greater than 30% to 40%, and very steep slopes greater 40%. The private road is located within slopes of 15%-30% and will generally follow a consistent contour elevation and will be graded to minimize disturbance and environmental impacts. Only a small portion of roadway, approximately 50 feet, crosses a slope greater than 30% to 40% and does not exceed 100 feet. The majority of the new residential development will occur in areas with slopes between 15% and 40% and is only a fraction of the overall parcel area. More than 75% of the parcel boundary will be left as open space which includes landscape areas outside of the new residences. There is no development proposed in areas with slopes greater than 40%. There are two to three proposed units that will require an exception to development within 50ft of very steep slopes. Unit C and H conceptual building envelopes, as shown on the construction plans, will not allow for a buffer of 50 feet from the very steep slopes and will require an exception. Unit B may also require the exception. It is requested that all units within the Moonshadow development be allowed to build within 10 feet of areas 40% or steeper. By varying the setback, the units will not intrude into the ridgeline and will not create excessive cut or fills. Varying the setback will help with the overall spacing of the units within the development.



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LAND PLANNERS

SURVEYORS

The Moonshadow development is positioned on the north side of Marsac Avenue and is the most northern area and has the lowest elevation of the entire Empire Pass development. Deer Valley Ski Resort is south and above of Empire Pass. The new residences will not exceed ridgeline view corridors due to Deer Valley Resort vicinity. The construction plans show conceptual building envelopes and provides section views of the relationship between the proposed road, future residence and existing terrain, while also establishing conceptual finish floor elevations. The final design of the eight new residences will be done by an Architect and will vary from the concepts in the construction plans within the regulations of the Land Management Code. The purpose of the conceptual building envelopes and sections is to confirm that the locations of the units are compatible with the site and will meet the height restriction of 28 and 33 feet from existing grade in the RD Zone. In general the conceptual building envelopes and proposed finish floor elevations match the site but require fill material and 2:1 graded slopes below the building. The grading will extend into the Recreational Open Space. The graded slopes will be required to be revegetated and would remain as open space after the development. As an alternative a third level could be created to better match the existing terrain. Overall there is limited space for some of the residential units due to the location of the new private road; its relationship to Marsac Avenue and maintaining separation with a landscape berm. An exception to Front Yard setback to building and garages is requested to allow the units to be built as close to the private road as possible. Currently the RD Zone requires a minimum of 25 feet of setback to the garage and 20 feet of setback to the front face of the building. It is requested that the garage have an exception of 20 feet setback and the house has an exception of 15 feet setback to the front face of the building. An exception to the front yard setback would assist with access issues, preserve more existing vegetation and minimize the disturbance to the open space within Moonshadow.

Sincerely,

ALLIANCE ENGINEERING, INC.

A handwritten signature in black ink that reads "Michael Demkowicz".

Michael Demkowicz, PE

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Administrative Conditional Use Permit Applications

Project Description:

The Moonshadow Condominiums is a continuation of the Flagstaff Mountain, also known as Empire Pass, MPD approval from 1999 and amended in 2004. There has been development within Empire Pass since its approval and a significant amount of the approved density has been built. Currently there are eight (8) PUD style units still remaining in the development agreement.

Recently, the previous owners recorded a new subdivision plat, Village at Empire Pass North Subdivision to define three (3) new lots of record consistent with the original development agreement.

Moonshadow Condominiums will be eight (8) PUD style units proposed for Lot 1 of the Village at Empire Pass North Subdivision and will require a condominium plat to define the buildable area and infrastructure necessary for the PUD units. The proposed Moonshadow Condominium will define a 30 feet wide private road right of way, consistent with other areas of Empire Pass, with 5 additional feet to the private road right of way, which will be owned and maintained by the Empire Pass Master Association. Previous right of way widths have been defined at 25 feet wide defined by the back of gutter for private roads such as Village Way and Empire Club Drive. The private road right of way has an 80 feet diameter right of way at the private road cul-de-sac.

The units lines shown on the Moonshadow Condominiums will define the buildable area for each future home to be designed to meet the Empire Pass design guidelines. Each unit has an area of ROS zoning and new development will not be allowed within this area. Amended condominium plat(s) will be filed and recorded with each new unit and will define the private, limited common, and common area with use of the Architectural design drawings.

The plat application has been submitted in April 2018 and requires new infrastructure and this current Administrative Conditional Use Permit is also being submitted to show the engineering design and planning requirements for the private road and public utility infrastructure. In 2002, Marsac Avenue was constructed through Empire Pass and public utilities were built for the future development. Lot 1, Village at Empire Pass North Subdivision has a couple of 8" water and sewer stubs for the future development as well as conduits that cross Marsac Avenue and will allow for power and telecommunication service to be provided to the development without the need to disturb Marsac Avenue roadway. Gas service exists on the project side of Marsac Avenue. Storm drain infrastructure will be required for the new roadway and will connect to the offsite storm drain system and regional detention pond located south of Daly Avenue in Empire Canyon, which was built in 2004 to detain the storm water from the overall Empire Pass development.

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EMPIRE PASS

Architectural Addendum
**Design Guidelines for
Lot 1 Village at Empire Pass
North Subdivision**

May 2018

*A supplement to the Empire Pass Design
Guidelines pertaining to Marsac Lots A-H*

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Addendum

The following architectural guidelines are a Supplemental Addendum to the Empire Pass Design Guidelines (Chapter 3.0) and only pertain to the Marsac Lots A-H, Lot 1 Village at Empire Pass North. This addendum will allow Contemporary Mountain Architecture, along with the existing Craftsman and Rustic Ranch design, and provides the necessary guidelines to achieve this style.

Due to this information contained herein only applying to eight lots, it will be used as a supplemental guideline instead of incorporated into the Empire Pass Design Guidelines.

It is the Owner's responsibility to ensure that they have all current Guidelines and /or Addenda from the DRB.

1.1 ARCHITECTURAL DESIGN OBJECTIVES

Buildings within Lot 1 Village at Empire Pass are rustic in nature, drawing inspiration from the Craftsman architectural tradition and historic mountain lodges of the West. However, the eight lots within Lot 1 Village at Empire Pass North will be able to incorporate Contemporary Mountain Architecture at the discretion of the ARC. Many of the same elements with the Craftsman and Rustic Ranch will apply to the contemporary style. Owners and their Consultants should not interpret these influences as a prescription for a specific architectural style. Rather, a broad range of styles and personal expression is encouraged, provided the buildings are subordinate to the land, utilize well thought-out and consistent detailing and comply with the Design Guidelines and Supplemental Design Guidelines.

1.2 BUILDING HEIGHT

Objectives:

— *Keep Building Heights subordinate to the surrounding landscape.*

Building Height Definition:

- Building Height is measured as "the vertical distance under any roof or roof element to existing grade", or as set forth in the most current Park City Land Management Code.
- The Architecture Review Committee (ARC) will closely monitor any site on which site grading occurs and shall maintain an accurate record of the natural grade elevations of any such site, as they existed before such site grading. The height of any future buildings will thus be measured from the original natural grade, prior to any site grading.

Building Height Requirements:

- The maximum Building Height shall not exceed 33 feet.
- The height of chimneys, cupolas and other roof forms will be reviewed on a case-by-case basis.
- Buildings are to remain below surrounding tree canopy levels.



1.3 BUILDING MASSING AND COMPOSITION

Objectives:

- *Break building masses into room-size volumes to minimize the visual impact on the land.*
- *Maintain a low-profile, single-story expression.*
- *Utilize building offsets and projections that create strong shadow lines to help buildings recede into the landscape.*

Guidelines:

This section outlines the requirements for the composition and massing of building forms. Typically, the Guidelines draw upon the traditional design principles of Craftsman and Western Ranch Houses; however, within the eight Marsac lots, Contemporary Mountain architecture will be allowed.

1.3.1 Building Massing

- Homes are to be comprised of a collection of low-profile building clusters: a primary building mass may connect to smaller, secondary masses by breezeways, trellises or other architectural/landscape devices.
- The intent is for roof forms on sloping Homesites to step down with the grade, so that the homes integrate with, rather than disrupt, the natural landscape.
- Building massing is to be articulated with forms and dimensions that express single interior rooms and/or a group of related rooms.
- Detached garages are encouraged.



1.3.2 Maximum Gross Floor Area

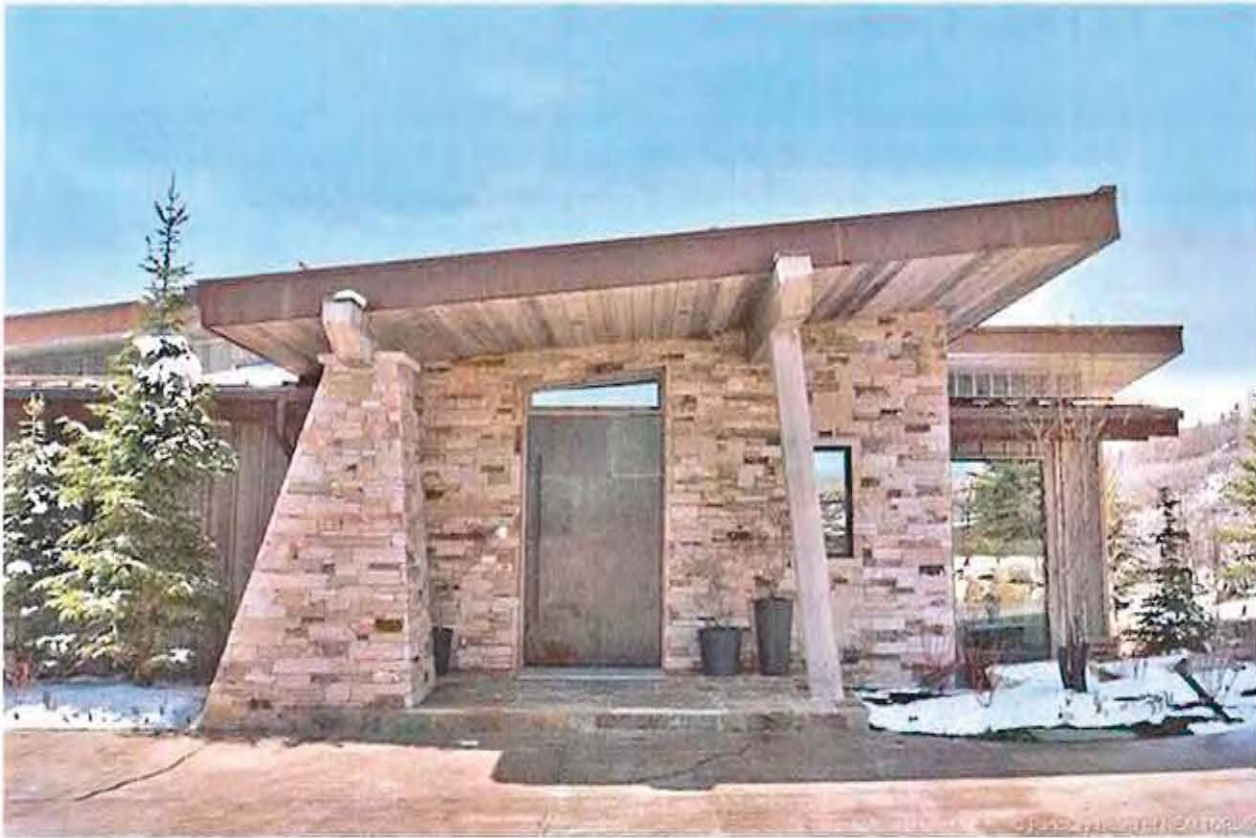
- Per the Park City Land Management Code, the Gross Floor Area is defined as:

The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet...are not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.

- Within these eight homesites, the Maximum Gross Floor Area (MGFA) is 7,750 square feet.
- Garage area in excess of 600 square feet shall be included in the MGFA calculation.
- Dedicated mechanical space up to 300 sq. ft. shall not be counted against MGFA. Up to 1,000 sq. ft. of single story habitable areas with floor elevation 6' or more below natural grade shall not be counted against MGFA.
- All Ancillary Buildings, including guesthouses, are to be included in the MGFA.

1.3.3 Single Story Expression

- In general, proportions of all building elements are to be wider than they are tall.
- Buildings are generally to remain one-story in height. However, up to 60% of the main Floor Area may be expressed as a second level. The second level may be incorporated either as a second story contained within the roof and/or as a lower-level walk-out.
- Three story building elements are not permitted.
- Lower level walls are to be expressed as part of the stone foundation walls and separated from the upper walls of the house by continuous overhanging porches, decks or roofs.
- Porches or decks at the upper level are to be supported by lower level stone columns that appear to be part of the foundation and are larger in scale than the columns supporting the roofs on the upper level. Lower level stone columns are to be deeply recessed (generally by 3 feet or more) from the edge of the deck or porch above.
- Secondary building masses and Ancillary Buildings are not to exceed one story in height.



1.4 ROOFS

Objectives:

- *Utilize simple, gabled roof forms.*
- *Asymmetrical roof designs are preferred over symmetrical roof structures.*
- *Use natural roof materials and colors to help blend houses into the surrounding landscape.*

1.4.1 Roof Composition

- Roof forms are to be simple compositions that utilize open-ended gables. Roof forms are to utilize a clear hierarchy of volumes that corresponds with the underlying room's size and function. Shed roofs may be used on porches, dormers and small projecting wings. Shed roofs may not be used for the primary roof on a building.
- To enhance the contemporary design, flat roofs are allowed with very shallow pitches. This style of roof must be engineered with careful consideration regarding the heavy snowfall.
- Roof forms are to be asymmetrical and fragmented with ridgelines stepping to follow breaks in the foundation as the house steps down the natural slope. Cross gables are to be used to break up long ridgelines, create subordinate wings and to provide for large views from individual rooms.



1.4.2 Maximum Ridge Length

- In order to blend the homes with the rolling landforms, the length of any unbroken roof ridge is limited to 60 linear feet.

- Houses in excess of 60 feet in length are to incorporate substantial breaks in the roof ridgeline, by stepping the ridge line four (4) feet or more at each break.

1.4.3 Roof Pitches

- In order to anchor building forms into the landscape, roofs are to be shallow in pitch.
- Approved roof pitches range between 2:12 and 6:12.
- Roofs are not permitted within 7 feet of finished grade.

1.4.4 Eaves, Rakes and Fascias

- Roof edges at eaves and rakes are to be open, exposing structural elements, as opposed to being "boxed" in. At the discretion of the ARC, this requirement may be waived for Contemporary Mountain Architecture that otherwise demonstrates clear expression of the underlying building structure.
- Deep roof overhangs are encouraged. On primary roofs, minimum overhangs for gables and eaves shall be 4' and 3' respectively.
- Fascia depths are to be well-proportioned relative to the building size and massing.



1.4.5 Roof Materials

- Buildings are to have a single consistent primary roof material. Approved roof materials, at the discretion of the ARC, include:
 - *Wood shakes (treated to meet local fire safety codes)*
 - *Synthetic materials which simulate wood shakes (as approved on a case-by-case basis by the ARC)*
 - *Weathered Corten steel (i.e. rusting steel)*
 - *Copper (which can naturally turn brown or patina)*
 - *Zinc (which is allowed to naturally patina)*
 - *Architectural grade fiberglass / composite shingles*
 - *Slate*
 - *Concrete shake tiles*
 - *Textured concrete flat tiles*
 - *Other low reflectivity tiles*

- Any aluminum or metal must be heavy gauge metal.
- Non-reflective copper may be approved for use on secondary roof elements, such as porches, dormers and eaves.



1.4.6 Flashing, Gutters, And Downspouts

- Flashing, gutters and downspouts are to be visually minimized. Where required, they are to be constructed of durable metals, such as copper, zinc or lead-coated steel, which will weather to blend with roofs and walls. Dark colored (e.g. bronze) aluminum may be considered on a case-by-case basis.
- Integral gutters with concealed downspouts or drains are preferred at long overhangs.
- Exposed downspouts are to be located where they avoid long return sections from the eave to the wall of the house and are to be integrated with vertical building elements, such as structural columns or trim.

1.5 EXTERIOR WALLS

Objectives:

- *Utilize natural materials that connect the building with its natural surroundings.*
- *Maintain single story expression of building walls.*

Guidelines:

The main walls of the house are to be one-story high, or up to two stories high at gable-end peaks. Stone, which reinforces the building's connection to the natural landscape, is to be the dominant wall material. A maximum of three wall materials are to be utilized.

Predominant exterior wall materials shall either be wood tongue-in-groove board siding, board-on-board, board and batten, horizontal wood lap siding, or free edged boards, native stone, concrete, specialty masonry concrete block, or steel panels.

The following list provides further detail on specific materials. Approval of all materials is at the discretion of the ARC.

1.5.1 Stone Walls

- Foundation walls may be up to one-story in height. Stone that is consistent in texture and color with that found in the region is to be used on all foundations. Walkout basements are to be expressed as part of the foundation. Openings may be arched or spanned with a heavy wood, stone or steel lintels that are appropriately sized to have a structural appearance.
- When walls above the foundation level are surfaced with stone, the stone may be used for a complete wing of the house or the entire house. With the exception of chimneys, stone may not be used for individual elements, such as wall panels or decorative elements.
- Stone surfaces are to have a structural, dry-laid appearance and/or use squared stones set with smeared joints. Mosaic patterns are not permitted. Walls are to incorporate a mix of sizes and shapes with larger stones predominantly at lower levels. Natural bedding planes are to be laid horizontally. Vertical joints are to be frequently interrupted.
- Stone walls are to be battered (minimum 2:12) at the base for at least 8 to 10 feet from finished grade. Battered walls are to flare out at the bottom at corners, columns and other prominent areas.
- Site and retaining walls are to merge with building foundations to create a strong tie between buildings and the site.



1.5.2 Wood Siding Materials

- Wood siding materials are limited to two types per building, such as shingle and horizontal siding or shingle and board and batten.
- Approved wood siding materials include:
 - *Horizontal plan siding (lap siding, hand-hewn planks)*
 - *Vertical Board and batten*
 - *Shingle siding*
- Lap siding profile shall include architectural reveals to create shadow lines.
- Inappropriate wood siding materials include:
 - *Logs*
 - *Horizontal planks with chinking*

- The level of detailing is to be consistent throughout the entire building.
- Lighter weight materials are only to be used above heavier materials when combining siding types. Breaks between different materials are to occur at a logical place in the structure.



1.5.3 Stucco

- Stucco may be considered for limited applications not exceeding 15% of exterior walls.
- Stucco walls are to have a rough textured finish, and a deep, rich, earth-tone color.
- Openings in stucco walls are to be squared-off and not arched. Wood, steel or stone headers are to be used at all window and door openings.



1.5.4 Metal Cladding

- Metal cladding may be considered for limited applications not exceeding 15% of exterior walls.

1.5.5 Plywood

- Plywood is not a permitted material for exterior walls.

1.6 STRUCTURAL EXPRESSION

Objectives:

— *Create buildings with the appearance of authentic, structural systems and construction techniques.*

Guidelines:

- Structural systems for the buildings are to be visibly expressed throughout.
- Structural supports, such as columns, beams, purlins, brackets, rafter tails and trusses are to be expressed at roofs, decks, porches, balconies and building walls.
- With traditional Craftsman inspired architecture, trusses, braces, brackets, and column spacing are to be used where they are needed to avoid the appearance of unsupported spans and cantilevers. Design and detailing of these materials is to result in an authentic-appearing structure.
- Cantilevered building elements, prominent glass facades, curved surfaces, and pitched roofs describe more of the mountain contemporary vernacular.
- Timber or exposed steel columns shall have a minimum depth of 12".
- Spacing of porch supports is to be consistent with the expression of the structure and should be sized and spaced accordingly.
- Timbers are to be whole in composition. Glue lams may not be used.

- Porches, decks or balconies projecting out beyond an enclosed building form, are to be supported on heavy stone, timber or well proportional structural steel elements one-story or less in height. If elevated, the undersides of porches and/or decks are to be fully detailed with finished architectural treatments that express the structural system. Small projections may be supported by brackets.
- Structural steel elements may be exposed as the expression of the structural support system.

1.7 WINDOWS AND DOORS

Objectives:

- *Locate windows to capture distant views.*
- *Minimize reflectivity.*
- *Craftsman, western Ranch House, and Mountain Contemporary inspired window patterns consistent with the building architecture.*

Guidelines:

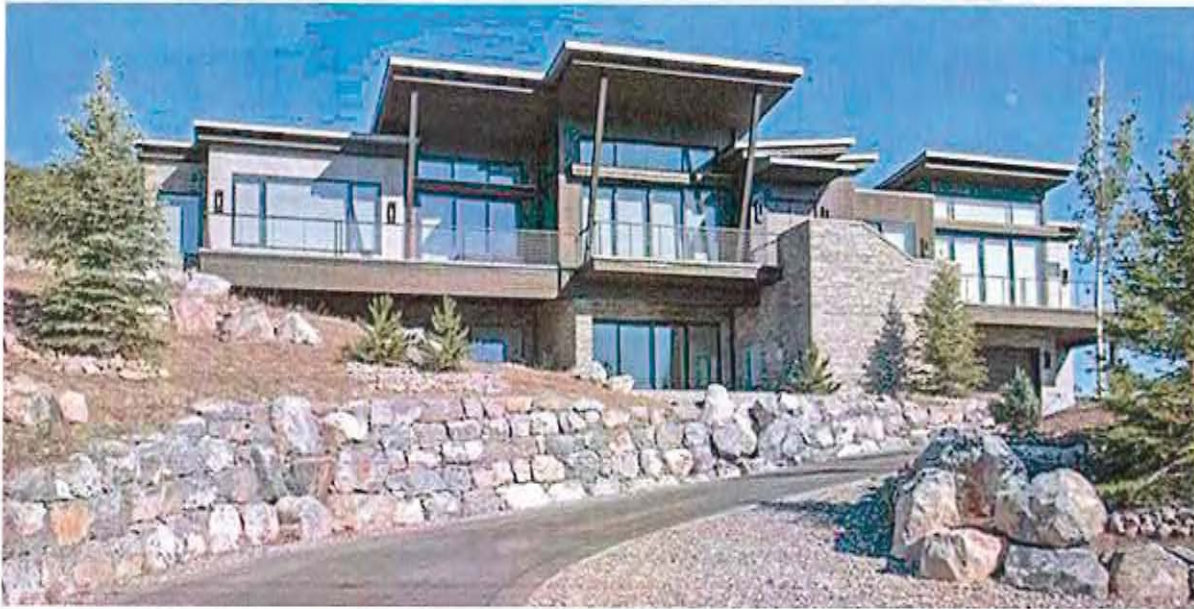
- Openings for windows and doors are to be appropriate to the structural expression of the building. Windows or doors in stone walls are to be topped with a properly scaled lintel or arch. In timber structures, properly sized columns, trusses and lintels are to accommodate larger window openings.
- Contemporary window compositions shall demonstrate appropriate use of divided light elements and a clear hierarchy of window pane sizes.
- For Craftsman and western Ranch House designs, all glass areas are to appear deeply recessed and shaded. Large areas of glass are to be well-shaded by projecting roof overhangs, balconies or porches in order to minimize visibility and reflections viewed from off-site. Window frames and mullions are to project out beyond recessed glass surfaces a minimum of 1.5 inches, to provide further shading and to emphasize the wood and/or stone structure.

Empire Pass North – Lot 1 Village (Lots A-H)

- Large window surfaces are to be subdivided with structural members or integral (not snap-in) muntins. Large single panes up to 50 sq. ft., larger sizes must be approved by the ARC, are acceptable provided they are well recessed, shaded and incorporated into a window composition that uses large scale vertical and horizontal structural members and is part of a window hierarchy.
- Glazing shall be appropriately scaled to the structural expression of the wall in which it is located.
- Floor to ceiling glazing walls are not permitted. While large window elements may be considered, all such elements must be recessed and clearly framed within the wall system.
- In general, and subject to considerations of views and ample day lighting, solar and other energy-use considerations are to be applied, with larger, shaded windows on southern exposures and smaller windows and fewer openings on the north. Glass may be coated and tinted to control solar heat gain, but a mirrored appearance is not acceptable.
- Arched windows may be used in stone, but not in wood or stucco walls. Arches are to include a keystone that gives the appearance of structural integrity. Windows and doors are to be designed with sills.
- Doors, windows and door frames may be stained, painted, or clad wood. Clad windows are to be done in maintenance free metals such as copper or painted steel. Copper cladding may be left to patina naturally, provided it loses its reflective properties within one year of completed construction.



Empire Pass North – Lot 1 Village (Lots A-H)



1.8 GARAGE DOORS

- Garage doors are to be recessed a minimum of 12 inches. Single-bay doors are to be used rather than double-bay doors. Double-bay doors that are detailed to have the appearance of single-bay doors may be considered on a case-by-case basis.
- Maximum height is 9 feet for garage doors.
- Garage doors are to be oriented facing away from the street and golf course.
- Fenestration on garage doors shall be limited to transom windows.



1.9 DECKS, BALCONIES, AND RAILINGS

Objectives:

- *Incorporate custom designs that add individuality and personal expression to the architecture, strengthening the connection between the indoors and outdoors.*

Guidelines:

- Details at decks, balconies and railings are to draw on Craftsman, western Ranch House and contemporary styles for inspiration.
- Railings on balconies, decks, stairs and porches, are to be constructed and designed as natural extensions of buildings, appropriately proportioned, and within limits, personalized designs are encouraged.
- Glass panel balcony rails are permitted.
- Horizontal steel railing systems will be allowed with the Contemporary Mountain designs.
- The minimum depth for the top rail and the minimum width for vertical structural rail elements shall be 3".
- Design of balconies, decks and porches is to take into consideration shade, sun, wind, snow shedding, and other climatic influences.
- Approved railing materials include:
 - *Timber: rough-sawn, hand-hewn and/or carved*
 - *Metal: non-reflective similar to metal detailing used elsewhere on the Residence*
 - *Glass*
 - *Steel cable (stainless or powder coated)*
- Inappropriate rail materials include, but are not limited to:
 - *Plastic*

1.10 CHIMNEYS

Objectives:

— *Provide traditional expression that conceals flues, vents and other mechanical equipment.*

Guidelines:

- Chimneys are to be built of stone, unless other material is approved by the ARC, with the opportunity to use metal in contemporary designs. Chimney size is to be in proportion with the overall structure from which it projects.
- Flat profile or other simple stone or metal chimney caps are required.
- All rooftop equipment, including vents and flues 6 inches in diameter or greater, are to be grouped and concealed in chimney-like structures that are an integral part of chimney, roof and/or wall designs.
- Per Park City code, only one wood burning device is permitted inside or outside of each Residence. Fireplaces are to be designed to meet all applicable codes. Wood burning fire pits are not allowed; outdoor wood burning fireplaces are permitted, but count towards the one wood burning device total for the Lot. The quantity of gas burning fireplaces is not restricted.



1.11 DETAILS

Objectives:

- *Utilize wood and metal accent elements in traditional applications or in a contemporary mountain vernacular sympathetic to the mountain environment.*

Guidelines:

- Close attention is to be paid to building details, including those at structural roof supports, fascias, stone walls, windows and doors, fenestration design, and railings. Details may draw inspiration from traditional Craftsman and western Ranch House designs. Contemporary Mountain interpretations of these styles will be allowed.
- Details may have either a more refined or rustic character, provided one or the other is used consistently throughout the house.
- Exposed copper, such as that used at roofs, structural connections and finish hardware, is to have a weathered or aged finish or patina in dark colors. Copper is to patina within one year of construction. Polished metal accents may be used in very limited applications as accents.



1.12 COLORS

Objectives:

— *Select field and accent colors to blend buildings into their natural surroundings.*

Guidelines:

- Exterior colors that recede into the landscape are to be selected. In order to avoid light reflective buildings that stand out against the landscape, exterior wall colors are not to exceed a LRV (Light Reflective Value) of 32. The LRV is readily available from all paint manufacturers.
- Colors, stains and/or paints are to create the appearance of natural, earth-tone hues that blend with the colors of the landscape. All exposed wood surfaces are to be treated with a semi-transparent stain or sealer to accentuate the grains and natural color variety in the wood. Opaque stains or paint may not be used on walls, but are limited to trim and accent applications.
- Roof colors are to be the natural weathered color of wood shakes. Metal roof elements may be Corten steel, copper, or dark colored (e.g. bronze) standing seam aluminum or zinc.
- Windows, doors and their related trim colors are to be selected from darker shades of red, green, bronze, black or other natural colors found on the site, and are to complement the overall colors of the building. Bright or light colors, which create strong contrast, will not be acceptable. Accent colors may not exceed an LRV of 42.

1.13 ANCILLARY BUILDINGS

Objectives:

- *Integrate all ancillary buildings with the architectural vernacular of the main Residence.*
- *All ancillary buildings are to be subordinate to the main building.*

Guidelines:

- All structures are to be designed as integral parts or extensions of the architecture of the main building, similar in detailing and stylistic qualities, and are to be located within the Improvement Envelope.
- Buildings may be freestanding or connected to the main house by outdoor rooms and/or architectural projections such as breezeways or trellises.
- The use of detached garages are encouraged.

EXHIBIT K

Flagstaff Annexation and Empire Pass Units and Unit Equivalents

As of 8.7.18 Reflects Empire Residences condo plat approval, Silver Strike amendment, Larkspur Townhouse (3 units) ACUP approval, Moonshadow 8 PUD (30 UE) condo plat submitted

SINGLE FAMILY LOTS

POD	Single Family	Approved SF lots	Cert of Occupancy to date	Remaining lots to CO
A	Banner Wood-platted	6	4	2
B1	Northside-platted	10	10	0
D	Red Cloud-platted	30	11	19
Totals	(Single Family only)	46	25	21
Maximum SF Allowed by Flagstaff Development Agreement		46		
Remaining Units/UE to Plat		0		

MULTI-FAMILY UNITS

POD	Multi-family	Units Approved/Proposed	UE Approved/Proposed	Units Platted w/ condo	UE Platted w/condo	Square Feet Platted	PUD units (SF/duplex use UE)	ADA provided/r equired	CO UE's to date	CO Units to date
A	Moonshadow Condo PUD on Lot 1 VEPN condo plat submitted	8	31.00				8	0	0	0
A	Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved)	21	24.50	21	24.49	48,981	0	1	0	0
A	Lot 2 VEPN plat-(Bldg 4) TBD	TBD	TBD				0	TBD	0	0
A	Lot A VEMP1 triplex Admin CUP submitted	3	5.75				0	0	0	0
A	Tower Residential- platted lot/no condo plat (Bldg 1) (CUP expired)	TBD	TBD				0	TBD	0	0
A	Shooting Star-platted lot and condo (Bldg 2)	21	18.30	21	18.055	36,109	0	1	18.1	21
A	One Empire Pass-platted lot and condo (Bldg 5)	27	32.80	27	32.513	65,026	0	1	32.8	27
A	Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend)	34	35.60	34	35.653	71,305	0	2	35.7	34
A	Flagstaff -platted lot and condo (Bldg 7)	37	35.90	37	36.753	73,506	0	2	36.8	37
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	24.50	28	23.229	46,458	0	2	23.3	28
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	25.70	28	24.373	48,746	0	2	24.4	28
A	Grand Lodge-platted lot and condo (Bldg H)	27	33.00	27	32.672	65,344	0	2	32.7	27
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	24.40	15	24.347	48,693	6	0	24.4	15
A	Larkspur West Townhouses-all platted/condo	12	20.70	12	20.637	41,273	0	0	20.7	12
A	Paintbrush PUDs- all platted /condo	12	31.90	12	31.538	63,076	12	0	32	12
A	Belles PUDs- all platted/condo	17	45.00	17	45	90,000	17	0	37.85	16
B1	Nakoma PUDs- all 17 are platted condo but 5 unbuilt	17	45.00	17	45	90,000	17	0	35	12
B1	Ironwood- all platted/condo	24	37.40	23	36.972	73,944	0	1	37.1	23
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	hotel rooms	69.60	n/a (hotel rooms)	72.665		0		72.4	1
B2	B2 West Montage condos- platted (apprvd 94)	94	114.00	84	109.335	218,669	0	5	109.3	84
B2	B2 East- B2East Subdivision approved/No condo plat yet	70	81.00				0	TBD	0	0
Totals (Multi-family (MF) only)		495	736.05	403	613.232	1,081,130	60	19	572.55	377
Maximum (MF) Allowed by Flagstaff Development Agreement		550	785.00	550	785	n/a	60	n/a		
Remaining MF Units/UE (to be approved and/or platted)		55	48.95	147	171.768	n/a	0	n/a		

MF Totals by POD- apprvd/platted/proposed, includes PUDs, not SF lot	Units	UE	Units Platted to date
A (includes triplex and 8 PUD at Moonshadow)	290	389.05	279
B1	41	82.4	40
B2 (plus 174 hotel rooms for units, hotels rooms included in UE)	164	264.60	84
Totals Multi-family (MF)	495	736.05	403

% of MF units total in Pods A, B1 and B2 that are in POD A
(MPD requires minimum of 50%)

69.23%



Master Plan

March 18, 2004



Planning Commission Meeting
 Minutes of July 28, 2004
 Page 10

Findings of Fact - Marsac Avenue & Chambers Street Right-of-Way

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-20 on June 24, 1999, approving the annexation and development agreement for the 1,655-acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement Section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane, and runaway truck ramp.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. Empire Pass Master Planned Development

Planner Brooks Robinson commented on Pod A at Empire Pass and noted that the Planning Commission has discussed many details of his master planned development over several months. The public hearing was re-opened on July 14 and continued to this evening. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for the master plan for Pod A. Pod B1 was previously approved. The Staff finds that this application complies with the Land Management Code and the Development Agreement, which are the controlling documents. There will be additional units and density left over from this approval, and Pod B2 will come in at a later date with its own master plan once the applicants are further along in planning development for that area. The applicant had prepared a number of exhibits and updates for the Commissioners' binders which will comprise this approval. These includes the project description and minor grammatical

error and language revisions. Planner Robinson outlined other updates distributed this evening. The Staff recommended that the Planning Commission re-open the public hearing, consider public input, and provide direction to the Staff and applicant.

Chair Barth referred to Pages 115-123 of the staff report, Summary of Compliance with the Technical Reports, and noted that he did not see in the draft findings any reference to incorporate those pages into a motion. Planner Robinson recalled that on July 14 Commissioner Erickson requested compliance with technical reports, and the decision was made to provide them as a separate document. He offered to add them as a finding.

Doug Clyde, representing the applicant, distributed to the Commissioners a visual simulation from King Road that was inadvertently left out of their package. He was uncertain which phasing plan is included in their packets and wanted to be sure the one they have shows the right units. He noted that town home units 16 and 17 and cluster home units 11 and 12 are in Phase I. He referred to page 6 of the recent handouts and corrected the number of Townhomes and PUD's from 28 to 23 units in the first phase.

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner Erickson read the conditions of approval relative to traffic circulation based on the development agreement and asked if they are part of the transportation mitigation plan and part of the 14 technical reports. Mr. Clyde replied that they are reflected in the existing construction mitigation plans currently on file with the City. Planner Robinson explained that every CUP that comes forward will need its own construction mitigation plan which will be reviewed by the Planning Commission.

The Planning Commission and Mr. Clyde discussed enforcement procedures for downhill traffic.

Planner Robinson revised Finding of Fact 10 by inserting a comma after A(Exhibit H)@ and adding Aand a compliance matrix with the technical reports (Exhibit I).@

Mr. Clyde referred to the density indicated on page 104 of the staff report and noted that 563 takes into account the additional 18 PUD units. This is not reflected in the table above, and he suggested adding the language Accounting the additional 18 PUD units noted below.@

MOTION: Commissioner Erickson moved to APPROVE the MPD in accordance with the findings of fact, conclusions of law, and conditions of approval with the following revisions:

- 1) The incorporation of the revised July 28, 2004, project description as presented by Staff.
2. The revision to Finding of Fact 10 incorporating the compliance report with the 14 technical reports, Exhibit I.
3. The revision to the phasing plan incorporating the town home Units 16 & 17 and the cluster home Units 11 & 12.
4. Correction to the staff report, page 104, with regard to the density incorporating the phrase that the 563.3 units includes the 18 unit equivalents referenced in Pod B1 below.
5. Incorporation of Condition of Approval 10 that they incorporate the technical report updates and clarifications as presented in the staff report

Mr. Clyde stated that the PUD's were originally intended to be 5,000 square feet each, but they had a problem with the Unit Equivalent calculation. He will return with a revised UE calculation which raises the number by 18 additional UE's. It will not change the plan, but it will make it correspond with the way they interpret UE's.

Planner Robinson referred to the density in the Pod B1 section on page 104 and noted that the last sentence should recognize that 90,000 square feet should be assigned to Lot B and not Lot C.

Commissioner Erickson incorporated the change to Page 104 as described by Planning Robinson into his motion. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas abstained from the vote, and Commissioner Zimney was not present for the vote.

Commissioner Volkman referred to the status of the technical reports regarding the mine soils hazard plan and the language which states, AA draft work plan for the clean up of Empire Canyon was approved by the EPA and reviewed by the Park City Municipal Corporation. Work will begin this summer.@ Mr. Clyde explained that the Empire Canyon work referred to is the clean up of the creek below the Deer Valley Day Lodge and the top of Daly Avenue. It has no relation to moving the mine dump.

Findings of Fact - Empire Pass

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The

- Development agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
 4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites;
 - no more than 85,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
 5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
 6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.
 7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 unit equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
 8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
 9. The 14 technical reports/studies along with the Land Management Code and the Development Agreement (99-30) for the standard which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
 10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B), Volumetric Analysis (dated July 5, 2004, Exhibits D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), Supplemental Plans

- including Building Height Diagram, Vegetative Buffer, Trails, and construction Sequencing (Exhibit H), and a Compliance Matrix with the Technical Reports (Exhibit I). Together with the Site Plans dated July 21, 2004, (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and the City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
 12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
 13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
 14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count toward the PUD limits of 60.
 15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for six (6) single-family homes.
 16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count toward the development acreage.
 17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.
 18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over-length cul-de-sac.
 20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June 15, 2004.
 21. The Maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
 22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
 23. The applicant has requested additional building height for the structures proposed as Buildings 109, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
 24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

25. Proposed Buildings 1-9 have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law - Empire Pass

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place development on the most developable land and least visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval - Empire Pass

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family

- buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
 3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 4. If and when the realigned Guardsman Road is dedicated to the City, the Developer will execute an encroachment agreement in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
 5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
 6. The proposed over-length cul de sac that ends in the six single-family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot-wide all-weather surface road.
 7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
 8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
 9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
 10. The technical report updates and clarifications as presented in the staff report shall be incorporated in this approval.
7. Red Cloud Subdivision

Planner Robinson noted that Red Cloud, commonly called Pod D, is the third and final Empire Pass application. Thirty single-family lots are proposed on the land owned and controlled by Talisker and the United Park City Mine Company. At the July 14 work session, the Planning Commission discussed the Enchanted Forest and how to apply the statement in the development agreement that no development should occur in the Enchanted Forest. Planner Robinson understood there to be general consensus from the Commission that having a ski easement/conservation easement across an area to be determined would constitute adequate protection. The language will prohibit snowmobiles but will allow skiing in the winter for people coming off the Red Cloud lift. The other issue discussed on July 14 was whether to amend the development agreement and Exhibit A of the development agreement which shows the pod boundaries to move the boundaries further south and west. This would not change the density or average lot size. The Staff analyzed that proposal for separation from ski runs and a visual analysis, and it is the Staff's opinion that the development agreement would have to be amended to allow that to

Village MPD Supplemental Project Description and Conditions

Site Plan

The site plan for the project shows the location of the nine condo-lodge buildings that have received additional height as established in the volumetrics. The shape and location of these buildings on the site plan are approximate and are more fully described in the attached volumetric analysis. The building locations for the nine condo lodges are controlled by the preliminary parcel map. Within the parcels on that map areas have been identified where reduced setbacks will be allowed. Final dimensions of these setback reductions will be determined at CUP approval for the individual buildings. Building location within the parcel is subject only to the zoned setbacks and the approved reductions, and general compliance with preservation of significant vegetation as shown on the MPD Limits of Disturbance exhibit.

Volumetrics

The intent of the volumetric analysis is to define the architectural massing of a building and insure that the mass of the building is broken up by significant façade and roofline shifts, as well as introducing architectural elements at the base of the building. The volumetrics define three distinct zones within the building: a parking zone, the intermediate floor plates and a roof zone. The roof zone is a region in which the roof shapes and architectural elements that appear in the project design guidelines are required to be employed in order to break up the building massing and provide architectural character. The roof zones are allowed as residential or mechanical space.

The volumetrics generally depicts the location and heights modeled in the attached visual analysis, however there has been, and will continue to be, some changes in the shapes and approximate locations of the buildings as the plans evolve through the design process.

The volumetrics will be used in conjunction with the approved project Design Guidelines to control final architecture that will be reviewed by the Planning Commission at a subsequent CUP.



Building Height

Building height is measured continuously from the highest point of the building to the existing grade directly below that point. The isometric diagrams establish maximum heights at various areas of the building. This height allow for three separate elements above existing grade as follows:

1. Height to accommodate the roof and residential units within the roof zone.
2. Height for the intervening full floors of residential below the roof zone, and
3. Height for a varying amount of parking structure above the existing grade depending on where you draw the section through the building.

The sum of these three elements cannot exceed the maximum heights and are further restricted as follows:

Floor to Floor Height

The isometric diagram shows numbered full height floors that are sandwiched between the garage and roof zone. The floor to floor height of these floors is limited to 12'. The remaining height up to the maximum height of the building is available only for roof elements, garage, and the provision for residential units in the roof zone as described below.

The Roof Zone

In addition to the numbered floors that are between the roof zone and the garage, there is a provision for units in the roof. Residential units are encouraged within the roof to the extent that they add architectural interest by providing for dormers and window elements in the roof. Out of the maximum height allowed within each area of a building, up to 6' of that height can be allocated for a stem wall in order to accommodate a functional residential unit in the roof. The height of the stem wall is measured from the floor of the unit to where the units ceiling intersect the wall on the inside of the unit. The floor of the Roof Zone unit cannot be more then 12' above the floor of the lower unit. Acceptable roof forms are found in the approved Design Guidelines.

Ground Floor Architectural Elements

The volumetrics denote "entry structures" at possible locations that are intended to break down the mass of the structure at the entry points. In addition, a portion of the ground floor will have architectural elements such as covered balconies that will project out from the façade above in order to break down overall building scale.

Building Appurtenances and Exceptions

Beyond the height and massing shown in the volumetrics, some appurtenances are allowed outside of this envelope. Acceptable appurtenances include but are not limited to:

1. Dormer with ridge heights not exceeding the ridge height of the roof to which they are attached
2. Chimneys and chimney roof forms used for HVAC equipment and mechanical penthouses provided that they do not extend more the 5' above the top of the roof. Elevator penthouses may exceed the ridge height by 8'.
3. Skylights not exceeding 3' above the ridgeline of the roof that it is on
4. Code required parapet walls
5. Roof overhangs, brackets and bracing
6. Awnings
7. Covered and uncovered balconies
8. Grade level arcades not to exceed 15' in height
9. Kiosks, pool and spa pavilions, outdoor food service not exceeding 15' in height
10. Bay windows not exceeding 5' in depth measured perpendicular to the building
11. Screened and covered HVAC equipment
12. Porte Cochere structures not to exceed 28' in height
13. Accessory buildings and other structures and appurtenances as allowed in the zone by the LMC

Appurtenances that fall outside of the building envelope must not remove significant vegetation as preserved in the Limits of Disturbance plan and are subject to Planning Commission approval through a CUP. All appurtenances are subject to the projects approved Design Guidelines.

Conservation Easements and Conservation Parcels

Conservation Easements and Conservation Parcels are to remain as open space. Their purpose is to maintain a vegetative buffer between the project and Marsac Avenue. No structures, accessory building or appurtenances are allowed in any Conservation Easement or Conservation Parcel. Only those utilities as approved by the MPD or as revised in subsequent CUPs are allowed. Signs, as allowed by the Land Management Code, which are adjacent to the road, are allowed provided they do not cause the removal of Significant Vegetation as defined by the LMC.



Master Plan - Summer

May 6, 2006

HART HOWERTON
Landscape Architecture
1000 North 2000 West
Salt Lake City, UT 84119

THE VILLAGE AT EMPIRE PASS
Park City, Utah

Trails Plans

EXHIBIT M

Legend

-  Approximate Moon Shadow Development Area
-  Approximate Moon Shadow Open Space
-  Existing Trails
-  Future Trail

0 0.01 0.02 0.04 0.06 0.08 Miles





Site Plan | Vicinity Map and Overall Flagstaff Development

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