

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
April 26, 2017**



AGENDA - AMENDED

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF April 12, 2017

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

340 Main Street - Conditional Use Permit (CUP) application for the establishment of a new Telecommunication Facility on the rooftop of a non-historic building.

PL-16-03264 82

*Planner
Scarff*

Public hearing and continuation to May 10, 2017

WORK SESSION - *Discussion items only, no action taken*

Municipal Code Amendments regarding Xeriscaping, Gravel, and Parking requirements in Title 9: Parking (Chapter 9-1-3 Definitions, Chapter 9-2-16 Parking on Previous Surfaces in Soil Coverage Areas Prohibited, Chapter 9-4-1 Special Winter Limitations), Title 11: Building and Building Regulations (Chapter 11-15-3 Acceptable Cover in the Park City Landscaping and Maintenance of Soil Cover section), and Title 15: Land Management Code (Chapter 15-3-3 General Parking Area and Driveway Standards, Chapter 15-3-4 Specific Parking Area and Driveway Standards for Single Family Residences and Duplexes, Parking Areas with 5 Or More Spaces, and Parking Structures, Chapter 15-5-1 Policy and Purpose, Chapter 15-5-5 Architectural Design Guidelines, and Chapter 15-15-1 Definitions).

PL-17-03479 83

*Planner
Morlan*

Discussion item only, no action taken. Public input may be taken

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code, amending Land Management Code Chapter 2 Zoning Districts regarding lot and site requirements in the Single Family (SF) District, amending the Annexation Expansion Area (Chapter 8.7), and elimination of numbering of definitions in Chapter 15 and throughout the LMC.

PL-17-03483 105

*Planner
Whetstone*

Public hearing and possible recommendation to City Council on May 11, 2017

Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code for Chapter 4 Supplemental Regulations regarding Fences, Childcare, Accessory Apartments, group mailboxes and others and for Chapter 8 Annexation regulations and standards for consistency with State Code.
Public hearing and continuation to June 21, 2017.

PL-17-03483
Planner
Whetstone

166 Main Street – A plat amendment requesting to combine two existing lots located at 166 Main Street into one lot of record.
Public hearing and possible recommendation to City Council on May 23, 2017

PL-17-03499 125
Planner
Morlan

250 Main Street – Conditional Use Permit (CUP) application for the establishment of a new Telecommunication Facility on the rooftop of the Wasatch Brew Pub, a non-historic building.
Public hearing and possible action

PL-16-03322 145
Planner
Scarff

Request for a four lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and Marsac Avenue east of the Silver Strike chair lift, to create 3 development lots for the Village at Empire Pass Master Planned Development and one lot for ski area related uses.
Public hearing and possible recommendation to City Council on May 11, 2017

PL-16-03293 171
Planner
Whetstone

Request for a Conditional Use Permit for the approximately 39,800 square foot Peace House facility to be located on Lot 8 of the Third Amended Intermountain Healthcare (IHC)/USSA Subdivision plat subject to the Amended IHC Master Planned Development.
Public hearing and possible action

PL-17-03510 257
Planner
Whetstone

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 12, 2017

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Makena Hawley, Planner; Tippe Morlan, Planner; Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

March 22, 2017

MOTION: Commissioner Thimm moved to APPROVE the minutes of March 22, 2017 as written. Commissioner Suesser seconded the motion. Commissioner Joyce abstained since he was absent from the March 22nd meeting.

PUBLIC COMMUNICATIONS

Rob Harris stated that he was building a home on King Road. He was in the process of Design Review and he was willing to comply with all the current LMC requirements. However, he was confused about the green roof. The LMC requires 1500 square feet of sod that has to be irrigated and maintained. As the Planning Commission moves forward, he would like the LMC to allow other things such as better insulation or a cistern, which would be more green than a sod roof that needs to be watered.

Vice-Chair Joyce noted that green roofs were on the list of LMC changes that would eventually come to the Planning Commission for review and input.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that Commissioner Suesser would not be attending the meeting on April 26th and Commissioner Joyce would miss the meeting on May 10th. He wanted to

make sure that the other Commissioners would be attending those meetings so they would have a quorum.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim subdivision and Plat Amendment item on the agenda this evening due to a prior working relationship with the applicant.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 1302 Norfolk Avenue – Appeal of a building permit (BD-17-23686) denial based upon the Community Development Director's determination that there was already an active land use application for a Determination of Significance (DOS). (Application PL-17-03487)

Director Erickson reported that this item is an appeal of the Planning Director's determination on an active land use permit on a Determination of Significance. The Appellant had requested that the Planning Commission continue this item to July 26, 2017.

Director Erickson requested that the Planning Commission conduct a public hearing and continue this item to July 26th.

Vice-chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE the quasi-judicial appeal regarding 1302 Norfolk Avenue to July 26, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code, specifically amending Land Management Code Chapter 15-2.7 Recreation and Open Space (ROS) District; 15-2.13 Residential Development (RD) District; 15-6 Master Planned Developments; and Chapter 15-15 Defined Terms

Director Erickson stated that the Staff was proceeding with additional revisions to the MPD Section for affordable housing and essential public facilities. The revisions were currently being reviewed by other City departments to make sure the system will be efficient for affordable housing. In addition, the distinction in the residential District and the Open

Space District for essential public facilities makes a distinction between essential facilities and, for example, recreation facilities. Once the reports are back the Staff will bring the revisions to the Planning Commission for review and input.

Vice-chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code Amendments to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **2467 Iron Mountain Drive –The applicant is proposing to adjust dimensions of the Building Pad on Lot 43 Iron Canyon Subdivision without increasing the 4,000 sf. allowed area.** (Application PL-17-03478)

Planner Makena Hawley reviewed the proposed plat amendment to adjust the dimensions of the building pad on Lot 43, 2467 Iron Mountain Drive. The Staff finds that the allowed square footage of 4,000 square feet remains the same, and it is consistent with the development in the neighborhood. A condition of approval requires compliance with all other Iron Canyon subdivision requirements.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Steve Schuler with Summit Engineering, representing the applicant, noted that the square footage of the original building will remain exactly the same at 4,000 square feet. This proposal only rearranges the square footage to reflect the new architecture proposed for the lot.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the Iron Canyon Subdivision building pad adjustment for Lot 43, based on

the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2467 Iron Mountain Drive

1. The property is located at 2467 Iron Mountain Drive.
2. The property is in the Single Family (SF) District.
3. Adjacent land uses are single family residential.
4. The subject property consists of Lot 43 of the Iron Canyon Subdivision, approved in 1983.
5. The plat amendment changes small portions of the “Building Pad” area shown on the Iron Canyon Subdivision plat (recorded in 1983) to adapt to the current proposed design of the new residence.
6. The building pad is proposed to be the same square footage as the platted building pad (4,000 sf.) and in the same general location.
7. The entire site contains a total area of 3.1308 acres.
8. On February 16, 2017, the City received a Plat Amendment application for the Iron Canyon Subdivision Amendment to Lot 43; the application was deemed complete on February 27, 2016.
9. Four (4) lots within the Iron Canyon Subdivision have completed similar building pad adjustments including the following: Lots 4, 5, 11 and 29.
10. Staff finds that the proposed plat amendment results in a building pad that is consistent with the pattern of development in the neighborhood.
11. Per the existing plat, the maximum building pad is 4,000 sf. and this plat amendment results in a building pad that is not greater than 4,000 sf.
12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 2467 Iron Mountain Drive

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 – 2467 Iron Mountain Drive

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. A ten feet (10') wide public snow storage easement along the frontage of Iron Mountain Drive shall be shown on the plat.
4. Modified 13-D sprinklers are required by the Chief Building Official for new construction at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building pad, etc.
6. All other conditions of approval and platted requirements for the Iron Canyon Subdivision continue to apply and shall be noted on the plat.

**2. 2700 Deer Valley Drive B101 – A condominium plat amendment requesting to convert the existing common attic area into private area for Unit B101.
(Application PL-16-03208)**

Planner Tippe Morlan reviewed the request to amend the existing Courchevel Condos at Deer Valley condominium plat, specifically Unit B101. The applicant would like to convert the existing common attic area of 314 square feet above the unit into private area for Unit

B101, with the intention of converting it into an additional bedroom and bathroom. A new window in that area will be required to be shown on the building plans.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council. Planner Morlan stated that there was good cause since it does not increase the building footprint, and all of the construction will be done within an existing building. Additional parking will not be required beyond what is currently provided. The proposal is consistent with the provisions for the Deer Valley Master Plan.

Mike Johnson from Summit Engineering, representing the applicant, was present to answer questions.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council with regard to the Sixth Amendment to the Courchevel Condominiums at Deer Valley plat amending Unit B101, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2700 Deer Valley Drive – B101

1. The property is located at 2700 Deer Valley Drive East.
2. The Courchevel Condominium at Deer Valley plat was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended plat was approved and recorded increasing the

number of residential condominium units to forty-one (41).

6. In February of 2012, a second plat amendment was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.

7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.

8. The second amendment reflected that Building A was not built and removed it from the plat.

9. In December of 2012, a third plat amendment was recorded. This third amendment converted 470 square feet of common attic area above Unit B304 to private area.

10. In January of 2013, a fourth plat amendment was recorded. This fourth amendment converted 608 square feet of common attic area above Unit B202 to private area.

11. In January of 2013, a fifth plat amendment was recorded. This fifth amendment converted 139 square feet of common space to private area for Unit C301.

12. Currently there are 27 condominium units and 31 underground parking spaces.

13. Each existing condominium unit contains 759 square feet, except for Units B301, B303, and B304, which contain a total of 1,367 square feet, Unit B202 which contains 1,229 square feet, and Unit C301 which contains 898 square feet. Unit B101, if approved, will contain 1073.4 square feet.

14. The property is subject to requirements and restrictions of the Deer Valley Resort 12th Amended and Restated Large Scale MPD.

15. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.

16. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.

17. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 23,240.4 square feet, including the pending 314.4 square feet for Unit B101 subject

to approval of the Sixth Amendment.

18. On June 9, 2016, the City received a completed application for a Sixth Amendment to the Courchevel Condominiums at Deer Valley plat requesting conversion of 314.4 square feet of common attic space above Unit B101 to private area.

19. Unit B101 is located on the second floor of Building B.

20. In February 2017, Courchevel Condominium owner's association voted unanimously (with more than 2/3rds of members voting) to approve the conversion of 314.4 square feet of common attic space to private area for Unit B101.

21. There are no exterior changes proposed.

22. The proposed amendment is consistent with the purpose statements of the district.

23. Unit B101 would increase by 314.4 square feet from 759 square feet to 1,073.4 square feet, and the total floor area would become 23,240.4 square feet.

24. The total proposed UEs for the project, including the pending Sixth Amendment, would be 11.62 UEs.

25. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums. If this amendment is approved and recorded there will be 3,759 square feet (1.88 UEs) of floor area remaining for future conversion of common area to private area. An additional 0.5 parking space would be required for each unit that exceeds 1,000 square feet, unless a parking exception is approved by the Planning Commission per LMC Section 15-3-7.

26. The building does not exceed the allowable 35' building height and there are no nonconforming setback issues.

27. All construction is proposed within the existing building envelope.

28. The current LMC requires one and a half (1.5) spaces for each unit greater than 1,000 square feet and less than 2,000 square feet. The proposed Sixth Amendment complies with this requirement.

29. Twenty-nine and a half (29.5) parking spaces will be required and thirty-one (31) spaces will exist with approval of the Sixth Amendment.

30. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.

31. The expanded unit would comply with the current parking code.

Conclusions of Law – 2700 Deer Valley Drive – B101

1. There is good cause for this amendment to the plat.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended plat is consistent with the 12th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2700 Deer Valley Drive – B101

1. The City Attorney and City Engineer will review and approve the final form and content of the amended 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 year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Deer Valley Resort 12th Amended and Restated Large Scale MPD and the amended Courchevel Condominiums at Deer Valley plats shall continue to apply.
4. The applicant may submit an application for a building permit according to City procedures after this plat amendment has been recorded.

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

1. **Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan (Application PL-08-00370)**

Planner

Astorga: Francisco Astorga for the Planning Department. We have before you the Treasure Conditional Use Permit. To start out my portion, my presentation, I'd simply like to say that we do not have a traffic and transportation study in front of us that we're showing you because we haven't received it yet. The applicant is still working on that. I'll let them explain the, the delay.

I personally do not want to advertise that we're going to go ahead and bring it forth on May 10th, during the next meeting, just because we've tried doing that for several meetings. So our commitment is that once we receive it---it, it's obviously public record. And as soon as we receive it we'll place it on the next agenda that we will be reviewing the Treasure Conditional Use Permit. I, I would like to move forward with, with that.

As requested by the applicant, we'd like to have an introduction to conditional use permit criteria 7, 9, 10 and 12. Criteria 7 is Fencing, Screening and Landscaping to separate the use from adjoining uses, on page 106 of your Staff report. The applicant suggested that we review two sheets; Sheet V-12 and V-04. For Criteria 9, Usable Open Space, they've recommended that we review Sheet V-11 and Sheet SP1. For Criteria 10, Signs and Lighting, they've asked that we look at Sheet V-14. And for Criteria 12, Noise, Vibration, Odors, Steam or other mechanical factors that might affect people and property off-site, they requested that we look at Sheet V-13 and P2. They also suggest that we look at the, the plan on V-1 and the written...and the written explanation known as Appendix A1, right? That's it.

Shawn

Ferrin: Yeah.

Planner

Astorga: As noted on your Staff report, on page 107, Criteria 7, fencing, screening and landscaping, they've submitted a plan which has areas that are to be landscaped in the future. Staff would like to further define what exactly it is being proposed as landscaping. If we review that sheet, which we can pull it up should you request that, it simply identifies areas to be landscaped. We find that we need more information in order for us to do a full analysis.

Regarding Criteria 10, signs and lighting, it gets a little bit different. And I would like to speak about signs first. The Code, the Municipal Code, which

is Title 14, which is not part of our Land Management Code. For some reason we've got the Sign Code in a different title, but it's also part of the Municipal Code. That title, Title 14, the Sign Code indicates that any multi-tenant building requires a master sign plan. That master sign plan is usually reviewed and approved and after a conditional use permit; and it can be, obviously, be reviewed concurrently with any applicable building permit. But we have not received the specific of the signage that's supposed to go on site, other than an overall site plan and an X marks the spot here for this type of sign and Y marks the spot for another type of sign there. So I'm really unable to comment on if the proposed signs meet applicable codes. Obviously, the applicant has agreed that it will meet the Code. I just can't confirm that because I don't have such, such specific information, which is not out of the norm. That master sign plan is reviewed administratively by Staff. It does not require a public. And, however, I do point that out because it is Criteria 10, which is part of the mitigation that they're supposed to propose to minimize or to remove any specific negative impacts of that specific component, which is signs.

And then to move on to the second portion of Criteria 10, which is lighting, I have an entire section in the Land Management Code that ranges from the specific spacing of lighting and lumens and whatnot regarding to lighting, which the applicant has simply not submitted at this point. Unlike the master sign plan, I don't have a separate application currently in the Planning Department that takes care of all the lighting. So I am---again, very similar to the fencing, screening and landscaping, which is Criteria 7, unable comment with such compliance, other than the applicant's commitment, which they said it will comply with the Lighting Code. Oh, and they've also submitted... they reference Appendix 13 for their signage and lighting. I've attached it to the Staff report, but again, it simply says the same statement, it will comply with dark skies and with applicable codes.

Regarding Criteria 12, noise, vibration and odors, the applicant submitted a site plan with corresponding building cross sections that identify specific areas for noise, and that specific distance to that next property. I'm not sure, or...no, I am sure. They haven't submitted anything additional to how they are mitigating that impact. It could be that they're simply saying nothing else needs to be done because of the distance of separation between that specific area and the, and the following property. We will be more than happy to examine that Exhibit before you.

And then the last item, which is Criteria 9, usable open space, the entire master plan, the Sweeney Properties Master Plan, dedicated a big portion towards open space. And we've got the calculation in front of us. And this is one that Staff finds that it does meet the requirement of the Master Plan, as well as the existing Code regarding this specific conditional use permit criteria.

I will be more than happy to spend any additional time, or we can pull up any of these exhibits. They're not that many. But we do find that, that, for that last one, that it, it does meet the open space requirements.

On a side note, as we were reviewing the, the areas, we identified several areas throughout the property that have at least two restaurant areas for outdoor dining. And they're also shown on the site plan two areas for the two ballrooms that have an extension towards an outdoor patio. While those areas should be approved through that specific permit; for example, for the outdoor dining, it requires an administrative conditional use permit. We, we are...Staff is indicating that we should really take a look at that at a later date, and we should not approve any of those areas until they go through that specific process, which may be after the conditional use permit is resolved and the appropriate tenant is found for that restaurant. And then before that, before those areas can be activated...obviously they can't use those areas until they apply and receive approval for those proper permits. We don't want to treat them differently. That's how all outdoor areas are approved, through that subsequent application. So the, the ones...and we are saying that simply because we do consider those uses subordinate, for lack of a better term, to the overall use of, of the project.

So the ones that I do have a specific process and procedure in the Planning Department for a separate approval, are for the outdoor spaces and for the Master Sign Plan. Everything else, we find that we should be looking at specific at this stage, at conditional use permit. As a reminder, once a conditional use permit is approved, then that use is approved and then the applicant is able to move forward with applying for a building permit.

So I just wanted to just remind you a little bit of the process so we could take a look at those specific recommended conditional use permit criteria by the applicant as they've requested that we look at 7, 9, 10 and 12 this evening.

That's all I have for you, but like I said, I will be more than happy to connect my computer. We can bring up any of the suggested sheets that were

requested and recommended by the applicant. And we'll go from there. Obviously, the applicant to my right, they'd like to present to you. But I don't know if you would like me to answer any questions at this stage, or if you want to hold them off towards the end of their presentation.

Commissioner

Suesser: I have a question for you. When you did your calculation of the open space, was it consistent with the applicant's exhibit showing the natural open space and the usable open space. Was it consistent with that exhibit?

Planner

Astorga: It was. Yes.

Commissioner

Suesser: Okay.

Vice-Chair

Joyce: Anything else?

Commissioner

Thimm: Francisco, when you were mentioning that there was a need for more information on landscape areas, you talked about future landscape areas versus, for lack of a better term, non-future landscape areas. Can you kind of expound on that a little bit, what you're...where you're heading?

Planner

Astorga: Yeah. I don't know exactly what you mean. Let me pull up that section.

Commissioner

Thimm: So you, you said you needed, that there was a need to understand more about how the areas are sort of broken down in terms of the landscape areas. And you mentioned some of it is called future? Maybe I missed...

Planner

Astorga: Is that something...

Commissioner

Thimm: Maybe I missed, missed what you said during your open monologue there, but...

Commissioner

Phillips: I, I heard the same thing. You, you talked about future landscaping.

Commissioner

Suesser: Just the need to have the details of what the future landscaping will be?

Commissioner

Thimm: I'm just curious what, where, where you're headed there. So are we...

Planner

Astorga: I'm on page 107, Criteria 7, where it says, "The referenced exhibit consists of the site plan with the location of the skier safety and perimeter fencing, pool area with safety fencing and landscaping screening area. The referenced exhibit and the written pictorial explanation do not indicated specifics about the proposal, but rather focus on preliminary concepts. Specific components need to be reflected on the plans. These components include but are not limited to each proposed fence to indicate its proposed material and detail. Landscape plan to show proposed plant name, quantity, size, locations, and spacing, etc. each proposed mitigation and strategy needs to be listed and identified".

Commissioner

Thimm: Okay. So maybe you were talking about there would be more detail coming to us in the future.

Planner

Astorga: I, I would hope so.

Commissioner

Thimm: Yeah. Okay. Now, now I get. It.

Planner

Astorga: Because if, if we pull up that exhibit B-12, all we have is an area identified as area to be landscaped.

Commissioner

Thimm: Right. Okay. I, I get it now. I thought that we were talking about some sort of a layered plan or something that would have something that does in now and something that goes in later or something. But now, now I see where you're headed. Sorry.

Planner
Astorga: No, it's okay.

Commissioner
Thimm: Okay.

Vice-Chair
Joyce: Anything else for Francisco before...

Commissioner
Phillips: You know, I...so, so you said that the signs can be done administratively, and the outdoor space as far as the use, correct?

Planner
Astorga: Yeah, correct. The reason why we can't really make a determination on the outdoor dining is because we need to have specifics.

Commissioner
Phillips: Right.

Planner
Astorga: How many tables are they going to have? They're going to say, we don't know, that's up to that restaurant owner to decide.

Commissioner
Phillips: Yeah. And it's standard?

Planner
Astorga: That, that is standard.

Commissioner
Phillips: But then, but then we're also tasked to make sure there's mitigation in place, so...

Planner
Astorga: You're absolutely right.

Commissioner
Phillips: Okay. I just wanted to make sure I was clear. So if you do it administratively, my concern would be that the public and us don't have as much input.

Planner

Astorga: You're absolutely right in terms of that. Both of those permits don't require a public hearing. The outdoor dining spaces do require that we send letters to adjacent property owners instead of sending a notice to property owners within 300 feet like they, like it is required for a conditional use permit. And the master sign plan requires no noticing. It doesn't require any noticing of any type. They submit the application, the Planning Department reviews for compliance, and that's it.

Director

Erickson: But, but I do think, Commissioner Phillips, that the Planning Commission in the consideration of the adequately mitigated section of the conditional use permit says that you could establish some criteria under which we would issue the administrative conditional use permit for outdoor dining and lighting. So, for example, as the discussion goes forward and the applicant, perhaps, I'm speculating now, submits a plan for internally illuminated light, the Planning Commission can determine that that may not be appropriate on the external side of the building facing the neighborhood. You may want it to be down lit. So those kind of mitigation strategies we've asked for additional information on. And we would expect you to be able to establish some criteria under which we would push those other permits.

Commissioner

Phillips: Okay.

Director

Erickson: Does that make sense?

Commissioner

Phillips: Yeah, yeah. No, I just...

Director

Erickson: Okay. Thank you. Sorry.

Commissioner

Phillips: Wanted to kind of know kind of where we have the ability to still...

Director

Erickson: That's where we are.

Commissioner
Phillips: Okay.

Planner
Astorga: And I do apologize that I did not hyperlink the Sign Code where we can take a look at that. However, I think at this stage, with all due respect, you'd be overwhelmed. I mean, I've got a ton of information to show you, and it would be somewhat difficult for me to...for you to say, yeah, we're, we're completely comfortable saying that it shall comply with it. Done. That would be the challenge. We can get into that Sign Code and I could tell you specifically, well, we believe these signs would be proposed, and this is the criteria and this is the standard. And then we would say is the Planning Commission comfortable saying that we will handle that like, you know, administratively per this Code that they have to abide by.

Commissioner
Phillips: Okay. That, that answers my questions for now.

Vice-Chair
Joyce: Anything else? All right. You guys have a show for us?

Shawn
Ferrin: Good evening, Shawn Ferrin.

Pat
Sweeney: Shawn Ferrin is going to start the show.

Shawn
Ferrin: Good evening. I just wanted to give you a little bit of an overview about where we are in the entire process. We continue to push on the traffic report, which we know you are anxious, excited, can't wait for. We anticipate getting it from the traffic engineer this week. And we do anticipate being able to talk about it at the next meeting. I understand Francisco's concern about making sure he gets it in time to review it and go through it. But that's our plan is to be talking about traffic next.

I also want you to know that we're spending a lot of time with architects and designers working through some refinements of the project as you've talked about. Things that...based upon the comments we've gotten from you. Reducing volume and square footage, reducing excavation, decreasing the cliffscapes, increasing building efficiency, creating more stepping elements.

We're working on that. Again, that is not a quick process, as you know, going back and making those refinements. The Treasure team is working very hard on it and hope to have that to you very quickly as well so you can see the refinements.

To touch just a little bit on this issue that Commissioner Thimm and Francisco were talking about, I don't think that you want to see a full landscaping plan and a full lighting plan and a full signage plan. That's not appropriate at the conditional use permit level. And so when I read the Staff report to say I don't have enough information about it, that means that it's an issue out there that needs to be addressed at some point, but not necessarily at the time the conditional use permit approval is given. It can be addressed with, and this is something that needs to be looked at and addressed in this way going forward. So not all of these issues are conditional use permit approval issues. Maybe they are criteria or conditions to the permit.

We think that with respect to the issues that Pat and Steve are going to talk about tonight, the application looked at in total complies fully with the requirements of the CUP on these issues with respect to signage and fencing and noise. And so I'm going to turn the time over to them to talk about that.

Pat

Sweeney:

What, what we thought would be most useful would be for Steve and I to go back and forth. He'll be commenting on my comments and visa-versa. We have a technical issue that all this was set up on an, an Apple device, and apparently the new system doesn't like Apple. So we've shifted it over to Windows, which doesn't like Apple, either. So, we do have all the information that Francisco's referred to in PDF form that we can scroll any of the, any of the items that Francisco mentioned.

A lot of these things have been covered in our submitted plans and appendices in previous meetings, but, you know, that's not particularly helpful to you. So we're going to try and get into the heart of the matter with respect to these four criteria. We're going to take them in order where one segues into the next. And so the first one will be usable open space, that's Criteria 9 of the CUP criteria. The second one will be fencing, screening, landscaping, and separation. That will be...that's Criteria 7 of the CUP process. The third one will be noise, vibration, odor, steam and other

mechanical factors. That's Criteria 12 of the CUP process. And the final one will be signs and lighting.

So we'll, we'll start with the first one in there, which would be the usable open space. And that's right there, Steve, you're right next to it. Right there, one up. There we go. And Steve's going to take that. So this really is a subject of one of the drawings in our application. One of the pictorial drawings. And Steve's going to find that. That's way up the top, Steve. Right there.

Steve

Perkins: Okay, and this drawing shows...well, I think, first to back up. You saw on the Exhibit for the outline for this topic that really, the master plan process established that open space was really the criteria for establishing the density in the Creole and the Mid-Station sites. And the original Sweeney Master Plan had 123 acres, and 109 of those acres have been dedicated as open space area. I think Francisco has outlined this already, but again, within those two parcels, those two area building boundaries, we were additionally required to maintain 70% open space, so that building footprints could occupy only 30% of that space. So this diagram here, which is in our package, in the visualization drawings, shows the open space areas and the various types.

Pat

Sweeney: Can, can you move your pointer around there on that, Steve, so you could show them the big space.

Steve

Perkins: Okay. So, project open space not intended for recreational use is primarily the steeper areas within the cliffscape areas that have been discussed at length. The project usable open space areas are the lighter green areas that primarily are in the central portion of the project in here. And then the dedicated open space outside of the project area or the building area boundaries is the darker green that's shown on here. And then this is an overview of the entire 123 acres, again with our project site right here.

Pat

Sweeney: One comment. A lot of the usable light green space that you see there is ski runs.

Steve

Perkins: Yes.

Vice-Chair

Joyce: Do you, do you want to take questions as we go or...

Steve

Perkins: I think that would be easier rather than skipping back afterwards.

Vice-Chair

Joyce: Trying to navigate back and forth? It's not directly related...well, I guess it kind of is. One, one of the things that we've talked about in past meetings is what's truly deemed to be the project boundaries, and discussion about what are building footprints versus the project boundaries versus the restricted open space zoning that was done, or recreational open space that was done. In this picture, it looks like there's a whole lot of cliffscape that's in...I'm just judging by the contour lines, there's a whole lot of cliffscape right up behind buildings, what's that four and five up in here, that, that are outside of what you've drawn as the project boundary lines. And they seem to be in the ROS part that was, was zoned, it changed for zoning. And when we looked at those line before, you guys have said, oh that's just the lines for, I forget what the map was that we were looking at, the particular plat. But you were describing those lines as being the area that was addressing building heights, and you said no that's part of the project. But it looks here like even in your own things, those cliffscapes are all outside the...or not all. Most of the, most of the cliffscapes are outside the project lines.

Pat

Sweeney: I'll address that, Steve. Can you go to the, to the first drawing in that stack, the very first one? Probably the best way, Steve, to explain that is the way we look at it is, our family started with that piece in green, and also some area down by the old Coalition building and some lots in between. And we took three-fifths of the density, the paper density from this based on zoning at the time, and reduced that by two-fifths. So we took three-fifths and, at the request of the City, put it down here.

Our perspective is that the land in the Master Plan that's available to serve the Master Plan is this entire area, subject to all the underlying commitments we've made with the ski area, the City, and others. A good example of how that works, and there's three of them to date, that led to the first three plats on the hillside portion, are the upper Norfolk lots. There's two of them at the end of upper Norfolk. I built one, a friend built another, and subsequently our friends bought that one. But when we did that we, we put in a lot of

improvements on those two lots that allowed ski access to upper Norfolk. And those improvements were outside of quote, unquote, the building area zone, or the building area limits. And they resulted in grading that went outside the platted lot lines. And all, all the dirt, all the dirt was put on the ski run, the lower part of Quit'N Time and so that the ski run could be made wider. And also in the process we created a better norther exposure.

All that activity happened outside of the building zone, or building limits. Our interpretation of those is that that's where the structure would go, the occupied structures. The same thing happened in the next plat, which involved the two homes built my Larry Meadows, the Fifth Street homes. Once again, there, there were significant retaining walls relative to those homes, and between those homes that are outside the quote, unquote, building area limits. And all, we took all of the dirt from those two homes and put them on lower Quit'N Time and improved it even more. And then finally, on the third plat that has been created from this piece is where my current home is. It's a small home but I disturbed about four acres to put in a water line down to the water line at the bottom of Quit'N Time. Disturbed it once again when it broke, when it leaked like a sieve. And so, although I'm well within my building area limits and I don't have any structures outside of there, there was a lot of work in regrading that went on in the ROS. And with that site also we didn't haul any dirt off-site. The only thing we hauled off-site was trash.

So we look at, we look at this project as a similar situation, but obviously of a great magnitude because of the unit equivalents. I don't know if that answers your question.

Vice-Chair
Joyce:

I, I don't want to get too deep in it tonight. I said, I started with, it's kind of a side note. But it was just interesting to see the borders up the, the project borders. I think this will come back to us again, but I just kind of wanted to point it out when you were looking...even, even the charts that you were showing us when, when the area were kind of outlined as here's the two chunks of land that we were moving all the density into, I, I don't think there were....I'm not going to put words into my fellow Commissioners' mouths, but I wouldn't have as much concern if there was something like, we're putting dirt into a ski run to level something out, and then we're going to come back in and grass it in, whatever. I think the concern that I've personally have had is, is, you know, it's a hundred foot permanent cliffscape. So it's not a question of was it a temporary thing that we did that goes away. It, it's a

giant retaining wall that's forever, hopefully. And so I just, when we come back to that I just want to make...this is kind of a good one for us to come back and grab. But I appreciate the description.

Pat

Sweeney: Okay. And Steve's going to get into some of those questions you raised. And to finish up with Criteria 9, which is the first item, the key concept is that the source of our intensity was really transferred from what became open space. And that was the idea behind that entire master plan.

The next criteria that we're going to cover is one that follows, which is the more detailed landscaping items that you started to mention, Steve. But, and Steve Perkins is going to talk about those. And, and they, they are criteria two, the second item, Criteria 7 of the CUP criteria, fencing, screening and landscaping to separate the use from adjoining uses.

Steve

Perkins: I'm going to go ahead and read through this outline, because I think if I try to jump back and forth between the outline and the pictures it's going to be a very difficult presentation to follow. Anyway, what, what I want to talk about is, as Pat said, the criteria number 7, which really talks about how we separate our project from our neighbors and, and adjacent uses. And so the first thing to talk about is that...and I'm going to jump a little bit here. The original Master Plan, part of the Master Plan approval was that there would be significant setbacks and buffers established as part of that. So when you start looking at the areas that we have intervening between our neighbors and our project, they are significant. Especially when you look along, for instance, in here, we have significant separation between neighborhood and our buildings. As you look on the western border here, along the four buildings, there's significant separation between our buildings and the neighborhood. Probably the closest relationship is along the Lowell frontage. And as you all know, that is our single point of access, and we really have to be close to that. And I'll talk about how we're dealing with sort of mitigating some of that with vegetation in a second.

So anyway, in addition to that separation, we, we are going to propose, as Francisco said, significant landscaping. But I want to...just in, in terms of discussing the criteria in order here, Francisco mentioned fencing specifically. We really have not proposed any fencing to separate our project from the neighbors. The fencing that we have proposed is primarily safety fencing related to skiing and, and also for protection

people above the cliffscapes. And I'm going to go to exhibit in our written and pictorial, which is Exhibit 33.

Pat
Sweeney: Page 33.

Steve
Perkins: Page 33. Sorry. See if I can find it here. Okay. If you, if you go to page 33, you will see that even though it is, there's not a construction detail describing what those safety fences are, there is significant details as to how they're to be constructed. And in fact, some of these fences are already in place along the ski runs and along...

Pat
Sweeney: Upper, upper Norfolk, Town, Town Bridge, town run.

Steve
Perkins: So those include [inaudible] posts with 3/16" stainless steel wire spaced at 3-1/2". And located uphill from those will also be fences that the Park City Mountain Resort requires for temporary fencing, which will be constructed from 12' high, 4 x 5 wood posts set in concrete, located 30 feet apart with 3/4" galvanized eye bolts in them that they can then connect temporary fencing to. So from a fencing standpoint I think we do have some detail in there. And we're not proposing any other types of fencing, walls, or anything else that has a vertical separation to our neighbors. We feel that both the topography and the separation of distance, and the supplemental landscape that we would be installing after the completion of buildings will do a substantially good job of doing that.

Commissioner
Phillips: Can I ask you as question?

Steve
Perkins: Sure.

Commissioner
Phillips: So are you proposing this type of fencing above the cliffscapes as well?

Steve
Perkins: Yes. Something similar to that, yes.

Pat

Sweeney: That's exactly where it needs to go to meet the safety requirements of Park City Mountain. If you look at the pictures. Steve, if you could.... we lost it. There's a picture there with a snow cad and a fence. That's on upper Norfolk. Same scenario. The upper trail that goes to Norfolk, there's a 20 foot drop there, and we have that same exact same system. We have a permanent stainless steel fence that's 6' tall. And then in addition to that on the inside towards the trail, the Resort required what they all the Halloween rope, which they string on, on those 4 x 4s that are 30' apart. And they can move the rope up as the snow level changes.

Planner

Astorga: If you look on page 115 of your packets you'll see the location of the proposed fence. What I'm hearing is that the fencing is not being proposed to separate uses. So if we're talking, going to talk about that criteria, let's focus on the screening and landscaping.

Steve

Perkins: Yes. That's our next topic. Okay. If you could look at your screens. There's really, in our minds, three sort of different types of landscape areas that we're going to be dealing with, with this project. The first one is sort of the frontage areas here, and the areas around the, the buildings, and the central amenities plaza, which would be more ornamental type of landscape experience.

The second area that we have to deal with is the ski runs and the lift areas going through the project. So we have ski runs here, a ski run coming through here, and then, of course, the areas immediately adjacent to the lift.

The third area that we will need to deal with from a landscape standpoint will be the cliffscapes, which will be quite steep, on the sides of the one buildings and the five buildings, and then also around here to the four buildings. And that has a whole different set of demands from a landscape standpoint. So, we have...the, the drawing that you see here, let me see if I can...this drawing, if you zoom in on it, and what I'm going to show you the area right along the Lowell Frontage, shows proposed tree plantings and ground covers, ground cover areas within the project. And the sort of bluish colored trees with the scalloped edges, these like right here, represent what we think would be a conifer location. The other tree symbols, the lighter green and the green with this orange represent

what we think would be deciduous trees. Now to go in and at this point designate each and every one of these trees by species is perhaps, I think, a little bit...it's very time consuming and very expensive. And we don't know at this point whether we're even going to be landscaping a project similar to this. But in response to Francisco's request, we prepared some additional landscape guidelines.

Pat

Sweeney: Steve, they're down towards the very bottom of your stack. Just hit the pedal and then back up. Right there. I'm sorry. Keep going. This all was put together and then taken apart by technology, so. There it is.

Steve

Perkins: Okay. A draft, where we have listed not only some landscape species for each of these planting zones, but some sort of more general guidelines as to how they might be approached. And, and each...all these plants that we're going to, that are on this list, and we will give this list to Francisco and we will let him review it. And we will be glad to discuss the plant species that are listed.

Pat

Sweeney: And also, I want to point, the reason we got draft on there is because we're interested in what you all are going to say and what the Staff says in terms of what type of plants. What the, what the menu is, so to speak, before we go into a lot more detail. But we think we've covered the logical choices for you all. I mean, the ones that I think you see every day driving up and down the streets of Park City walking, and that you approve.

Steve

Perkins: And also, I think, Park City as a community is very cognizant of the fact that landscaping is a major water use in the community. Most of these plants have been selected because they are either native or low water use, and that they are compatible and will do well and flourish in a Park City environment. General principles are, is that we see the landscape plantings as being informal rather than formal. We think that that fits better with the location, the site, the adjacency to open space areas. We also think that the tree plantings give us opportunity to buffer, buffer from our adjacent neighbors, to soften the architecture, and to, so to create shade and visual variety within central spaces. Obviously, there are some concerns that we have interfaces with the natural environment that we

maintain. Sort of good wildfire practices in terms of laddering and fuel loads and that sort of thing.

All, all the planting will be irrigated with a drip or low flow system. We may have...in the cliffscape areas we have no...cliffscapes and ski trails, actually, would have no permanent irrigation. We may have some temporary irrigation there to help establishment of trees earlier on, larger trees and shrubs, but typically that's going to be an unirrigated area down the road. We would use weather smart irrigation controllers that are based on an evaporative [inaudible] rate. And we would allow, obviously, some of the operational issues, having the system easy to drain for winter time shutdown. And we would also utilize mulch, either gravel or bark, to reduce evaporative [inaudible].

The, the plant materials that we've selected, the next page, are ones that are available commercially, locally. A lot of them are natives and many of them are drought tolerant. You can see the list. I'm not going to go through it. We also have, obviously, the opportunity to do some annual perennial plantings. In terms of lawn areas, we will comply with the code that restricts the amount of that lawn area. We see, we see that that is a desirable thing only to be used in specific areas adjacent to active outdoor use areas.

On the ski trails we're using a hydro seed mix that has been used and tested by the resort already. So it's similar to the mix that they also apply for revegetation on the ski slopes. Where we have the lift terminus, we will probably use some lawn there, similar to the lawn that's at the terminus of the Town Lift base.

And then in the cliffscape areas, we'll use a combination of hydro-seeded shrubs and grasses. And then where we can create planting pockets with deeper soils, we will then go ahead and plant on site larger trees and shrubs in those pockets.

Our expectation is that over time there is going to be native species that are going to naturalize in those areas as well. So in the combination of those two, we will get an establishment of sort of a native plant community. All the plants suggested for the cliffscapes are natives.

From a maintenance standpoint, all these areas would be maintained. And especially on the cliffscape and the ski trail areas we would be sure

to eliminate any noxious or invasive plants. And that would be an ongoing maintenance thing, there. Questions?

Commissioner

Thimm: So in these guidelines, so this is a palette that I guess that can be looked at in terms of planting materials and that sort of thing for, you know, as you indicated something that will be vital and, and will survive. Is there anything in here that speaks to maturity or caliper size or anything?

Steve

Perkins: We didn't, we didn't list anything about sizes going in. I think the important thing on planting is that we not over plant. This is especially true from a water use standpoint, that really the plant groupings and spacings be, the plants be located with spacing that would reflect the mature sizes rather than packing them in close together. And again, that means less plants so that the larger distribution of those plants would need less water.

Pat

Sweeney: Commissioner Thimm, I...regarding that you have some, I mean do, do you have some ideas? Would you like something along those lines or...

Commissioner

Thimm: Well, I, I think it's important that...in, in terms of the buffering and thinking about adjacent properties and that sort of thing. And if we're using planting materials as that mitigating factor, that they go in and have a level of maturity and a strong level of survivability, and, you know, enough size so they actually at day one start to achieve the buffering that, that we're talking about.

Steve

Perkins: I think that that actually is, is a neutral sort of benefit. Because that area is in fact our front door. And that's where we would also want to put larger plant materials. So I think, I mean, I don't see that as being a problem. I think that's probably going to happen in any case even if we didn't have the neighboring residences there. But I, I think we, we're more than happy to work with Staff and everything on that. And you look at specimen trees for those areas and to locate them where we can achieve the best sort of screening and buffering.

Commissioner

Thimm: I think that's a good idea.

Pat

Sweeney: Just so I'm clear on that, that's your main concern in terms of maturity upfront early on would be along the interface with the adjacent homes and the street.

Commissioner

Thimm: Especially there. I mean, we want to see everything survive and, and achieve the goals that we're talking about. This is an area that, you know, is viewed where we view ourselves as a place where people like to come and visit us and we like for them to have, I think, a proper backdrop for the rest of the City.

Steve

Perkins: Another consideration there, and it's not necessarily shown clearly on our plans, but from a grading standpoint, our anticipation is that we would be able to stack soil up against the, that parking structure, if you will, in those locations. That also, then, gives us the ability to give plant materials up higher, initially. So I think that that is also one of the things in our tool box that we can look at from a planting standpoint.

Commissioner

Thimm: Okay, thank you.

Vice-Chair

Joyce: Yeah, I had the, the same concern. And I think that the issue...you know, normally when we look at, you know, landscape plans and we're trying to buffer something out visually, the thing we're hiding is a ten foot wall or a two-story house or something like that. And you guys obviously have a challenge that we've never seen before in Park City where you have, you know, very large buildings in an area that's adjacent to much smaller buildings. And you guys recognize that, because when you look at the, all the visuals that you gave us of, you know, that we've gone through a number of times of looking at the building from different intersections and things like that, you had some pretty large tree plantings and things like that in there already established. And, obviously, you're not going to plant it to be full grown. But, I think that is something that we'd like to see some more detail on. And quite frankly, I'm much less concerned about anything that's like around the pool and between Building Four and Five

and things like that, and much more of the buffer both down along, what was it, Building Three and kind of along that line around the, as you get down to the string of the smaller building, but certainly around Lowell. And if there's a way that you could maybe sync up the things that you had shown us in those kind of visual diagrams that we had in such a way that we can look at and go, yeah, you know, you're not talking about planting a 20-foot tree. What you're showing us in the visuals is a 60-foot tree because, you know, that's nice 40 years from now or something. But, you know, we need to understand. Certainly things grow at different rates and some things are evergreens and some things are deciduous. And I think that's the piece that if you can help us not only with a little bit more detail, but maybe with some visual. I'm not looking for some big model or anything like that, but you've already kind of done a cut at that. So if you could go back and look at the things you already have shown us and figure out how...what, what would those be. Does that make sense?

Pat

Sweeney: Yeah, actually, Steve, we're working on a 3-D model kind of along the lines of what Commissioner Phillips suggested some time ago, that we have that ability to show those individual trees and sizes, that kind of thing. It would be very helpful either from you all or the Staff to get an idea of what you think is a big pine tree going in up front. The survival of pine tree, fir, aspen, choke cherry, whatever we decide on as a group. And then we could, we could highlight those.

Vice-Chair

Joyce: Well, I think, I think the first thing...we could go into a lot more detail. We just don't have much to work with here because you'd have to kind of go through area by area. The thing that, the thing that works really well when its sitting on top of a 10-foot retaining wall trying to hide the next 10-foot retaining wall is different than when you're right next to a house looking at a 40-foot side of a building that has stuff right behind it that almost looks like its adjacent. I mean, and all of a sudden your perception is you've got 80-feet of vertical right there. I don't think I can give you an answer to one tree that does both. So I think that's part of it is, unless we have differing opinions, at least both Commissioner Thimm and I have said look, it's the, it's the borders along to the other properties that's the areas we care about. And we, I'd like to hear kind of a story about the cliffscapes a little bit more. You talked about pockets and stuff, but is there real design to create those. But, I, I think if we could get into more detail of what the

different sections are and what the different pieces would be in each of those.

Director

Erickson: Here, here's where our kind of concerns that we'd like to bring to the Planning Commission. We'd like some careful thought with respect to the planting plan and the snow removal plan at the same time, in that we're not trying to plant large trees where we're projecting snow removal and snow storage. We'd like some micro-climate thought of having large trees up against what effectively is a heat sink on the east facing walls of those buildings. And so as we go through town and we review our previous landscaping plans, the heat sink of the retaining wall affects what vegetation can grow in front of it. We need to consider carefully how the vegetation interfaces with the sign plan. So all of those criteria.

I also think the Planning Commission maybe wants to consider the existing micro-clim on the side of that hill, and that most of the vegetation that is deciduous is oak brush and choke cherry, and that, that grows on the east faces. And the fir trees grow on the north facing. So if we attempt to reverse that trend we're not necessarily doing the right thing for the, for the site. So, those are the kind of details we're looking for. Not necessarily picking the exact plant as much as establishing the criteria.

So as we develop conditions of approval or conditions for denial, we've at least got some criteria to review the future plans against. And so would the Planning Commission consider those items as well at the request of the applicant?

Vice-Chair

Joyce: It would be...I think everybody's goal here would be, if we could get to a set of kind of generalized guidelines that the Planning Department could apply administratively at some, you know, some date in the future. If we could get to that level of agreement, then I think that just gets buried in conditions and we're good.

Anything else for this piece?

Pat

Sweeney: So regarding that, we, we will do the 3D. The written pictorial has kind of a story of how it all works. We'll work from that with Staff, and then we'll study what Bruce talked about. I think upper Norfolk homes that are now

15 years out are a good example. And we can maybe learn something from taking a look at those. There's probably some things we could have done better. But there's also some very good things.

Moving on. The next item tonight is the Criteria 12, which is noise, vibration, odors, steam and other mechanical factors that might affect people and property off site. And I'll be doing that.

Starting with the criteria. If you look at the slide the Criteria is 12. The condition is the first two lines, noise, vibration, odors steam and other mechanical factors that might affect people and property off site. The most important thing, we think, in regards to this is that there is an ordinance, it's been developed over the years. It's got a lot of detail. It's enforceable and, and it's in place. And we intend to comply with that completely. And the purpose of that, the noise ordinance is to manage really people being considerate of one another. And the principle guiding that is that...is of timing. And it's real specific. It's less than 65 dba from property line. That's PL, 10:00 p.m. to 7:00 a.m. And then on Sunday to 9:00 a.m. And that is because our distance is both horizontal and vertical, it's relatively easy for us to achieve.

And we intend to do better than that. Fortunately, our site is such that we are back and above our neighbors. And the mass and the structure will prevent that sound from penetrating, for the most part to our neighbors. And we really have more of a reflection problem up towards ourselves, which we intend to deal with, because we are our closes neighbors. And this is a residential project.

Distance is a mitigator. And Steve, if you could please go to the visualization drawing that shows that. And that would be up towards the top of your list there. It's right there. So there's, there's, we took...this drawing is from 2008. We took several locations and looked at the separation in terms of distance, vertical and horizontal. These are not to scale. For example, Section C, which Steve would you mind just hitting that with your mouse. So this is Section C. Anyway, this, can you read there, Steve, that number right there.

Steve
Perkins: 135.

Pat

Sweeney: 135 feet from here. This is an active area of gathering and outdoor dining. And this distance to the top of the...is 40 feet to the top of that home. And that, that is right here. It's probably our worst case scenario. And that, that distance is a key factor. And the other...I'm going to show you some other slides to deal with this, but I'm going to, while I'm right here I'm going to point out. We've got a fence here, a glass fence. Acoustical glass is a key factor around those areas that are...where there's activity. People talking, a lot of people talking, sometimes people drinking and eating. So in addition to those hours where you absolutely have to abide by those criteria, we intend to put acoustical glass fences here that will mitigate that significantly. And a well-designed acoustical fence will have two, two, that's like a double-pane window, but each pane is two layers of glass laminated with a substance material that absorbs sound. And they'll, they'll, across the range that humans can hear, will drop the sound in the range of 20 to 30 dB, which is huge. And that's what these are.

And then another material I'm going to show you briefly is material that absorbs sounds, and we propose to have that type of material around all these areas where there's gatherings. So on that level the sound doesn't bounce around and is absorbed. And there's some very, very good systems to do that, and I'll show you some.

In addition, you have, you have areas where you have mechanical noise, louvers that come out for example, on this part of the project right here. The distance there is...this exhibit, 190 feet from here to our neighbors, which are downhill. Actually, it's this one here, Section F. What's that Section F?

Vice-Chair

Joyce: 155.

Pat

Sweeney: 155. And then what's to the top of the building?

Steve

Perkins: 55.

Pat

Sweeney: Yeah, 55. So that's a big difference. These are where the louvers would be. We're proposing sound louvers and basically they, I'll show you a cut of one that they, they suck the sound in, and the sound is converted in kinetic energy by glass and other substances.

So those are the things that in addition to the sound ordinance that we think are really significant mitigators. And I'm going check my list here to see if I left anything out. The other things that, that are important is the simple mass. And a good example of that is the, the ski lifts right here where you have those two terminals, the one, the quad going up and the cabriolet going down, you have this mass here that, that protects the neighbors down below, Gary Kimball, in particular. And that, that sound is just not going to go through there. It's going to go up and then you've got lots of distance and the dB's will drop dramatically in that distance.

And then finally there's mechanical. I'm sorry. Really low frequency that you have to use double isolation and just good, good construction and design and details for things such as compressors, air conditioners, in particular.

I'm sorry, somebody had a question.

Commissioner

Suesser: You said this exhibit was created in 2008?

Pat

Sweeney: Pardon me?

Commissioner

Suesser: Did you say this exhibit was created in 2008?

Pat

Sweeney: Yes.

Commissioner

Suesser: Okay. Because, I think you need to take into consideration that a number of homes have been built around that corner of Lowell since 2008, I believe.

Pat

Sweeney: Actually, this shows the, the home that Andy Bell built. That's the one that one, one of the owners frequently talks at these meetings. That's the closest one.

Commissioner

Suesser: And what's the difference between that home and the funicular, for instance.

Pat

Sweeney: The funicular is up here. That's, that's really a ways. The...this, this section right here, actually, and this section here shows that home. And once again its not to scale. But it, it, there's, there's a lot of separation both horizontal and vertical, and then in addition to that, Laura, where we have those active spaces, we're proposing glass, acoustical glass fences that will drop that noise. And I'm going to go through some, a little bit of physics. It's not going to bore you too much, hopefully, but to demonstrate the principles here. And so Steve, can you go. It's up towards the top.

Commissioner

Phillips: So, so while you're doing that, will you guys be providing us this information about the glass and the, the different mitigations that you're planning on doing? So that we have...

Pat

Sweeney: Yes. We, we will. We've, we've done that in our written and pictorial, but we're going to take it in a different level. And then for each of these items we're going to create an appendices as part of our, of our presentation, our submittal, for example on noise. And we're going to try and get down to the nuts and bolts succinctly, clearly, specifically.

This, this is the basic concept, the distance. And it's, it, it, what it really boils down to without getting too complicated, is if you have 90 dB's which is, say people talking, a lot of people talking. I mean, really, like a party. A really loud restaurant. By the time you get to 52 feet away from that source, you, you go from 90 dB to 66 dB. And if you put an acoustical fence in here that drops that 90 down to 65, then in that same distance you go from 65 to 41 dB. And 41 dB is a quiet room, like a classroom or, or a [inaudible]. And it also happens to be if you take a sound meter around Park City it's pretty much ambient noise during the day. And that's

our goal. And we're comfortable saying we can meet that. And there's a lot of design detail at the time of final design that will need to be scrutinized and subject to some careful rules. But that's, that's all doable.

Can you show them the next slide down, Steve? So this is an example of this double laminated insulating acoustical glass. It's one manufacturer. This is the outside rating. Overall its 35 dB reduction. And all of these here are the different ranges. And if you can see those, which I can't from here, but the...it's, it's a remarkable amount of reduction of sound. And that's why I'm saying its possible. And once again, if you have a loud party, 90; or a loud, you know, luncheon or whatever, and there's one of those walls between that party and the City, and it absorbs that sound and lets 65 out, by the time it gets to our property line it's going to be in, in the quiet room range.

Show them the next one. This is one of the manufacturer's acoustical block of stainless steel outdoor rated material that has a frame, a stainless steel front and back. And inside there, I think, if I remember right, is glass. And it, it does the same thing, it sucks up the sound. And it doesn't, it converts kinetic energy and it doesn't bounce around. And this is a perfect material or something similar to put on those, on the walls on the inside of the project where those busy areas are. Once again, we are our closest neighbors. And our residences are not going to want a lot of noise. And we're going to be front and center if there is noise.

Can you show them the next slide? That's just a close up of that material. Next slide. This is how you can put it around chillers on roofs and it provides a screen. But it, it will dramatically reduce that noise.

Next slide. This is the performance data on that system I just showed you. There's 24 installations. And this is what they achieved in terms of dB reduction. And it's, this is log rhythmic, which means that's a whole lot of sound. And once again, if you have like a modern compressor, 90 dB's, on the other side of that wall it's going to be 65. And, and it's going to drop from there very quickly.

Next slide. This is an example of a sound absorbing louvre that would be in that one area I showed you. And the, the concept there is first of all you want to have mechanical equipment inside properly isolated with, with double mechanical isolation. And you want to get the stuff that's somebody's put some thought into making it quiet. And then you, where

the air comes out you put this and, and you can get a quiet system. We've got a situation like that on the roof of the Town Lift base that we've learned the hard way on. And it has a modern piece of equipment which reduced the dB's from 110 down to 85 range. And with this system we're down to where you're standing right next to it, about 70.

Next slide, I think is...we're done. So that, that wraps up noise, Criteria 12. And we have...any questions?

Commissioner

Thimm: Can, can I ask a couple of questions? So you mentioned, I think, in part of the discussion, a noise contour of 65 dba at a property line. Where is that? I mean, is that part of what's mitigated by the glass barrier, or...

Pat

Sweeney: Well, that's the Code. That's the Code, Doug.

Commissioner

Thimm: Oh, okay. So that is not a noise contour that...

Pat

Sweeney: That's the Code from 10 o'clock at night to 7:00 in the morning.

Commissioner

Thimm: Okay, so that, that's the basic code. Gotcha. Okay.

Pat

Sweeney: And, and what we're saying is we're going to obviously meet that Code, but we can do better than that at our property line.

Commissioner

Thimm: Okay.

Pat

Sweeney: Our goal would be to get to the ambient noise. In other words, what you go up there and hear right now.

Commissioner

Thimm: Okay. And then the only other thing is...so we, we've talked about all of these mitigating factors and distance and that sort of thing. I presume

that those are all based upon full occupancy. Do we have any idea what the noise is going to be like actually during construction?

Pat

Sweeney: Construction noise is a different beast, and that's handled by a construction mitigation plan. And the same basic principles adhere, which is distance equals sound reduction. And you can actually put those fences I showed you, that stainless, around the bottom of the construction site.

Shawn

Ferrin: And that will be addressed separately as part of the presentation of a construction mitigation plan.

Commissioner

Thimm: Oh, okay. Thank you.

Commissioner

Phillips: Can, can you go to V-13 again for a moment.

Pat

Sweeney: 13?

Commissioner

Phillips: Yes.

Pat

Sweeney: Okay, Steve, that's about the sixth one down from the top. From the very beginning and scroll down.

Commissioner

Phillips: So, I just want, want to ask you a question. So one, I want to know to what degree of scale these are. This is a good example, I think, of an area where we have multiple things that we're trying to mitigate. One is the visual with the trees that we already spoke on. Second being sound. And obviously you guys have put a lot of thought into that. But my question is, are these more of a boiler plate type section or is this a two-scale with the project?

Pat

Sweeney: It's, they're flattened. If you look, if you look at this distance, and somebody's going to have to read that for me.

Steve

Perkins: 135.

Pat

Sweeney: 135. And this is 45. It's not to scale. It's like this.

Commissioner

Phillips: So I, I would like to look at, at like section D. And, and so Section D, what, what I'd like to look at is the landscaping plan along with this. But Section D you have these trees that are also kind of a secondary buffer for, for sound, I would assume as well. So you have these trees. And my question is, are those trees really going to be at the level where they're going to be between the sound source and the neighbor?

Pat

Sweeney: The answer to that question is, we have, we have similar sections on our website that are from the architectural and engineering drawings that show that relationship. This is squashed.

Commissioner

Phillips: Okay, so this is, so this is more of a boiler plate?

Pat

Sweeney: Yeah, this is, this is schematic, very schematic. To be honest with you trees and bushes don't cut out very much sound. They're more a visual barrier so you need both.

Commissioner

Phillips: But you've got light. I mean, all these things that we're trying to impact the impact of the, the closeness to you and your neighbors.

Pat

Sweeney: And I think that these 3-D images that we will have we think in June, will help you appreciate that, the vertical relief there. And, and the vegetation wrapping around the building.

Commissioner

Phillips: Okay. Thank you.

Vice-Chair

Joyce: One, one of the things that would help me, Laura mentioned it, but there's a number of places where you've measured. And I would assume that the red lines are, because it seems pretty consistent. The length of the red line is kind of the distance that you got, but it kind of misses the nearest house. Like if you look at D and E, they actually skip the first house and go to the second. And if you look at G it goes by the first house and goes to the second. And, yeah, I wish you could kind of blow that...

Commissioner

Phillips: Can I, can I build on this real quick. I'm just curious to know. So if you guys, if you guys have a 3-D model could you not cut the actual section out of the model and kind of...

Pat

Sweeney: Well, this is more of a video rendering model. But we have sections on all of this, and what Steve is talking about is true. But the, basically where you have this house here, and I know it's there. I can't see it but I know it's there, it's a little bit outside that line. And it's, um, in one of these drawings it's ghosted in. And I think like here is that scenario. Is that what you're talking about?

Vice-Chair

Joyce: Yeah, I'm looking, I, I was just mostly paying attention to your actual map in the bottom right there that, that kind of shows where all the lines are.

Pat

Sweeney: If there's certain houses you want, it wouldn't be a big deal for us to do very accurate sections on those.

Vice-Chair

Joyce: So, so my answer is the closest one. I mean, it's just, like when I'm looking at your line G down there, which is the bottom red line, there's a house that's almost half the distance away. So I just, when I look at G and I go, oh, it's 60 feet, but you skipped a house, it's like, well, what does that mean? Does that mean there's a house 30 feet away.

Commissioner

Phillips: I think some actual working sections of a few of those would be very helpful.

Pat

Sweeney: So if you, if you all or the Staff can give us a few of those we can cut them.

Commissioner

Phillips: Yeah.

Pat

Sweeney: And then they'll be to scale. And they'll be based on the, whatever Rob, whatever the survey accuracy is pretty good.

Vice-Chair

Joyce: So either to you guys or to Francisco, or if Francisco is going to do this for you. The, the thing that's interesting to me is, you guys have a, a fair number of active outdoor areas that are over on, I'll call it, the neighbor's side. So, you know, I, again, I'm less concerned about what's going on around the pool as much...because it's surrounded by buildings, as much as I am your impact on the neighbors. And that's what you did with these red lines. But to me, the, the easy thing I would like to see measured is every time you get the middle of one of these outdoor activity areas to the nearest house to that point. So it's not like I care about neighbor Fred versus neighbor Jim. Whichever house is closest, that's the one I care about.

Pat

Sweeney: We'll do that. We'll do that.

Steve

Perkins: And Steve, I think just to, I think Pat already said this, but if you really look at these diagrams, our closest neighbors are the people who are going to be living upstairs from these active outdoor use spaces. So we really have a sort of responsibility and a desire to make that experience out there good for them as well. Because my experience in working with all these, a lot of these kind of projects is that that's your worst problem from a noise standpoint, is actually the people who are living in the units above these outdoor spaces.

Vice-Chair

Joyce: Yeah, I, I would completely agree with you. But I trust that you're going to be really focused on taking care of your [inaudible]. I'm worried about the mitigation of impacts to the people around you. And for what it's worth, when I see the...I mean, I understand the physics of the, you know, the sound diminishing as you go out a square distance, but I can tell you, I live up in the Aerie, up in April Mountain, and I'm three-quarters of a mile from Old Town and on a quiet night when kind of everything else is settled, I can hear people talking in Old Town. I can hear a dog bark. And I guarantee that dog is not barking at 140 decibels or anything. So there's, there's a lot of sound bouncing around. It doesn't all just follow these straight, you know, sound room kind of measurements. And, you know, the good news is you guys are going to kind of mostly be bouncing up and away from it. But, so anyway, that's the thing.

If you guys had very little outdoor space over on the neighbor side of things and almost all your outdoor space was, I think of it as kind of a big courtyard kind of surrounded by your buildings, I would be less concerned. So, I think I'd like to see details kind of from there to the nearest house from each of those places. And I think you guys are close.

Pat

Sweeney: We'll do it.

Director

Erickson: So here's the other things we kind of want the Planning Commission to think about. In the course of doing the previous portions of the Sweeney project and the Town Lift Master Plan there was some significant mitigation strategies in the conditional use permit for snowmaking noise. There was significant mitigation strategies for some of those adjacent houses in terms of windows.

I also think that Commissioner Suesser was right, she was looking at the funicular. That is a pretty small scale operation. However, the closest neighbors to any component of this project are going to be the gondola or the cabriolet, depending on the lift system. And I think we should see some strategies at least to minimize shiv noise. And if, if you think about riding the lifts, you can hear sometimes the lifts going over every one of those towers. Now it's affected by lift technology, and the old triple chair that's sitting there now is damn near as old as me. But I think it has to do with rope tension, it has to do with the rubber line shivs. It has to do with

some other things in order to reduce that noise where our closest neighbors are to the project. And that, that goes through Park, Woodside, all of those streets. So I think we need to see some strategies with respect to snowmaking. We need to see some strategies with respect to the lift operations.

You've spoken before about the operational times of the cabriolet, and that's also a noise strategy that you're going to want to consider going forward.

Vice-Chair

Joyce: And certainly the snowmaking has the downside of that's at night when the noise ordinances are in effect versus a ski lift running, which doesn't tend to be...

Director

Erickson: The gondola, the gondola is going to run, they've represented, as midnight plus/minus. So that, that's running at night. And we're not real sure that the noise ordinance is limited to the times that are being represented here. We think the noise ordinance exists all the time, and this is the outdoor dining or special event deck restrictions. So we're going to look at that a little bit.

Pat

Sweeney: So just to comment on that, and then maybe we want to move on. Your point is well taken, Bruce. And we'll look into implementing these same strategies with the cabriolet. Closed cabin, materials, how it's made. I think the hours of operation if you read the noise ordinance, you're probably limited to 7:00 to...7:00 to 10:00, unless there's some dispensation based on performance. And that is, you know, actually measuring when it's up and running. And we're very sensitive about that. I think it's a good point. And we'll, we'll include that in our appendix with regard to noise. And look forward to maybe getting some input from the Staff on that as well.

Vice-Chair

Joyce: Preston, John, anything?

Pat

Sweeney: So, like I said...

Director

Erickson: Last one. I'm sorry, Pat, but will you also go ahead and identify emergency gen set locations and bury and buffering those as well?

Pat

Sweeney: Yeah, those are noisy. We, at this point, I mean, in final design it's pretty hard to tell where those will be, but typically they would be on top of a roof and we would use that system I showed you.

Director

Erickson: That's fine. Just give us a criteria to work with.

Pat

Sweeney: Okay.

Laura

Suesser: Can, can you just clarify one other thing for me. Your main access point, that garage that comes off of Lowell, all of your delivery trucks, the garbage trucks, the people coming to the projects, everyone is coming into that garage there, or are they going to be using that emergency vehicle access?

Pat

Sweeney: We're going to try and hone, kind of zoom in on this. Okay, we can't. Sorry. We'll try and work with IT here and get, get it so we can do this better next time.

Director

Erickson: So I think the last criteria after we finish this will be signs for tonight.

Commissioner

Thimm: Did we touch on lighting, yet?

Shawn

Ferrin: Signs and lighting are together.

Director

Erickson: Yeah, signs and lighting are together.

Commissioner

Thimm: Oh, okay. Yeah, you're right. Okay.

Pat

Sweeney: So, I think your question is are the deliveries in this driveway right here?

Commissioner

Suesser: I'm, just asking...

Pat

Sweeney: Is your question is it the deliveries in this driveway right there where the little hand is swirling around?

Commissioner

Suesser: Yes.

Pat

Sweeney: Okay. The answer is no. The deliveries are down here. And the actual business end is right under here. And that shows on our drawings. And the idea is that even the bigger, like the Sysco trucks and so on, there's a three bay dock that's buried under here.

Commissioner

Suesser: But they all come in the same road?

Pat

Sweeney: They would come, they obviously would come by one of the two roads. And that's one area where we have some leverage as far as the City saying which road. I mean we can enforce that, not perfectly, because nobody's perfect, but, but you can say to Sysco or whoever. And Gary Horton will be talking about that in some, some detail next time about how many deliveries we expect a day. But we can, we can regulate those because, you know, you can basically execute a contract and you have some leverage, which is you use the other guy if they don't comply.

Commissioner

Suesser: Thank you.

Pat

Sweeney: So next is noise. No, I'm sorry, lighting. Signage. Lighting and signage.

Planner
Astorga: I have the, the, both plans. Unless you want to show additional information. I've got the illustrated and I have the sign. Do you want it?

Pat
Sweeney: We probably need...because he's got a little bit of stuff. Why Steve's getting ready there, the next one is Criteria number 10, Signs and Lighting.

Steve
Perkins: Francisco mentioned the signage ordinance, and it is quite extensive. Okay. This is CUP Criteria 10, simply signs and lighting. As we just said, the important aspect of that is the Sign Code. It requires that for a project with multiple buildings that a master sign plan be developed and be reviewed administratively by Staff, as Francisco has mentioned.

I'm going to review proposed signage and some project restrictions that we're going to suggest. Then we're going to move on to lighting. Again, there are sections in the current Code that do deal with lighting. I'll touch on those. On some lighting principles. Look at what kind of lighting fixtures are acceptable and which are unacceptable. And talk a little bit about light quality and control. Oh, where is it?

Pat
Sweeney: Towards the top, sixth one down.

Steve
Perkins: Okay. This is sheet V-14 which is an exhibit in our visualization drawings. And as Francisco mentioned, it is a schematic drawing showing where we expect that certain types of signage would occur. That signage ranges from entry monuments to information kiosk, to transit signage to project identification signage, directional signage, trail signage. Obviously this...until we have sort of a final design project, this is just our best first shot at where all these should go. Francisco also mentioned the exhibit that's in the, also within our package, that describes each of these different signage elements, and, and talks in general terms about what we think the materials they would be built out of. Obviously, until we have sort of a project architectural kind of concept and theme, we can't really coordinate that, that tightly with signage. But most of the materials we're suggesting I think are very appropriate to the location of the project and, and the architecture that we're showing now.

The master sign plan, which is required, will establish a comprehensive approach to the Treasure project signage. We'll try to develop a common vocabulary for the signage elements. The signage will be integrated in the project architecture. It's going to be harmonious in material, color, and character. And the master sign plan is a vehicle for assuring that the project signing is coordinated, legible, efficient, and creates unique project identity, provides convenient information and wayfinding for users.

Now when you go through the sign ordinance it is very specific about sizes of signs, heights, colors, letter types, all that sort of thing. And we would abide, we would, we would abide by that sign ordinance.

There are a couple things, though. We recognize that with our nearby neighbors, residential neighbors, that we think we're willing to restrict in terms of signage for the project. And the first of that is that we would be willing to assure that no commercial signs within the Treasure project would be visible from the adjacent public rights-of-ways, or from adjacent residential, residential areas, number one. Commercial signage would instead be oriented to the internal pedestrian ways and portions of the project, and not directed out towards the adjacent neighborhood.

The second restriction we would be willing to entertain is that no backlit signs within the project would be visible from either public right-of-way or from the adjacent residences. Otherwise, our signage would comply with the Sign Code, and the lighting on signs would sort of apply the principles that we've noted below, and also to the, the lighting standards within the Sign Code.

Before I go on to lighting, can we go ahead and ask for questions on the signage.

Vice-Chair
Joyce:

One thing that isn't on this map and it may be really more the kind of the City handling it than you guys handling it, but at some point when we get through all the transit pieces there was, there's been a lot of discussion about do you go up Empire, do you go up Lowell, do you go this way and down the other and all this kind of thing. I'd like to, by the time we get done I'd like to see some transit signs kind of on the way back out towards the intersection with Park Avenue that talk about whatever it is we're trying to...however, it is we're trying to flow the traffic needs to be shaped that way somehow. So that's just one more set of signs that, and again if it's

the City doing it that's fine, but as long as we can identify what needs to be done and agree on that.

Steve

Perkins: So you're talking more about off-site signage than...

Vice-Chair

Joyce: Yeah, yeah. Yep.

Commissioner

Phillips: Wayfinding.

Vice-Chair

Joyce: I mean, I just...yeah, wayfinding signs. There's just been a lot of discussion about how that traffic can flow well with the addition of, you know, PCMR traffic coming out and all that kind of stuff. We just need some signage to try to drive whatever it is we're going to try to accomplish.

Planner

Astorga: Yeah, those fall under the category of public necessity signs, which are reviewed heavily by the Engineering Department with the Planning Department's input. But I think that will be part of the traffic and transportation update that we can make sure to not forget about those.

Vice-Chair

Joyce: Okay. Perfect. Thank you. Anything else on signs.

Commissioner

Thimm: Well, just a quick question. One of the restrictions that you indicated you'd be open to was something along the lines of no backlit signs will be visible to adjacent properties, or something along those lines.

Steve

Perkins: Yeah, from public right-of-way or adjacent neighboring properties.

Commissioner

Thimm: Does that mean that other types of lighted signage will be visible, other than backlit?

Steve

Perkins: The source, well, we were going to talk about lighting next, but the source of that lighting should be shielded so that the source is not visible. I mean, that's part of the, sort of the, what the current ordinance reads, and what we would be doing as well. So, but the actual, in terms, in terms of having, if you think about the front of the project, we're going to have an entry monument sign. It would probably be lit at night. I mean, it, it would not make sense from a wayfinding standpoint to have it not lit. So, yes...

Pat

Sweeney: Explain how it would be lit.

Steve

Perkins: Yeah, and so from sources that would shine on the sign, but not...but the visible light of the light source would not be visible because of the shields and the construction of that fixture.

Pat

Sweeney: So goosenecks with the canopy with the site.

Steve

Perkins: Yeah.

Pat

Sweeney: Does the type of light fixture with the right spread and everything pointing right at the sign but nowhere else. And that's kind of done a lot on Main Street, and I know at least on our building.

Vice-Chair

Joyce: Okay. Anything else on signage? Okay. Lights it is.

Steve

Perkins: Lighting would also comply with the, the Municipal Code, specifically chapter 15-55(I), as well as general recommendations from the International Dark Sky Association, and the lighting standards as recommended by the Illuminating Engineering Society of North America, as well as any applicable building codes.

Lighting design at Treasure will seek to reduce light trespass, excessive glare, and provide for a safe and secure nighttime environment, and promote energy efficiency. And those are our goals. And we talk...you

just asked about lighting fixtures. I've got on the screen here the International Dark Sky Lighting Basics, and the International Dark Sky Association, an association in which is involved in trying to maintain dark skies throughout the, the globe. They have...we're really sort of the pioneers in this. We have, since our initial application, subscribed to their principles as part of our set of project goals.

And this is an example of what they say are acceptable versus unacceptable light fixtures. You can see that the unacceptable ones, which are on the left, have exposed light sources so that they create glare, and are unshielded and are visible. The light source itself is visible. The ones on the right are the acceptable light sources. They are typically fully shielded or partially shielded. In addition to the shields, the lamps can have different distribution patterns that can be employed to make sure that light spill doesn't happen onto adjacent areas. And the, the sources for those lights then...in, in that manner we can sort of restrict the pollution of light in adjacent areas into the night sky and within our project area as well.

The last thing that we'd like to talk about is the lamp type and color. You know, LED has become a very important element in lighting industry because of its energy efficiency. But LED lights emit a lot of blue spectrum light. And I think this is also recognized within the, the Municipal Code. We would like to suggest that we would not be using any light sources that are less than 3,000k. Or, or greater than 3,000k, sorry.

And then we also would like to suggest that we would be employing photo cells, motion detectors and dimmers to help control light, especially in off-peak period.

So any questions on the lighting?

Director
Erickson:

So, I'm going to leave a lot of this to the expertise of the architect in town, but the greatest potential light source for off-site are going to be the windows in the residential or hotel units. And so we're going to be asking the Planning Commission to ask for direction or mitigation strategies for those light sources as well, consistent with the lighting ordinance and the conditional use criteria. So, I think that's going to be a concern going forward. We've mitigated that stra-...we've had mitigation on other

buildings with glass relative to these, these conditions. So, that's all for me.

Commissioner

Thimm: I, I guess these guidelines are just, just very current and that sort of thing. I presume that, that the applicant is willing to make these part of a condition of approval, then?

Pat

Sweeney: Make that a yes.

Commissioner

Thimm: Want a lot more than lip service, I guess, is the point.

Steve

Perkins: Well, and, and if you look at your Code in the architectural review section, a lot of these principles are already essentially...

Pat

Sweeney: Built in.

Steve

Perkins: Built in, right.

Commissioner

Thimm: Yeah. But the, you know, the temperature of the light and that sort of thing, I, is certainly where things want to be. The, the other thing, and Bruce kind of mentioned it, but understanding light emittance from residential windows and that sort of thing is an issue that we feel that should be addressed.

Steve

Perkins: Yeah, and that can be addressed in blackout curtains and other, other means. Obviously, you need somebody to close those curtains when that room is being use, but...

Director

Erickson: And we have seen, we have seen strategies with different color glasses and distance of the internal light source to the window and all of those strategies. I do think, Commissioners, you will have, you will adopt a new lighting code sometime in the next 60 days. And so I think the measure of

the criteria here is these are going to be the standards, unless more restrictive in the new Code. Community Development Director Laurent is bringing those things forward.

Pat

Sweeney: I'm sorry, Bruce, I missed that. Can you repeat that?

Director

Erickson: Well, most of it, basically, I expect in the next 60 days the Planning Commission is going to see a new light code, and that the standards that you're proposing are the, are the standards unless more rigorous standards are adopted in the Light Code prior to your conditional use approval or action.

Pat

Sweeney: We don't have any problem with that. On the inside, houses...I know on my house which you can...if you look hard you can see from Main Street in places. On the inside I did the same thing. I fielded the lights so you can't see them from the City. You can see that they're on.

Director

Erickson: Right. And we, we have some shielding standards for the inside coming out of Summit County as well, so.

Pat

Sweeney: Yeah. It's a matter of just making it clear what you...upfront what you want.

Vice-Chair

Joyce: I think the, the challenge that I see that you guys have more than anything. I, I love that you've kind of gone after the dark sky piece, but a whole lot of that is don't light up the sky. And the easy answer is point lights down and shield them so that you're not putting light sideways, and certainly not putting light up. Again, you've heard it a bunch of times tonight, my concerns is mostly about what impact you're having on your neighbors. And your neighbors are almost all below you. And there's a lot of lights that for flat ground might work just fine and meet the needs of pointing down everything just great. But when you lift, like you were showing earlier with some of the sound ordinance kind of stuff, yeah, but the guy's 50 feet below you. And so if you're point all your lights down you're basically pointing them at him unless you get into a whole lot of

kind of light shaping. And you mentioned that but I think that's going to be really important and going to be one of the things that, especially on that outside kind of edge of your property I think is going to be really key to identify where that is. And some of its going to be a challenge. I mean, again, you guys put some, some nice, you know, outdoor entertainment kind of spaces there. And you know, you can't have an outdoor patio and stuff that's not lit. And so, those are going to be the things that when we get down to a little bit more detail, just kind of going dark sky isn't enough. If you were at the bottom of the hill it would be.

Director

Erickson: Consistent with your commentary, one of the line items in Planning's review for you would be how they intend to handle the garage entrances so that we're not moving light through those big dark tunnels out into the street as well. So we're looking to the Planning Commission to give a little bit of direction on it. There are some techniques that can be used about where you put that lighting and how far back from the door.

Commissioner

Thimm: So, so one of the things that, and follow up of Commissioner Joyce's comments that would be very helpful is a photometric plan that gave us, you know, lighting contours out until we reach zero. You know, it's based on the natural contour of the land so we understand how much light will be emitted from the site. All of this, realizing that we say all these things about dark skies, but we still want safe sidewalks and that sort of thing.

Pat

Sweeney: Right. There's UBC requirements, yeah.

Commissioner

Thimm: Yeah. So if we could look at a photometric plan, I think that would be very helpful.

Steve

Perkins: Photometric in, again, in what sense? In how much, what the maintained candles are on...

Commissioner

Thimm: So understand the foot candles as they relate to what is coming from this project and what that measurement might be at adjacent properties. As,

as Commissioner Joyce has mentioned several times, we're really concerned about mitigating impacts on adjacent properties.

Pat

Sweeney: I, you know, I think that we, I don't know if we can get to the point right now, Commissioner Thimm, because we're not at that level of design. But we can commit to, to things that Bruce talked about and Steve talked about. I, there are, if you're careful about it, with the combination of light pattern, the actual source of the light being less than 3,000kb, and shielding, we, we just need not to be shining lights in our neighbors eyes. And I, I mean, I totally get that, and I agree with it. And I think we can meet that standard.

Commissioner

Phillips: I, I just noticed something. I'm sorry, are you done? Okay, I didn't want to. I just noticed something. The, I believe there's a house right there on Lowell, right on the horseshoe.

Pat

Sweeney: Right.

Commissioner

Phillips: Where the driveway's coming out.

Pat

Sweeney: Andy's old house, yeah.

Commissioner

Phillips: And I really feel bad for them because every 30 seconds they're going to have lights shining through their windows. So, I don't know if there is anything or can be required but...

Pat

Sweeney: We're actually looking at that in some of our refinements. We're looking at moving the driveway a little bit down towards Empire.

Commissioner

Phillips: Changing the angle.

Pat

Sweeney: And then we do own the piece of property on that, the little [inaudible] piece of property there. And, and we can do some things on that. It would be somewhat of a...first of all, we have to maintain distance around that corner, so right off the edge of the curb and gutter we can't put like tall trees. But up towards the, that house you talk about, we can make that really dense, if that's what the owner's want. Or there's probably some, some, something that can be done there. But I hear what you're saying.

Vice-Chair

Joyce: Preston?

Commissioner

Campbell: I have one question, I don't know if it will be for Polly or for Bruce, but these changes that we're going to be working on in the next 60 days for lighting, those are going to be updates to the LMC, right?

Director

Erickson: That's correct.

Commissioner

Campbell: How does that affect this applicant?

Director

Erickson: It depends on what, what and when we take action on their permit. They have a, they have an application in place.

Assistant City

Attorney

McLean: The sign code, the lighting code would apply at the time that the lighting plan would be submitted.

Commissioner

Campbell: It should be at the time of the building permit, not at the time of the CUP.

Commissioner

Phillips: There's a separate application for a lighting plan like the sign plan?

Planner

Astorga: There is not.

Pat

Sweeney: We can, we can commit to abiding by that future ordinance.

Planner

Astorga: The, the issue is that...and I'm looking at the lighting code right here. I'm looking at 15-55(I) section 4, which is titled, Submission of Plans and Evidence of Compliance with Code. By the way, I'm looking at the 2004 Land Management Code, and it reads under Item A, "The applicant, for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures, shall submit as part of the application for permit, evidence of the proposed lighting fixtures and light source will comply with this code. The submission shall contain the following". And then it gives me three different paragraphs. One relating to the location. Second one, description of the illuminating devices. And third one is the photometric analysis.

So the question for legal, and I hate to put you guys on the spot, is that it says for any permit required. Now, when something does not require a conditional use permit and it's simply an allowed use, that would be at building permit stage. But I then do interpret that this needs to be submitted at this stage because this falls under the category of any permit required by the Code.

Commissioner

Suesser: So can it be conditioned?

Planner

Astorga: But we can look into that.

Assistant City

Attorney

McLean: So I think, well, I think in this type of circumstance you don't want to put the cart before the horse. And not to kick the can, but you can condition this in the CUP saying that all lighting shall be, shall meet the requirements of the lighting code at the time of building permit, or something like that. Especially, where we know it's changing.

Commissioner

Campbell: And that's exactly what I'm after is how do we make sure that it meets the new lighting code that we know is going to...because we're learning more about that all the time.

Assistant City

Attorney

McLean: Right. And we have the applicant's assurance that they would meet the new Code. So, I don't think that that would be a problem.

Commissioner

Phillips: To add a condition of approval?

Assistant

City Attorney

McLean: It would be a condition of approval related to that conditional use permit.

Commissioner

Thimm: Well, just for whatever it's worth, I suspect that there are other places where at a planned development or a CUP stage, a photometric plan can be generated and at least set a standard. Now things can change, but at least set a standard for the amount of foot candles that are impacting adjacent properties.

Planner

Astorga: Yes. And it's quite difficult on other municipalities where it's the conditional use permit at a different...it's not as big as a...when the development is not as big, they submit that photometric analysis right upfront.

Commissioner

Thimm: Well, even large project.

Planner

Astorga: Even large.

Vice-Chair

Joyce: Anything else? Turn it back to you guys. Anything else?

Pat

Sweeney: We're good. Thank you.

Vice-Chair

Joyce: So we still have...we need to do a public hearing.

Commissioner

Phillips: Can we take five?

Vice-Chair

Joyce: We will take five minutes, and when we come back in we will start the public hearing and go from there.

[Break]

Vice-Chair

Joyce: So before we start the public hearing, Francisco, you wanted 30 seconds?

Planner

Astorga: I just want to say that I received two more public comments that were updated and placed on the website. We received them this week. And the second item is that we are completely up-to-date on our website. All Staff reports, meeting minutes, everything is available online. I finished putting on some remaining items this morning, so everything is there except for today's meeting minutes. They will be there in two weeks. That's it.

Vice-Chair

Joyce: Okay. The public hearing for Treasure. Is there anyone in the public wishing to come up and speak? If so, step up to the mic.

Public Comment

Nikki

DeForge: I'm Nikki DeForge, here representing THINC, a non-profit group of Park City residents, homeowners, and business people. First, we just want to echo the concerns that have been raised here tonight and share those very specifically. Also, just echo this general concern about sort of the, the lack of information or the untimeliness of information that is being provided here, I think, with respect to three of the four CUP criteria that were on the agenda tonight. The Planning Staff once again noted that the applicant had failed to provide the information in advance of this meeting. And this seems to be recurring theme where virtually every Planning Staff

report, at every Planning Commission meeting we go to there are concerns raised about, about the lack of information. And, and this particularly impacts, as Commissioner Phillips noted, the right of the public to participate in this process, because when this information isn't provided until we come to this meeting and see some more slides, it makes it difficult for them to review, to comment, to provide meaningful input. And, and that's particularly true where each of these meetings has a specific agenda with specific criteria we're supposed to be looking at. And when that information is then provided later, after that meeting is over, it makes it difficult to go back and really address the specific issues that are pertinent to each of these specific criteria. And we really feel like this is not the kind of process that the CUP ordinances contemplate. It contemplates meaningful public input, comment, and, and review. And, and that is not happening here. And, and we don't believe that this process really complies with, with the ordinances in that respect. So, again, just want to emphasize the need for information upfront so that our members and other members of the public can actually participate in this process. Some of this can be mitigated for the Commission by, as, as Mr. Erickson noted, just imposing some general conditions down the road. But again, that still cuts out the public and the public input in, in this process.

And then regarding some of the specific criteria that we talked about tonight starting with Criteria number 7 and, and also, I guess Criteria number 12. The applicant mentioned that, that, that this criteria is how, quote, how we separate our project from our neighbors, and that we are primarily separating through setbacks. And that they provided some, some exhibits here including Exhibit V-12, which I'd like you to look at. This exhibit purports to show a separation between this, again, this massive commercial development and these small adjacent properties. And on that exhibit there is a dotted black line that's purporting to reflect this so-called separation. This line is described in the map legend as quote, "approximate 100-foot setback from existing structures at the time of the 1986 Sweeney Master Plan approval." However, it is important to note that the relevant provisions of the master plan actually called for a 100-foot setback from the road, not from the existing structures. Not from the residences on the other side of the road. And specifically on page 19 of the master plan it says quote, "Building have been set back from the adjacent road approximately 100 feet". On page 15 of the master plan it says, "The hillside properties provide substantial 100-foot plus setbacks from the road with building sited considerably farther than the closest

residence. So what is described in the master plan with regard to, quote, "separation" of the development of the existing uses, is simply not what is reflected in these exhibits that have been provided. Rather than the 100-foot setbacks from the road, which were approved in the master plan, the applicant now measures it's 100-foot setbacks from the residences on the other side of the road. And I...hoping, I assume, that nobody's going to notice this discrepancy. So, the applicant's current plans place this development of this massive scale and height and elevation much closer to the road than 100 feet. And therefore, much closer to the adjacent residences than was ever contemplated or approved in the master plan.

And this fact is also confirmed in Exhibit 13, which we've looked at a couple of times tonight. If you look at those, those section D, E and F cross-sections, you can see that these depictions...in these depictions just how close this development is to the road. There are no 100-foot setbacks there. And because the development is much closer to the road than what was approved in the master plan, it is also much, much closer to the residences on the other side of the road than was approved in the master plan.

And as with so many other aspects of the applicant's current development plans, these setbacks are no resemblance to what was actually approved in the master plan. Additionally, as, as Commissioner Joyce noted in Section D and E, the applicant actually ignores the closest residence when calculating these purported distances. And that's also reflected in that, that little map on the lower right-hand corner where as has been noted there is a house in that horseshoe. And that house is, belongs to Neals and Pam Vernagaard who are members of THINC and are, obviously, very concerned about all of the issues that have been raised here tonight, including the lighting, the sound, the lack of separation, the driveway that's coming right out from across their house, the, the blind corner that's there already with the existing landscaping on that, on that little semi-circle inside the horseshoe. And the huge impact that this development is going to have on them. And curiously, their house is omitted from a number of these exhibits, including Exhibit V-12 that we looked at. It's not even there when they're trying to show us this dotted black line that's reflecting this, this, you know, wonderful separation between their development and the houses. So sometimes it's there, sometimes it's not, as reflected on these exhibits. But it's most certainly located right there as really they're closest neighbor.

Now, this sort of bait and switch on the setback issue bears directly on numerous CUP criteria, including Criteria 7 that we talked about as far as separation goes. Also, Criteria number 12 that we talked about tonight, which requires mitigation of noise, vibration, odors, steam, mechanical factors. Things that might affect people and property off-site. It also goes back to Criteria 8, dealing with the building mass, bulk and orientation, location of buildings on the site, including the orientation to buildings on adjoining lots. It also goes to Criteria 11, which requires compatibility with surrounding structures in mass, scale, style and design. And it impacts this over-arching requirement that the proposed use be quote, "compatible with surrounding structures in mass, scale and circulation". And it's very evident from the exhibits that have been provided that, that this just does not comply when you look at the, the adjacent residences. And there really is no way for the applicant to mitigate theses detrimental impacts that will result from its failure to comply with the approved setback requirements under the CUP criteria. And this is particularly true given that they claim that their separation is primarily accomplished through, through setbacks, but not the setbacks that they represented would, would be part of their, their final plans.

And I think also, as Commissioner Joyce pointed out, given the massive height and scale of this and the elevation of this project, just planting a few trees in front of the houses that are there on ground level will do very little to mitigate all of these impacts. I mean, regardless of the setback issue, it's not enough to just plant some trees that...even tall trees, because they simply will never adequately mitigate or screen the development from the adjacent and existing landowners.

Criteria 12, another point to talk about with respect to that. Excuse me. Yeah, Criteria 12. So again, sort of due to this misleading setback information, the applicant has failed to demonstrate that it can mitigate the ongoing issues of noise, vibration, odor and so forth that will exist if this development is actually built. We've talked about some outdoor dining areas. What about the two outdoor ballroom areas. How do we mitigate that noise? That, that's going to...if we're using the baseline as the outdoor dining and putting up a couple of soundproof, you know, fences here, what about all these other uses and all these other problems, particularly given how close these residences really are to these properties.

And in addition to that, as we've also talked about tonight, there are no plans yet on the table for the construction. And how do we evaluate Criteria number 12, the noise and the odors and the vibrations, when we don't even know what this construction looks like. There, there's no possible way to do it. And if you look at theses, some of these exhibits, like V-15 and V-16, you start to get a sense for how much excavation is actually going to be required here. It's going to be enormous. And it's not going to be complying with the existing grade. It's going to be dramatically altering the existing grade. So again, how do we evaluate these criteria tonight effectively without knowing how they're going to...what, what the plan is for the construction, much less how they can possibly mitigate for it given, given the adjacent residences.

It really seems to make little sense to continue going to these hearings and identifying these criteria that we cannot adequately access the impact of without information being provided as we go along. Are we going to get to the end and suddenly they're ready to, to submit this and they're going to provide all of this information that they've been requested to provide all along? And then do we go back and start the public hearing process again, and say okay, now that you've provided it and we have that information, now let's go back and talk again about Criteria 7 and 10 and 12. Or do we just leave it in, in the hands of the Commission and, and really not give the public a chance to, to comment on it in any meaningful way.

I think...we think that the failure to provide this information in a timely manner to actually make this an effective public process is, is, makes this, makes this application unapprovable. And then in addition to that as we've talked about many times and we're talking about again tonight, these plans, regardless of what mitigation they propose simply do not comply with the master plan. Tonight it's setbacks, other days it's been, it's been square footage. Something at every meeting where this, this does not comply with the master plan. And here's another one that impacts so many of the criteria that, that they must meet in order for this application to be approved. And we again request that the application be denied on those bases.

Thank you, again, for your consideration.

Kyra

Parkhurst: Hi, I'm Kyra Parkhurst. And I promise to keep my emotions under control this evening. So I apologize for that [inaudible]. I'm just going to...I just have a couple questions that would have been nice. I know we can't take public comment while they're presenting but just...so I'm just going to bounce around here. When I was flying in the last time, we happened to fly over Park City and I realized what a crack in the earth we live in. That Main Street and Old Town literally sits in, like a crack in the earth surrounded with mountains on both sides. And it creates a natural amphitheater. Like Steve said, I, I live on one side in Old Town and there were some people once who came, worked at night, and they would sit out on their deck at 3:00 a.m. in the morning when they came home in the summer. Most people in Old Town don't have air conditioning so our windows are open. And after about five nights of them coming home and putting their little Bose speaker out there and talking and waking me up, I finally drove...made them a thermos of hot chocolate and said, would you please go to bed. I said, you're keeping everyone awake. And they didn't realize that it happened. So how do they mitigate these tall buildings. Everybody sitting out on their decks coming back and making the noise. You can hear people whispering and talking. I've heard people say things in town that they probably don't want other people to hear. So nothing can really mitigate it because it is a natural setting of where this project is, as opposed to the St. Regis or Montage, who sit and look out into just absolute open space and not residential areas.

Also, with the funicular now, they said it was going to stay open to midnight, but now they might close it at 10:00. But to me, all that does is it creates more, the more noise of cars and Ubers going up and down the roads. And we all know, I can hear a car go down the road every single time. So that just then increases traffic.

And then another thing that I started to think of that doesn't seem to be covered is people in Old Town don't have air conditioning. When all those construction trucks are going up and down the hill and the streets during the summer, how are they going to mitigate the dust control that's going to affect all of our breathing. Are they going to clean the streets every week, every day? Are they going to water them every day? Because that affects just our everyday life and our breathing conditions.

And then, oh, the cliffside architecture. I notice like when we drive out to Sundance, the cliffs have...a lot of places are using that artificial

fabrication that secures so they don't have mudslides and runoff and things like that, and they use it like at the St. Regis at the funicular, there's the wall there. So if they're just going to have landscaping, is that going to create mud slides and water drain off, and then are they later going to have to come back and go, you know, we need to put up that kind of wall, which then can't be planted. And then what kind of planting will survive on a scape where its constant runoff and melt off from the water. And I think that's a problem.

Oh, one other thing, back to noise, and I brought this up before, is when they were redoing the street and some of the construction projects of rehabs on the house, contractors will come down using their airbrakes. I've called the City once and the young woman who answered, she said, yes, there is an ordinance. They're not supposed to use it. It is in the packet that we give to each developer, but the developer has to tell every subcontractor, and every subcontractor has to tell every driver, and consequently it really doesn't get enforced. So, especially with the thousands of trucks that we're going to have up and down that street, how is that noise going to be mitigated. And, and then, the picture that was up there that showed the whole details of the project and, you know, the road is here and then there's the little square, and there's all the open space. And then tonight they keep referring that we are, we are the neighbors, we are the neighbors. But I believe one of the partners lives in, is it Chicago or New York, one brother lives in Salt Lake, and one lives up in the little corner up there, and they do not live, work, play, breathe, drive on the roads that are going to be greatly affected.

So, that's it. Thank you for your time.

Vice-Chair

Joyce: Thank you. Anyone else. All right, let's close the public hearing.

End of public comment

Vice-Chair

Joyce: Which pass of the Commissioners. Is there...I mean, we were kind of doing a little bit of hit and miss as we went through. Is there anything that you'd like to go back and ask or say?

Commissioner

Thimm: Just, just one, and I'll make it really quick. There was concern expressed, I think, by the applicant about the information that is being asked for and, and that sort of thing. And I...what, what, what the LMC tells us is that the Community Development Department and the Planning Commission must review the CUP criteria. And in order to review that criteria, we must have information to review. And, and it's really clear in the, in the LMC. And I think that that is the measuring stick that we have to have.

Commissioner

Suesser: I agree with Commissioner Thimm's comment.

Vice-Chair

Joyce: Okay.

Commissioner

Suesser: Nothing further.

Vice-Chair

Joyce: Anything? Preston, John?

Commissioner

Phillips: No, I think I asked all my questions during our interactive session.

Vice-Chair

Joyce: Okay. Well, thank you. Then we need a motion to continue.

MOTION: Commissioner Suesser moved to CONTINUE the Treasure Hill Conditional Use Permit to the May 10th, 2017 Planning Commission meeting. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Vice-Chair

Joyce: All right. Thank you.

4. **Alice Claim Subdivision and Plat Amendment, south of intersection of King Road and Ridge Avenue – Request to subdivide their property into nine (9) lots of record and combine platted lots to deed to the City, review of the**

“updated entry Gully Plan” as remanded by the City Council on March 9, 2017. (Application PL-08-00371)

Commissioner Phillips recused himself and left the meeting.

Commissioner Thimm disclosed that he had previously worked professionally with Greg Brown and Preston Stinger, who were representing the Alice Claim project. However, that association would have no bearing on his decision this evening.

Planner Astorga handed out copies of a document that was submitted by this applicant during the Treasure Hill presentation. He had not had the opportunity to read it. Planner Astorga noted that it would become part of the record.

Planner Astorga reviewed the Alice Claim subdivision and Plat Amendment. The Planning Commission reviewed this application during the July 27, 2016 Planning Commission meeting. At that time, the Planning Commission forwarded a positive recommendation to the City Council based on amended findings of fact and conditions of approval that were revised during the last public hearing. The Planning Commission also approved the conditional use permit for three ten-foot retaining walls. The Planning Commission had also forwarded a positive recommendation on the third application, referred to as the swap area, which was the Ridge Avenue subdivision and altered approximately 2,000 square feet from one lot to another.

Planner Astorga reported that the conditional use permit was appealed by two parties; however, the two appellants, the City and the applicant were never able to find an appropriate date to hear the appeal. Since then, the applicant was able to secure an access easement over the area called Woodside Gulch. One appeal was officially withdrawn, and the plat amendment went on to the City Council. On March 9, 2017, the City Council officially remanded the plat amendment back to the Planning Commission. That was the reason for reviewing it this evening.

Planner Astorga stated that the Staff fully complied with the noticing requirements. There have been a number of meetings on Alice Claim, and each time the Staff did a complete full re-noticing and sent letters to property owners within 300 feet, posted the site, and published it in the newspaper.

Planner Astorga stated that regarding the status of the conditional use permit, the City Council placed a stay on the CUP until the Planning Commission reviews it, takes action and send it back to the City Council. Depending on that specific action, it might move forward if the City Council approves it; or it might come back to the Planning Commission if the CUP is denied or another action takes place.

Planner Astorga reported that the swap area was placed on hold by the City Council and continued to a future date. The Council did not find it to be a significant application because it is 100% tied to the outcome of the Alice Claim plat amendment and subdivision.

Planner Astorga stated that the access is the primary change since the previous recommendation by the Planning Commission. A retaining wall is needed in order to go through the Woodside Gulch; however, the retaining wall has been reduced from three ten-foot walls to one six-foot maximum wall. The entire wall is not 6' tall. The wall ranges in size from a few inches to up to a small area at 6'. As of yesterday morning the site plan was amended and the retaining wall stops at the corner of Lot 5. The amended site plan was inconsistent with Exhibit C in the Staff report. The applicant was prepared to review the amended site plan.

Planner Astorga preferred to focus on the access issue. The access had changed and it was no longer necessary to go around the driveway. The Staff finds this to be a much better plan than the one previously presented and recommended to the City Council based on the Staff analysis that took place during the public hearings in July.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Planner Astorga noted that Exhibit A was the proposed ordinance and he had bolded everything that was amended. The findings and conditions that no longer applied were removed from the ordinance. Planner Astorga was told that he may have incorrectly transposed some numbers, and he would let the applicant's representative address those discrepancies.

Commissioner Campbell understood that there was another change in addition to the information in the Staff report; and what the Planning Commission was being asked to vote on this evening was not included in the Staff report. Planner Astorga replied that he was correct. However, the change was not significant enough for the Staff to recommend a continuance.

Commissioner Campbell clarified that he was not asking for a continuance. His intent was to make sure that Assistant City Attorney McLean was comfortable with the process. He recalled a similar situation recently where Ms. McLean recommended that the Planning Commission continue to item because the paperwork did not match the request. Planner Astorga stated that he had reviewed the information and found that

the wall is slightly shorter than the original wall. The change did not affect the Staff's professional recommendation to the Planning Commission.

Based on previous practice, Commissioner Campbell asked how the Planning Commission could vote on something that was different than the information shown in the packet.

Assistant City Attorney McLean stated that the Planning Commission had the discretion to make that decision. She recalled that the previous project Commission Campbell referenced was a condo plat, and the proposed changes became too complicated for the Planning Commission. If the Planning Commission believes these changes are de minimis and would not change the recommendation, they could refer to the exhibit.

Commissioner Campbell explained that his concern was making sure their action would be defensible. Ms. McLean replied that it was within their discretion and it would depend on how they view the change.

Greg Brown, representing DHM Design, introduced Jerry Fiat and David Kagen with King Development Group; Brad Cahoon, legal counsel with Snell and Wilmer; Joe Tesch with Tesch Law; Preston Stinger with Fehr and Peers; and Mark Deemer with DHM Design.

Mr. Brown believed this was a simple change and he was pleased to show it to the Planning Commission. He noted that the change was based on a recommendation the Planning Commission made in July. Mr. Brown clarified that the entry was the only change. He presented the plan that the Planning Commission recommended for approval in July 2016. It was the approved plan using the King Road right-of-way access. At that time there was the CUP for the three walls at 10-feet. The Planning Commission specifically requested that they continue the negotiations with the owner of 135 Ridge. Mr. Brown reported that there was an agreement and they now have an access easement over Woodside Gulch Road, which is the 135 Ridge Avenue property. Mr. Brown clarified that they no longer need the CUP for the three retaining walls. They do have one retaining wall, and it is a maximum of six feet tall. Therefore, a CUP is not required.

Mr. Brown presented the new entry plan. He identified the road heading up what is now Woodside Gulch. He noted that Woodside Gulch did not meet City standards for road width, and they will be paving that road and increasing the width to 20'. With those improvements they need to install a retaining wall. He pointed out the retaining wall and showed a profile to demonstrate how the height of the wall varies. It reaches

its tallest point in the area of the existing evergreen trees that they plan on saving. He noted that three of those trees were going to be removed with the other entrance.

Mr. Brown stated that they were still planning on doing the other road improvements to King Road that the City Engineer had requested. Those are off-site improvements to improve the traffic on King Road and the turning movements.

Mr. Brown indicated the edge of Lot 5, which is where they were proposing to stop the retaining wall. The plan in the Staff report showed that wall continuing across Lots 4 and 5. It would be owned and maintained by the HOA. He stated that as lots four and five are developed, there will possibly be retaining walls as part of those development plans.

Mr. Brown pointed out the old entrance and the new entrance. He believed the new entrance was a significant change and a great improvement. Mr. Brown presented the section along the road and the profile of the wall. The section from the high point over was the section that was removed in the new plan.

Commissioner Campbell clarified that the wall might go back in later as part of the development on Lot 5. Mr. Brown stated that the wall could go in later as part of the development on Lot 5, and it would probably be part of the house. If Lot 5 and Lot 4 need retaining walls, it would be the responsibility of the lot owners. The HOA owns and maintains the rest of the wall.

Mr. Brown noted that the fire department requested that they revise the emergency vehicle access plan. They were asked to take it up to the hammerhead turnaround, which is across from Lot 1. Fehr and Peers redid the plan with the fire truck access point, as well as redoing the intersection. It is a much better plan for emergency vehicles.

Mr. Brown referred to a letter from Fehr and Peers that Planner Astorga had handed out, stating that the new entry is superior from a transportation standpoint. The letter provided four or five reasons for their rationale.

Mr. Brown presented the old plan and the new plan to show how the lots remain the same. Once they get back to what was the alignment of Alice Court on the City property, there is no change from that point forward. The lots are the same shape and size.

Mr. Brown stated that taking the old road away and going on to the 135 Ridge Avenue allowed them to increase the open space by .14 acres; bringing the site total up to 88.5% of open space.

Commissioner Thimm asked if the degree of slope to the access road changed with the proposed change to the retaining walls. Mr. Brown replied that it was at 14%. He recalled that it was slightly under 14% before the change. The slope increased slightly because they took some length out of the road.

Vice-Chair Joyce recalled engineering discussions about having adequate water pressure, and moving things down the hill to make everything better. Now he understood that there were questions about whether there was really adequate water pressure. He wanted to know if that was something new. Planner Astorga replied that it was the same language as before.

Vice-Chair Joyce asked about added language at the end, "The Alice Claim development exceeds 1 acre and shall meet the requirements of the MS4 storm water program. Each lot must...." Director Erickson explained that the language pertained to new State Regulation conformance with EPA regulations. The Commissioners should expect to see that language as a standard condition of approval.

Commissioner Thimm referred to page 138 of the packet and the recommended condition of approval concerning significant vegetation. He did not see it bolded in the conditions of approval, and he asked if Planner Astorga was asking the Commissioners to provide input. Planner Astorga explained that in the previous plan three trees were going to be removed. With that plan he had concerns with four trees; however, with the new plan he is only concerned about one tree. He kept the same condition so if the tree is lost they would get it back. Mr. Brown noted that Stantec Engineering had done a lot of survey in the area. The road was positioned for a number of reasons. Part of their agreement with Lot 135 was to try to push as far away from them as possible. However, the applicant also wanted to be as far away from the trees as possible. The existing terrain was surveyed right below those trees to make sure the wall was right at the drip line of the trees. Mr. Brown was fairly confident that the trees could be saved, keeping in mind that they do not know the condition of the trees up above that. The slope is already heavily eroded and this should fix a small problem.

Mr. Brown suggested typo corrections to the findings of fact and the conditions of approval. In Finding of Fact #25, page 144 of the Staff report, it lists the square footage of each of the eight lots in the HR-1 District as 5,410. The actual number is 4,510. Commissioner Campbell noted that the second "proposed" should also be removed from that sentence. Mr. Brown referred to pages 147 and 148 of the Staff report and

noted that Conditions #10 and #13 were in conflict. One says that the culvert will be owned and maintained by the HOA and the other one says it will be owned and maintained by the City. He recalled that Condition #10 is correct, that the culvert will be owned and maintained by the City. Planner Astorga requested time to pull up the Minutes of July 27, 2016 before making that change to verify which one was correct. Mr. Brown noted that the road is on City property and they would just have an easement. Assistant City Attorney McLean recalled that a condition of approval required that the culvert had to be built before the plat could be signed. However, she could not recall discussion about the City owning it.

Planner Astorga remarked that Conditions 10 and 13 were exactly the same in the July 27, 2016 minutes. He was looking through the discussion in the minutes to try and verify. Mr. Brown recalled a back and forth discussion, and the City actually requested to take ownership and maintenance of it. The stream had to get put into the culvert before they could record the plat because of Lot 1 being close to the stream otherwise. He believed that was the rationale for the City owning it.

Commissioner Suesser asked if that discussion took place with the applicant and the Staff, or whether it was before the Planning Commission. Mr. Brown thought it was both, but he was certain that it was with the Staff.

Director Erickson suggested that they could address the issue by changing the condition of approval to say that the ownership of the culvert will be resolved to the satisfaction of the City Engineer. He noted that Condition of Approval #1 states, "The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, Land Management Code, and conditions of approval prior to recordation of the plat". Therefore, the City Attorney and the City Engineer would get a final look as well.

Vice-Chair Joyce suggested that unless they have something definitive they should write it as to be determined.

Director Erickson revised Condition of Approval #10, to read, "All state requirements must be met, state permits must be obtained and the culvert must be fully installed by the applicant prior to plat recordation, and the **ownership of the culvert resolved to the satisfaction of the City Engineer**". He struck Condition of Approval #13. Vice-Chair Joyce noted that Condition #13 had additional information that needed to be retained. Commissioner Campbell suggested that they put a period after Lot 1 and strike the rest of Condition #13. Director Erickson was comfortable with that revision.

Assistant City Attorney McLean remarked that the Planning Commission would be forwarding a recommendation to the City Council, and the Staff could verify the ownership question prior to it going to the City Council.

Mr. Brown accepted the conditions of approval as revised.

Commissioner Campbell disclosed that sometime after the appeal had been filed, Jerry Fiat approached him at Einstein Bagels. He asked Mr. Fiat not to discuss anything definitive or substantive because there was a chance that this would come back to the Planning Commission.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council with regard to the Alice Claim Subdivision and plat amendment in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance and as amended this evening. Commissioner Campbell seconded the motion.

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

Findings of Fact – Alice Claim Subdivision and Plat Amendment

1. The plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts.
2. The proposal includes nine (9) lots on approximately 9.034 acres which will not be allowed to be subdivided further.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does run within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils

on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.

6. The owner secured legal access through an easement to the property through the Woodside Gulch access. As proposed, the access will not require retaining walls greater than 6 feet and therefore, no conditional use permit would be required.

7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the US Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.

8. The property, which was once the site of the Alice Lode Mine, was previously the site of mining activities, which have since undergone recent remediation.

9. A Voluntary Clean Up of the property was initiated by the Applicant.

10. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.

11. A culvert for the stream is proposed in order to meet the 50" setback regulations from streams within the Estate District, otherwise the culvert would not be necessary.

12. This development is located upstream of the FEMA Flood Plain Studies.

13. The applicant does not request any setback reductions from the Planning Commission for the Estate District Lot.

14. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model or utility plans be further revised.

15. The utility plan does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer.

16. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
17. Existing trails are shown on the plat and granted a public easement.
18. Proposed utilities have not been engineered to meet City Engineer's approval but shall be prior to plat recordation.
19. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
20. Building pads/limits of disturbance are shown in Attachment 1. All other property as open space should be protected by conservation easement held by the City and the HOA to maintain the land.
21. Applicant does not have an approved Sewer Service Plan. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
22. Proposed drives with utilities that are not private driveways are required to be 20" wide and are shown as such on the plat. The drive grades are proposed to be 14%.
23. Public trails are shown on Attachment 1 with a 15" public recreational trail easement.
24. The proposed lot within the Estate District is 3.009 acres.
25. The eight (8) proposed lots within the HR-1 District are 4,510 square feet each.
26. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
27. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two (2) of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
28. The existing encumbered Lots 1-7 and 36-40, Block 77 of the Millsite

Reservation will be dedicated to the City as right-of-way upon plat recordation as they current have a road over them.

29. The lots are positioned as proposed to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.

30. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2015.

31. The application for the Alice Claim subdivision was deemed “complete” by the Planning Department on May 23, 2005.

32. Between 2006 and 2009, the Planning Commission conducted three (3) work sessions to discuss the project and visited the property during two site visits.

33. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

34. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.

35. The Planning Commission reviewed the request and held public hearings on April 8, 2015, June 10, 2015, July 8, 2015, and July 22, 2015.

36. During this time consisting of October 2014 and July 2015 the applicant submitted further revisions to the plat to address City concerns as well as to address plat discrepancies.

37. On August 12, 2015 the Planning Commission forwarded a negative recommendation to the City Council.

38. On October 8, 2015 the City Council reviewed the proposal.

39. On October 29, 2015 the applicant submitted an amended site plan which moved the lots closer to the gully. The City Council reviewed that amended site plan and remanded the application back to Planning Commission for their review.

40. The Planning Commission held a work session on December 9, 2015.

41. The Planning Commission held public hearings and reviewed the updated proposal on May 25, 2016, July 13, 2016, July 27, 2016, and April 12, 2017.

42. After Applicant secured access on Woodside Gulch and proposed a modification to the Application based on the new access, the City Council remanded the updated gully site plan with modified entry back to Planning Commission on March 9, 2017.

43. The Planning Commission held a public hearings and reviewed the updated proposal with the new access through Woodside Gulch on April 12, 2017

44. In order to ensure all site improvements are made the applicant must either complete all Site Improvements prior to plat recordation, or if that is not possible, provide adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City.

Conclusions of Law – Alice Claim Subdivision and Plat Amendment

1. There is good cause for this subdivision and plat amendment.
2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.
4. Approval of the subdivision plat and 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 – Alice Claim Subdivision and Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision and plat amendment at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) years" time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.

3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings within this subdivision. Completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls.
4. Lot 1 in the Estate District shall be subject to HDDR process.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed by the applicant prior to plat recordation, and the ownership of the culvert resolved to the satisfaction of the City Engineer.

11. This development is located upstream of the FEMA Flood Plain Studies. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.

12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.

13. The culvert inlet shall be at least 50" away from any structure on Lot 1.

14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.

15. Limits of disturbance as shown on Attachment 1 shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.

16. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.

17. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.

18. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.

19. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.

20. Applicant must still provide recommendations to the City Engineer for which scenario on King Road and the Alice Court most satisfies turning movements

and minimizes conflicts and implement the recommendations prior to plat recordation.

21. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.

22. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

23. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.

24. Public trails are shown with a 15" public recreational trail easement.

25. Any structures built near the existing mine shaft shall be setback at least 10" if the shaft is filled up to the ground surface with soil and/or gravel and at least 40" setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.

26. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

27. All Public Improvements, except the Lot 1 culvert, may be completed after plat recordation but prior to the first home building permit. An adequate financial Guarantee for all Public Improvements shall be submitted prior to permitting.

28. All engineering for utilities must be approved prior to plat recordation.

29. City utility maintenance access is required across the drives for Lots A.

30. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.

31. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.

32. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

33. No duplexes will be allowed.

34. Existing utility and access easements may be added, adjusted, vacated or remain in their current location. Changes to these easements and/or addition of easements shall be shown on the plat.

35. The Alice Claim development exceeds one (1) acre and shall meet the requirements of the MS4 storm water program. Each lot within this common development shall be required to obtain a MS4 storm water permit prior to any construction activity.

The Park City Planning Commission Meeting adjourned at 8:40 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 340 Main Street Telecommunication
Facility Conditional Use Permit (CUP)
Project Number: PL-16-03264
Author: Ashley Scarff, Planning Technician
Date: April 26, 2017
Type of Item: Administrative - CUP

Summary Recommendation

Staff recommends that the Planning Commission conducts a public hearing and continues the review of the request for a Conditional Use Permit (CUP) for the establishment of a new Telecommunication Facility to be located on the roof of 340 Main Street to May 10, 2017.

Description

Applicant: Verizon Wireless, represented by Tom Foster, Elevation Wireless, LLC
Location: 340 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Main Street commercial uses to the north, west, and south; China Bridge parking structure to the east
Reason for Review: Planning Commission must review CUP requests for the establishment of new Telecommunication Facilities

Proposal

This application is a request for a CUP to allow Verizon Wireless to establish a new Telecommunication Facility with equipment located on the roof and within the top floor of the non-historic commercial building at 340 Main Street. The rooftop equipment will include one (1) small cell antenna enclosed within a fiberglass canister that will be painted to blend with the building, as well as additional equipment that will be completely hidden from view behind the parapet. There will also be support equipment located within an existing closet on the top floor of the building. The installation is meant to improve Verizon's service capacity for the greater Park City area. 340 Main Street does not currently house any other Telecommunication Facilities. Staff requests that this item is continued to the May 10, 2017 Planning Commission meeting.

Planning Commission Staff Report

Subject: PL-17-03479 LMC Amendments –
Parking, Gravel, and Xeriscaping
Author: Tippe Morlan, MS, Planner
Bruce M. Erickson, AICP, Planning Director
Date: April 26, 2017
Type of Item: Work Session – Discussion Only

Summary Recommendations

The Planning Department requests the Planning Commission open a public hearing and review the possible Land Management Code amendments as detailed in the Frequently Asked Questions.

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 attachment B to review minutes from this meeting.

October 26, 2016 – The Planning Commission held a work session on the same topic. See Attachment C to review minutes from this meeting.

Analysis

Please review the Frequently Asked Questions (FAQs) reviewed and compiled by Staff in Attachment A. These questions and proposed changes to the Municipal Code have gone through an interdepartmental review. Upon Planning Commission review and discussion, these proposed changes will be converted into Municipal Code redline items which will be reviewed as a regular item at a future Planning Commission and City Council meeting.

Parking

Currently, Recreational Vehicles and all other similar vehicles (henceforth mentioned as RVs) are only allowed to be parked on an approved paved surface and are prohibited from parking on lawn or other landscaped areas. Additionally, these vehicles are prohibited from being stored on driveway areas. Beyond these stipulations, the Municipal Code does not indicate how and when to regulate the parking of these vehicles. It does not even define what constitutes vehicle storage. The proposed FAQs are intended to clarify such missing information, and any proposed additional details in the FAQs will be proposed as redline changes in the official review of this item.

For your reference, here is Section 15-3-4(A.3) of the Land Management Code identifying the only existing regulations for recreational vehicle RV parking:

PARKING RESTRICTIONS.

- a. All vehicles, boats, RVs, trailers, and similar vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped Areas.
- b. Driveway Areas are not to be used for the storage of any trailer, camper, motor home, boat or equipment at any time.
- c. Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property. EXCEPTIONS: Parking may be allowed within a Right-of-Way Area, such as within the Historic District when the Street is not located within the platted Right-of-Way and the Right-of-Way is between the Street and garage. Exceptions must be approved by the City Engineer.

Gravel

On top of the limited RV parking regulations, the existing Municipal Code does not define gravel nor does it differentiate between different types and sizes of gravel or rock. The code also does not currently identify where gravel should and should not be used. Since there are many adverse effects of gravel on City infrastructure and aesthetic, the FAQs and any future redlines that come from these ideas propose to define gravel mulch versus gravel rock and where this can be used on a property as a part of xeriscaping.



Examples of the need for gravel regulation. When laid by itself, gravel mulch often bleeds off the gravel areas and into the streets and public infrastructure systems, especially when driven over.

Xeriscaping

The current Municipal Code does not have very strict definitions of xeriscaping. Section 11-15-3 of the Municipal Code identifies Xeriscaping as landscaping constituted of a weed barrier fabric with six inches or more of rock or bark maintained on top. The code also defines xeriscaping as “a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve City water resources.” However, when most residents attempt to xeriscape their yards with gravel, they do not tend to incorporate this key element of xeriscaping into their designs. Adding a more detailed definition of xeriscaping may promote better xeriscaped designs which encourage water conservation while also discouraging parking on landscaped areas.

Generally speaking, xeriscaping is a form of landscaping, defined in the Oxford English Dictionary as “the process of making a yard or other piece of land more attractive by altering the existing design, adding ornamental features, and planting trees and shrubs.” Simply laying a non-ornamental, unattractive gravel pit does not constitute a traditional definition of landscaping. Additionally, such areas of gravel tend to attract parking problems even though they are intended to be landscaped areas.

As identified in the FAQs, the proposed additions to the definition of xeriscaping says it “shall consist of an attractive mix of plantings, boulders, and other landscaping materials. At least 50 percent of the xeriscaped area must contain plants, trees, and shrubs.” By adding a requirement to mix plantings and rocks and a requirement to ensure that 50 percent of the xeriscaped area includes plantings, property owners will need to include drought resistant plantings and other attractive water-wise strategies to design their property rather than simply laying down gravel.

For your reference, the existing sections of the Municipal Code referencing xeriscape regulations are as follows:

11-15-3 Acceptable Cover

- A. All areas within the Soils Ordinance Boundary where real property is covered with six inches (6”) or more of “approved topsoil” defined in Section 11-15-2 (B) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6” topsoil layer as determined by the Building Department.
- B. Owners that practice xeriscape are allowed to employ a weed barrier fabric if the property is covered with six inches (6”) of rock or bark and maintained to prevent soil break through.
- C. As used in this Chapter, “soil break through” is defined as soil migrating through the fabric and cover in a manner that exposes the public and shall be deemed in violation of this Chapter.
- D. As used in this Chapter, “xeriscape” is defined as a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve City water resources.

15-5-5 M. LANDSCAPING. A complete landscape plan must be prepared for the limits of disturbance area for all Building Permit applications and Historic District Design Review projects for all exterior work that impacts existing vegetation within the limits of disturbance. The landscape plan shall utilize the concept of Xeriscaping for plant selection and location, irrigation, and mulching of all

landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Comparable Cities

Other cities in the region, including other comparable resort communities such as Jackson, Wyoming, Pitkin County, Colorado, and Bozeman, MT have provisions in their municipal codes regulating, and in some cases prohibiting, recreational vehicles (also called oversized vehicles). For excerpts of those regulations, follow [this link](#). Additionally, you can review excerpts of regulations for xeriscape and gravel [here](#).

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on April 6, 2017 and published in the Park Record on April 12, 2017.

Public Input

Please see Attachments B and C for a record of the public input from the previous work sessions and public hearings on these code amendments.

Recommendation:

The Planning Department requests the Planning Commission open a public hearing and review the possible Land Management Code amendments as detailed in the Frequently Asked Questions.

Exhibits

Exhibit A – Parking, Gravel, and Xeriscaping Frequently Asked Questions

Exhibit B – Minutes from the July 21, 2016 City Council Work Session

Exhibit C – Minutes from the October 26, 2016 Planning Commission Work Session

Xeriscape, Gravel, and Parking FAQs:

PCMC wants residents and visitors to be able to enjoy their recreational vehicles in a manner that maintains the City's infrastructure, environment, safety and aesthetic.

Objectives:

1. Maintain public infrastructure
 - a. Improve water quality (including groundwater and storm water runoff)
 - b. Improve snow removal efforts and impacts
 - c. Maintain the integrity and durability of public streets and infrastructure
2. Encourage safe and appropriate parking
 - a. Prevent safety hazards associated with parked vehicles
 - b. Reduce traffic conflicts and visibility issues in the street
 - c. Encourage indoor storage of recreational vehicles
 - d. Mitigate pest control impacts/situations
 - e. Bring the Park City Municipal Code up to date with codes in the region and in other comparable vacation destination cities.
 - f. Reduce fire hazards as a part of the Wildland-Urban Interface Code
 - g. Allow RV parking in a manner which maintains safety and utility access
 - h. Improve the enforceability and usability of the Code
3. Improve the aesthetic and visual experience of Park City
 - a. Improve water conservation efforts in an aesthetically pleasing manner
 - b. Reduce thermal effects of gravel use
 - c. Improve the Park City streetscape
 - d. Reduce blight and illegal storage
 - e. Keep up the appearance and visual experience of the City

Parking (Recreational Vehicles)

- **Are Recreational Vehicles allowed?**
 - o Yes! RVs, boats, trailers and other similar vehicles are allowed to be parked in an appropriate manner which does not impede public safety or utility access and does not encroach upon public space for up to 72 hours at a time. Between April 1st and November 1st of each year, they are allowed to be parked for up to 30 consecutive days on a residential property. Outside of this time period, these vehicles must be parked and screened properly in an approved parking area in a rear yard and winter parking restrictions on City streets will continue to apply.
 - o Between November 1st and April 1st of each year, snowmobiles and other similar winter recreational vehicles may be parked on a residential property and in an appropriate manner which does not impede public safety or utility access and does not encroach upon public space for up to 30 consecutive days.
- **How many are allowed?**
 - o Up to 2 recreational vehicles, boats, snowmobiles, trailers, or other similar vehicles are allowed to be parked at any residential address at the same time as long as the vehicles are parked in a legal and appropriate manner which maintains the two required off-street parking spaces, access to the garage, and fire and utility access.
- **When am I allowed to park my RV/vehicle at my home?**

- These vehicles are allowed to be parked on your property in an appropriate manner between April 1 and November 1 for up to 30 consecutive days. If you would like to park your vehicle in your rear yard, you may park your vehicles there in an approved parking area year round.
- **How long can I park my RV in front of my house?**
 - If you are loading or unloading your vehicle for a trip, you may park your vehicle in front of your house on the street for up to 72 hours. If you are parking your vehicle off the street and in front of your house, and if it is not in use, you may leave it parked for up to 30 consecutive days before it needs to be moved.
- **How long can I leave my RVs parked on the street?**
 - If you are loading or unloading your vehicle for a trip, you may park your vehicle in the public road for up to 72 hours before it must be moved out of the public right-of-way. You may not park your vehicle on the street if it impedes traffic. Additionally, any non-motorized equipment, including uncoupled trailers and snowplows, are not allowed to be parked on public streets (see Section 9-2-12 of the Municipal Code).
- **How will parking my RV affect the environment in Park City?**
 - When you park your vehicle in an appropriate manner and according to the Municipal Code regulations in an approved parking area, you help prevent oil and runoff liquids from seeping into groundwater. These changes are in line with the Soils Ordinance (found in Section 11-15 of the Park City Municipal Code). You also prevent gravel, rocks, and other harmful materials from spreading off of your property and into public infrastructure. These materials can severely damage public roadways, storm water systems, and other public systems.
- **How will parking my RV affect safety issues in Park City?**
 - When you park your RV in an appropriate manner, you help maintain firefighting access to your house as well the homes of all your adjacent neighbors. You also maintain access to the utilities in the easements along your property line which may need maintenance for safety reasons. When parking off the streets, you also reduce traffic conflict and visibility issues and improve street cleaning and snow removal efforts. No RV parking is permitted in areas including, but not limited to, side or front yard setback areas, utility easements, or site triangle areas for these reasons.
- **Why can't I cover my RV/trailer?**
 - Coverings for such vehicles are popular breeding areas for pests such as raccoons, squirrels, and hornets. When this occurs, this becomes a community safety hazard and a nuisance not only for you but also for your neighbors. We want to avoid these conditions as much as possible, and disallowing coverings mitigates these problems. Additionally, covering a vehicle is typically one indicator that the vehicle is being stored on site, and vehicular storage (parking beyond 30 consecutive days) is not allowed.
- **Why does the City have to enforce this rather than just an HOA?**
 - Roughly two-thirds of development in Park City either has an inactive HOA or no HOA at all. It is the City's responsibility to ensure that where vehicles are parked does not become a safety or nuisance issue. With an increasing number of complaints, it is clear that the City needed to take action on this issue.
- **We've been parking it here forever! Why does it have to change now?**
 - With the increasing number of complaints and the increasing number of recreational vehicles being parked in a hazardous manner throughout the City, the City needed to take action to ensure that these vehicles are allowed in a manner that is beneficial to the residents, the environment, and aesthetics of the neighborhoods.

- **What is considered to be a hard surface?**
 - o Allowed hard surface materials for parking areas include pavers, permeable pavement (as allowed by the Planning Director), asphalt, and concrete. Any plans for a parking pad must be approved by the Planning Director.
- **What are the approved building materials for a parking area?**
 - o Allowed hard surface materials for parking areas include pavers, permeable pavement (as allowed by the Planning Director), asphalt, and concrete. Any plans for a parking pad must be approved by the Planning Director.
- **What is an approved parking pad?**
 - o An approved parking pad is a hard surfaced parking area built out of an approved hard surface material (i.e. pavers, permeable pavement, concrete, or asphalt) for the purpose of parking a recreational vehicle, boat, trailer, or other similar vehicle. These parking areas need to be approved by the Planning Director. The entire parking area must be a hard surface, so having only the wheels on hard surfaces does not fall under this definition. This is to prevent oil and runoff liquids from percolating into the ground soil and storm water systems.
- **Will it be a violation to have only the wheels on a hard surface?**
 - o Yes, the entire parking area underneath the parked recreational vehicle must be a hard surfaced material. This is to prevent any oil or runoff liquids from getting into the environment.
- **Will street cleaning and snow removal affect where I park my RV?**
 - o Yes, recreational vehicles cannot be parked on the street for longer than 72 hours for this purpose. Uncoupled trailers and other non-motorized equipment may not be parked on a public street. Additionally, any existing winter restrictions on parking will also still apply.
- **How do these regulations affect the Historic District?**
 - o RV pads are not permitted due to narrow setback areas in the Historic District. Exceptions are allowed on properties with a minimum of 12 feet of side yard since a 9 foot wide parking pad can be installed while still maintaining the 3 foot setback area requirement.
- **What if I have a friend or family member visiting me in their RV?**
 - o The same rules apply to any recreational vehicle whether it is owned by the resident or not: vehicles may not be parked on the street in front of the home for longer than 72 hours or on the property for more than 30 consecutive days.
- **Do I need a permit to park my RV on my property?**
 - o No.

Parking Locations

- **Where are we supposed to park them if not on our own property?**
 - o There are many options for parking recreational vehicles in the region. Aside from the many RV storage facilities in the Summit County area, any vehicles parked in an approved covered garage that meets the architectural requirements of the Land Management Code may be parked and stored on a residential property year round. Additionally, any vehicles parked in an approved parking area in a properly fenced rear yard may be parked and stored year round.
- **Can I park in my side yard?**
 - o Yes, you can! When parking in side yard areas, you run the risk of blocking both access to the utilities in the easements along the property lines as well as firefighting access to

the sides and rear of not only your property but to all the properties adjacent to yours. If you would like to park in your side yard, be aware that you need to maintain two required off-street parking spaces, access to the garage, and fire and utility access. No vehicles may be parked on utility easements. Only one side of the house may be used for parking. Any parked vehicles may not be parked so that they extend beyond the front façade of the house, and any setback areas and sight triangle areas must remain clear of any vehicles. When parking in the side yard, you must also have a 6-foot opaque fence at the property line. As long as you meet these requirements, parking your vehicle on an approved hard surfaced parking area is allowed.

- **Can I park in front of my house?**

- o Yes, you can! If you park in front of your house, please keep in mind that your vehicle must maintain two required off-street parking spaces, access to the garage, and fire and utility access. Your vehicle also cannot block or overhang into public utility easements, sidewalks, right-of-way areas, sight triangles, and setback areas. All vehicles must be parked on an approved hard surfaced parking area. Additionally, tandem parking allowances do not include recreational vehicles. Any vehicle parked in front of your house also needs to be kept in a reasonably maintained condition. Front yards and the fronts of houses make a huge impression on both your neighbors and visitors to Park City. We want to keep Park City, Park City, and a huge part of that is the visual experience that people get when they move through the City.

- **Can I park in front of my garage?**

- o In order to legally park your recreational vehicle in front of your house, you must maintain your two required off-street parking spaces. Typically these are provided for in the garage. You can park in front of your garage if you don't completely block access to two off-street parking spaces on your property. The goal here is to get cars off the street to reduce traffic conflict points and to improve street sweeping and snow plowing efforts throughout Park City.

- **Can I park on the street?**

- o Regardless of what type of vehicle is parked on the street, the Parking Code states that no vehicle may be parked on any public street for more than 72 consecutive hours. Additionally, any non-motorized equipment (including uncoupled trailers and snowplows) are prohibited from parking in the street. We want to encourage cars to be parked off the street to reduce traffic conflict points and to improve street sweeping and snow plowing efforts throughout Park City. Because recreational vehicles tend to be larger than most typical commuter vehicles, parking them on the street create more visibility issues and conflict points for cars driving on the streets. We want to avoid these situations as much as possible in an effort to improve both safety and usability on Park City roads.

- **Where is it legal to park my RV on my property?**

- o You may park your recreational vehicle on your property on an approved hard surfaced area as long as it does not block fire and safety access, utility access, your 2 required parking spaces or access to those spaces, and does not overhang onto or over the sidewalk or landscaping, into any easements, or over your property lines. Parking of an RV or similar vehicle is limited to 30 consecutive days unless the approved parking area is in your rear yard. Additionally, parking is permitted at all times in any enclosed structure which conforms to the zoning requirements.

Parking in the Historic District

- **What is my front yard?**
 - o The entire area of your property that sits in front of your home is your front yard. In the Historic District, that may not be much if there is any property there at all. A lot of property in your front yard may also be a part of the public right-of-way.
- **Can I park my RV in my front yard in the Historic District?**
 - o In the Historic District, you need to check to see how much of your front yard is in the public right-of-way. Recreational Vehicles are not allowed to be parked in the public right-of-way, and for a lot of homes in the Historic District, that means you cannot park in front of your house.
- **What is the right-of-way?**
 - o The right-of-way is defined as a strip of land, dedicated to public Use that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use. In front of residential property, a right-of-way typically applies to streets, sidewalks, and other transportation related Uses.
- **Why is the right-of-way different in the Historic District?**
 - o Because the homes in the Historic Districts have been built so close together, many properties have right-of-way areas which encompass a large portion of their yards. As a result of this, there is limited space for things like a paved parking area on many of these properties.

Landscaping – Gravel and Xeriscaping

- **What is xeriscaping?**
 - o Xeriscaping is defined as a landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation). This type of landscaping reduces the need for supplemental irrigation and conserves water. Plants, trees and shrubs are used that are appropriate to the local climate, and care is taken to avoid losing water to evaporation and run-off. Xeriscaped areas shall consist of an attractive mix of plantings, boulders, and other landscaping materials. At least 50 percent of the xeriscaped area must contain plants, trees, and shrubs. The use of gravel/rock mulch or other mulch covering without any plantings does not constitute xeriscape. If rock mulch is used, the areas should contain rocks of differing sizes and include the use of boulders. Typically the area around plants should be mulched with an organic material to reduce heat effect from rock on the plants.
- **What is gravel mulch?**
 - o Gravel mulch is defined as rock mulch comprised of round rock or crushed stone 2 inches or less in diameter.
- **Why can't we put gravel in our yard? We are trying to be green!**
 - o We love that you want to be green! These regulations help Park City to be *appropriately* green. We still want to maintain a nice aesthetic standard for Park City, and it is possible to do this in a green way. Xeriscaping is not just laying down gravel. It involves a mixture of drought tolerant or resistant plantings and varying sizes of boulders, rock, and stone. It is intended to create an aesthetic landscaped area rather than a simple gravel area. We want to reduce blight and illegal storage throughout the City. We want to maintain the high quality appearance of Park City, and keep our city looking like a city rather than an unfinished road or parking lot.
- **Why are you regulating gravel?**

- In recent years, a large majority of complaints received by code enforcement has been related to parking on gravel areas. This has become a major issue for the city in terms of enforcement, and we need to clarify and clean up the code related to this in order to allow for better enforcement.
- Gravel can be a great tool for drought tolerant and water-wise landscaping. However, gravel is only one part of what makes up xeriscaping. Rock mulch alone has the potential to be damaging to the environment. In order to look better and function as landscaping rather than a gravel lot, xeriscaping needs to include a variety of rock sizes including gravel and boulders and rocks in between as well as a variety of drought tolerant plantings. An added benefit is that including plantings mitigates the thermal/heat island effect that can be caused by gravel areas. It also mitigates fire risk as a part of the Wildland-Urban Fire Interface Code.
- Another reason to regulate gravel is that it moves every time it is driven over, and we want to prevent gravel and rocks from bleeding into roads, sidewalks, storm drains, and other public infrastructure where it has the ability to cause a lot of damage to the integrity and durability of various systems.
- **Do I need a permit to have xeriscaping in my yard?**
 - All Building Permit applications (including Grading Permits) and all Historic District Design Review projects which impact existing vegetation within the limits of disturbance require a complete landscape plan as a part of the application. This includes xeriscaped areas. All relevant xeriscaping will be approved as a part of any applicable permits. All other properties do not require a permit approval, but they must still comply with any code requirements.

Enforcement

- **Where can I find the City ordinance on this? What are the current City regulations/codes for oversized vehicle parking?**
 - You can find all regulations on parking oversized/recreational vehicle parking in the Land Management Code under Section 15-3-4(A.3). You can find all regulations on Xeriscaping and Gravel in the Land Management Code under Section 15-5-5(M). For all parking regulations in general, please see the Parking Code in Section 9 of the Municipal Code. You can access the most up to date version of the entire Park City Municipal Code online at <https://parkcity.municipalcodeonline.com>.
- **Who do I contact with questions about these codes?**
 - If you have any questions on where to find these regulations or on how to understand and interpret the regulations, please contact the Planning Department at 435-615-5060. If you would like to report any violations of these regulations, please contact Code Enforcement at 435-615-5112 or 435-615-5110.
- **How will I or the City know if I am in violation of these regulations? What happens if I am in violation of these regulations?**
 - Since we only have so many resources at the City, these regulations generally are enforced on a complaint basis.
- **If I have been parking my RV in a way which will become illegal after these regulations are passed, can I be grandfathered in?**
 - Unfortunately, the answer is no. We want Park City to be a great place to live, and a part of that is ensuring the atmosphere and experience is consistent throughout the City. These regulations are being proposed in response to resident complaints and safety hazards which have presented themselves in the way RVs are currently being parked

throughout the City. We want to be consistent, safe, and fair to all residents in all neighborhoods.

- **What if my I park my work trailer/oversized vehicle at my home?**
 - o Any trailers or oversized vehicles that are associated with a valid Home Occupation Business License are exempt from recreational vehicle parking regulations. These rules mainly apply to recreational vehicles.
- **What if I am doing work on my home and need to park trailers and oversized vehicles on my property for that purpose?**
 - o Construction or utility trailers and vehicles which are associated with an active building permit are also exempt from recreational vehicle parking regulations.

1 Council Member Henney asked if the operators were able to use SCADA and
2 understand the system. Graue stated the operators had full access to SCADA and they
3 were being trained to work independently to reduce energy consumption. Council
4 Member Henney noted the Water Department was the biggest energy user and
5 anything that could be done in the next few months to conserve energy would help
6 towards winning the Georgetown Energy Prize. Clint McAfee stated the SCADA project
7 was replaced by Graue over the past year, which was the key to energy conservation.
8

9 **Discuss Gravel Mulch and Parking on Landscaped Areas in All Zoning Districts:**

10 Bruce Erickson, Planning Director, explained there were many second homes that
11 stored RVs and motorcycles on the property all summer. He stated his department
12 looked at this problem in relation to the City's priorities and the General Plan. As far as
13 water conservation in development was concerned, the more natural vegetation that is
14 kept, the less water would be required. The code restricted the amount of bluegrass that
15 could be used in landscaping. Xeriscaping was also looked at, but gravel has a thermal
16 effect. The conclusions from multiple departments were that there needed to be clear
17 distinctions made between gravel and rock, appropriate use of gravel and mulch in front
18 and side yards, the need to clarify what constitutes hard surfaces, the need to clarify
19 between yard and setbacks, the need to define the amount of gravel that can be used in
20 yards, etc.
21

22 Council Member Henney stated he liked the idea of defining parking versus storage,
23 noting he favored parking but not storage, and also favored defining hard surfaces.
24 Council Member Worel agreed with Council Member Henney and asked if the storage of
25 RVs was more of an HOA issue. Erickson stated two thirds of the neighborhoods had
26 inactive HOAs or no HOAs at all. With regard to neighborhood protection, it was the
27 responsibility of his department to address these issues. Council Member Matsumoto
28 thought people should conserve water, but might turn to rock for landscaping, which
29 concerned her. Anne Laurent stated there were shaded areas of properties that would
30 be fine for rock.
31

32 Council Member Gerber was also in favor of defining parking versus storage and
33 thought seasonality should be considered when evaluating this. She requested that a
34 list of landscape options be drafted, ranking items good, better and best. She
35 understood gravel retained heat, but felt asphalt also retained heat and asked about
36 those who would choose to asphalt their driveways. Erickson stated this was part of the
37 difficulty in defining parking areas on properties. He indicated he preferred not to turn
38 neighborhoods into storage yards. Council Member Beerman stated the City was
39 concerned about the carbon footprint, so like Council Member Gerber's comment on
40 considering the season (would the homeowner be using the watercraft weekly), the time
41 of year and length of stay would be important factors to consider.
42

43 Mayor Thomas stated he would take public comment on this item during the Public
44 Input portion of the regular meeting.

Council Member Gerber asked if this was the second year that the number of cars had been counted. Diersen responded in the affirmative.

IV. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Scott Maizlish, Park Meadows, stated he appreciated what the Council's position was on the gravel issue. He had gravel laid 10 years ago, and there were several storage vehicles that were on the property. He hoped when the issue was settled some leeway could be given for those who had been doing this for a long time.

Marianne Cone thanked the Council for the trails system, and for the connections made in front of Park Meadows. She asserted she had an RV and she didn't see derelict vehicles stored on properties. She felt small RVs in front of properties were an indication of signs of life in the community. She proposed the code be changed for RVs to be stored April-October of the year.

John Nuffes stated he was here on behalf of his clients who wanted to continue xeriscaping. He tried to remove as much sod as possible from homes and add drip systems in landscaping. In speaking with Matt Cassel, City Engineer, he heard a City concern was that the gravel would migrate into the road. He knew river cobble and gravel were used throughout the west, and he felt they were effective tools in landscaping. He encouraged Council to change the landscaping rules to include these methods of landscaping.

Sally Elliott stated she had a motorhome in her driveway since 1998. She stated no other comparable vacation destination town prohibited RVs. She called eight cities and Salt Lake was the only City of those eight that prohibited RVs. She also asked if those with RVs could keep them at their properties until this issue was resolved.

Tim Govin stated he was surprised to hear about this law. He had a trailer on the side of his home for years and hoped the code could be changed.

Foster reminded Council that code enforcement only acts on complaints and doesn't go out looking for violations. Cone asked if she would have to pay the \$100 per day fine. Polly Samuels-McLean stated residents could not ignore the rules. Council could ask staff for an ordinance to change the code.

Council Member Beerman stated it should not be punitive if only a few people with RVS were being cited. He suggested a stay on the law until this issue was resolved. The Council agreed with the stay. McLean noted the rules would be enforced until the next meeting when Council could pass a stay on the enforcement of this law.

Bruce Erickson updated the Council on the California Comstock Mill Building at the California Comstock Mine. He stated Hannah Turpin and Anya Grahn were involved

1 with overseeing a \$50,000 grant to restore this building. He showed a PowerPoint
2 presentation on the progress of the restoration.

3
4 Sally Elliott stated Marianne Cone designed the logo for the Mine Preservation group
5 and they would have a fundraiser in August that would help with the restoration of more
6 of these buildings.

7
8 **V. CONSENT AGENDA**

9
10 **1. Consideration to Approve a Request from the Property Owner of 1114 Park**
11 **Avenue to Enter into an Encroachment Agreement for Their Existing Garage,**
12 **Which Encroaches on City Property, in a Form Approved by the City Attorney:**

13
14 **2. Request to Authorize the City Manager to Enter into a Two-Year Service**
15 **Provider Agreement with Morrison & Morrison, LC, for Public Defender Services**
16 **in the Amount of \$125.00 Per Hour, in a Form Approved by the City Attorney:**

17 Council Member Worel asked if the public defender was bilingual. Foster stated this firm
18 had worked as the City's public defender in the past. She thought there was probably
19 somebody on the staff that was bilingual. Council Member Worel thought having a
20 Spanish speaking public defender was a must.

21
22 **3. Request to Authorize the City Manager to Enter into a Three-Year Contract,**
23 **with Indefinite, One-Year Optional Renewals, Subject to City Discretion and**
24 **Approval with James C. Barker, PC, Federal Legislative Consultant, for a Base**
25 **Amount of \$97,748 (\$92,748 Plus a \$5,000 Annual Expense Retainer):**

26
27 Council Member Worel moved to pull Consent Item Two off the agenda. Council
28 Member Henney made the second.

29 **RESULT: APPROVED**

30 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

31
32 Council Member Council Member Beerman moved to approve Consent Items One and
33 Three and to continue Item Two until the next meeting. Council Member Worel
34 seconded the motion.

35 **RESULT: APPROVED**

36 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

MOTION: The motion passed unanimously.

WORK SESSION

Planning Staff and Planning Commission discussion regarding the use of gravel mulch in Landscaping, LMC Section 15-5-5(M) Landscaping, and Parking in side yards (All zones). No decisions will be made at this Work Session.

Commissioner Thimm disclosed that he owns a home that has mulch in the right-of-way, and he has a pickup truck with a camper that remains parked at his home. He did not believe that would have any bearing on his ability to review the LMC. He may be in violation, and if that is the case, he would take the appropriate steps to comply.

Director Erickson noted that a presentation was made to the City Council on the issue of gravel mulch, xeriscaping, parking in the side yards, and RV parking. The City Council decided that the Planning Commission should address this issue. Director Erickson noted that at a subsequent meeting, the City Council placed a stay on the ordinance that does not permit RV parking in front yard driveways until October 31st. He clarified that the ordinance was not currently being enforced in town.

Director Erickson stated that the LMC is very precise in stating that gravel mulch is prohibited. Anticipating that some would ask him to define gravel mulch, Director Erickson had research the definition and found that it is any rock under 2" in diameter regardless of whether it is round, broken up, or crushed. He reiterated that it is currently prohibited in the Code and the Staff questioned whether that was a good idea, especially with the wild land fire urban interface zone coming forward, which will require non-combustibles in proximity to houses within the fire zones. Director Erickson also thought it was important to consider in readying for additional infill and the fact that neighborhoods are building out. They were also trying to deal with water conservation and odd subdivision designs from the 1970s with planter strips and 4' sidewalks and other anomalies.

Director Erickson stated that in an effort to get ready for the things he just mentioned, they needed to come up with regulations that balance gravel, xeriscaping, regular mulch, parking in side yards, parking in front yards, RV parking, size and how to adjust for neighborhood conditions.

Director Erickson noted that the Staff report included recommendations as a framework of ideas on how to move forward with gravel mulch, xeriscaping and parking in side yards and front yards. They were not ready to go into Code, but the Staff has had the opportunity to

hears public comments on these matters since they were administrative and not legislative.

Director Erickson stated ATVs, boats, campers, campers on the back of trucks will be allowed in a properly located driveway or parking area in front yards that currently meet the standards for width and setbacks. Rather than being prohibited these items would be allowed with the following conditions. The first is to maintain two cars of off-street parking. It may not be possible in all zones, but it will keep additional cars off the street that affect snow plowing, bicycle riders, the ability to sweep storm drains, and the safety of kids walking to school. The intent is to allow for the two required parking spaces. Director Erickson pointed out that they also want to require everyone to maintain vehicular access to the garage. He stated that the City would allow these conditions to take place from April 1st to November 1st.

Director Erickson stated that they tried to define storage as a parked vehicle or RV more than 30 days without movement, which would be prohibited. It is currently regulated as part of the nuisance ordinance; however, the LMC would be adjusted to address it as well. Director Erickson pointed specifically to cars wrapped in blue tarps that sit on a property. He clarified that the purpose of the regulation is to protect the neighborhood and the neighbors.

Director Erickson noted that currently parking is only permitted in driveways and not in side yards. The Code addresses a side yard, which is the distance from the side of the house to the edge of the lot, and the side yard setback, which is a defined distance from the lot line in. He remarked that they would consider parking RVs, boats, cars in side yards, but only on hard surfaces. However, the broad sweep of pavers from permeable concrete to paver blocks would be allowed in addition to asphalt and concrete. Director Erickson stated that it would require at least one side yard setback to the defined parking area, because if someone builds to the property line they would preclude their neighbor from building a fence without disrupting the parking area. In addition, all of the side yard utility easements are in the last one or two feet of the side yards.

Director Erickson remarked that parking area should be behind the front façade of the house. The idea is to regulate from the front of the house forward to maintain the quality of the neighborhood. He noted that fire or utility access cannot be blocked. The purpose of side yards over the past 100 years of zoning is primarily to maintain access to light and air for homes, and to allow firefighting access to the rear and the sides of your house and your neighbor's house.

Director Erickson stated that the Staff would recommend that the properly located parking areas would be fenced or properly screened from the neighbors. Currently the City allows up to a six-foot fence with no permits other than a building permit. He believed that was

adequate. In the side yards they were talking about a height limit of nine or ten feet for an RV or other tall vehicle in the side yard.

Director Erickson commented on hard surface parking areas. He noted that there is a lot of discussion about whether or not to park on gravel. There are no controls on gravel because it moves every time it is driven over. Putting an impervious surface underneath stops the drainage, which is the purpose of using gravel. Director Erickson stated that there has been discussion about picking up the pavers to clean them or just spraying them off. He remarked that the solution to pollution is dilution. If power washers are used to wash down the pavers, it dilutes it enough that it will be less of a problem than if it gets into the ground water.

Director Erickson pointed out that the LMC defines xeriscaping as plant based. The Staff was proposing that if a lot has a limits of disturbance on it, the purpose of the limits of disturbance is to maintain the natural look of the lot. Gravel would not be allowed outside of the limits of disturbance as part of the revegetation plan. Plants need to go back into that area. Director Erickson stated that they would consider using gravel as part of the wild land fire urban interface zone mitigation, but keeping it as close as possible to the home. In the rear yard they would allow up to 50% of the ground coverage to be gravel as part of a plant based xeriscape plan. They have not set a standard in the rear yard for the amount of irrigation. At this point Director Erickson preferred to disallow irrigation in the back yards, but he anticipated that some people would want grass where kids could play. It would be impossible to regulate and he was unsure whether it should be regulated.

Director Erickson stated that gravel needs to maintain a one-foot rear and side yard setback unless it is controlled by a fence or a wall, which prevents the gravel from migrating into the neighbor's yard. If the side yard is protected by a fence it will also reduce the propagation of noxious weeds that migrate through the gravel.

Director Erickson stated that in the Historic District there are three-foot side yard setbacks for historic homes, and it is impossible to get vegetation to grow between the houses. To address the problem, he was willing to allow gravel in the side yard setbacks in the Historic District. In all other zones outside of the Historic District, the side yard setback must be maintained if the gravel is used as a driveway going into approved parking. He pointed out that they already have that requirement for driveways and it would not require a Code change. Director Erickson stated that in front yards they would allow gravel as part of a plant based xeriscape for 25% of the ground coverage, rather than the 50% of ground coverage in the front yard. They would not allow gravel in the rights-of-way or allow it for parking. Cars have a tendency to breed where there is gravel, which is the reason for placing the limitation on gravel in the front yard. Gravel would not be allowed in the right-of-way because it is too easy to use it for parking. It also degrades the ability of the curb to

stand up because the gravel moves behind it. More importantly, if people are not allowed to park fully on the street it widens the section of pavement and people tend to drive faster when there is more space between cars.

Director Erickson stated that they would allow rock greater than 2" in diameter, similar to the river rock models. They could go to 50% ground coverage in the front yard, but not in the right-of-way and not for parking. The idea is to protect the front yards of the neighborhoods, and make room for sociological changes going forward, especially tiny homes. Director Erickson noted that Pleasant Grove, Utah has made a determination to approve tiny homes as accessory uses. He believed Park City was in the same position to do that, but they need to make sure that the parking is working and the neighborhood would not be degraded if they allow tiny homes into the neighborhoods.

Director Erickson commented on irrigation areas and the need to look at commercial sites. He personally liked the looks of the police station. It has an on-site detention pond with river rock. It has xeriscaping and a nice plant mentality. There is gravel in the model and everything fits together. Director Erickson stated that there were specific landscaping requirements for parking lots in the LMC in terms of the amount of greenspace, number of trees, etc. He was not sure whether they were currently appropriate or effective, and they would be looking at commercial parking lots in the near future as they begin to redevelop.

Commissioner Band stated that in her neighborhood there are so many cars parked at night or on the weekend that there is only room for one car to pass. One house has an RV but there is no room to park in the side yard so it sits in the driveway. The garage is used for storage and they park their two cars in the street. Under the current proposal, she asked if someone would be precluded from having an RV on their property if the side yard is not big enough. Director Erickson replied that the RV would have to be parked in a properly located parking area. The increases in rent are forcing more people to move into a unit with inadequate parking. He pointed out that people need to make conscious choices. Director Erickson stated that the regulation also gives Code enforcement more clarity about what should and should not occur in terms of parking. It was an ongoing issue and they were trying to address it with this amendment.

Chair Strachan opened the public hearing.

Marianne Cone like the statement about not taking it out on your neighbors. She had a trailer for ten years she lived at the top of Prospect. She brought it home once and besides being terrified when she tried to turn it around, she would have not done that to her neighbors. She was also on Park Avenue and that was ridiculous. Ms. Cone stated that it was nice to live somewhere where she can keep it at home and have it when she wants to

go someplace. Ms. Cone believed hers would work out and fit within the regulations. In the issue of gravel, she did not think most people understood right-of-way. She understood that it is the part into the yard that does not belong to the owner.

Director Erickson replied that she was correct. It is City-owned property typically 10' back from the back of the curb in most locations.

Ms. Cone stated that gravel in the right-of-way is a problem because when the street sweeper goes through it takes the gravel along the edge and puts it in the gutter. Another problem is that people parallel park in it next to the street. She supported the proposed changes.

Mr. Erickson stated that the City has contracted a landscape firm from Salt Lake City starting in November, and their first mission is to do the Forestry Management Plan. The first mission inside of that is to make landscape architect quality recommendations for the right-of-way. The Planning Commission will have the opportunity to approve that solution as well.

Sally Elliott thanked the Staff for listening to them and addressing everything they asked them to. She was surprised to receive a notice from Code Enforcement because she thought they were in total compliance. She somehow missed the changes to the LMC in 2009. Ms. Elliott thought the proposed changes made perfect sense. She stated that they always store their motor home November 1st through April 1st, and they try very hard not to impact their neighbors. The neighbors have told them that they are not offended when the motor home is parked in the driveway. Ms. Elliott noted that her house was built by Mrs. Field for the cookie college and it did not comport with Code. The driveway was widened so the extra lockout tenants would have a place to park and that where they park their motor home. Ms. Elliott suggested that they rethink the side yard limitation. She always thought side yards should be maintained for the easements and for the appearance. She requested that they give it more thought because in her opinion side yards are an amenity. Once this amendment is adopted, she and others will work within the Prospector Park neighborhood to get the City to enforce the Code on certain people who are not good neighbors. Mr. Elliott was not in favor of gravel in the right-of-way.

Chair Strachan closed the public hearing.

Chair Strachan viewed this as a work in progress with a long way to go. He did not have an opinion this evening, but he could see nothing to make him believe they were going in the wrong direction.

Commissioner Band stated that parking in the side yards would make a big difference in her neighborhood. If the duplex in her neighborhood were to pave their side yard, two of the four cars that park in the street would be on the side.

Commissioner Thimm noted that Director Erickson had mentioned safety and welfare having to do with why side yards are maintained. If there was an RV one foot away on one side and an RV one foot away on the other side with a fence in between, he was concerned that a firefighter with a hose and equipment would not be able to reach an emergency location.

Director Erickson stated that the City was working hard to reduce the carbon footprint and gravel contributes to heat island effects as well. That was something to consider if they were concerned about being green.

Commissioner Joyce referred to the stay on the ordinance until October 31st, and he wanted to know what would happen on November 1st. Director Erickson replied that the ordinance comes back into play on November 1st. However, it has always been a complaint based management system. He noted that the City Council could impose another stay until the ordinance is in place or they could direct the Staff to do complaint based enforcement.

Assistant City Attorney McLean noted that during that City Council meeting the Council indicated that they wanted it to be seasonal. The stay was drafted and approved with that in mind. Development Director Anne Laurent stated that the idea was to have a new ordinance in place before the next RV season.

Commissioner Joyce asked if the City plans to continue down the path of complaint based enforcement. He pointed out that most people do not know the rules or what they can legitimately file a complaint about. He asked if they ever reach a point where an officer drives around a neighborhood. Commissioner Joyce stated that some neighborhoods had so many violations the officer could just walk from house to house. He asked if the City would ever become more assertive at fixing the enforcement process.

Ms. Laurent replied that it would be a policy and budget decision made by the City Council. She noted that some communities have code enforcement in the police department with 24 hours shifts. Ms. Laurent explained that there are models to do it, but those are more urban models rather than smaller communities like Park City. It is a resource and budget issue that the City Council would have to determine. Ms. Laurent stated that even though they were clarifying this for the Code Enforcement Staff to better understand how to write the violation and what it is so they can explain it to people when the complaints come in, she thought there would still be issues when one property owner can make their side yard

work, but it does not work for the neighbor next door. She believed there would still be frustration from people who could not get what they want. There will be a lot of criteria for when it works and when it doesn't on a case by case analysis. Ms. Laurent wanted it clear that the issue of RVs and parking would not suddenly become easy to enforce.

Commissioner Joyce stated that one of the frustrations the Staff continues to hear from the Planning Commission is the fact that they keep putting rules in place that are never enforced. He understood the difficulty of enforcing things that are buried in the conditions of approval, but if something is part of the Code and they were put in place with good reason, it would be nice to have that enforced. Commissioner Joyce requested that when these amendments are forwarded to the City Council that the Staff open the discussion for a better enforcement effort that goes beyond complaint based.

Ms. Laurent agreed with Commissioner Joyce. She stated that when this first went to the City Council they talked about code enforcement. She noted that RV and parking violations are very difficult. If someone moves their vehicle the violation is considered rectified, but it does not mean the violation will not come back the next day. At that point people need to call and make a complaint again because the City does not have the resources to check back day after day. Having a violation that can be rectified easily and come back easily is very difficult for Code Enforcement on a complaint based program. Ms. Laurent pointed out that the more effective management of parking will come from the local HOA.

Commissioner Suesser asked about educating the public on the new changes. Ms. Laurent stated that once the changes are in place, she is a big proponent of partnering them with proactive education and outreach.

The Park City Planning Commission Meeting adjourned at 9:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Application: PL-17-03483
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: April 26, 2017
Type of Item: Legislative- Land Management Code (LMC) Amendments

Recommendation

Staff recommends Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to City Council to adopt an ordinance approving amendments to the Park City Land Management Code related to 1) lot and site requirements in the SF District (Chapter 2.11), 2) amending the Annexation Expansion Area (Chapter 8.7) and 3) elimination of the numbering of definitions in Chapter 15 and throughout the LMC, pursuant to the findings of fact and conclusion of law in the draft Ordinance.

Staff recommends continuation of amendments to amend and update annexation regulations and standards (Chapter 8) for consistency with recent amendments to State Code and to prohibit group mail boxes within City ROW in Historic Districts, to May 10, 2017 to allow additional time for legal review.

Description

Project Name: LMC Amendments
Approximate Location: Citywide
Proposal: Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding the following:

- 1) Lot and site development standards in the SF District (**Chapter 2.11**)
- 2) Annexation Expansion Area boundary amendments (**Chapter 8.7**)
- 3) Elimination of numbering of definitions (**Chapter 15**)

Summary

As part of constant review of the Land Management Code and General Plan action items, the proposed amendments came up as policy discussions and procedural items which need to be addressed and updated. These amendments provide clarity and regulations regarding the following items:

- 1) Lot and site requirements in the SF District (Chapter 2.11);
- 2) Annexation Expansion Area boundary modification (Chapter 8.7);
- 3) Numbering of defined terms (Chapter 15 and throughout the LMC).

The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's neighborhoods and unique character and values, as well as to comply with State requirements. These proposed Land Management Code (LMC) amendments have been reviewed for consistency with the current adopted Park City General Plan.

Purpose of the Land Management Code

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the (adopted) Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- (B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- (D) To protect the tax base and to secure economy in governmental expenditures,
- (E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- (F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
- (G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,
- (H) To protect and ensure access to sunlight for solar energy devices, and
- (I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to make amendments on a regular basis and to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended and all other powers granted by statute

or by common law, for the necessary regulation of the Use and Development of land within the City.

General Plan

These proposed Land Management Code (LMC) amendments have been reviewed for consistency with the current adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's neighborhoods and unique character and values. Additionally, the LMC is intended to be updated on a regular basis to stay current with State Law, as well as to adapt and anticipate changing conditions. Where appropriate, the specific General Plan sections are discussed in the analysis below.

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.

Analysis

Proposed LMC Amendments

I. Lot and Site Requirements in the Single Family (SF) Zoning Districts (See Exhibit A- Chapter 2.11-3 Zoning Districts).

Background: During normal application of the LMC Staff has identified language that is unclear or confusing that could lead to inconsistent interpretation.

Purpose of Amendments: The purpose of these amendments is to clarify this section for consistency of application. No change to the regulations is proposed.

Implications and consequences: These amendments clarify codified setbacks approved with the Thayne's Canyon I and II, Prospector Village, and Prospector Park 1, 2, and 3 Subdivisions adopted by Ordinance and later incorporated into the LMC. Amending this language will make the LMC reflect clearly the intent of the subdivision approvals and eliminate current confusion as to whether the additional setback exceptions also apply to these subdivisions. No substantive changes are proposed to the regulations. These amendments propose to reorganize this section of the code for clarity of use.

Staff recommendation: Staff proposes the following language:

15-2.11-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- A. **DENSITY.** The maximum Density for Subdivisions is three (3) units per acre. Subdivisions must Cluster Development to maximize common Transferred Development Right (TDR) Open Space.
- B. **FRONT, REAR, AND SIDE YARDS.** All Development activity must comply with the following minimum Yards. See Section 15-2.11-3(I) for Front, Rear and Side Yard requirements exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.

>>>

I. OTHER EXCEPTIONS- FRONT, SIDE, AND REAR YARD REQUIREMENTS FOR THAYNES CANYON SUBDIVISIONS I AND II, PROSPECTOR VILLAGE SUBDIVISION, AND PROSPECTOR PARK SUBDIVISIONS 1, 2, AND 3.

- 1. In Thaynes Canyon Subdivision I and II, and Prospector Village Subdivision, minimum required Yards are as follows:
 - a. FRONT YARD. The minimum Front Yard for Main Buildings is twenty feet (20') and the Front Yard for garages is ten feet (10');
 - b. SIDE YARD. The minimum Side Yard is five feet (5'). On Corner Lots the minimum Side Yard abutting a Street is ten feet (10'). In Thaynes Canyon Subdivision 1, the minimum Side Yard is ten feet (10').
 - c. REAR YARD. The minimum Rear Yard is ten feet (10').
- 2. In Prospector Park Subdivisions 1, 2, and 3, minimum required Yards are as follows:
 - a. FRONT YARD. The minimum Front Yard is twenty feet (20').
 - b. SIDE YARD. The minimum Side Yard is ten feet (10'). On Corner Lots the Side Yard that faces the Street must not be less than fifteen feet (15').
 - c. REAR YARD. The minimum Rear Yard is ten feet (10').

3. Front, Rear, and Side Yard Exceptions listed above also apply to Thaynes Canyon Subdivisions I and II, Prospector Village Subdivision, and Prospector Park Subdivisions 1, 2, and 3.

II. Annexation Expansion Area boundary modification (See Exhibits B, B1, and B2 - Chapter 8 Annexation).

Background: In recent years the City purchased for open space purposes, as well as utility uses, land adjacent to and generally north and east of the current municipal boundary and the Round Valley Open Space areas. City Council desires that this open space be annexed into the municipal boundaries. It is currently unincorporated land located within the Summit County jurisdiction.

The subject parcels are described in the following table.

Parcel	Name	Acres	Use
Gillmor-4-X	Stoneridge Parcel	292	Open Space
SS-57-2-A-X	PRI Water Tank	29	Water Tank
SS-57-A-X	PRI Round Valley	300	Open Space
SS-121-X	Clark Ranch	125	Open Space
PP-26-X	Clark Ranch	125	Open Space
SS-91-X	Clark Ranch	45	Open Space
PP-26-A-1-A-X	Clark Ranch	44	Open Space
TOTAL		960	

Purpose of Amendments: If annexed, land use decisions, including trails, trailheads, permitted and conditional uses, etc. will be reviewed by the Park City Planning Commission and/or City Council as opposed to by Summit County officials. Additionally, regulation of the land will be according to the Park City Municipal Code and Zoning (including the Land Management Code). The purpose of this amendment is to expand the Annexation Expansion Area Boundary (AEAB) to the north and east of boundary as currently identified in the Park City Annexation Policy Plan (Chapter 8.7 of the LMC).

Implications and consequences: The primary implications and consequences of amending the AEAB are to include within the Expansion Area land the City owns, or may own in the near future, and other land that may be designated as recreation open space, located on the Northern and Eastern boundaries. Petitions for Annexation of land in Utah require that the property be within a designated Annexation Expansion Area before a municipality may accept them for further review and possible approval. This amendment does not annex any property but allows for an annexation petition to be filed consistent with State Code.

General Plan: The Park City General Plan refers to these lands as “Proposed Expansion Area Boundary” and discusses adopting a modified expansion area that is consistent with City and County regional planning objectives, as well as mandates of the State Code. The General Plan further mentions that there are other identified lands, namely to the south, but also including additional lands east of Hwy 40, that should be considered for annexation “after further consultation with adjacent jurisdictions...”. The General Plan also shows (in hatching marks) additional lands to the west of the current annexation boundaries that the City should consider for annexation. The City does not own these “hatched” properties to the west.

State Code Requirements: The State Code (Section 10-2-401.5 - Annexation policy plan) regarding establishment (and amendment) of an annexation policy plan requires the following considerations:

In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall:

- (a) attempt to avoid gaps between or overlaps with the expansion areas of other municipalities; **Not applicable as no other municipalities are in this area.**
- (b) consider population growth projections for the municipality and adjoining areas for the next 20 years; The **included area is for open space to preserve lands for open space and recreational purposes anticipating population growth in the surrounding area. The subject land is not for residential or commercial purposes.**
- (c) consider current and projected costs of infrastructure, urban services, and public facilities necessary: **Significant infrastructure, urban services, or public facilities are not anticipated if this open space land is annexed in the future.**
 - § (i) to facilitate full development of the area within the municipality; and
 - § (ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
- (d) consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; **Not applicable, as the subject land is not for future development.**
- (e) consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; **Added lands are for open space and a water tank. Reason to include recreational areas within City Limits is that the land was purchased for open space and is owned by the City. The City desires to be the land use authority on associated applications for trailheads, trails, and other recreational uses.**
- (f) be guided by the principles set forth in [Subsection 10-2-403\(5\)](#). **Not applicable as this refers to land within a County of the first class.**

Staff recommendation: Staff proposes the following Annexation Expansion Area options for Planning Commission consideration.

- a. Amend the Annexation Expansion Area Boundary (AEAB) to include only City owned property to the north and east of the current Annexation Expansion Area Boundary (Exhibit B1).
- b. Amend the AEAB to include all of the hatched areas designated in the General Plan (page 35) as Proposed Expansion Area Boundary. This includes the City owned open space to the north, other private and City owned properties to the north and east, as well as privately held properties located to the west of the current AEAB. This does not include any of the areas to the south that are indicated in the General Plan as "areas for future discussion" (Exhibit B2)
- c. Do nothing and leave the current AEAB as it is (Exhibit B).

Staff recommends Planning Commission discussion, public hearing, and consideration of Option a at this time, with a recommendation to City Council to

schedule discussions with regional partners in Summit County concerning expansion of the AEAB to include parcels not currently owned by Park City but located within the General Plan map as “hatched areas” to the north and east.

III. Elimination of numbering of Definitions in Chapter 15

Background: The current LMC numbers each definition and sub-definition in addition to listing defined terms in alphabetical order. The City Recorder requested consideration of elimination of the numbering to streamline the updating process.

Purpose of Amendments: The purpose of these amendments is to eliminate the numbering and maintain the alphabetical order of definitions and sub-definitions to streamline the updating process with the new on-line LMC program.

Implications and consequences: Eliminating the numbering, both in Chapter 15, and throughout the LMC where some definitions are identified with a specific number, will streamline the updating process and prevent missed cross references between Chapter 15 definitions and the rest of the LMC. Many on-line development codes have removed numbering and use an alphabetical listing for ease of use as well as for accurate and streamlined updating.

Staff recommendation: Staff proposes that all numbering of defined terms and definitions, in both Chapter 15 and throughout the LMC be removed.

Process

Land Management Code amendments are processed according to Section 15-1-7. Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice as outlined in Section 15-1-12- Notice.

Notice

On April 12, 2017, notice of the April 26, 2017 Planning Commission public hearing was published in the Park Record and placed on the City’s website as well as on the Utah Public Notice website.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input was received at the time of this report on these items.

Alternatives

- The Planning Commission may forward a positive recommendation to approve Amendments related to 1) Site and Lot Requirements in the Single Family (SF) District, 2) Annexation Expansion Boundary amendments and 3) elimination of numbering of Definitions as presented or as amended; or
- The Planning Commission may forward a negative recommendation to City Council to deny these Amendments and direct staff to return with findings supporting that decision; or
- The Planning Commission may continue the public hearing and discussion to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts to the City from these LMC Amendments that provide clarification of current annexation and development code language and definitions as further described above. Amending the Annexation Expansion Area boundary allows the City to accept an Annexation petition and potentially annex such property into the City Limits following the procedures outlined in LMC Chapter 8.

Recommendation

Staff recommends Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to City Council to adopt an ordinance approving amendments to the Park City Land Management Code related to 1) lot and site requirements in the SF District (Chapter 2.11-3), 2) amending the Annexation Expansion Area (Chapter 8.7) and 3) elimination of the numbering of definitions in Chapter 15 and throughout the LMC, pursuant to the findings of fact and conclusion of law in the draft Ordinance.

Staff recommends continuation of amendments to amend and update annexation regulations and standards (Chapter 8) for consistency with recent amendments to State Code and to prohibit group mail boxes within City ROW in Historic Districts, to May 10, 2017 to allow additional time for legal review.

Exhibits

Draft Ordinance

Exhibit A – Chapter 2.11-3 – SF District Lot and Site requirements

Exhibit B – Chapter 8.7- Annexation Expansion Area map - existing code

Exhibit B1 – Proposed Annexation Expansion Area map

Exhibit B2 – Annexation Section of the General Plan

Exhibit C – Chapter 15.1- Defined Terms (just first two pages to show example)

Ordinance 17-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2 ZONING DISTRICTS, CHAPTER 4 SUPPLEMENTAL REGULATIONS, CHAPTER 8 ANNEXATIONS AND CHAPTER 15 DEFINED TERMS

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the State Code, the Park City General Plan, and City Council goals; and

WHEREAS, Chapter 2.11 provides a description of requirements related to uses and development of land in the Single Family (SF) District that the City desires to revise for clarity of use. These revisions are specifically related to the Front, Rear, and Side Yard Setback requirements for the Thayne's Canyon Subdivisions I and II, Prospector Village Subdivision, and Prospector Park Subdivisions 1, 2, and 3; and

WHEREAS, Chapter 8.7 provides a description of requirements, provisions, and procedures for annexation of land into the Park City Municipal Boundary that the City desires to amend. These amendments concern the amendment of the Annexation Area Expansion area and map to include City owned land currently outside of the Expansion area; and

WHEREAS, Chapter 15 provides a list of defined terms that have definitions specific to this Land Management Code that the City desires to amend by removing the numbering for streamlining the updating process; and

WHEREAS, the Planning Commission hearing was duly noticed, a public hearing was conducted at the regularly scheduled meeting on April 26, 2017, and the Commission forwarded a recommendation to City Council; and

WHEREAS, the City Council hearing was duly noticed and a public hearing was conducted at its regularly scheduled meeting on May 11, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code and the Park

City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (SF Zoning District Chapter 15- 2.11). The recitals above are incorporated herein as findings of fact. Chapter 2.11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Eight (Annexations- Section 15-8-7). The recitals above are incorporated herein as findings of fact. Chapter 8 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Defined Terms). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended to remove all numbering from the list of defined terms (see Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington, City Attorney

EXHIBIT A

15-2.11-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- A. **DENSITY**. The maximum Density for Subdivisions is three (3) units per acre. Subdivisions must Cluster Development to maximize common Transferred Development Right (TDR) Open Space.
- B. **FRONT, REAR, AND SIDE YARDS**. All Development activity must comply with the following minimum Yards. See Section 15-2.11-3(I) for **Front, Rear and Side** Yard **requirements exceptions** for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.
- C. **FRONT YARD**. The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.
- D. **FRONT YARD EXCEPTIONS**.
 - 1. The Planning Commission may designate specific Single Family Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for a new Front Facing Garage or garage element, including any habitable space above the garage. This exception may be granted to:
 - a. solve Access problems with relatively steep Grades,
 - b. preserve Significant Vegetation,
 - c. eliminate or minimize cut and fill Areas,
 - d. promote Clustered Development, and
 - e. preserve Open Space.
 - Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.
 - 2. See Section 15-2.11-3(I) for Setback exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.
 - 3. The Front Yard must be open and free of any Structure except:
 - a. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
 - b. Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
 - c. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.
 - d. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

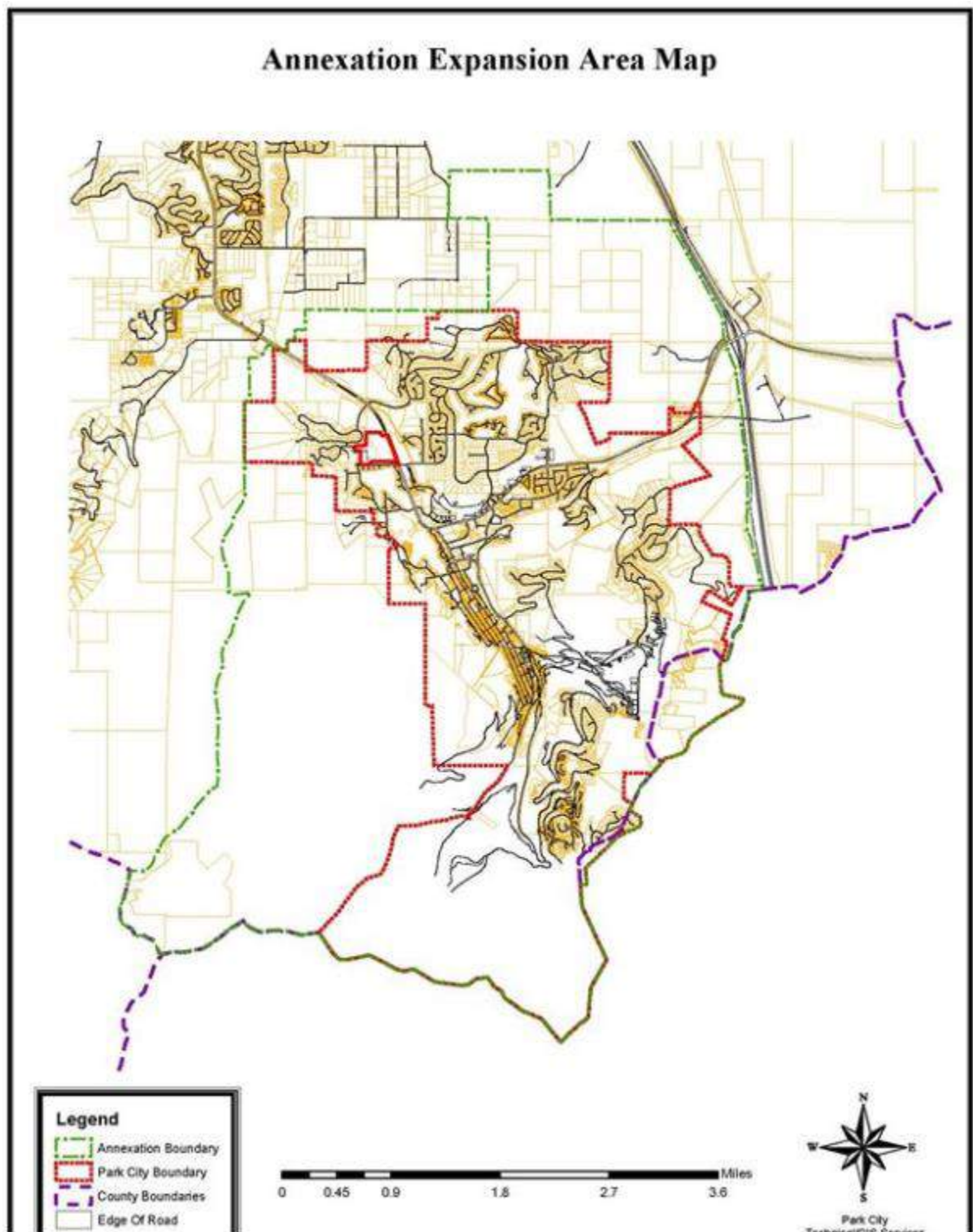
- e. Sidewalks, patios, and pathways.
 - f. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.
 - g. Circular driveways meeting all requirements stated in Section 15-3-4.
- E. **REAR YARD.** The minimum Rear Yard is fifteen feet (15').
- F. **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:
- 1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
 - 2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
 - 3. Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
 - 4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.
 - 5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
 - 6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration: (ILLUSTRATION DELETED FOR THIS EXHIBIT)
 - 7. Hard-Surfaced Parking Areas subject to the same location requirements as detached Accessory Buildings.
 - 8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
 - 9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
 - 10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.
- G. **SIDE YARD.**
- 1. The minimum Side Yard is twelve feet (12').
 - 2. A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.
- H. **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:
- 1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.
 - 2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.
 - 3. Window wells and light wells projecting not more than four feet (4') into the Side Yard.
 - 4. Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.
 - 5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.
 7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Sections 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.²
 8. Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed but may not be used for parking, and must maintain a one foot (1') landscaped Setback to the Side Lot Line.
 9. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of five feet (5').
 10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.
- I. **OTHER EXCEPTIONS—FRONT, SIDE, AND REAR YARD REQUIREMENTS FOR THAYNES CANYON SUBDIVISIONS I AND II, PROSPECTOR VILLAGE SUBDIVISION, AND PROSPECTOR PARK SUBDIVISIONS 1, 2, AND 3.**
1. In Thaynes Canyon Subdivision I and II, and Prospector Village Subdivision, minimum required Yards are as follows:
 - a. FRONT YARD. The minimum Front Yard for Main Buildings is twenty feet (20') and the Front Yard for garages is ten feet (10');
 - b. SIDE YARD. The minimum Side Yard is five feet (5'). On Corner Lots the minimum Side Yard abutting a Street is ten feet (10'). In Thaynes Canyon Subdivision 1, the minimum Side Yard is ten feet (10').
 - c. REAR YARD. The minimum Rear Yard is ten feet (10').
 2. In Prospector Park Subdivisions 1, 2, and 3, minimum required Yards are as follows:
 - a. FRONT YARD. The minimum Front Yard is twenty feet (20').
 - b. SIDE YARD. The minimum Side Yard is ten feet (10'). On Corner Lots the Side Yard that faces the Street must not be less than fifteen feet (15').
 - c. REAR YARD. The minimum Rear Yard is ten feet (10').
 3. Front, Rear, and Side Yard Exceptions listed above also apply to Thaynes Canyon Subdivisions I and II, Prospector Village Subdivision, and Prospector Park Subdivisions 1, 2, and 3.

EXHIBIT B- Existing LMC Chapter 15-8-7

[15-8-7 Expansion Area Boundary Map](#)

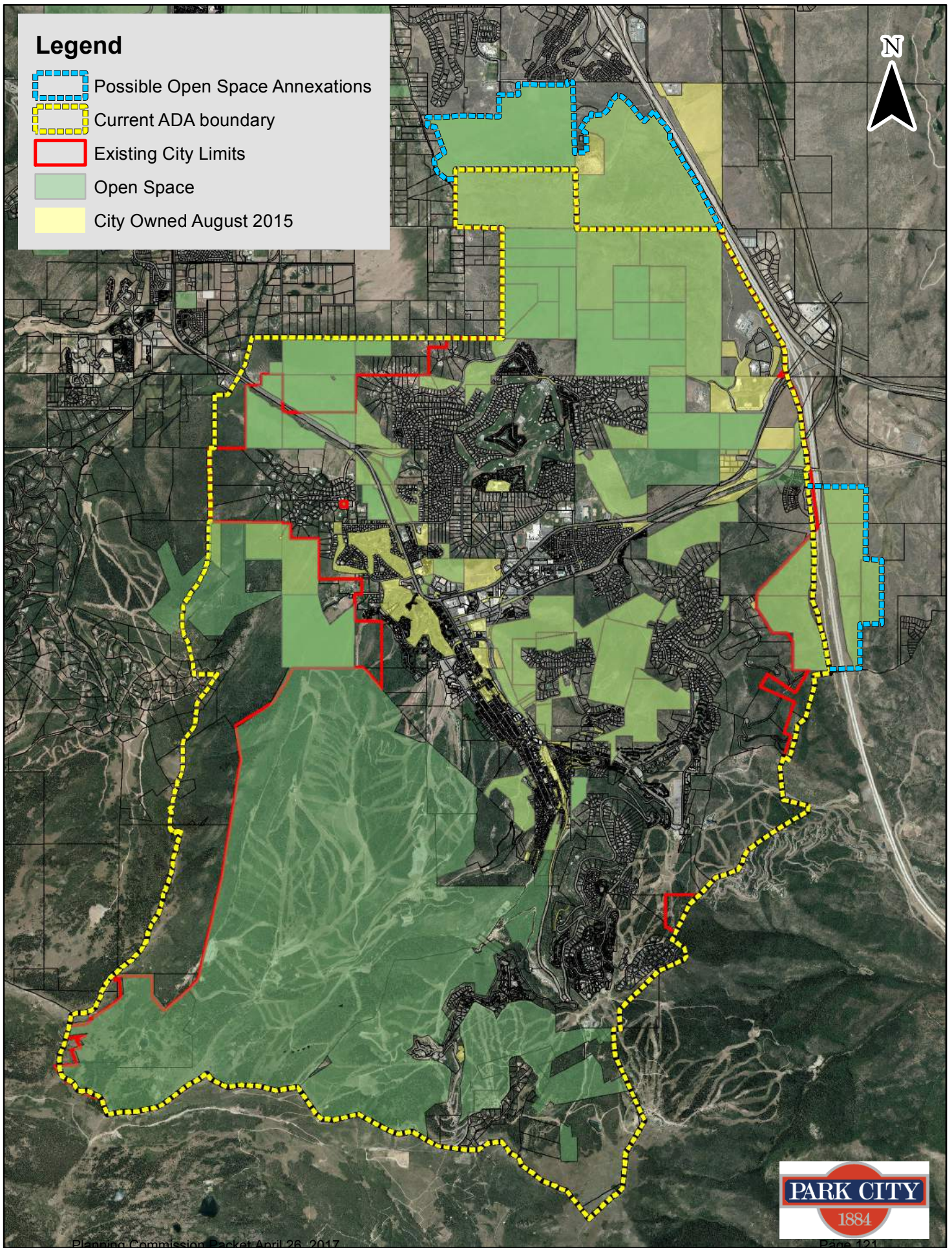
A. The Expansion Area Boundary Map is included as Exhibit A below:



- B. The following criteria were used as justification to exclude from the expansion Area Property considered by State definition to be Urban Development:
1. Topography and other physical constraints to efficient delivery of basic services.

2. Overlapping utility providers with services already being provided by others.
3. Level of existing services and standing of existing roads are below City standards and require expensive upgrades.
4. Other high fiscal implications to the City.
5. Overlapping school districts, i.e. not in Park City School District.
6. Overlapping taxing entities and location in Wasatch County.

Adopted by Ord. [03-01](#) on 1/9/2003



Annexation Expansion Area

Modifications to the expansion area require full analysis of the annexations within the state and local code. This map represents the need to discuss expansion possibilities with our regional partners and the Park City Planning Commission and City Council. This map is a draft to be utilized for discussions toward adoption of an expansion area that is consistent with the City and Counties' regional planning goals as well as the mandates of the State Code. Additional lands may be considered for annexation after further consultation with adjacent jurisdictions; this map is not intended to exclude such lands.

Area for future discussions with our regional partners in Wasatch County.

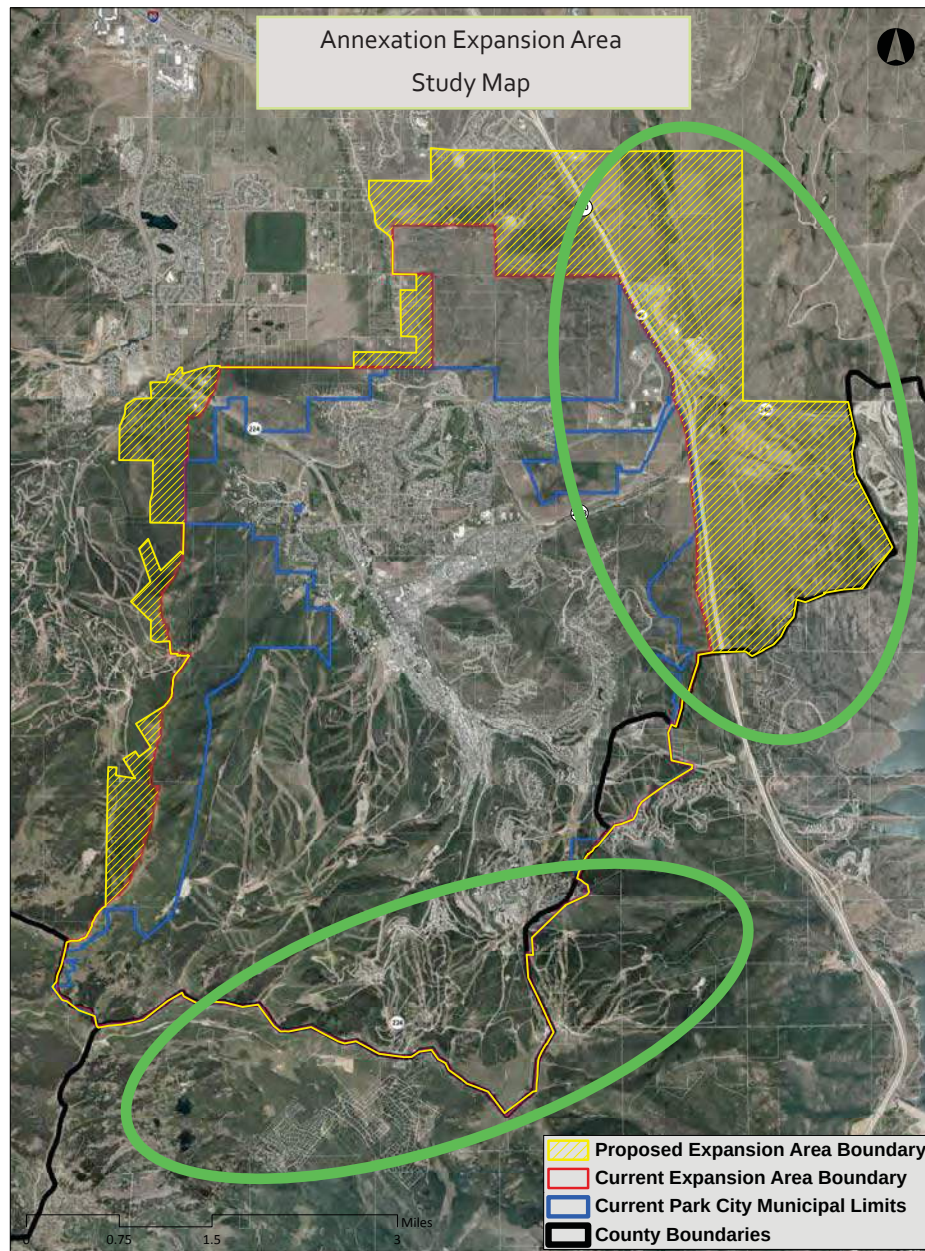


EXHIBIT C

15-15 Defined Terms

- [15-15-1 Definitions](#)
- [15-15-2 List Of Defined Terms](#)

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

~~1.1~~ **ACCESS**. The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

~~1.2~~ **ACCESSORY APARTMENT**. A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

~~1.3~~ **ACCESSORY BUILDING**. A Building on the same Lot as the principal Building and that is:

- A. clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- B. operated and maintained for the benefit of the principal Use;
- C. not a Dwelling Unit; and
- D. also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

~~1.4~~ **ACCESSORY USE**. A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

~~1.5~~ **ACTIVE BUILDING PERMIT**. Any Building Permit that has not expired.

~~1.6~~ **ADMINISTRATIVE PERMIT**. A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

~~(and continue to delete all numbering in this Chapter)~~

Planning Commission Staff Report

Subject: 166 Main Street Plat Amendment
Author: Tippe Morlan, Planner II
Date: April 26, 2017
Type of Item: Legislative – Plat Amendment

Project Number:	PL-17-03499
Applicant:	Robert A. Dixon
Location:	166 Main Street
Zoning:	Historic Residential (HR-2B) Sub-Zone B
Adjacent Land Uses:	Single family dwellings
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The proposed 166 Main Street Plat Amendment seeks to combine the two existing lots located at 166 Main Street into one lot of record. The site consists of a majority of Lot 3 and all of Lot 4 of Block 20 of the Park City Survey.

The property owner requests to combine these two existing substandard lots into one (1) standard lot of record. There is an existing house, built in 1993, that straddles the property line between both lots. Lot 3 consists of 1,409 square feet and Lot 4 consists of 1,687 square feet; the total lot size is 3,096 square feet.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 166 Main Street Plat Amendment located at 166 Main Street 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.

Background

August 30, 1993 – The Historic District Commission approved the design of this single family residence deeming the design in compliance with the Historic District Design Guidelines. The home itself was constructed in 1997 on a vacant lot at this location.

August 5, 2016 – The applicant submitted a Historic District Design Review (HDDR) Pre-Application with a request to raise the house two feet to level out the driveway. The applicant will need to submit a full HDDR application in order to do this.

March 17, 2017 – The City received a Plat Amendment application for the 166 Main Street Plat Amendment; the application was deemed complete on March 28, 2017.

Purpose

The purpose of the HR-2 District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 - a. Upper Main Street;
 - b. Upper Swede Alley; and
 - c. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
- H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
- K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

Properties within the HR-2 District located east of Main Street, including properties fronting on Main Street, Swede Alley, and Grant Avenue along with properties west of Main Street within Both 13 and fronting on Main Street fall under Sub-Zone B. This includes the subject property. Special requirements for Sub-Zone B of the HR-2 District apply only to Commercial Uses and historic structures, and this property is neither commercial nor historic.

Analysis

The purpose of the plat amendment is to remove the interior lot line between the two substandard subject lots to create one lot of record for an existing single family dwelling. The existing building currently straddles the lot line and sits on both lots, and this amendment would both resolve the situation so that the building does not sit on top of any lot lines and create one standard lot.

At the time of the house's construction in 1997, the building complied with all requirements of the 1997 Land Management Code and a building permit was issued for the existing house. There have been no modifications to the home itself since the original construction. This plat amendment does not change any of the requirements of the zone including minimum lot size, building height, and setback requirements. The HR-2B zone will remain in place. Additionally, a duplex would not be allowed on the new lot since it does not meet the minimum lot area of 3,750 square feet for that use.

This plat amendment only includes a majority portion of Lot 3 on the north side of this property. This is due to the existence of a remnant parcel which has been deeded over to the property north (170 Main Street) in order to accommodate the historic home with a Landmark designation which sits on the original property line between Lots 2 and 3. The property owners of that lot will need to do a plat amendment in the future to officially incorporate the remnant parcel into their lot.

Encroachments

There are several existing encroachments along the boundaries of this property. On the south side of this property, there is a cinder block retaining wall which encroaches onto the lot to the south (158 Main Street). This adjacent lot was a part of the Saldarini Plat Amendment in 1997 which did not include an encroachment agreement for the retaining wall. An encroachment agreement will be required for this wall with this approval if it is to stay in place.

On the east side of this property, there are several encroachment issues which need to be resolved before this plat amendment can be recorded. Along the rear property line, the existing deck and hot tub encroach onto City property by a few feet. Based on records of the original building permits, it appears that the deck was approved to be situated up to one foot behind the property line. The applicant will need to make the required adjustments to bring the deck and hot tub back onto their private property before the plat amendment may be recorded. The existing house on this lot is not historic, and these encroachments onto City property must be removed. An encroachment agreement will not be entertained by the City.

Additionally, to the rear of the house, there is a stone patio which sits mostly on Park City property and an additional wooden deck which sits entirely on Park City property. There is also a wood steel fence which appears to sit on Park City property to the east, 170 Main Street property to the north, and 158 Main Street property to the south. These must also be removed before the plat amendment may be recorded.

Good Cause

Staff finds good cause for this plat amendment as the existing encroachments will be resolved with this plat. The plat amendment will also create one standard lot of record from two existing substandard lots. This amendment will clean up the property located at 166 Main Street and resolves any issues created by the lot line running through the middle of the property and through the house. This amendment will allow the property owner to make improvements and changes to the existing house as allowed by the LMC.

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 April 12, 2017, 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 April 5, 2017, 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 166 Main Street Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 166 Main Street Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 166 Main Street Plat Amendment.

Significant Impacts

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

Consequences of not taking recommended action

The consequences of not taking the Planning Department's recommendation are that the encroachments would not be resolved with the plat and the site would continue to have a lot line running through the middle of the existing house.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 166 Main Street Plat Amendment 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 – Existing Conditions (Survey)

Exhibit C – Aerial Photographs with 500' Radius

Exhibit D – County Plat Maps

Exhibit E – Site Photographs

Ordinance No. 17XX

AN ORDINANCE APPROVING THE 166 MAIN STREET PLAT AMENDMENT
LOCATED AT 166 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 166 Main Street has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on April 12, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on April 5, 2017, 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 April 26, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on April 26, 2017, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on May 23, 2017, 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 166 Main Street Plat Amendment located at 166 Main Street.

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

SECTION 1. APPROVAL. The 166 Main Street Plat Amendment, 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 166 Main Street.
2. The property consists of most of Lot 3 and all of Lot 4 of Block 20 of the Park City Survey.
3. Lot 3 consists of 1,409 square feet and Lot 4 consists of 1,687 square feet; the total lot size is 3,096 square feet.
4. The property is in the Historic Residential (HR-2) District Sub-Zone B.
5. This site is not listed on Park City's Historic Sites Inventory (HSI).

6. The Plat Amendment removes one interior lot line which bisects the existing home.
7. The proposed Plat Amendment combines the property into one (1) lot measuring 3,096 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The house on this lot was constructed in 1997 on a vacant lot at this location.
10. At the time of construction, the house complied with all requirements of the Land Management Code.
11. The proposed amendment also complies with the existing Land Management Code.
12. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-2 zone. The proposed lots meet the minimum lot area for single-family dwellings. The proposed lot would not accommodate a duplex dwelling as it would be less than 3,750 square feet in area.
13. The proposed lot width is approximately 50 feet along Main Street.
14. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
15. The setback requirements in this zone are as follows: front and rear yards – 10 feet; side yards – 5 feet.
16. At the time of approval, setback requirements in the HR-1 zone which applied to this property were as follows: front and rear yards – 10 feet; side yards – 3 feet.
17. The proposed lot has front and rear yard setbacks of 10 feet and side yard setbacks of 5 feet and 4.5 feet.
18. The proposed lot meets the setback requirements of the HR-1 zone which applied to this property at the time the house was constructed. No changes to setbacks from front, side, and rear lot lines are proposed.
19. House size has consistently been interpreted to mean the Gross Residential Floor Area as defined by the Land Management Code. No changes to house size are proposed with this application.
20. The deck at the rear of the house and a portion of the hot tub encroaches into Park City property to the east by approximately 1.5 feet.
21. The cinder block retaining wall at the south of this property encroaches into the neighboring property at 158 Main Street by approximately 3 feet.
22. The wood deck and stone patio to the rear of the home encroaches onto City property.
23. The wood steel fence to the rear of the property encroaches on to City property.
24. A remnant parcel exists at the north of Lot 3 which belongs to 170 Main Street which accommodates the Landmark Historic home which sits on the original lot line between Lots 2 and 3 of Block 20 of the Park City Survey.
25. The remnant parcel on the north side of Lot 3 of Block 20 of the Park City Survey is a part of 170 Main Street and shall be incorporated into that lot with a plat amendment if the property owners of 170 Main Street choose to alter the lot or the historic home in any way.
26. This plat amendment does not change any exterior lot lines of this parcel.
27. This plat amendment does not change any setback, lot size, or other requirements for this zone as applied to this parcel and the existing single family dwelling.
28. 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. The encroachment of the cider block retaining wall must be resolved with the neighbor at 158 Main Street as the retaining wall encroaches over the south property line into their property.
4. The property owner shall resolve the encroachment of the deck with the hot tub over the east property line into the adjacent City owned property to the rear of the house by removing the portion of the deck which encroaches on the City property.
5. The property owner shall resolve the encroachment of the additional detached deck and the stone patio which encroaches over the east property line into the adjacent City owned property by removing the encroaching structures.
6. The property owner shall resolve the encroachment of the wood steel fence which encroaches onto the properties to the north into 170 Main Street, south into 158 Main Street, and east into City owned property by either removing the fence or by entering into an encroachment agreement with each of the affected property owners.

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

PASSED AND ADOPTED this 23rd day of May, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

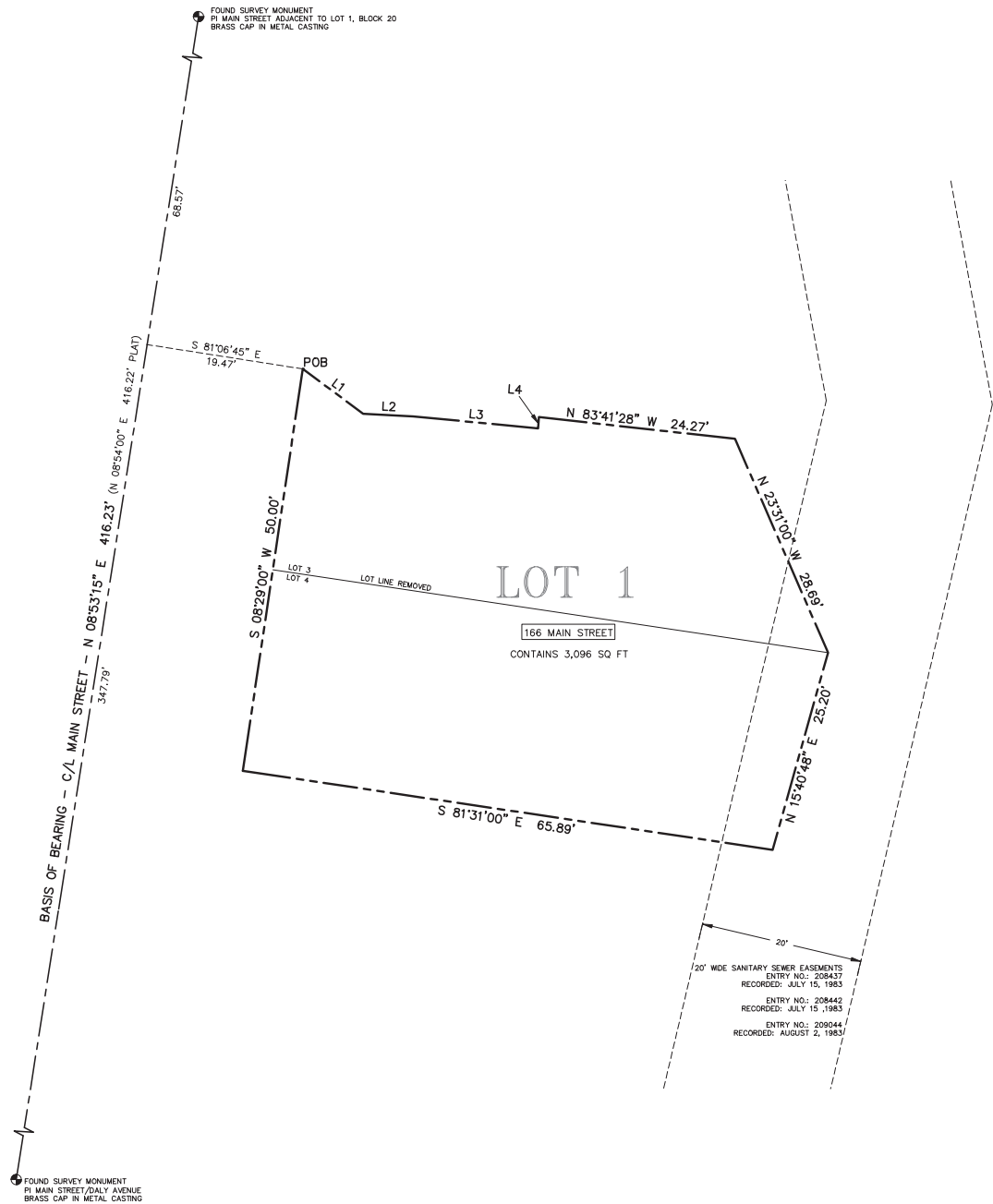
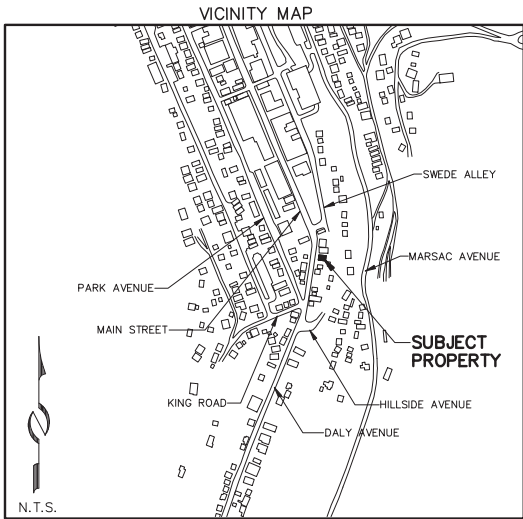
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land into a lot, hereafter to be known as 166 MAIN STREET PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

LOTS 3 and 4, Block 20, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Less and excepting:

A parcel of land located in Lot 3, Block 20, Park City Survey, according to the official plat thereof on file and of record in the office of the Recorder of Summit County, Utah:

Beginning at the northwest corner of Lot 3, Block 20, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder of Summit County, Utah; and running thence along the northerly line of Lot 3 South 81°31'00" East 53.43 feet to the northeast corner of lot 3; thence along the easterly line of Lot 3, South 23°31'00" East 0.79 feet; thence North 83°41'28" West 24.27 feet; thence South 03°53'35" West 1.39 feet; thence North 84°31'00" West 15.44 feet; thence North 86°54'42" West 6.16 feet; thence North 53°24'13" West 9.25 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Robert A. Dixon, trustee of Robert A. Dixon Trust, dated December 20, 2006, as amended and restated October 21, 2010, and March 14, 2014, hereby certifies that he has caused a survey to be made and this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this ____ day of _____, 2017.

By: _____
Robert A. Dixon, Trustee

ACKNOWLEDGMENT

State of _____:
ss:
County of _____:

On this ____ day of _____, 2017, Robert A. Dixon, trustee, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Robert A. Dixon acknowledged to me that he is the person whose name is subscribed to this instrument, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

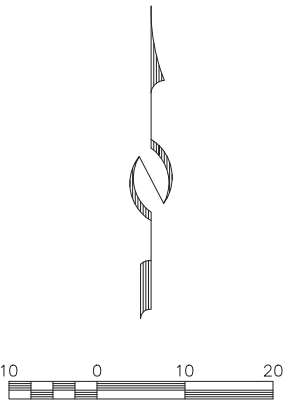
Notary Public

Printed Name

Residing in: _____

My commission expires: _____

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 53°24'13" W	9.25
L2	N 86°54'42" W	6.16
L3	N 84°31'00" W	15.44
L4	S 03°53'35" W	1.39



A COMBINATION OF LOTS 3 & 4 IN BLOCK 20, PARK CITY SURVEY

166 MAIN STREET PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

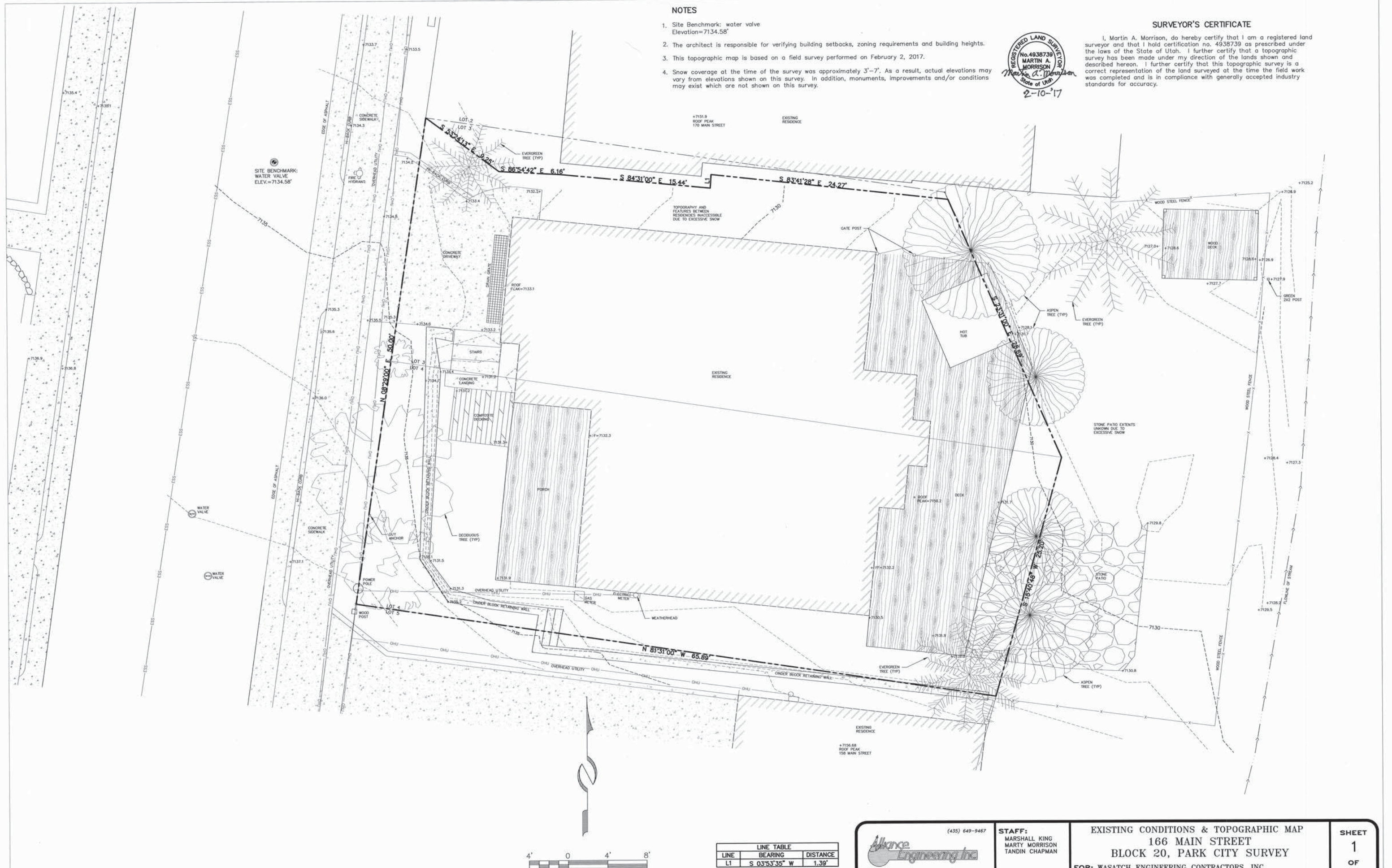
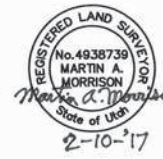
 (435) 649-9467 Planning Commission Packet April 26, 2017 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664		SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ _____ RECORDER FEE ENTRY NO. _____
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NOTES

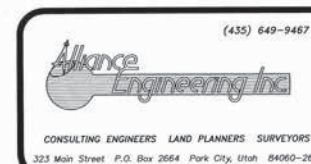
1. Site Benchmark: water valve
Elevation=7134.58'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on February 2, 2017.
4. Snow coverage at the time of the survey was approximately 3"-7". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 03°53'35" W	1.39'



STAFF:
MARSHALL KING
MARTY MORRISON
TANDIN CHAPMAN

EXISTING CONDITIONS & TOPOGRAPHIC MAP
166 MAIN STREET
BLOCK 20, PARK CITY SURVEY
FOR: WASATCH ENGINEERING CONTRACTORS, INC.
JOB NO.: 7-11-16
FILE: X:\ParkCitySurvey\dwg\srvt\topo2016\071116.dwg

SHEET
1
OF
1



SUBJECT
PROPERTY



NOTE # REFERS TO STREET ADDRESS

SUMMIT COUNTY UTAH

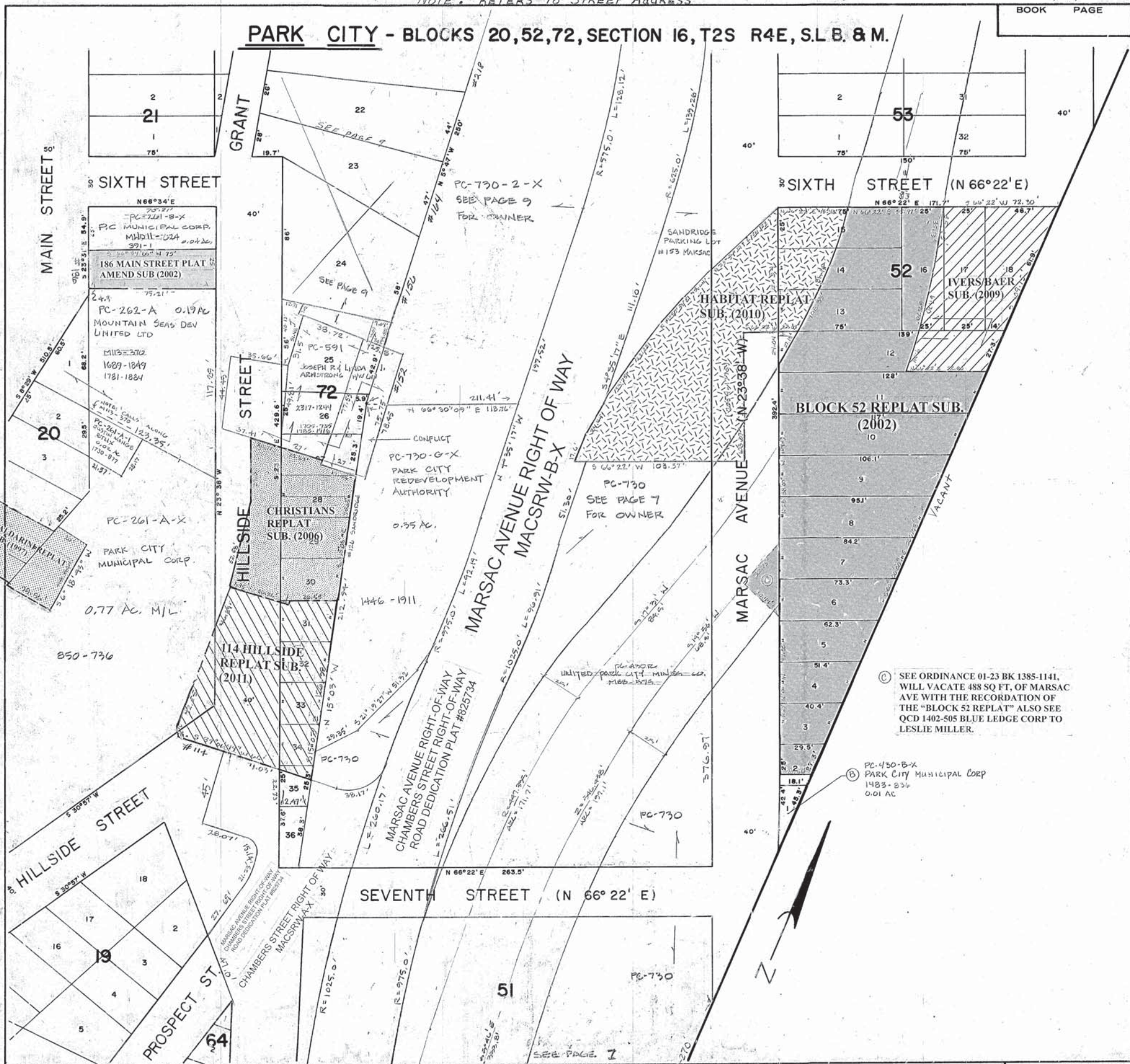
PARK CITY — BLOCKS 1,13,20,32, SECTION 16, T2S R4E, S.L.B. & M.



NOTE: # REFERS TO STREET ADDRESS

PARK CITY - BLOCKS 20, 52, 72, SECTION 16, T2S R4E, S.L.B. & M.

BOOK PAGE



SEE ORDINANCE 01-23 BK 1385-1141, WILL VACATE 488 SQ FT. OF MARSAC AVE WITH THE RECD OF THE "BLOCK 52 REPLAT" ALSO SEE QCD 1402-505 BLUE LEDGE CORP TO LESLIE MILLER.

PC-430-B-X PARK CITY MUNICIPAL CORP 1483-836 0.01 AC

Approved		REVISIONS - DATE AND INITIAL		(In Pencil)	
Utah State Tax Comm		5/15/14 RDB			
Date	By				

Engineering Associates Inc.

SUMMIT COUNTY, UTAH

SCALE
ONE INCH = 40 FEET
BOOK PAGE

1781-1884

NOTE: CALLS ALONG
M113-370 123.35
PC-261-A-1
JUSTIN MONGE
ETUX
0.0

PC-261-A-1
JUSTIN MONGE
ETUX
0.02 AC
1730-877

PC-261-A-X

PARK CITY
MUNICIPAL CORP

0.77 AC. M/L

STREE

HILLSIDE

**CHRISTIANS
REPLAT
SUB. (2006)**

PC-591
25
JOSEPH R & L
ARMSTRONG

72

2317-1244

26

1705.725
1783.1916

28

129

30



166 Main Street – looking westerly



166 Main Street – looking southwesterly



166 Main Street – looking easterly



166 Main Street – looking northeasterly

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 250 Main Street Telecommunication
Facility Conditional Use Permit (CUP)
Project Number: PL-16-03322
Author: Ashley Scarff, Planning Technician
Date: April 26, 2017
Type of Item: Administrative - CUP

Summary Recommendation

Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for the establishment of a new Telecommunication Facility at 250 Main Street, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Description

Applicant: Verizon Wireless, represented by Tom Foster,
Elevation Wireless, LLC
Location: 250 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Main Street commercial uses to the north and west; City-
owned parking lot to the south; Historic residential uses to the
east
Reason for Review: Planning Commission must review CUP requests for
the establishment of new Telecommunication Facilities

Proposal

This application is a request for a CUP to allow Verizon Wireless to establish a new Telecommunication Facility on the roof of the Wasatch Brew Pub located at 250 Main Street, in order to provide improved capacity services to the greater Park City area. The proposal includes the installation of a roof-mounted small cell antenna, which will be enclosed within a screen box that is painted to match the building's exterior. Staff finds that the project, as proposed, complies with all applicable requirements of the Land Management Code (LMC). This location does not currently house any other Telecommunication Facilities.

Background

On September 22, 2016, the Planning Department received an application for a CUP to allow Verizon Wireless to establish a new small cell Telecommunication Facility on the roof of the Wasatch Brew Pub located at 250 Main Street. The application was considered complete on March 2, 2017, once Staff received additional information that was requested from the applicant. The owner of the building has signed an 'Affirmation of Sufficient Interest' acknowledging the project.

The subject property falls within the Historic Commercial Business (HCB) District. The LMC lists Telecommunication Antennas as a Conditional Use within the HCB zone, which is subject to LMC Section 15-4-14, Supplemental Regulations for Telecommunication Facilities, in addition to the standard Conditional Use review criteria of Section 15-1-10(E).

Section 15-4-14 includes a list of additional submittal requirements and considerations for Telecommunication CUP applications, with the purpose of having the applicant demonstrate how the project aligns with the City's vision for these types of facilities:

LMC Section 15-4-14 Telecommunication Facilities

The intent of this section is to ensure that Telecommunications Facilities are Compatible with the unique characteristics of each Zoning District of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent Property Owners.

The proposed equipment will consist of a roof-mounted small cell antenna enclosed within a screen box that measures 4 feet wide by 4 feet long (16 square feet in area), which will be painted to match the building wall of the Wasatch Brew Pub to mitigate visual impact. The antenna and screen box will have a height of 5 feet, 6 inches (5'6") above the flat roofline, and will be set back 6 feet, 6 inches (6'6") from the nearest, street-fronting roof edge. The proposal complies with requirements found in LMC §15-4-14(F), which states that Telecommunication Facilities shall comply with the setbacks of the underlying zone, and that roof-mounted antenna may extend up to ten feet (10') above the existing structure, provided that it is set back from the roof edge a minimum distance that is equal to or greater than the height of the antenna. The entire rooftop area to be leased by Verizon amounts to 121 square feet (sf).

Staff finds that the project, as proposed and conditioned, meets all requirements related to setbacks, height, and design found in LMC Section 15-4-14, Supplemental Regulations for Telecommunications Facilities.

Analysis

As mentioned above, LMC Section 15-4-14 includes a list of submittal requirements specific to new telecommunication facilities. To summarize, the intent of requiring these items is to ensure that there is legitimate need for the facility, that the proposed location is suitable to meet the need, that the applicant has made an effort to co-locate the equipment on existing buildings or structures, as well as mitigate potential negative visual impact.

Please refer to the attached exhibits for the applicant's project narrative and site location analysis, as well as maps showing existing and proposed Verizon installations and coverage areas, existing and proposed elevations of the Wasatch Brew Pub building, and detailed site plans.

LMC §15-1-10 Conditional Use Review Process

E. REVIEW. *The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:*

1. Size and location of the Site;

Verizon plans to lease one (1) rooftop area measuring 121 sf from the building owner (refer to Exhibit C). The antenna will be entirely enclosed within a screen box, which will take up 16 square feet within the 121 sf lease area. **No Unmitigated Impacts.**

2. Traffic considerations including capacity of the existing Streets in the Area;

Not applicable, as all proposed equipment will have no direct impact on traffic counts or capacity of streets in the area. **No Unmitigated Impacts.**

3. Utility capacity, including Storm Water run-off;

The proposed equipment shall not require any additional power beyond the Brew Pub's existing electric service. In addition, the City is currently working with a fiber optic provider to negotiate a fiber optics right-of-way franchise agreement in order to provide service to this site, as well as to other proposed Verizon small cell antenna sites. Details of the fiber installation will be worked out through the franchise agreement, but concerns have also been addressed with the Conditions of Approval. Installation of the antenna equipment will require a Building Permit and all associated reviews/inspections. **No Unmitigated Impacts.**

4. Emergency vehicle Access;

Not applicable, as all proposed equipment will be located away from vehicle circulation areas, i.e., on the rooftop. **No Unmitigated Impacts.**

5. Location and amount of off-Street parking;

Not applicable, as the equipment is proposed to be located on the rooftop of the building. No parking will be displaced with this location. **No Unmitigated Impacts.**

6. Internal vehicular and pedestrian circulation system;

Not applicable, as the equipment is proposed to be located in an area that will not interfere with vehicular or pedestrian circulation in any way. **No Unmitigated Impacts.**

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

As described above, the rooftop equipment will be completely enclosed within a screening box that will be painted to match the exterior of the building. **No unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

The proposed rooftop equipment will be entirely enclosed within one (1) screening box that measures 4 feet in width and 4 feet in length, which will be painted to match the existing building's exterior to mitigate visual impact. The box and equipment will have a 6'6" setback from the nearest roof edge, and will be 5'6" in height above the flat roofline. Staff finds that the proposed configuration meets all height, setback, and design requirements of LMC Section 15-4-14, Supplemental Requirements for Telecommunication Facilities. **No unmitigated impacts.**

9. Usable Open Space;

Not applicable, as none of the proposed equipment will interfere with existing, usable open space in any way. **No unmitigated impacts.**

10. Signs and lighting;

The project may include small signs meant to ensure the health and safety of the general public. They shall have no negative visual impact, and this approval has been conditioned so all signage must be reviewed by the Planning Department prior to installation. **No unmitigated impacts.**

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

The proposed rooftop equipment meets all height, setback, and design requirements found in LMC Section 15-4-14(F), Site Requirements for Telecommunication Facilities, as conditioned. Visual impacts will be mitigated with stealth screening in compliance with requirements of LMC §15-4-14(F)4, Design of Telecommunication Facilities. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

The proposed equipment will not create undesirable situations such as noise, vibration, odors, or steam that would affect people and property off-site. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

Not applicable, as the proposed equipment will not affect the flow of delivery and service vehicles, loading and unloading zones, or trash and recycling pickup areas in any way. **No unmitigated impacts.**

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;

Not applicable for this application, as the equipment will be located on the roof of the building, which is owned by the project applicant. Taxing entities will not be affected.
No unmitigated impacts.

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the topography of the Site; and

Not applicable, as all project elements fall on/within an existing structure, and do not impact any land. **No unmitigated impacts.**

Process

Approval of this application 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 and all concerns that were raised have been addressed.

Notice

On April 12, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on April 12th.

Public Input

As of the publish date of this report, no public input has been received by Staff. Public comment will be taken at the regularly scheduled meeting on April 26, 2017.

Alternatives

1. The Planning Commission may approve the CUP as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The CUP request will be denied, and Verizon Wireless will not be able to construct a new Telecommunication Facility at 250 Main Street. Verizon's capacity services will not be increased in the greater Park City area through use of this site.

In addition, the City is currently reviewing a right-of-way franchise agreement with a fiber optic provider to provide fiber optics to this site as well as other proposed Verizon small cell antenna locations. If CUP requests for all proposed Verizon antennas area denied, the City would also deny the franchise rights to the fiber optic provider.

Recommendation

Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for the establishment of a new Telecommunication Facility at 250 Main Street, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Findings of Fact:

1. On September 22, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) to allow Verizon Wireless to establish a new Telecommunication Facility on the roof of the Wasatch Brew Pub, located at 250 Main Street. The application was considered complete on March 2, 2017.
2. The subject property falls within the Historic Commercial Business (HCB) District.
3. The Land Management Code (LMC) states that, within the HCB District, Telecommunication Antennas are a Conditional Use, subject to LMC Section 15-4-14, Supplemental Regulations for Telecommunication Facilities, in addition to the standard Conditional Use review criteria of Section 15-1-10(E).
4. The proposed rooftop equipment will consist of one roof-mounted small cell antenna enclosed within a screen box, which will be painted to match the building wall of the Wasatch Brew Pub to mitigate visual impact.
5. The rooftop equipment will fall within a 121 square foot area to be leased by Verizon Wireless from the building owner.
6. The antenna and screen box have been proposed to have a height of 5'6" above the flat roofline, and will be set back 6'6" from the nearest roof edge.
7. Staff finds that the project, as proposed and conditioned, meets all requirements related to setbacks, height, and design found in LMC Section 15-4-14, Supplemental Regulations for Telecommunications Facilities.
8. The project may also include small signs near the equipment meant to ensure the health and safety of the general public.
9. The City is currently reviewing a right-of-way franchise agreement with a fiber optic provider to provide service to the subject site, as well as other proposed Verizon small cell locations. If all CUP requests for the Verizon small cell antennas are denied, the City would deny franchise rights to the fiber optic provider.
10. If a fiber optic franchise agreement is reached, the fiber system would need to cross City property to reach the antenna site from the right-of-way. This will require the institution of a utility easement over City property.
11. The applicant has indicated that all necessary power will come from existing sources on-site.
12. On April 12, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on April 12th.
13. This application has been reviewed under Land Management Code Section 15-1-10 (E).
14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law:

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;

3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. The scope of this approval includes the installation of one (1) small cell telecommunication antenna on the rooftop of the Wasatch Brew Pub as shown on the approved plans.
2. The rooftop equipment shall be entirely contained within 'Lease Area 1' as shown on the plans. No equipment shall be located outside of the Wasatch Brew Pub's building footprint.
3. The screening box and all equipment shall not exceed ten feet 5'6" in height measured from the plane of the flat roofline, and shall be set back a minimum of 6'6" from the nearest, street-fronting roof line, as shown on the plans.
4. The screening box shall be painted to match the exterior of the existing building, making the equipment as stealth as possible. Final design is subject to approval by Planning Staff during the Building Permit application stage.
5. All necessary cable chases shall also be painted to match the existing building.
6. Signs shall only be installed on site if necessary for the health and safety of the general public. Exact dimensions and placement shall be reviewed and approved by the Planning Department prior to installation.
7. Prior to installing the equipment, the applicant must apply for and procure a Building Permit from the Building Department.
8. The Building Permit application shall include a fiber and power plan, and is subject to review and approval by the Planning Department and City Engineer.
9. If a fiber connection from the right-of-way is ultimately required, a utility easement must be recorded with Summit County for the line to cross City property to reach the subject site.

Exhibits

Exhibit A - Project Narrative with Responses to Supplemental Submittal Requirements
Exhibit B - Existing and Proposed Verizon Coverage Areas
Exhibit C – Detailed Site Plans for Proposed Facility at 250 Main Street
Exhibit D – Existing and Proposed Exterior Elevations



Project: UT2 Park City SC1 Small Cell Installation

Address: 250 Main Street Park City, UT 84060

The proposed installation will be a roof mounted small cell with an antenna that will protrude above the parapet 5'6". The proposed antenna will have a stealth shroud approximately 4'x4' enclosure that will be painted to match the existing building. The stealth shroud will be made from a fiberglass material. The stealth shroud will be set back from the roof edge approximately 5'. Please see enclosed drawings for elevations and plan views of the proposed installation.

The proposed installation is to provide an increase in capacity to Verizon Wireless's 4G/LTE network.

The proposed site is allowable under a conditional use permit.

The proposed use is a roof top installation. There are other roof top installation within the proposed area.

The proposed installation has been designed to be compatible with the current roof top and minimize any sight issues.

The proposed installation will not have dust, pollutants or odor. The equipment is powered but any attributable noise will be at the roof level behind the parapet.

The proposed installation will run 24 hours a day seven days per week.

There are no special issues that need to be mitigated with this proposed installation.

Some info I'd like to request:

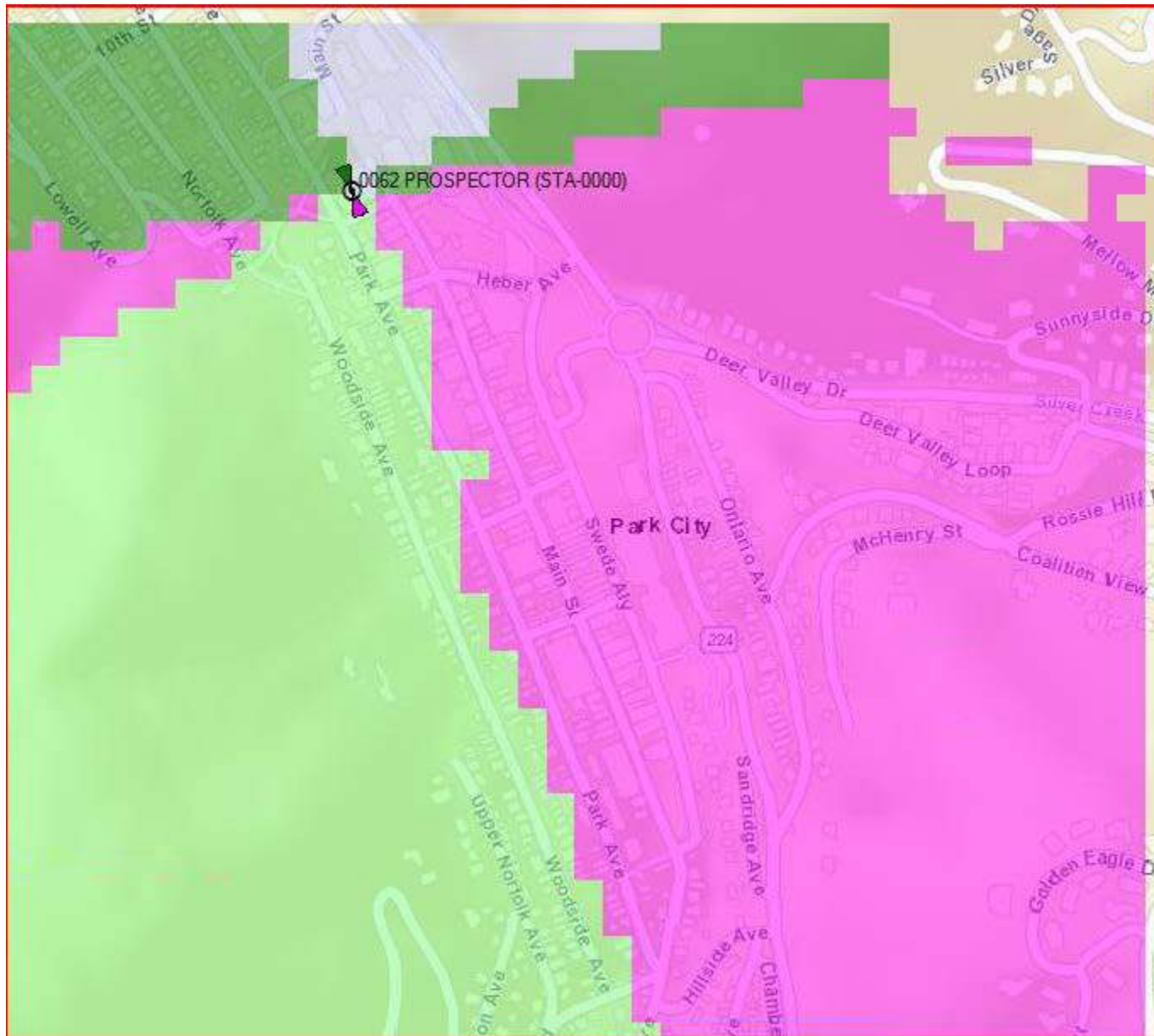
1. Documentary evidence regarding the need for the facility within the City. The information shall identify Verizon's existing telecommunication facilities and coverage areas to demonstrate the need for the proposed facility within the city. Downtown Park City is currently serviced by 0062 Prospector shown on the attached PowerPoint (Park City Main SC CUP Package up (SC1).pptx). The antenna is nearing capacity level and page two shows the sectors being serviced by 0062 Prospector. On page three the small cell site at 250 Main Street shows the capacity which will be offloaded from 0062 Prospector.
2. Documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or Structures or co-location Sites in the radio frequency coverage Area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites. N/A given the small cell site will be located on an existing building. No separate structure or tower will need to be constructed.
3. Document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the Applicant's existing Telecommunications Facilities. Page four of on the attached PowerPoint (Park City Main SC CUP Package up (SC1).pptx) shows the existing Telecommunications Facilities of Verizon Wireless. Pages five shows the 11 new sites proposed in the Business District. Page six shows the four new sites proposed in the Canyons. Finally page seven shows the three new sites proposed on Main Street (including this site at 250 Main Street).
4. Each Application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed Telecommunications Facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's Telecommunications needs and the reason why the subject Site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues: There was only one other alternative to 250 Main Street investigated. It was the hotel located across the street at 255 Main Street. The Landlord did not want to provide 24 hour access so we didn't move forward with the Lease. This would have been another small-cell, rooftop application.
 - A. How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City Area; These are small-cells which are smaller and more inconspicuous and are intended to work together as a system. The intent of the 11 new small-cells in the Business District, four new small-cell sites in the Canyons and the three new sites proposed on Main Street taken together will result in the objective of Verizon Wireless providing service within the area.
 - B. How the proposed Telecommunications Facilities relates to the location of the Applicant's existing Telecommunications Facilities that provide Telecommunications within and near the City; The proposed small-cell site at 250 Main Street is intended to off load capacity from the larger Telecommunications Facility known as 0062 Prospector shown on the attached PowerPoint.
 - C. How the proposed Telecommunications Facility relates to the Applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City; The proposed small-cell site at 250 Main street is intended to off load capacity from 0062 Prospector, which will enable a greater amount of capacity overall to the area serviced by 0062 Prospector (greater Park City) as can be seen on the attached PowerPoint. The purpose of this site is the first of three in the downtown area that are being proposed to increase capacity on Verizon Wireless's 4G LTE network.
 - D. If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City. N/A.

UT2 Park City Main SC1 250 Main Street

CUP Information Package

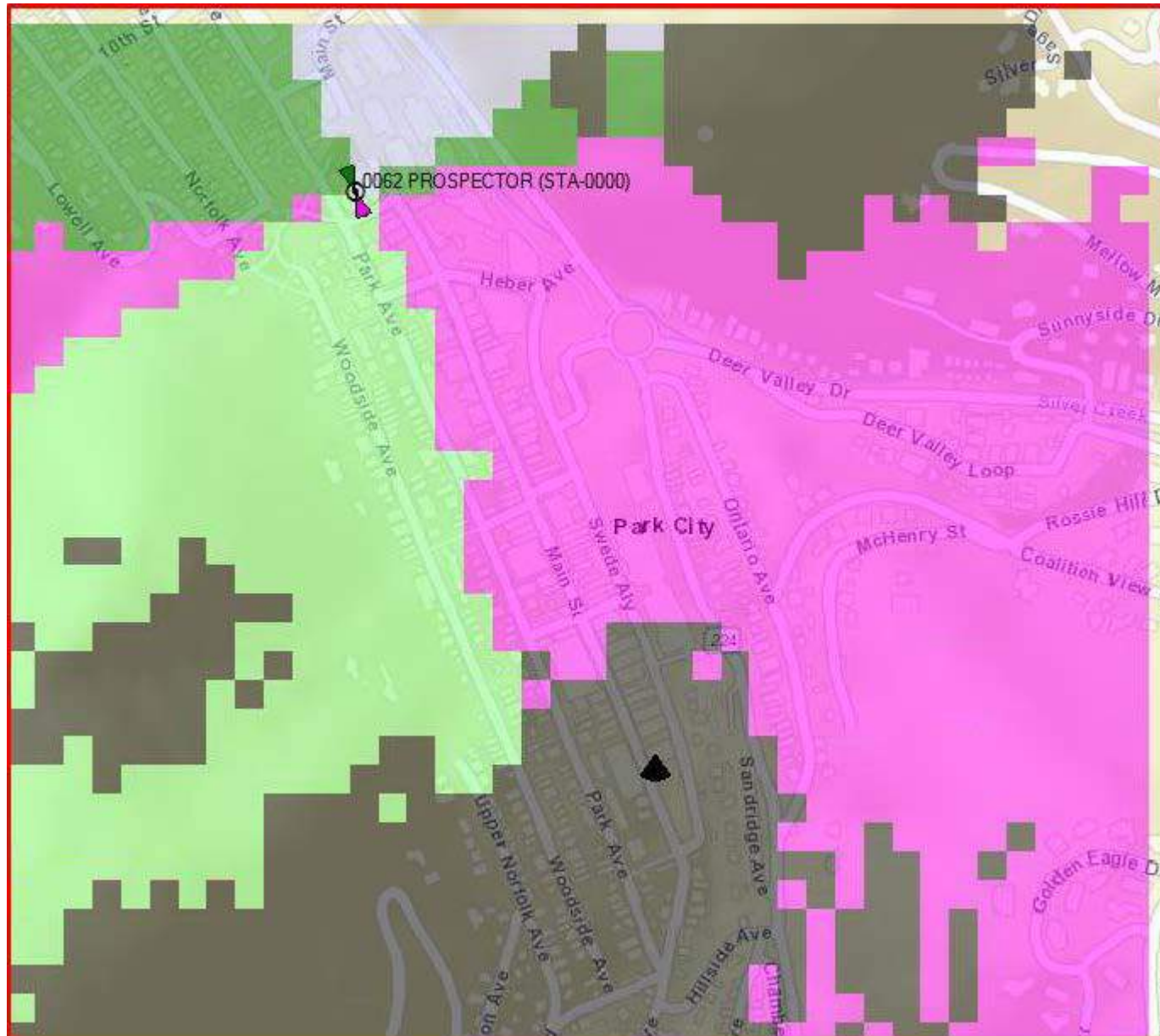
Capacity offload for Prospector

Existing 750 Best
Server Coverage in
the area showing
Prospector.

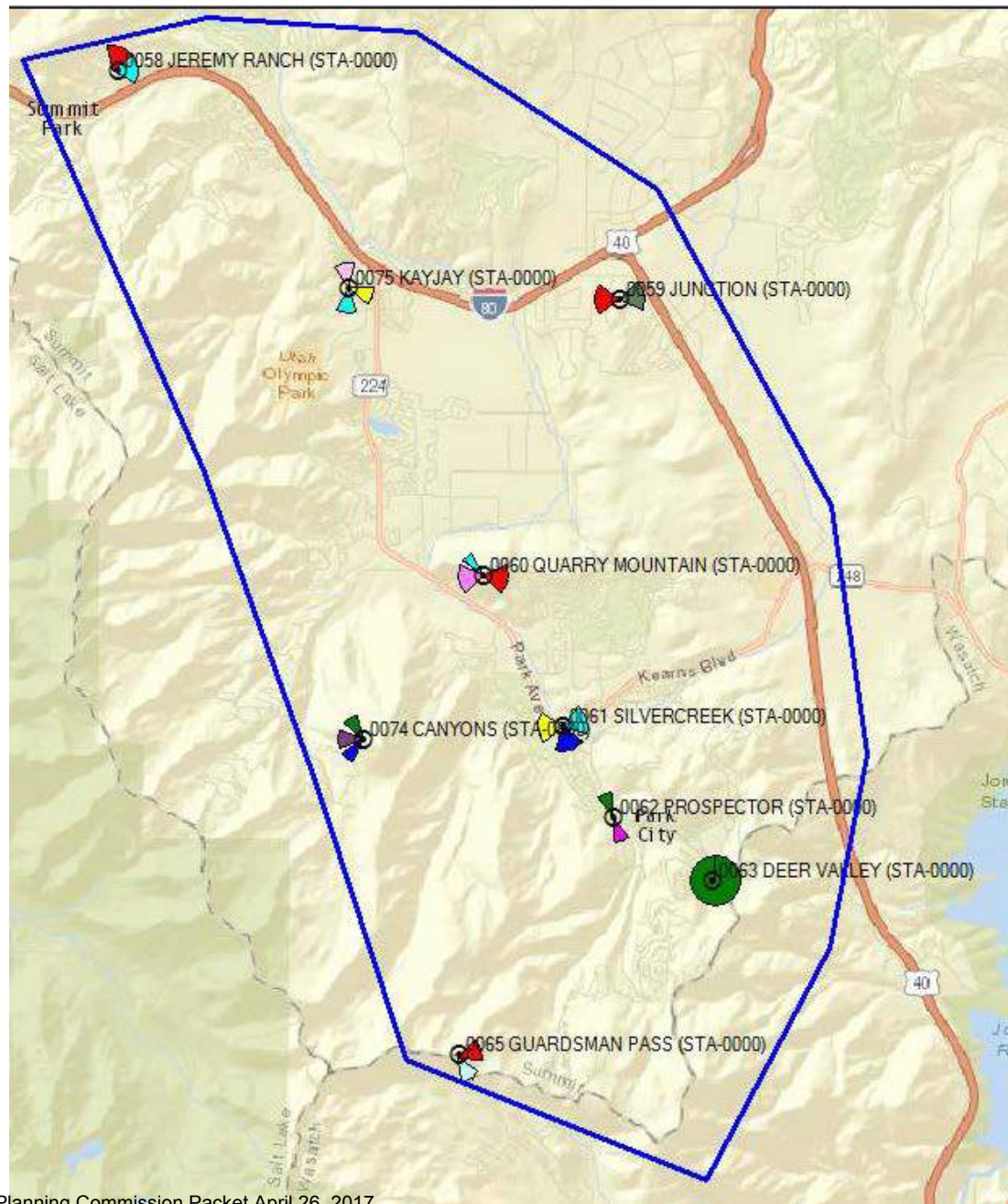


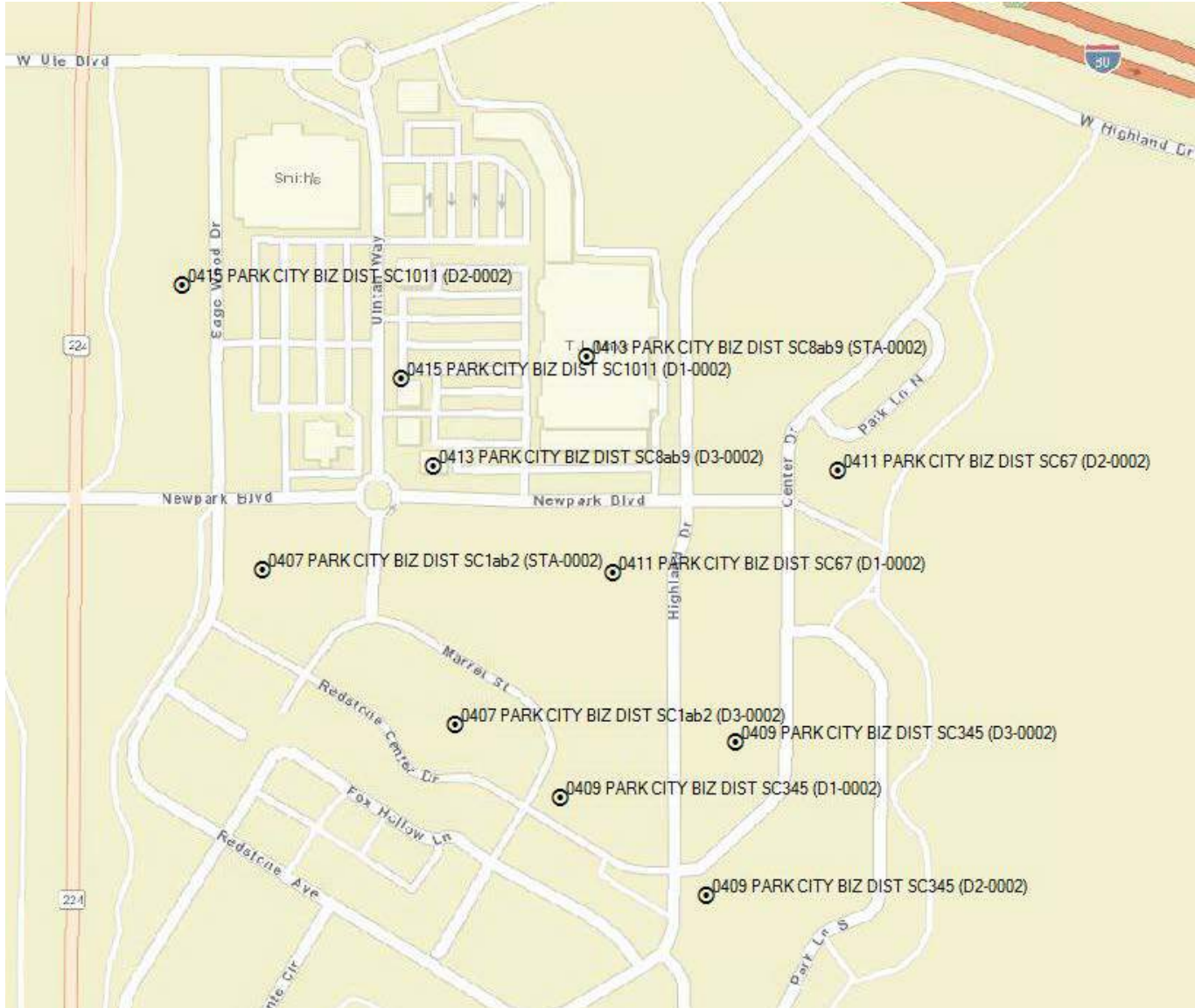
- LTE: RSRP - Best Server (0)**
- 0062-D1-B13_10MHz_5230 (2-0000)
 - 0062-D2-B13_10MHz_5230 (2-0000)
 - 0062-D4-B13_10MHz_5230 (2-0000)
 - 0062-D5-B13_10MHz_5230 (2-0000)
 - 0400-D2-B13_10MHz_5230 (2-0002)
 - 0400-D3-B13_10MHz_5230 (2-0002)
 - Site1783_LTE_1

Proposed 750 Best
Server Coverage in
the area showing
Prospector and Park
City Main Small Cell 1.



Active Cell Sites in
and around the Park
City area.





Zoomed-In Proposed
Cell Sites in and
around the Park City
area.

Park City Business
District Area Small
Cells

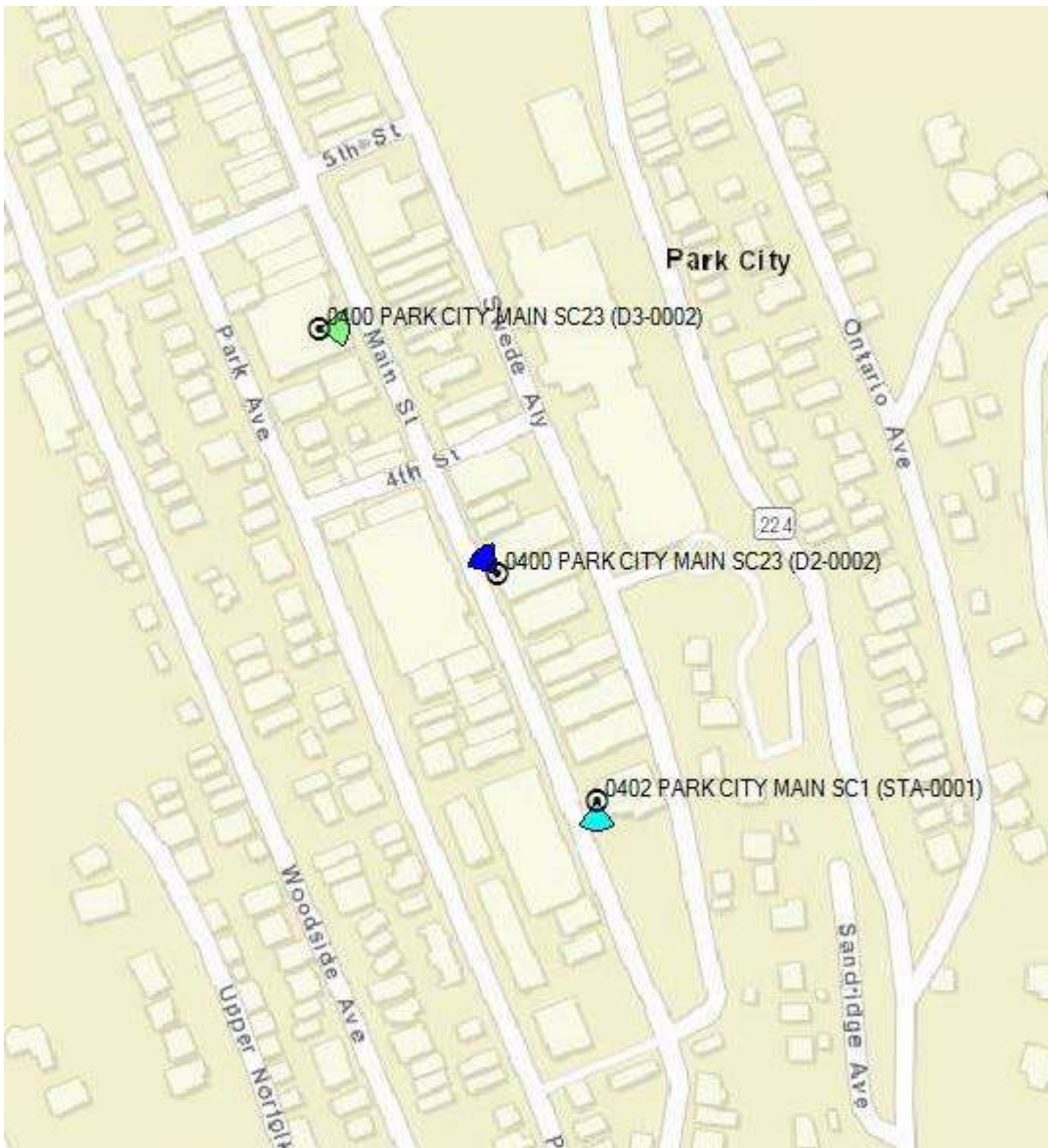


Zoomed-In Proposed
Cell Sites in and
around the Park City
area.

Canyons Area Small
Cells

Zoomed-In Proposed
Cell Sites in and
around the Park City
area.

Park City Main Small
Cells



250 MAIN STREET
PARK CITY, UTAH 84060
SUMMIT COUNTY

SMALL CELL INSTALLATION PROJECT

REV	DESCRIPTION	DATE	BY	CHK
A	PRELIMINARY — FOR LEASING & ZONING	10/14/15	JHM	JDM
B	REVISED, REMOVED CABINET	8/31/16	JGP	JDM
C	UPDATED 1A	9/1/16	JGP	JDM
D	REDUCED SCREEN BOX SIZE	3/9/17	JGP	JDM
E	UPDATED PER JURISDICTIONAL COMMENTS	4/7/17	JGP	JDM

[illegible]

PROJECT INDEX:
<u>APPLICANT:</u> VERIZON WIRELESS 9656 SOUTH PROSPERITY ROAD WEST JORDAN, UT 84081
CONTACT: BILLY WALRIDGE PHONE: 385-707-7043
<u>ENGINEERS/DESIGNERS:</u> TOWERCOM TECHNOLOGIES LLC 2875 S. DECKER LAKE DR. SUITE 165 WEST VALLEY CITY, UT 84119
CONTACT: JOSH MALBERG PHONE: 801-336-4694 EXT. 170
<u>SURVEYOR:</u> CIS PROFESSIONAL LAND SURVEYING 295 NORTH 200 EAST MONA, UTAH 84645
CONTACT: CORY SQUIRE, PLS PHONE: 435-660-0816
<u>SITE/AQ:</u> ELEVATION COMPANIES 3773 CHERRY CREEK N. SUITE 575 DENVER, CO. 80209 CONTACT: TOM FOSTER PHONE: 303-728-4900

FCC COMPLIANCE:
RADIATION FROM THIS FACILITY WILL NOT
INTERFERE WITH OPERATION OF OTHER
COMMUNICATION DEVICES.

<u>GENERAL PROJECT NOTES:</u>	
1.	PRIOR TO SUBMITTING A BID, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF/HERSELF WITH THE SCOPE OF WORK AND ALL CONDITIONS AFFECTING THE NEW PROJECT.
2.	CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS OF THE JOB SITE AND CONFIRM THAT WORK AS INDICATED ON THESE CONSTRUCTION DOCUMENTS CAN BE ACCOMPLISHED AS SHOWN PRIOR TO COMMENCEMENT OF ANY WORK.
3.	ALL FIELD MODIFICATIONS BEFORE, DURING, OR AFTER CONSTRUCTION SHALL BE APPROVED IN WRITING BY A VERIZON WIRELESS REPRESENTATIVE.
4.	INSTALL ALL EQUIPMENT AND MATERIALS PER THE MANUFACTURER'S RECOMMENDATIONS, U.N.O.
5.	NOTIFY VERIZON WIRELESS, IN WRITING, OF ANY MAJOR DISCREPANCIES REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS, AND DESIGN INTENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING CLARIFICATIONS FROM A VERIZON WIRELESS REPRESENTATIVE AND ADJUSTING THE BID ACCORDINGLY.
6.	CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF THE WORK UNDER THE CONTRACT.
7.	CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS AND FINISHES THAT ARE TO REMAIN. CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY OCCUR DURING THE CONSTRUCTION TO THE SATISFACTION OF A VERIZON WIRELESS REPRESENTATIVE.
8.	THE CONTRACTOR IS RESPONSIBLE FOR RED-LINING THE CONSTRUCTION PLANS TO ILLUSTRATE THE AS BUILT CONDITION OF THE SITE. FOLLOWING THE FINAL INSPECTION BY VERIZON WIRELESS, THE CONTRACTOR SHALL PROVIDE VERIZON WIRELESS WITH ONE COPY OF ALL RED-LINED DRAWINGS.
9.	VERIFY ALL FINAL EQUIPMENT WITH A VERIZON WIRELESS REPRESENTATIVE. ALL EQUIPMENT LAYOUT, SPECS, PERFORMANCE INSTALLATION AND THEIR FINAL LOCATION ARE TO BE APPROVED BY VERIZON WIRELESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS/HER WORK WITH THE WORK AND CLEARANCES REQUIRED BY OTHERS RELATED TO SAID INSTALLATIONS.

PROJECT INFORMATION:	
PROPERTY OWNER:	SCHIRF BREWING CO. 250 MAIN MAIN STREET PARK CITY, UT, 84060 CONTACT: GREG SCHIRF PHONE: 435-602-9613
JURISDICTION:	PARK CITY 445 MARSAC AVE. PARK CITY, UT 84060 PHONE: 435-615-5100
PUBLIC RECORD PARCEL NO:	PC 272-8

DRIVING DIRECTIONS:	
LATITUDE:	40°38'30.62677"N
LONGITUDE:	111°29'40.13590"W
FROM THE VERIZON WIRELESS OFFICE HEAD NORTH TOWARD W 9500 S/WELLS PARK RD (305 FT). TURN RIGHT ONTO W 9500 S/WELLS PARK RD (210 FT). TURN LEFT AT THE 1ST CROSS STREET ONTO PROPERTY RD (.7 MI). TURN RIGHT ONTO UT-48 E (.8 MI). USE THE LEFT 2 LANES TO TURN LEFT ONTO S 5600 W (.5 MI). USE THE RIGHT LANE TO TAKE THE RAMP ONTO I-215 E (.3 MI). MERGE ONTO I-215 E (11.9 MI). TAKE EXIT 2 TO MERGE ONTO I-80 TOWARD PARK CITY/CHEYENNE (15.6 MI). USE THE RIGHT 2 LANES TO TAKE EXIT 145 TOWARD KIMBALL JCT (.6 MI). USE ANY LANE TO TURN RIGHT ONTO UT-224 S (5.8 MI). TURN LEFT ONTO DEER VALLEY DR (1 MI). TURN RIGHT ONTO HEBER AVE (174 FT). SLIGHT LEFT ONTO SWEDE ALLEY (.4 MI). TURN RIGHT ONTO MAIN ST. (354 FT). DESTINATION WILL BE ON THE RIGHT	

PROJECT DESCRIPTION:
THIS PROJECT CONSISTS OF THE FOLLOWING: <u>INSTALLATION</u> • ONE (1) NEW OMNI ANTENNA • ONE (1) NEW NON-PENETRATING ROOF MOUNT • ONE (1) NEW SCREENING ENCLOSURE • TWO (2) NEW NEW CMRO UNITS



VICINITY MAP
SCALE: N.T.S.



PRELIMINARY
FOR LEASING/ZONING

PROJECT NAME:

UT2 PARK CITY SC1
EXISTING BUILDING ROOF TOP MOUNT
SMALL CELL INSTALLATION PROJECT

PROJECT ADDRESS:

250 MAIN STREET
PARK CITY, UTAH 84060
SUMMIT COUNTY

SHEET TITLE:

TITLE SHEET

SAVE DATE:

4/7/2017 10:31 AM

SHEET NUMBER:

T1
Page 161

GENERAL PROJECT NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR ERECTING TEMPORARY BARRICADES AND/OR FENCING TO PROTECT THE SAFETY OF THE PUBLIC DURING CONSTRUCTION. THE CONTRACTOR SHALL REMOVE ALL TEMPORARY BARRIERS AND REPAIR ALL DAMAGE TO PROPERTY ON THE SITE CAUSED BY THIS CONSTRUCTION. THE COST OF REPAIR IS THE CONTRACTOR'S RESPONSIBILITY.
2. ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL MEASUREMENTS AT THE SITE PRIOR TO ORDERING ANY MATERIALS OR CONDUCTING ANY WORK.
4. EXCESS SOIL MATERIAL AND DEBRIS CAUSED BY THIS CONSTRUCTION SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER.
5. CONTRACTOR SHALL MAKE ADJUSTMENTS TO GRADING ELEVATIONS AS NECESSARY TO ENSURE A SITE FREE OF DRAINAGE PROBLEMS.
6. CONTRACTOR SHALL COORDINATE A CONSTRUCTION LAYDOWN AREA WITH THE PROPERTY OWNER. CONSTRUCTION LAYDOWN AREA SHALL BE FENCED-IN WITH TEMPORARY (45 DAY) CONSTRUCTION FENCE. THE TEMPORARY FENCE SHALL BE CONSTRUCTED OF 6' HIGH CHAIN LINK FABRIC AND IS TO BE REMOVED AT THE END OF CONSTRUCTION. LAYDOWN AREA IS TO BE RESTORED TO ITS ORIGINAL CONDITION AFTER FENCE REMOVAL.
7. SURVEY INFORMATION SHOWN WAS CREATED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY.
8. THESE PLANS DO NOT ADDRESS THE SAFETY AND STABILITY OF THE STRUCTURE DURING ASSEMBLY AND ERECTION, WHICH ARE THE RESPONSIBILITY OF THE ERECTOR, BASED ON THE MEANS AND METHODS CHOSEN BY THE ERECTOR.
9. NEW EQUIPMENT COMPOUND SHALL BE COVERED W/ 4" CRUSHED ROCK INSTALLED OVER CLIENT-APPROVED WEED BARRIER MATERIAL (IF APPLICABLE).

GENERAL CONTRACTOR NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE PROJECT SCOPE OF WORK DEFINED UNDER THE REQUEST FOR PROPOSAL (RFP) FOR THIS PROJECT AND ALL ASSOCIATED ATTACHMENTS AND DOCUMENTS PROVIDED.
- THE RFP AND ALL ASSOCIATED DOCUMENTS SHALL DEFINE THE COMPLETE PROJECT SCOPE OF WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL DOCUMENTS AND IS SOLELY RESPONSIBLE FOR ALL WORK.
- ALL DOCUMENTS INCLUDED WITHIN THE PROJECT REQUEST FOR PROPOSAL ARE REQUIRED FOR THE COMPLETE PROJECT SCOPE OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK (EQUIPMENT, MATERIAL, INSTALLATION, TESTING, ETC.) INDICATED IN ALL DOCUMENTS. THE RFP, VERIZON WIRELESS NETWORK STANDARDS AND PROJECT ADDENDUMS AND CLARIFICATIONS ARE COMPLEMENTARY TO EACH OTHER. THE FORMAT OF THE SPECIFICATIONS AND DRAWING NUMBERING PER DISCIPLINE IS NOT INTENDED TO IMPLY SEGREGATION OF SUB CONTRACTOR WORK. CONTRACTOR SHALL ASSIGN ALL SUB CONTRACTOR WORK AND VERIZON WIRELESS WILL NOT ACCEPT ANY CHANGE ORDERS FOR INTERNAL CONTRACTOR WORK ASSIGNMENTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DISTRIBUTING ALL RFP DOCUMENTS TO THEIR SUB CONTRACTORS. ALL RFP DOCUMENTS ARE REQUIRED TO INDICATE THE PROJECT SCOPE OF WORK. PARTIAL SUB CONTRACTOR DOCUMENT PACKAGES ARE HIGHLY DISCOURAGED.
- IN THE EVENT OF A CONFLICT BETWEEN THE DRAWINGS, SPECIFICATIONS, REFERENCED STANDARDS, VERIZON WIRELESS STANDARDS, OR AGREEMENT TERMS AND CONDITIONS THE ARCHITECT/ ENGINEER SHALL BE CONTACTED FOR FORMAL INTERPRETATION OF THE REQUIREMENTS. THE CONTRACTOR SHALL BE DEEMED TO HAVE PROVIDED THE DETAILED AND EXTENSIVE INTERPRETATION. ANY WORK INSTALLED IN CONFLICT WITH THE ARCHITECT/ ENGINEER INTERPRETATIONS SHALL BE CORRECTED BY THE CONTRACTOR AT NO EXPENSE TO VERIZON WIRELESS.
2. ALL ANTENNAS MUST BE PIM TESTED WITHIN 48 HOURS OF THEM BEING RECEIVED BY THE INSTALLATION CONTRACTOR. THOSE RESULTS MUST BE SENT BACK TO THE VERIZON WIRELESS CONSTRUCTION ENGINEER AND EQUIPMENT ENGINEER WITHIN THE SAME 48 HOURS. IF YOU MISS THE 48HR TIMELINE AND THE ANTENNAS DO NOT PASS UPON INSTALLATION, YOUR COMPANY WILL BE CHARGED FOR THE COST OF THE ANTENNAS FOR REPLACEMENT.
3. ALL LOADS MUST BE SECURED PROPERLY TO THE VEHICLE OR TRAILER. VERIZON WIRELESS WILL PASS ALONG THE COST OF ANY REPLACEMENTS DUE TO DAMAGE OR LOSS WHETHER IT IS NEW OR USED.

STRUCTURAL DESIGN CRITERIA:

ALL LOADS DERIVED FROM REQUIREMENTS OF INTERNATIONAL BUILDING CODE 2015, ASCE 7-10, "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES" & ANSI TIA-222-G "STRUCTURAL STANDARD FOR ANTENNA SUPPORTING STRUCTURES AND ANTENNAS".

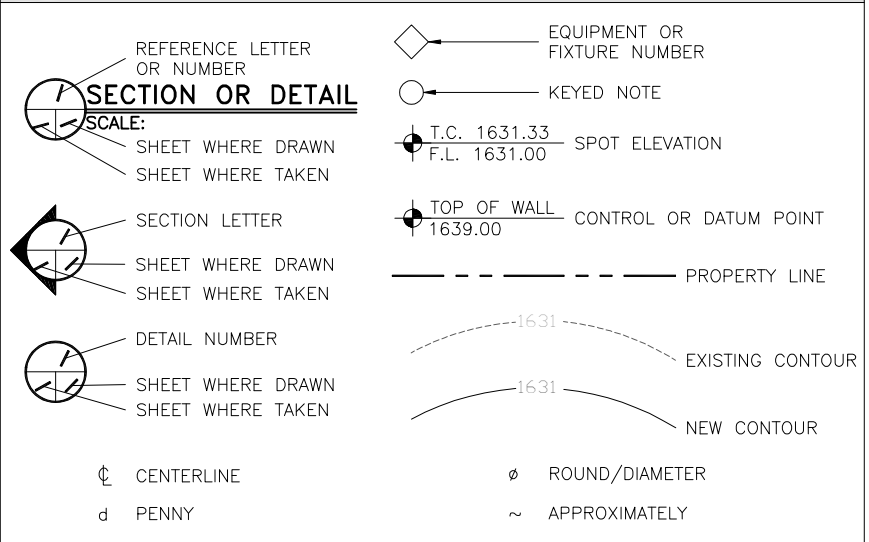
BUILDING STRUCTURES:

1. WIND LOADS: IBC 2015 §1609 & ASCE 7-10 §28.5 (SIMPLIFIED METHOD)
 $V_{ult} = 115 \text{ MPH}$
OCCUPANCY CAT. = II; EXPOSURE CAT. = C; IMPORTANCE FACTOR = 1.0
2. SEISMIC LOADS: IBC 2015 §1613 & ASCE 7-10 §12.14 (SIMPLIFIED METHOD)
OCCUPANCY CAT. = II; SITE CLASS = D
 $V = \frac{F(Sps)W}{R}$
 $F = 1.0$ (SINGLE-STORY), 1.1 (TWO STORY), 1.2 (THREE STORY)
 $Sps = (2/3) S_{ms}$
 $R = 1.5$ (ORDINARY PLAIN CONCRETE SHEARWALLS),
6.5 (LIGHT-FRAMED WALLS W/ WOOD STRUCTURAL PANELS),
4.0 (ORDINARY REINFORCED CONCRETE SHEARWALLS)

COMMUNICATIONS STRUCTURES:

1. WIND LOADS: IBC 2015 §1609, ASCE 7-10 §29.5 & ANSI TIA-222-G
 $V = 115 \text{ MPH}$ (ULTIMATE)
 $V = 40 \text{ MPH}$ (¼" RADIAL ICE)
STRUCTURE CLASS. = II; EXPOSURE CAT. = C; IMPORTANCE FACTOR = 1.0
2. SEISMIC LOADS*: IBC 2015 §1613, ASCE 7-10 §15.6.6 & ANSI TIA-222-G
STRUCT. CLASS. = II; OCC. CAT. = II; SITE CLASS = D; IMPORTANCE FACTOR = 1.0
 $V = \frac{S_{ds}(W)I}{R}$ (EQUIVALENT LATERAL FORCE PROCEDURE (METHOD 1))
 $V = \frac{\sum S_{az}(W_z)I}{R}$ (EQUIVALENT MODAL ANALYSIS PROCEDURE (METHOD 2))

LEGEND OF SYMBOLS:



VIEW OF EXISTING BUILDING
(LOOKING NORTHEAST)



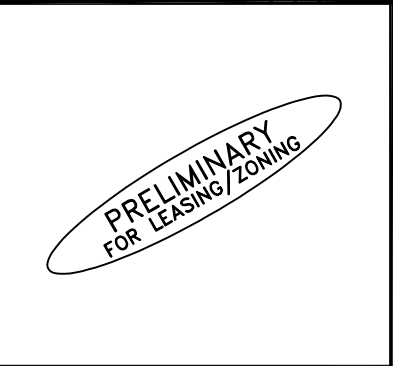
VIEW OF NEW LEASE AREA "1"
(LOOKING SOUTHWEST)

DESIGNED FOR:

verizon
9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84081

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REV	DESCRIPTION	DATE	BY	CHK	JDM	JDM	JDM	JDM	JDM
A	PRELIMINARY - FOR LEASING & ZONING	10/14/15	JHM	JDM	JDM	JDM	JDM	JDM	JDM
B	REVISED, REMOVED CABINET	8/31/16	JGP	JDM	JDM	JDM	JDM	JDM	JDM
C	UPDATED TA	9/1/16	JGP	JDM	JDM	JDM	JDM	JDM	JDM
D	REDUCED SCREEN BOX SIZE	3/9/17	JGP	JDM	JDM	JDM	JDM	JDM	JDM
E	UPDATED PER JURISDICTIONAL COMMENTS	4/7/17	JGP	JDM	JDM	JDM	JDM	JDM	JDM



PROJECT NAME:
UT2 PARK CITY SC1
EXISTING BUILDING ROOF TOP MOUNT
SMALL CELL INSTALLATION PROJECT

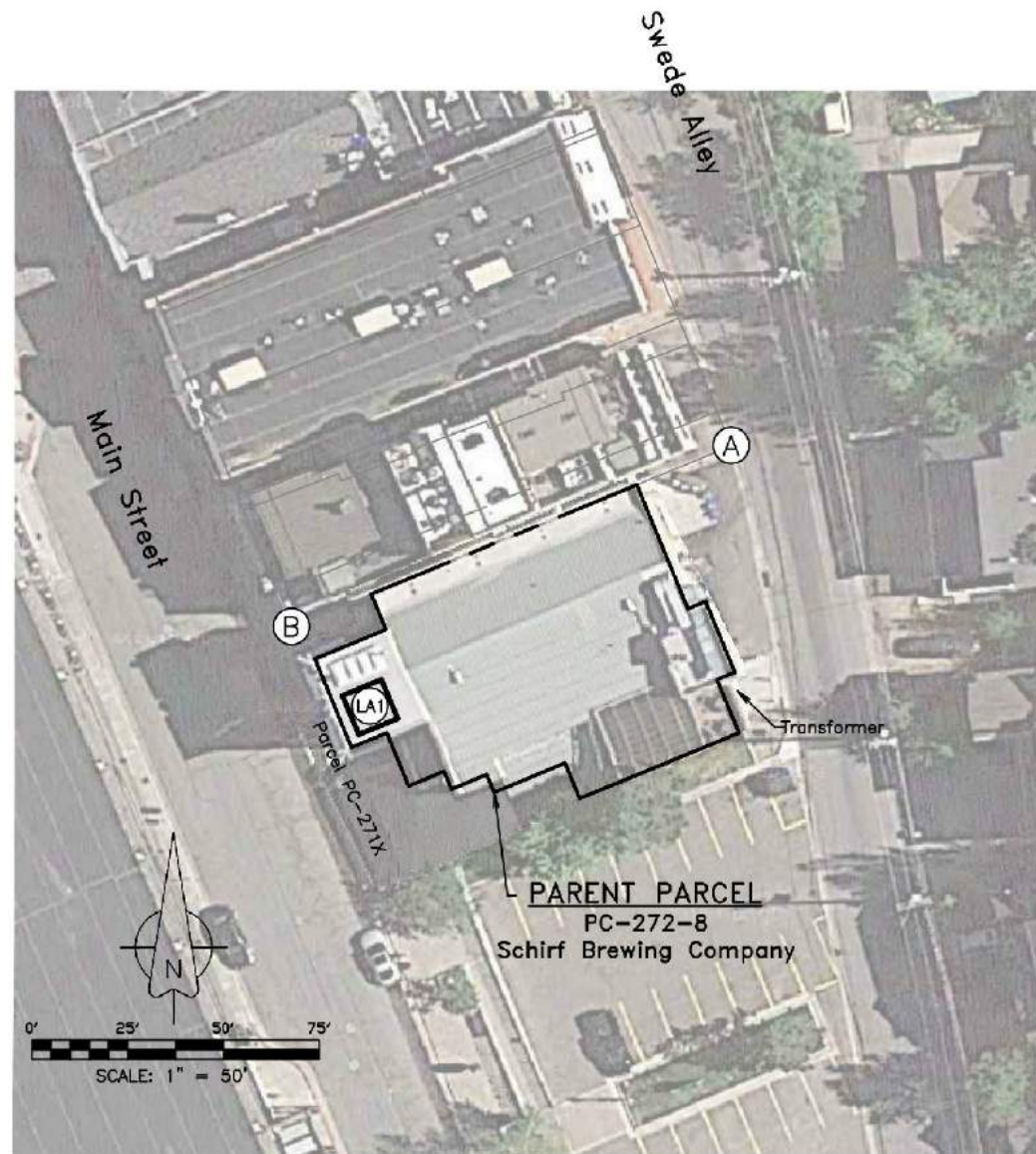
PROJECT ADDRESS:
250 MAIN STREET
PARK CITY, UTAH 84060
SUMMIT COUNTY

SHEET TITLE:
PHOTO SHEET

SAVE DATE:
4/7/2017 10:31 AM

SHEET NUMBER:
PS1
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PARENT PARCEL AND SURVEY CONTROL OVERVIEW



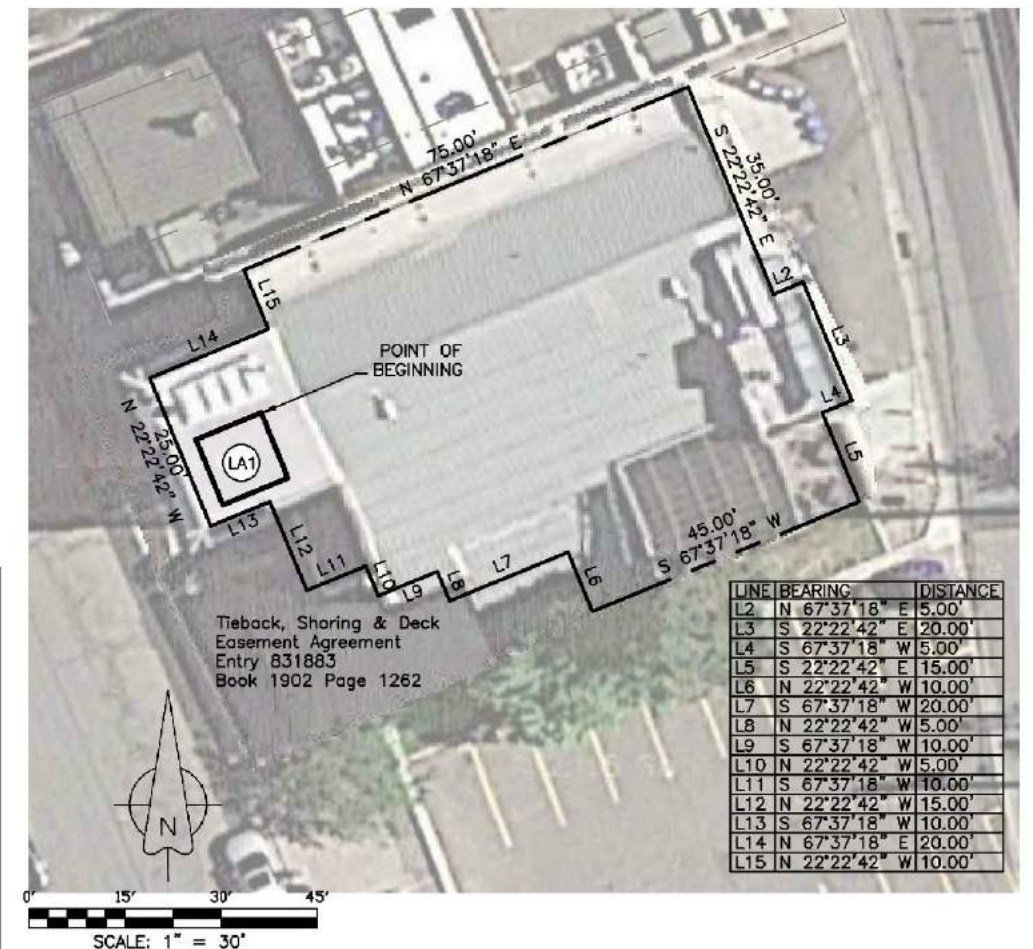
KEYED NOTES

- (A) FOUND NAIL AND BRASS WASHER FROM SURVEY: S0006166, PARK CITY SURVEYING. [HELD FOR ORIGIN OF SURVEY]
- (B) FOUND NAIL AND BRASS WASHER FROM SURVEY: S0006166, PARK CITY SURVEYING. [HELD FOR ALIGNMENT]

A parcel of land (11' X 11') for the purpose of a telecommunications equipment lease area, situate within the corporate limits of Park City, Summit County, Utah, said lease parcel comprising a portion of lots 12, 13, and 14 of Block 21, Park City Survey; more particularly described by metes and bounds as follows:

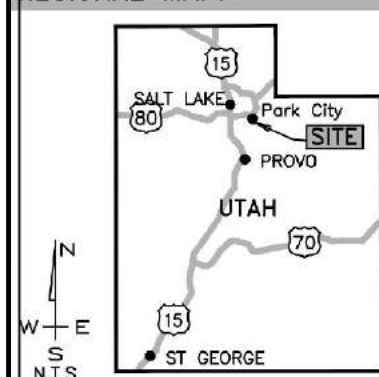
Beginning S 67°37'18" W 107.62 feet and S 22°22'42" E 21.64 feet from a found nail at the North East Corner of the Schirf Brewing Company property as described in book 497 page 732 in the office of the Summit County Recorder. Thence N. 22°22'42" W. 11.00 feet, thence S. 67°37'18" W. 11.00 feet, thence S. 22°22'42" E. 11.00 feet, thence N. 67°37'18" E. 11.00 feet to the point of beginning. the above described parcel of land contains 121 square feet in area or 0.003 acres more or less.

(LA1) LEASE AREA 1 LAND DESCRIPTION

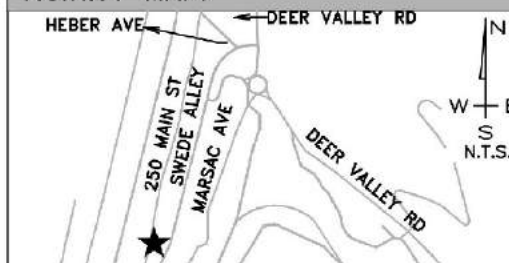


SC1 ENLARGED LEASE AREA SITE PLAN

REGIONAL MAP:



VICINITY MAP:



FEMA PUBLIC FLOOD MAP INFO:

ZONE: X PANEL: 49043C0938C DATE: 03/16/2006
FLOOD NOTE: AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.

SURVEYOR'S NARRATIVE:

It is the intent of this map and the survey on which it is based to correctly represent the boundary lines of the Parent Parcel and proposed lease areas and Access/Utility easements within the parent parcel. Utility locations shown are based on observed evidence together with evidence from utility plans (if provided by utility companies in response to an Online Survey Locate Request via www.bluestakes.org). Property corners and other survey markers, monuments or evidence that were found at the time of this survey are drawn and noted accordingly hereon. There may however exist other related monuments or evidence, any other monuments or related physical evidence contradictory to this survey should be presented to the surveyor for his review and consideration.

BASIS OF BEARING AND DATUM NOTE:

- All distances are surface (ground) in US survey feet and all bearings are Grid based upon the Utah Coordinate System 1983, Utah Central Zone. (NAD83)
- Survey Performed with a Trimble receiver connected via cell phone to The Trimble Pivot VRS system of Utah (Managed by the UTAH AGRC).
Geodetic Position of Control Monument is:
LATITUDE: 40°38'31.08374"N
LONGITUDE: 111°29'39.46940"W
ELLIPSOID HEIGHT: 7051.648sft
HORIZ. DATUM NAD83 [UTAH VRS] VERT. DATUM NAVD88 [GEOID12]



PROJECT NAME:

VERIZON WIRELESS
SAL PARK CITY SC1

PROJECT ADDRESS:

250 MAIN STREET
PARK CITY
SUMMIT COUNTY
UTAH

TITLE REPORT REVIEW CERTIFICATION

THIS IS TO CERTIFY THAT THE LOCATABLE EASEMENTS LISTED IN SCHEDULE B PART II OF THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED JULY 22, 2015 BY WESTCOR TITLE INSURANCE COMPANY (ORDER No.5398558 2015-1250) HAVE BEEN REVIEWED BY THE SURVEYOR. IF ANY OF THOSE EASEMENTS AFFECT THE VERIZON WIRELESS PROPOSED LEASE AREA(S) THEY ARE PLOTTED AND NOTED ACCORDINGLY HEREON.

DATE OF SURV.: 09/10/15

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REV.	DESCRIPTION	DATE	BY	CHK
A	90% PRELIMINARY FOR CLIENT REVIEW ONLY	8/30/16	CIS	CIS
B	FINAL REVIEW AND SURVEYOR'S CERTIFICATION			

PARENT PARCEL OWNER:

SCHIRF BREWING CO.
PARK CITY, UTAH 84060
CONTACT INFORMATION:
Greg Schirf
CELL PHONE: (435)602-9613

PUBLIC RECORD PARCEL I.D.:

PC-272-8
Planning Commission Packet April 26, 2017

DRIVING DIRECTIONS:

FROM SALT LAKE CITY INTERNATIONAL AIRPORT TAKE UT154/BANGERTE HWY UNTIL I80 EXIT. EXIT EAST ONTO I80 AND STAY ON I80 EAST FOR APPROXIMATELY 28 MILES UNTIL THE UT-224 EXIT. TURN RIGHT ONTO UT-224 AND CONTINUE FOR 4.3 MILES AS UT-224 TURNS INTO PARK AVE. CONTINUE ON PARK AVE. FOR 2.5 MILES UNTIL 5TH STREET AND TURN LEFT 1 BLOCK UNTIL MAIN STREET. TURN RIGHT ON MAIN STREET AND THE TARGET IS ON YOUR RIGHT IN 3 BLOCKS.

SURVEYOR'S NOTE & CERTIFICATION:

This "Lease Area Survey" is based on an actual field survey performed by me or under my direction. It correctly depicts existing, readily visible improvements and above ground utilities and the boundary of the parent parcel was verified from field and record information. This "Lease Area Survey" is not a Boundary Survey of the Parent Parcel and this Survey was developed to support the communications facility plan set named hereon.

CORY I. SQUIRE UT P.L.S. #5561206-2203 08/30/16

DESIGNED FOR:

verizonwireless

9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84081

DESIGNED BY:

TowerCom
TECHNOLOGIES
ALBUQUERQUE / STAR / EL PASO / LAS VEGAS / DENVER
NEW MEXICO / IDAHO / TEXAS / NEVADA / COLORADO

SHEET TITLE:

SURVEY CONTROL OVERVIEW
SITE PLAN OVERVIEW

TCT SITE I.D.: VZW SAL PARK CITY SC1

SHEET INFO.: Sheet Page 163 SU1

PREPARED FOR:

verizonwireless

VERIZON WIRELESS
9656 South Prosperity Rd.
West Jordan, UT 84081

1A CERTIFICATION LETTER

FOR
VERIZON WIRELESS
FACILITY KNOWN AS:
SAL PARK CITY SC1
SUMMIT COUNTY, UTAH

ELEVATION REPORT:

NAVD88 - GROUND ELEVATION: 7115 ft
[ELEVATION METERS]: 2168.66 m

LEGAL DESCRIPTION:

S 67°37'18" W 65.49 feet and S 22°22'42" E 22.84 feet from a found nail at the North East Corner of the Schirf Brewing Company property as described in book 497 page 732

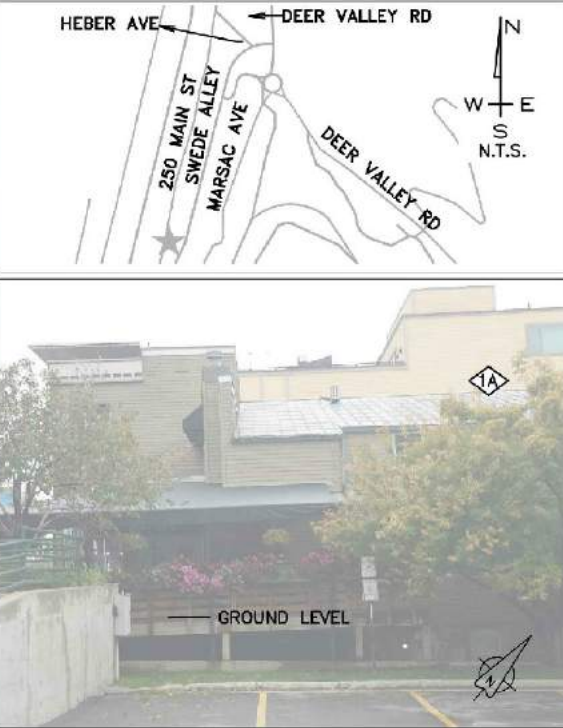
SITE LOCATION:

SITE IS ON A ROOFTOP AT:
250 MAIN STREET
PARK CITY UTAH

PLAN VIEW: SCALE 1" = 40'



VICINITY MAP



BASIS OF GEODETIC COORDINATES:

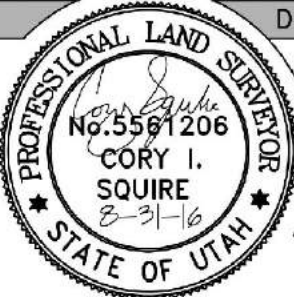
- (1) HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83) [PRIMARY] EXPRESSED IN DEGREES (°) MINUTES (') AND SECONDS (") AND CARRIED TO THE 10,000TH OF A SECOND, AND ALSO EXPRESSED IN DEGREES AND DECIMAL DEGREES.
- (2) VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) EXPRESSED IN U.S. SURVEY FEET AND METERS (METER EQUIVALENT TO 39.37 INCHES).
- (3) NAD83 GEODETIC DATA SHOWN HEREON WAS DERIVED FROM AND IS TIED TO THE NATIONAL GEODETIC SURVEY, NATIONAL C.O.R.S. VIA THE O.P.U.S. UTILITY AND OR TRIMBLE GEOMATICS SOFTWARE.

1A GEODETIC COORDINATES:

NAD 83: 40°38'30.62677"N
111°29'40.13590"W
DECIMAL DEGREES: 40.641840769°N
111.494482196°W

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE GEO-
DETIC COORDINATES REPORTED
HEREON ARE ACCURATE AND
MEET FAA/FCC REPORTING RE-
QUIREMENTS OF 1A: FIFTEEN
FEET (15') HORIZONTALLY AND
THREE FEET (3') VERTICALLY.



DATE OF SURV.:

09/10/15

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SOLE PROPERTY OF TOWERCOM TECHNOLOGIES, LLC AND PRODUCED FOR
THE USE OF OUR CLIENT. ANY REPRODUCTION OR USE OF THE
INFORMATION CONTAINED WITHIN SAID DOCUMENTS IS PROHIBITED WITHOUT
THE WRITTEN CONSENT BY TOWERCOM TECHNOLOGIES, LLC.

PREPARED BY:



ALBUQUERQUE / STAR / EL PASO / LAS VEGAS / DENVER
NEW MEXICO / IDAHO / TEXAS / NEVADA / COLORADO

PROFESSIONAL LAND SURVEYING

295 N 200 E
MONA, UT 84645

(435)660-0816

CORY IVAN SQUIRE UT P.L.S. #5561206-2201 8/31/16 CISPLS1@GMAIL.COM

SITE NOTES:

1 INFORMATION SHOWN BELOW FOR DEPICTION PURPOSES ONLY. ALL DATA GATHERED FROM PUBLIC RECORDS AND GENERATED FROM AERIAL IMAGES AND SITE VISITS. INFORMATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY AND SHOULD NOT BE USED FOR SURVEYING OR OTHER RELATED PURPOSES.

SITE ACCESS NOTES:

1 SITE ACCESS GRANTED VIA LEASE AGREEMENT AND WILL BE VIA THE MOST REASONABLE, NON-EXCLUSIVE, AND NON-INTERFERING ROUTE POSSIBLE TO LESSEE EQUIPMENT TO ENSURE UNINTERRUPTED USE AND ENJOYMENT OF THE UNDERLYING PARCEL AND BUILDINGS.

PARENT PARCEL
SCHIRF BREWING CO.
APN#: PC 272-8
ZONED: HCB HISTORICAL COMMERCIAL BUSINESS

DESIGNED FOR:


9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84081

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DESIGNED BY:		J5 INFRASTRUCTURE PARTNERS		AZ - CA - CO - ID - NM - NV - TX - UT	
REV	DESCRIPTION	DATE	BY	CHK	JDM
A	PRELIMINARY - FOR LEASING & ZONING	10/14/15	JHM	JDM	JDM
B	REVISED, REMOVED CABINET	8/31/16	JGP	JDM	JDM
C	UPDATED TA	9/1/16	JGP	JDM	JDM
D	REDUCED SCREEN BOX SIZE	3/9/17	JGP	JDM	JDM
E	UPDATED PER JURISDICTIONAL COMMENTS	4/7/17	JGP	JDM	JDM

PRELIMINARY
FOR LEASING/ZONING

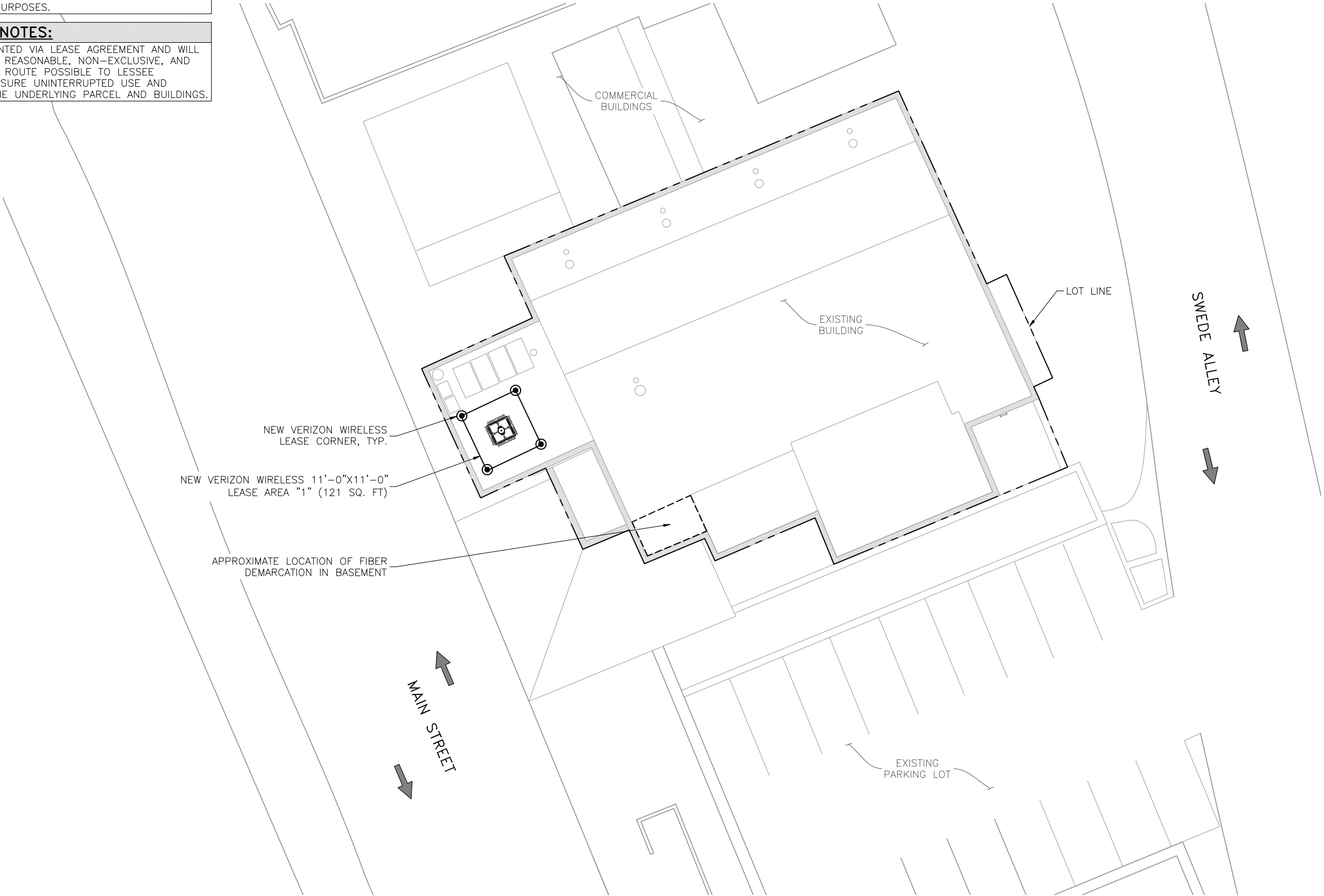
PROJECT NAME:
UT2 PARK CITY SC1
EXISTING BUILDING ROOF TOP MOUNT
SMALL CELL INSTALLATION PROJECT

PROJECT ADDRESS:
250 MAIN STREET
PARK CITY, UTAH 84060
SUMMIT COUNTY

SHEET TITLE:
SITE PLAN

SAVE DATE:
4/7/2017 10:31 AM

SHEET NUMBER:
Z1
Page 165



20'-0"

0

20'-0"

12'

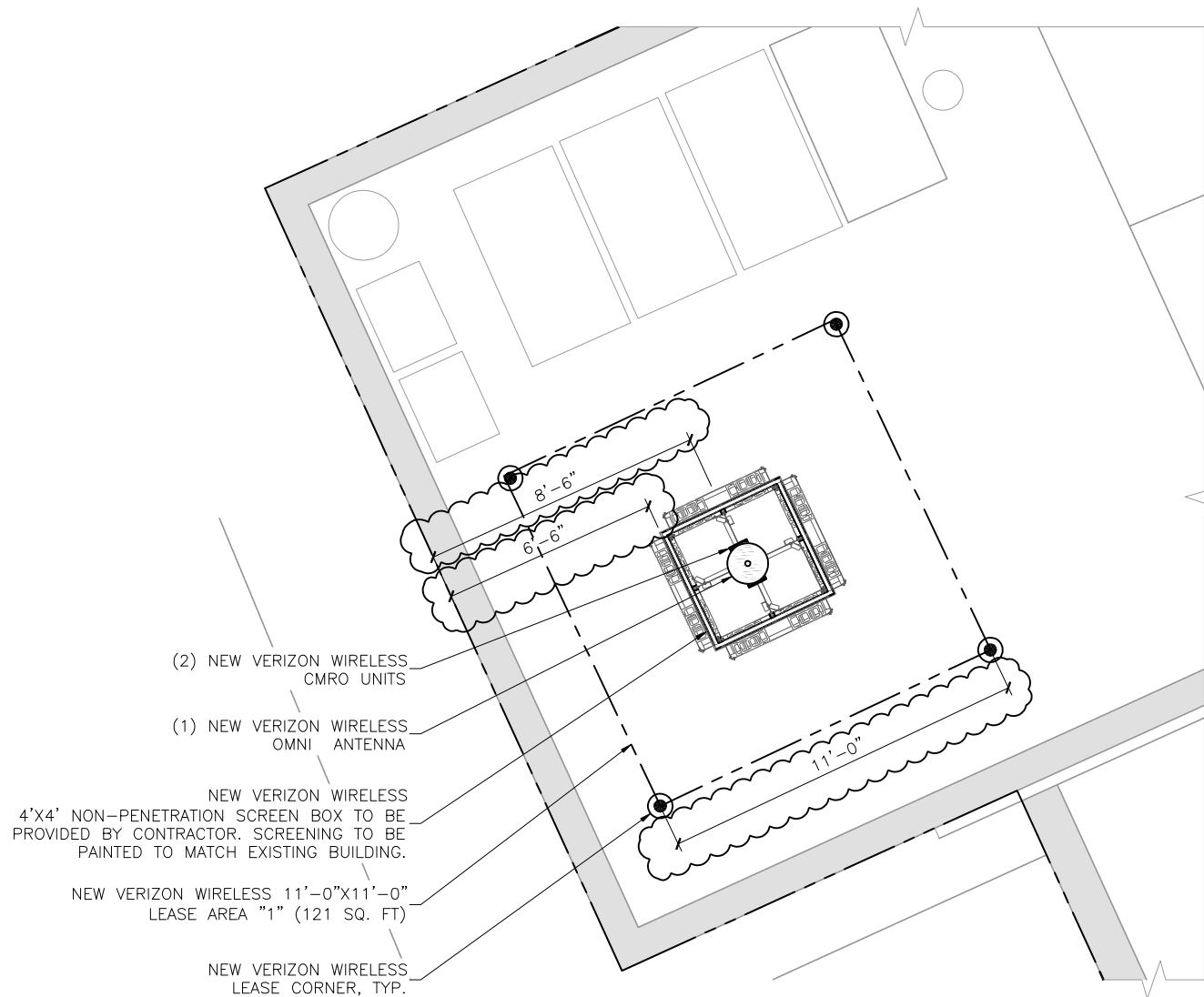
4'

SCALE: 1" = 20'-0"

SITE PLAN

SCALE: 1" = 20'-0"


NORTH



VIEW OF FIBER DEMARCATION POINT

ENLARGED SITE PLAN
SCALE: 3/16" = 1'-0"



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DESIGNED BY:		J5 INFRASTRUCTURE PARTNERS		AZ - CA - CO - ID - NM - NV - TX - UT	
REV	DESCRIPTION	DATE	BY	CHK	JDM
A	PRELIMINARY - FOR LEASING & ZONING	10/14/15	JHM	JDM	JDM
B	REVISED, REMOVED CABINET	8/31/16	JGP	JDM	JDM
C	UPDATED 1A	9/1/16	JGP	JDM	JDM
D	REDUCED SCREEN BOX SIZE	3/9/17	JGP	JDM	JDM
E	UPDATED PER JURISDICTIONAL COMMENTS	4/7/17	JGP	JDM	JDM

**PRELIMINARY
FOR LEASING/ZONING**

PROJECT NAME:
**UT2 PARK CITY SC1
EXISTING BUILDING ROOF TOP MOUNT
SMALL CELL INSTALLATION PROJECT**

PROJECT ADDRESS:
**250 MAIN STREET
PARK CITY, UTAH 84060
SUMMIT COUNTY**

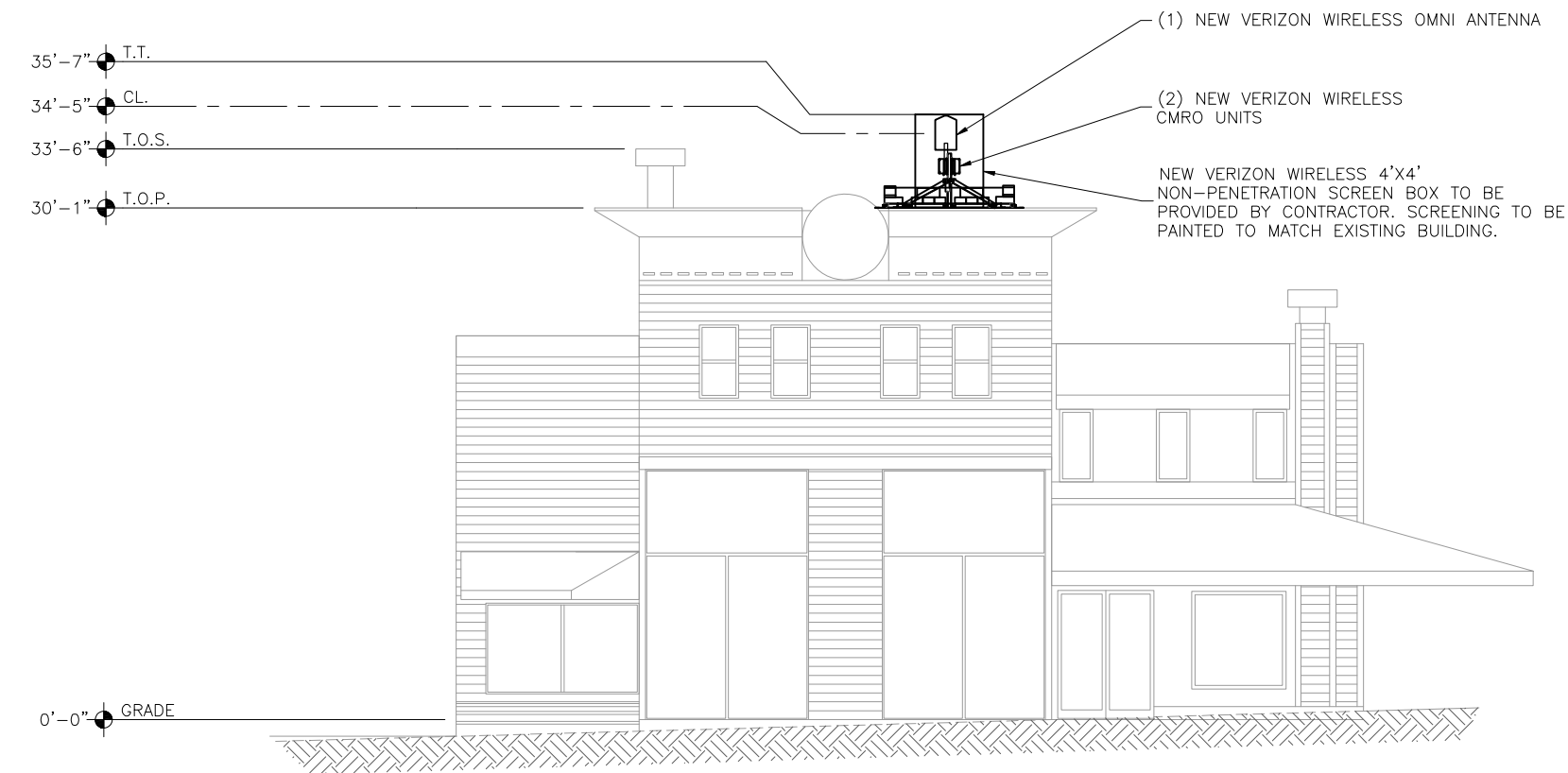
SHEET TITLE:
**ENLARGED
SITE PLAN**

SAVE DATE:
4/7/2017 10:31 AM

SHEET NUMBER:
72
Page 166



EXISTING SOUTHWEST ELEVATION
SCALE: 3/32" = 1'-0"



NEW SOUTHWEST ELEVATION
SCALE: 3/32" = 1'-0"

KEY:	
CL. =	CENTERLINE
A.L. =	ATTACHMENT LEVEL
B.T. =	BOTTOM TIP LEVEL
T.T. =	TOP TIP LEVEL
A.G.L. =	ABOVE GRADE LEVEL
B.O.B.P. =	BOTTOM OF BASE PLATE
T.O.S. =	TOP OF STRUCTURE
T.O.P.=	TOP OF PARAPET

DESIGNED FOR:

verizon

9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84081

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REV	DESCRIPTION	DATE	BY	CHK
A	PRELIMINARY - FOR LEASING & ZONING	10/14/15	JHM	JDM
B	REVISED, REMOVED CABINET	8/31/16	JGP	JDM
C	UPDATED TA	9/1/16	JGP	JDM
D	REDUCED SCREEN BOX SIZE	3/9/17	JGP	JDM
E	UPADTED PER JURISDICTIONAL COMMENTS	4/7/17	JGP	JDM

DESIGNED BY:

J5 INFRASTRUCTURE PARTNERS

AZ - CA - CO - ID - NM - NV - TX - UT

PRELIMINARY FOR LEASING/ZONING

PROJECT NAME:

UT2 PARK CITY SC1
EXISTING BUILDING ROOF TOP MOUNT
SMALL CELL INSTALLATION PROJECT

PROJECT ADDRESS:

250 MAIN STREET
PARK CITY, UTAH 84060
SUMMIT COUNTY

SHEET TITLE:

ELEVATIONS

SAVE DATE:

4/7/2017 10:31 AM

SHEET NUMBER:

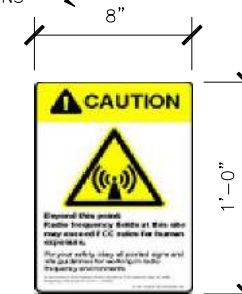
73

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SIGN SPECIFICATIONS:

1. ALL SIGNS SHOULD BE UV RESISTANT FOR OUTDOOR USE.
2. ALL SIGNS SHALL HAVE ROUNDED CORNERS WITH PRE-DRILLED HOLES
3. SIGNAGE SHALL BE INSTALLED AS SHOWN ON PLAN

TYPICAL SIGN
DIMENSIONS



CAUTION SIGN



RF SAFETY GUIDELINES SIGN



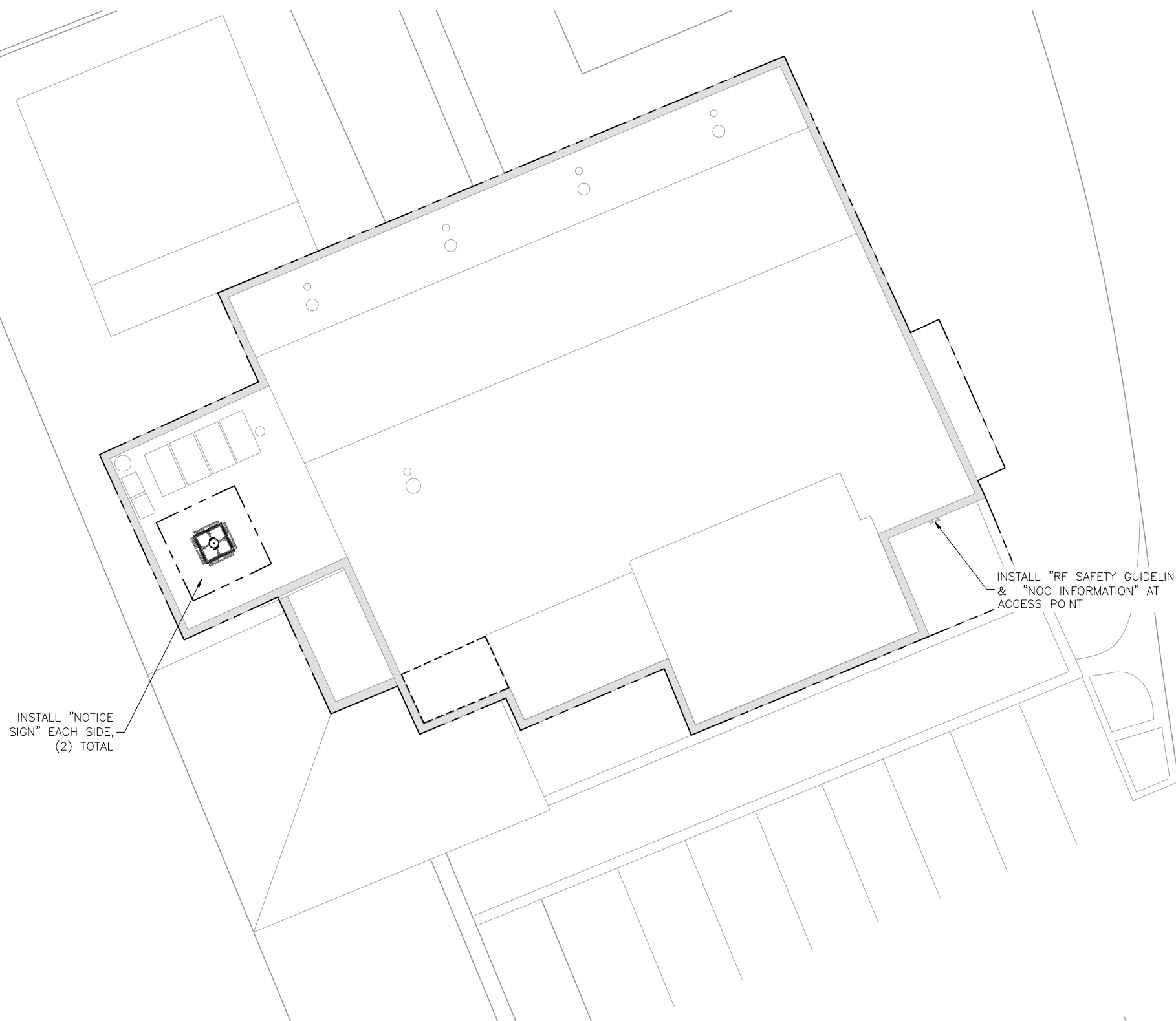
NOTICE SIGN



WARNING SIGN



NOC INFORMATION SIGN



RF COMPLIANCE PLAN
SCALE: NTS



DESIGNED FOR:


9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84081

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DESIGNED BY:


AZ - CA - CO - ID - NM - NV - TX - UT

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PROJECT NAME:

UT2 PARK CITY SC1
EXISTING BUILDING ROOF TOP MOUNT
SMALL CELL INSTALLATION PROJECT

PROJECT ADDRESS:

250 MAIN STREET
PARK CITY, UTAH 84060
SUMMIT COUNTY

SHEET TITLE:

RF COMPLIANCE

SAVE DATE:

4/7/2017 10:31 AM

SHEET NUMBER:

74

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UT2 PARK CITY MAIN ST. SC1

PHOTO SIMULATION

LOCATION



EXISTING



PROPOSED



WEST ELEVATION (LOOKING EAST)

Disclaimer: These photographic simulations have been provided to aid in visualizing how the proposed wireless telecommunications facility shown herein would appear if constructed. While these renderings are not an exact science, they have been prepared diligently to accurately reflect dimensions, scale, depth, coloring, texture, and other important elements in the proposed design insofar as the digital medium allows. Taken together with the engineering drawings and other materials submitted with the application, they are fair and reasonable visual depictions of how the proposed site would appear.

verizon Verizon Wireless
9656 SOUTH PROSPERITY RD.
WEST JORDAN, UT 84081

Planning Commission Packet April 26, 2017

J5 INFRASTRUCTURE J5 Infrastructure Partners
AZ - CA - CO - ID - NM - NV - TX - UT 5225 WILEY POST WAY
SUITE 410
SALT LAKE CITY, UT 84116

SITE ADDRESS:

250 MAIN ST.
PARK CITY, UT, 84060
40°38'30.44" N
111°29'40.77" W

Sheet No.

1

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Planning Commission Staff Report



Application: PL-16-03293
Subject: Village at Empire Pass North Subdivision
Author: Kirsten Whetstone, MS, AICP, Sr. Planner
Date: April 26, 2017
Type of Item: Legislative – subdivision plat

Summary Recommendations

Staff recommends the Planning Commission conducts a public hearing and forwards a positive recommendation to City Council regarding the Village at Empire Pass North Subdivision plat pursuant to findings of fact, conclusions of law, and conditions of approval in the draft Ordinance.

Description

Owners: REDUS Park City LLC and Empire Residences LLC
Applicant: Alliance Engineering (representing Owners)
Location: Marsac Avenue and Village Way within Village at Empire Pass Master Planned Development (MPD)
Zoning: Residential Development (RD-MPD) District, subject to the Flagstaff Annexation and Village at Empire Pass MPD and Recreation Open Space (ROS)
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and other development parcels of the Village at Empire Pass Pod A MPD, and open space areas.

Proposal

This is a request for a final subdivision plat (Exhibit A) to create three platted development lots of record for the Village at Empire Pass Pod A Master Planned Development approved on July 28, 2004, and a fourth lot for ski area uses only. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 6.77 acre Lot 1, for future townhouse and PUD units, a 2.01 acre Lot 2 for MPD Lodge Building 4, a 0.66 acre Lot 3 for future MPD Lodge Building 3, and a 0.10 acre Lot 4 for ski area uses only.

The property consists of a total of 9.54 acres. The lots have frontage on existing platted Marsac Avenue (State Highway 224) and Village Way (a private street). No new public or private streets are proposed. Existing recorded and proposed utility, snow storage, storm water, ski lift, and access easements are shown on the plat.

The applicant requests a plat note identifying the maximum density allowed on Lot 3 as 24 UE configured in no more than twenty one (21) individual units, subject to final Conditional Use Permit review. Maximum density on Lots 1 and 2 is subject to remaining density of the Flagstaff Annexation Development Agreement to be determined during future Conditional Use Permit review. No density is assigned to Lot 4 that is to be used in connection with Deer Valley Resort and similar activities.

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 (Agreement) was amended and recorded in March 2007 (Exhibit B).

The 2007 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 to be linked by transit. 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) (See Exhibit K).

The Agreement required the applicant to submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the amended Development Agreement form the standards under which the subject subdivision plat, and subsequent Conditional Use Permit, will be reviewed (Exhibit C – technical reports).

Village at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A. (Exhibit D- Staff report and Action letter). 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 a Master Planned Development for Pod B2 at Empire Pass.

The purpose of the VMPD was to establish unit mix and density for the Mountain Village, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location (Exhibits E and F). Prior to building permit issuance for any construction, the applicant must receive site-specific Conditional Use Permit approval from the Planning Commission.

Construction to date

Six lodge buildings have been built to date within Pod A (Exhibit F), namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Larkspur and Paintbrush units are complete. Four Banner Wood homes are complete. One Belles PUD style lot is vacant, 2 are

under construction, and 14 are completed.

Three of the large lodge buildings (Buildings 1, 3, and 4) as well as approximately 19 additional townhouse units remain to be constructed within the Village MPD Pod A. A Conditional Use Permit for the Tower Residential (Building 1) was approved however the approval expired. A Conditional Use Permit for the Tower Club (aka Talisker Club) was approved on a portion of the Building 1 lot and was constructed as a private club with private dining, exercise facilities, common swimming pool and hot tubs, ski lockers, changing rooms, restrooms exclusively for owners/members, as well as a small convenience store. An amended Tower Club CUP was approved by Planning Commission on December 14, 2016. A central shuttle/transit shelter was constructed on the adjacent Larkspur property for use by the entire Flagstaff Development.

Within Village MPD Pod B1 ten Northside single family homes have been platted and constructed. All seventeen of the Nakoma PUD style units have been platted and thirteen are complete. Finally 23 townhouse units were constructed at Ironwood.

The subsequent Conditional Use Permits (CUPs) required by the VMPD for each multi-family parcel and/or building are intended to provide final architectural review by the Park City Planning Department Staff and Planning Commission and to demonstrate compliance with the Village MPD and Large Scale MPD (LSMPD) documented in Flagstaff Annexation and Development Agreement.

Subdivisions

The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD (west side). Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.

The subdivision plat notes require compliance with RD District zone setbacks, approval of a CUP for each building prior to issuance of a building permit, a declaration of condominium and a record of survey prior to individual sale of units, requires membership of the owner in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 10 foot wide snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

Submittal

This subdivision plat application was submitted on August 30, 2016 and deemed complete on September 27, 2016. Staff requested additional time to review the Flagstaff Annexation and Empire Pass MPD approvals to understand the status of approved/platted Units and Unit Equivalents and to do an audit of all outstanding obligations required by the Development Agreement. Following a positive recommendation to City Council by the Planning Commission on February 8, 2016, the applicant requested a continuation of the March 9th Council hearing in order to revise the plat to include recently acquired property. The revised plat and associated plans were submitted on April 3, 2017.

Purpose of the RD District

The purpose of the Residential Development (RD) Zoning District is to:

- (A) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) Minimize impacts of the automobile on architectural design,
- (E) Promote pedestrian connections within Developments and between adjacent Areas; and
- (F) Provide opportunities for variation in architectural design and housing types.

Proposed Subdivision Description

The applicant requests approval of a subdivision plat of seven metes and bounds described parcels (PCA-S-98-BB, PCA-S-98-DD, PCA-S-98-DD-EE, PCA-S-384, PCA-S-98 EE and adjacent remnant parcels) located to the north and east of the Village at Empire Pass Phase I Subdivision. These parcels include a total of 9.54 acres that were not included with any of the previous subdivisions of Pod A. The subdivision consists of a 6.77 acre Lot 1, for future townhouse units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge Building 3, and a 0.10 acre Lot 4 (previously labeled Parcel A) to be used in conjunction with Deer Valley Resort ski operations and similar uses only.

The subdivision plat creates three buildable lots of record for Village at Empire Pass MPD Lodge Buildings 3 (Lot 3) and 4 (Lot 2) and the Horseshoe townhouses (Lot 1). Lodge buildings 3 and 4 are designated for multi-family, stacked flat buildings in the Village Master Plan. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings and the townhouses.

Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Lots 2 and 3 will access off Village Way. Lot 1 will access off Marsac Avenue in an approved UDOT and City location. Townhouses on Lot 1 will not have direct access off Marsac but will access to a private driveway off Marsac. Staff recommends a condition and plat note that the final location of access off Marsac to the future buildings be approved by UDOT and the City. Access to Lot 4 is provided by recorded access easements.

Utilities are available in the vicinity of these lots. Snyderville Basin Water Reclamation District (SBWRD) recommends conditions and plat notes to address their concerns (Exhibit H). Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Any necessary utility

easements, based on final building design and approval, shall be recorded prior to building permit issuance

All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets. Staff recommends a condition of approval and plat note that the final location of access off Marsac shall be approved by UDOT and the City.

An aerial photo, existing conditions survey, and photos of the site were submitted with the application (Exhibits G, H, and I). The same requirements and conditions of the West Side Subdivision plat noted above are proposed for this subdivision.

Land Management Code (LMC) and Village MPD Analysis

The subdivision plat has been reviewed for compliance with lot and site requirements of the RD Zoning District as described below:

	RD Zoning District and/or Village at Empire Pass MPD
Lot Size	No minimum lot size. Total property is 9.54 acres. Lot 1 – 6.77 acres, Lot 2 – 2.01 acres, Lot 3 – 0.66 acres, Lot 4 – 0.10 acres. Complies.
Uses	Residential multi-family condominiums and Townhouses are allowed uses subject to Conditional Use Permit review. Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Applicant requests a maximum of 24 UE configured as no more than 21 units for Lot 3. Density for Lots 1 and 2 is subject to CUP review and remaining density per the Flagstaff Agreement, as amended. (See below for analysis of commercial uses.) Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff Agreement tracks both residential UEs (each 2,000 sf) as well as total number of units (see Exhibit K). Complies.
Front yard setbacks	LMC requires a minimum of 25 feet to front facing garage, 20 feet to building (LMC exceptions apply). Reviewed at time of CUP.
Rear yard setbacks	LMC requires a minimum of 15 feet (LMC exceptions apply). Reviewed at time of CUP.
Side yard setbacks	LMC requires a minimum of 12 feet (LMC exceptions apply). Reviewed at time of CUP.

Building Height and Volumetric	Per Village MPD Volumetric and Height (reviewed at time of CUP): Lot 3 (MPD Building 3) - 55% of the building to reach 82' above existing grade, and 45% of the building to reach 74' above existing grade. The volumetric diagram allows Building 3 to be four to five stories. Lot 2 (MPD Building 4)- 20% of the building to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 4 to be four to six stories. Townhouses- 28' height plus 5' additional for 4:12 or greater roof pitch.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Parking calculations to be determined with the Conditional Use Permits.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the CUP and Building Permits.
Residential Units (see Exhibit K) 785 UE maximum multi-family(MF) 550 dwelling units maximum (MF) (of which 60 can be PUD). 16 single family (SF) home sites (not including 30 SF in Pod D). At least 50% of the residential units within the Mountain Village (Pods A, B1 and B2) must be in Pod A (not including SF home sites). Final approval of the buildings and UEs is subject to approval of a Conditional Use Permit.	The plat assigns Lot 3 a maximum of 24 UE (residential unit equivalent) configured in no more than 21 units. Assignment of maximum UE for Lots 1 and 2 will be determined during Conditional Use Permit application review for these Lots. Total <u>UE platted</u> to date = 588.742 UE (196.258 UE remain) Total <u>units platted</u> to date = 382 units (52 are PUD) (168 units remain) Total single family approved/platted = 16. Total multi-family units approved/platted in Pod A = 258 (condos, PUD style, townhouses). 67.5% of units are within Pod A (258/382). Total multi-family <u>units</u> in Pod A with this plat =279 69.2% of units will be in Pod A (279/403). Total <u>units</u> with this plat and B2East approval= 473 59% of units are within Pod A (279/473). 91.258 UE and 77 dwelling units remain for Lots 1 and 2 of this subdivision, Building 1 (Tower Residential), and VEMP 1-1, VEMP 1-2 (after 24 UE (21 units) are built on Lot 3 and 81 UE (70 units) are built on B2East Lot 1). Complies with Development Agreement as there are sufficient units and UE remaining.

MPD Resort Support Commercial 75,000 sf maximum with Agreement	No MPD Resort Support Commercial uses are requested with this subdivision plat. A total of 71,313 sf of Resort Support Commercial are already allocated with plats and CUPs within the Agreement area, leaving 3,687 sf remaining to be allocated.
Residential accessory uses	Common amenity areas can be proposed through the Conditional Use application for storage areas, locker rooms, fitness area, recreation and game rooms, lounge and lobby areas, children's room and small business center areas for exclusive use by guest and owners.

This application meets the necessary subdivision requirements of Land Management Code (LMC) Section 15-7 of the Park City Municipal Code for lot layout, utility easements, dedications, and street layout. Final utility plans will be provided with a future Conditional Use Permit application.

On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report (24.725 AUE total on-site). This plat identifies an on-site housing obligation on Lot 2 (2.0 AUE) and Lot 3 (1.1 AUE) (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into Lodge Buildings 4 (Lot 2) and 3 (Lot 3) and noted on the plat. There is still an outstanding requirement of 0.84 AUEs that will be constructed in the Tower Residences (Lodge Building 1 of the MPD). The remaining on-site affordable units (4.2 AUE) are allocated to Lot 1 of the B2East Subdivision, approved March 9, 2017. All deed restricted units are to be identified on the condominium plats prior to recordation of those plats. All deed restricted units shall be completed with completion of market rate units.

All requirements of the Agreement, including transportation (gondola payments and shuttles), affordable housing, environmental (soils and mine hazards), etc. shall be reviewed and verified for compliance during the Conditional Use Permit application review for development on Lots 1, 2 and 3 and completed prior to issuance of certificates of occupancy. Some of these obligations are triggered based on the number of certificates of occupancy issued. All trails are complete and there are no trail head improvements required by the Master Planned Development that are associated with this property.

A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing the Building Permits.

Resort Support Commercial/meeting space

The Flagstaff Annexation and Development Agreement states a maximum of 75 UE (75,000 square feet) of Resort Support Commercial uses are allowed within the Village

at Empire Pass MPD (Pods A, B1 and B2). A total of 28,059 sf of restaurant, kitchen, bar, lounge, retail space and a total of 35,000 sf of Spa space were approved for the Montage Resort and Spa with the Pod B2 MPD. A total of 2,264 sf of kitchen, dining, and store space have been constructed at the Tower Club and an additional 1,115 sf were recently approved for the dining room addition. A total of 1,275 sf were approved with the Grand Lodge Condominium plat and a maximum of 3,600 sf were allocated to the B2 East Subdivision plat. Therefore a total of 71,313 sf of Resort Support Commercial are allocated, leaving 3,687 sf remaining to be allocated.

At this time no Resort Support Commercial, support meeting space, or residential accessory uses are requested for this plat. Determination of these uses will be reviewed at the time of review of Conditional Use Permits for Lots 1, 2 and 3.

Good Cause

Staff finds good cause for this subdivision plat as it is consistent with the Land Management Code, Flagstaff Annexation and Development Agreement, and the Village at Empire Pass Pod A Master Planned Development. The subdivision plat provides lots of record, utility and access easements, and snow storage easements for the orderly development of Lodge Buildings 3 and 4 and the Horseshoe parcel townhouses.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the plat and conditions of approval.

Notice

For the revised plat, the property was posted and notices were mailed to property owners within 300 feet on April 10, 2017. A legal notice was published in the Park Record, the City website, and the Utah Public Notice website, on April 12, 2017.

Public Input

Staff received a few phone calls requesting information about the location of these parcels and future development plans. No public input was provided at the previous public hearings.

Alternatives

1. The Planning Commission may forward a positive recommendation to City Council to approve the subdivision plat, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement, technical reports, and Master Planned Development.

Consequences of not taking the Suggested Recommendation

No building permits can be issued.

Recommendation

Staff recommends Planning Commission conducts a public hearing and forwards a positive recommendation to City Council regarding the Village at Empire Pass North Subdivision pursuant to findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Exhibits

Ordinance

Exhibit A – Proposed subdivision plat (revised)

Exhibit B1 – Applicant letter regarding revised plat

Exhibit B2 – Development Agreement sections ([link to full document](#))

Exhibit C – [Link to Technical Reports](#)

Exhibit D – Village at Empire Pass MPD and plat approvals

Exhibit E – MPD approved building volumetric

Exhibit F – Village map

Exhibit G – Aerial photo of site

Exhibit H1 – Existing conditions survey

Exhibit H2 – Recorders Plat of area

Exhibit I – Photos of the property

Exhibit J – Sewer District (SBWRD) letter

Exhibit K – Flagstaff Development Agreement Density and Uses Chart- updated

Exhibit L – Minutes of February 8th 2017 PC Action

Ordinance 17-XX

AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, LOCATED WITHIN POD A OF THE VILLAGE AT EMPIRE PASS MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH.

WHEREAS, owners of the property known as PCA-S-98-BB, PCA-S-98-DD, and PCA-S-98-DD-EE, PCA-S-98 EE, PCA-S-384 and adjacent remnant parcels located to the north and east of the Village at Empire Pass Phase I Subdivision at Marsac Avenue and Village Way in Park City, Utah, have petitioned the City Council for approval of a subdivision plat; and

WHEREAS, these parcels include a total of 9.54 acres that were not included with any of the previous subdivisions of the Village at Empire Pass Pod A Master Planned Development. The subdivision consists of a 6.77 acre Lot 1 for future townhouse units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge Building 3, and a 0.1 acre Lot 4 for ski area related uses; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on November 26th and December 28th, 2016, and on January 21, 2017, and on April 12, 2017 for the revised plat, and the property was posted on November 30, 2016 and April 10, 2017, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on November 30, 2016 and resent on April 10, 2017 for the revised plat, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2016 and January 11th and February 8th 2017, to receive input on the subdivision plat; and

WHEREAS, the Planning Commission, on February 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 1, 2017, the applicant requested a continuation in order to amend the plat to add property to Lots 1 and 2 that had recently been acquired; and

WHEREAS, on March 9, 2017, City Council held a public hearing on the subdivision plat and continued the item to a date uncertain; and

WHEREAS, on March 31, 2017, the applicant submitted revisions to the proposed plat adding 0.43 acres of property recently acquired to Lot 2 and 3.77 acres to Lot 1; and

WHEREAS, the Planning Commission held a public hearing on April 26, 2017, to

receive public input on the subdivision plat; and

WHEREAS, the Planning Commission, on April 26, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on May 11, 2017, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass North subdivision.

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 subdivision 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. The property is located at Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD). Lot 1 is partially within the Recreation Open Space (ROS) District.
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. 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 and amenities for each parcel.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development 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.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. The Mountain Village is also 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).
8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).
9. With approval of 24 UE (up to a maximum of 21 units) on Lot 3 of the Village at Empire Pass North Subdivision, there will be 612.742 UE platted (up to 403 MF

units), and 69% of MF units in Pods A, B1 and B2 located within Pod A. If 81 UE (70 units) are built on Pod B2 there will then be a total of 693.742 UE and 473 units with 59% of MF units located within Pod A.

10. Upon Conditional Use Permit approval of the 24 UE for Lot 3 and 81 UE for B2East, 90.758 UE and 77 dwelling units would remain to be allocated to remaining residential development sites in Pod A. The remaining sites include Lots 1 and 2 of VEPN subdivision, Lodge Building 1 (Tower Residential), and Lots 1 and 2 of the Village at Empire Pass Phase 1 subdivision (VEP1 and VEP2).
11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exist a total of 3,687 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2. This includes the 3.600 sf allocated to the B2East Subdivision.
12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with final condominium plat approval.
13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A.
14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.
15. The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD (west side).
16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.
17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units remain to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 remain to be permitted and constructed.
18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.
19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 6.77 acre Lot 1, for future townhouse and PUD units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge Building 3, and a 0.10 acre Lot 4. The property consists of a total of 9.54 acres.

20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Lot 4 has access to Village via a proposed access easement across Lot 2.
21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.
22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD units, and townhouses.
23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.
24. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets.
25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.
26. There is no minimum or maximum lot size or lot width in the RD District.
27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.
28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).
29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 1.1 AUE for Lot 3 and 2.0 AUE for Lot 2 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Buildings 3 and 4 and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1. No AUE are planned or identified for Lot 1 of this subdivision.
32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.
33. The property consists of more than 1.0 acres and shall is subject to requirements of the MS4 Storm Water Permit program.
34. 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 subdivision plat.
2. The subdivision plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the Village at Empire Pass Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

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 plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac 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.
11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits

on Lots 1, 2 and 3.

13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 3 has an on-site affordable housing obligation of 1.1 AUE and Lot 2 has an on-site affordable housing requirement of 2.0 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats. Phasing and certificates of occupancy for the affordable housing units shall be commensurate with the certificates of occupancy for the market rate units. Affordable units need to have prorated and reduced HOA fees or possibility rental only.
16. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.
17. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
18. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
19. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
20. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, 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 conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.
21. A Construction Mitigation Plan shall be submitted with Conditional Use Permit applications and in advance of issuing building permits.
22. The ROS zoning line shall be indicated on the plat with a plat note indicating that all construction of units shall be restricted to the RD zoned portion. Construction disturbance within ROS portions of the Flagstaff Annexation area are subject to the Development Agreement and associated technical reports (e.g. for trails, ski runs

and lifts, utilities, access roads, etc.).
23. Each parcel developed within this common development shall meet the requirements of the MS4 Storm Water Permit program.

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

PASSED AND ADOPTED this _____ day of May, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Proposed subdivision plat

EXHIBIT A

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 724891, 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 plat is a correct representation of said survey.

CHAS. GALATI
No. 724891
Date of 10/17

BOUNDARY DESCRIPTION

PARCEL A
A parcel of land located in the South half of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian.
Beginning at a point that is North 88°09'24" East 428.45 feet coincident with the section line and North 173.03 feet from a 3-1/4" diameter cap on an aluminum pipe at the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 48°50'47" West 150.58 feet to a point on a non tangent curve to the right having a radius of 725.00 feet, of which the radius point bears North 50°00'11" East, said point being on the westerly boundary of Marsac Avenue Right of Way, recorded June 26, 2002, as Entry No. 823451; in the Office of the Recorder, Summit County, Utah; thence coincident with Marsac Avenue Right of Way the following four (4) courses: 1) northerly along the arc of said curve 306.99 feet through a central angle of 24°12'22" to a point of reverse curve to the left having a radius of 173.00 feet, of which the radius point bears South 82°14'42" West; thence (2) northerly along the arc of said curve 250.23 feet through a central angle of 30°12'25" to a point on a curve to the left having a radius of 625.00 feet, of which the radius point bears South 12°39'42" East; thence (3) along the arc of said curve 165.58 feet through a central angle of 08°53'28" to a point on the northerly boundary of the Marsac Mining Claim, recorded survey number S-8414, in the Office of the Recorder, Summit County, Utah; thence coincident with said boundary North 55°02'00" West 276.95 feet; thence North 56°34'40" East 475.97 feet; thence South 85°02'20" East 230.60 feet; thence South 22°23'38" East 215.67 feet; thence South 23°48'28" East 358.02 feet; thence South 21°46'14" West 199.65 feet to the point of beginning.

PARCEL B
A parcel of land located in the northeast quarter of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian.
Beginning at a point that is North 88°09'24" East 380.39 feet coincident with the section line and South 118.26 feet from a 3-1/4" diameter cap on an aluminum pipe at the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being at the intersection of Village Way, the Village At Empire Pass, Phase 1, recorded November 24, 2004, as Entry No. 718034 in the Office of the Recorder, Summit County, Utah; and Marsac Avenue Right of Way, recorded June 26, 2002, as Entry No. 823451 in the Office of the Recorder, Summit County, Utah, said point also being on a curve to the right having a radius of 15.00 feet, of which the radius point bears North 28°57'06" West, and running thence coincident with Village Way, the following line (5) courses: 1) westerly along the arc of said curve 18.07 feet through a central angle of 67°23'47" to a point of compound curve to the right having a radius of 62.50 feet, of which the radius point bears North 22°24'41" East; thence (2) northerly along the arc of said curve 38.43 feet through a central angle of 30°13'44" to a point of compound curve to the right having a radius of 52.50 feet, of which the radius point bears South 57°40'22" West; thence (3) along the arc of said curve 145.36 feet through a central angle of 158°38'08" to a point on a curve to the left having a radius of 15.00 feet, of which the radius point bears North 84°26'49" East; thence (4) along the arc of said curve 20.22 feet through a central angle of 03°31'42" to a point of compound curve to the right having a radius of 1500.00 feet, of which the radius point bears North 80°16'36" East; thence (5) northerly along the arc of said curve 75.03 feet through a central angle of 28°57'37" to a point on the westerly boundary of Lot 61, Marsac Mining Claim, recorded survey number S-8414 in the Office of the Recorder, Summit County, Utah; thence coincident with said boundary the following line (5) courses: 1) South 68°50'00" East 113.41 feet; thence (2) North 11°45'48" East 1.53 feet; thence (3) South 04°00'00" East 25.34 feet; thence (4) North 55°00'00" East 325.43 feet to a point on a non tangent curve to the right having a radius of 575.00 feet, of which the radius point bears South 18°11'28" East; said point being on Marsac Avenue Right of Way, thence coincident with Marsac Avenue Right of Way the following line (5) courses: 1) easterly along the arc of said curve 50.32 feet through a central angle of 09°31'57" to a point on a curve to the right having a radius of 125.00 feet, of which the radius point bears North 12°39'42" East; thence (2) along the arc of said curve 207.31 feet through a central angle of 55°12'25" to a point of reverse curve to the left having a radius of 725.00 feet, of which the radius point bears North 82°14'42" East; thence (3) southerly along the arc of said curve 352.66 feet through a central angle of 28°10'30" to a point of reverse curve to the right having a radius of 725.00 feet, of which the radius point bears South 56°20'03" West; thence (4) southeasterly along the arc of said curve 186.58 feet through a central angle of 14°44'43" to the point of beginning.

LINE	BEARING	DISTANCE
L1	N 77°20'18" E	55.40'
L2	N 15°22'27" W	77.03'
L3	N 86°16'45" W	49.29'
L4	N 53°11'1" W	17.15'
L5	N 27°16'27" E	56.07'
L6	N 11°45'48" E	1.53'
L7	S 84°00'00" E	25.34'
L8	N 35°00'00" E	79.48'
L9	N 77°20'18" E	65.40'
L10	N 34°31'5" E	134.23'
L11	S 65°46'47" E	7.34'
L12	N 42°44'41" E	19.25'
L13	N 35°33'31" E	27.99'
L14	N 27°48'10" W	29.51'
L15	N 88°10'42" W	29.93'

CURVE	RADIUS	LENGTH	DELTA
C1	625.00'	96.98'	8°53'26"
C2	15.00'	16.07'	61°23'47"
C3	62.50'	38.43'	30°13'44"
C4	52.50'	145.36'	158°38'08"
C5	306.99'	20.22'	3°31'42"
C6	1500.00'	75.03'	28°57'37"
C7	575.00'	50.32'	5°31'57"
C8	62.50'	113.41'	128°44'02"
C9	62.50'	28.22'	31°37'59"

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT REDUS Park City LLC, the undersigned owner of the herein described tract of land, is known hereafter as VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recording of this Plat. In witness whereof, the undersigned set his hand this ____ day of ____, 2017.

REDUS Park City LLC, a Delaware limited liability company
By: REDUS Properties, Inc., a Delaware corporation

Its: manager,
By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

State of _____
County of _____

On this ____ day of ____, 2017, David Ash personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, David Ash acknowledged to me that he is an authorized signatory of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name: _____
Residing in: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE RESIDENCES, LLC, the undersigned owner of the herein described tract of land, is known hereafter as VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recording of this Plat. In witness whereof, the undersigned set his hand this ____ day of ____, 2017.

EMPIRE RESIDENCES LLC, a Delaware limited liability company
By: EMPIRE RESIDENCES LLC, a Delaware limited liability company

Its: manager,
By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

State of _____
County of _____

On this ____ day of ____, 2017, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, _____ acknowledged to me that he is an authorized signatory of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name: _____
Residing in: _____
My commission expires: _____

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

4352 649-5497

CONCRETE ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2044 Park City, Utah 84002-2044

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DATE OF _____ 2017 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DATE OF _____ 2017 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DATE OF _____ 2017 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DATE OF _____ 2017 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2017 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 2017 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER
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NOTES:

- This plat is subject to the Conditions of Approval in Ordinance 2017-_____.
- The position of the north 1/4 corner of Section 28, Township 2 South Range 4 East GLSM, as shown on this survey, is from the dependent re-survey of Section 28, 29, 30, 31, 32 & 33 performed by Robinson, Blain & Blain Inc. in 2000 (Book 9-2019, Summit County Recorder's Office).
- Conditional use permit approval will be required prior to construction on each of the development lots shown herein.
- A declaration of condominium and a record condominium may will be required for the purpose of the sale of individual units within the development lots shown herein.
- The lots described on this plat are subject to the Restricted Development Agreement for Pinnacle Mountain, Bonanza Flat, Richardson Flat, the 20-acre Queen's Junction Parcel and Iron Mountain dated as of March 2, 2007, and recorded on March 2, 2007, as Entry No. 02850100 in Book 1050 Page 1697 (the "Development Agreement"). By separate Declaration of Payment and Development Covenants, recorded October 4, 2016, as Entry No. 01925113 in the official records of the Summit County Recorder, Lot 3 has been allocated the right to develop 24.5 Unit Equivalents within no more than 20 dwelling units and the obligation to locate 1.1 Affordable Unit Equivalents thereon, as each of those capitalized terms is defined in the Development Agreement. Lot 2 has been allocated the obligation to locate 2.0 Affordable Unit Equivalents thereon and Lot 1 has no in-situ affordable housing obligation. The allocation of Unit Equivalents to Lot 2 and Lot 1 may be done at a future date by a separate recorded document. No Unit Equivalents will be allocated to Lot 4, which is to be used in connection with resort and similar activities. No lot within this plat has been allocated any commercial Unit Equivalents.
- 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 assessments and reimbursement fees as provided therein.
- Owners and potential buyers of any unit or land within the lots depicted on this plat are given notice that they own 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 snow, ice, avalanches, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted herein. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.
- The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plat as the "Reciprocal Vertical Setback" for the benefit of Lot 4 to allow all lift maintenance access and the right to conduct resort activities, including to locate movable safety fences.
- This plat also depicts the following easements, each of which may be amended, relocated or revised, without amendment hereto, in accordance with each such easement's terms:
 - Agreement and Covenant of Cooperation (Ski Access/Storm Drainage), Entry No. 046960, Summit County Recorder's Office which affects Lot 2 and Lot 3 of this plat.
 - Right-Of-Way and Easement Grant (Gas Utility), Entry No. 755686, Summit County Recorder's Office, patently affects Lot 2 and Lot 3.
 - Grant of Access Easement (Sewer Utility), Entry No. 856350, Summit County Recorder's Office, affects Lot 2.
 - Grant of Easement (Sewer Utility), Entry No. 716688, Summit County Recorder's Office, affects Lot 2.
 - Grant of Easement (Storm Drain Facilities), Entry No. 716458, Summit County Recorder's Office, affects Lot 3.
 - Reciprocal Easement Agreement (Resort and Access) to be recorded in advance of or contemporaneously with this plat in the Summit County Recorder's Office, affects Lot 2, Lot 3 and Lot 4.
- Public safety access and public utility easements are hereby dedicated for all public and private roadways, emergency access roads, and private driveways.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the frontage of all lots.
- Wastewater service to the Village at Empire Pass North Subdivision shall be provided by the Sny-Leader-Ison Water Reclamation District. 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 to be 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.
- A UDOT Conditional Access Permit or city permit, depending upon the ownership of Maroon Avenue, will be required prior to construction on Lot 1 and for vehicle access to Lot 2 directly from Maroon Avenue.
- Fire sprinklers will be required within all dwellings constructed on the lots.

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

LINE	THICK	BEARING	LENGTH
101	1/8"	N 89°00'00" E	3.94
102	1/8"	N 12°45'00" E	12.49
103	1/8"	N 75°00'00" E	24.00
104	1/8"	N 89°00'00" E	3.94
105	1/8"	S 24°00'00" E	16.00
106	1/8"	N 10°00'00" E	20.00
107	1/8"	N 10°00'00" E	20.00
108	1/8"	N 10°00'00" E	20.00
109	1/8"	N 10°00'00" E	20.00
110	1/8"	N 10°00'00" E	20.00
111	1/8"	N 10°00'00" E	20.00
112	1/8"	N 10°00'00" E	20.00
113	1/8"	N 10°00'00" E	20.00
114	1/8"	N 10°00'00" E	20.00
115	1/8"	N 10°00'00" E	20.00
116	1/8"	N 10°00'00" E	20.00
117	1/8"	N 10°00'00" E	20.00
118	1/8"	N 10°00'00" E	20.00
119	1/8"	N 10°00'00" E	20.00
120	1/8"	N 10°00'00" E	20.00

LOT 1
CONTAINS 6.77 ACRES

LOT 2
CONTAINS 2.01 ACRES

LOT 4
CONTAINS 0.10 ACRES

LOT 3
CONTAINS 0.66 ACRES

- LEGEND**
- EASEMENT AREA A
 - EASEMENT AREA B
 - EASEMENT AREA C
 - EASEMENT AREA D

20' 0 20' 40'

APR 03 2017

SHEET 2 OF 2

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER _____

LAURENCE
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
375 Main Street, P.O. Box 2044 Park City, Utah 84050-2044

FILE: Z:\Empire\dwg\lva\plat2016\120216-VAEP North Sub

The Village at Empire Pass North Subdivision
Amended Application
April 3, 2017

On February 8th, 2017, Park City Planning Commission recommended approval of the Village at Empire Pass North ("VEPN") Subdivision as submitted on August 30th, 2016. Subsequent to Planning Commission review, the applicant foreclosed on three parcels immediately adjacent the pending subdivision. At the applicant's request the subdivision application has not yet been brought before City Council for approval.

The applicant requests approval of the amended VEPN Subdivision application incorporating the three additional adjacent parcels into Lots 1 and 2.

The amended Subdivision application now includes additional easements between and Lots 2 and 3 and Lot 4 (previously Parcel A). It also includes a very minor amendment to the density restrictions on Lot 3.

The Village at Empire Pass is part of the Flagstaff Annexation Area with development governed by the Amended Flagstaff Development Agreement. The Small Scale MPD for the Village at Empire Pass was approved on July 28th, 2004 with approved volumetrics established for condominium buildings at that time. The Village at Empire Pass Phase One (East Side) was platted in November 2004, followed by the Village at Empire Pass West Side platted in August 2005.

As the holder of the balance of entitled development land in the Village at Empire Pass, REDUS Park City LLC (REDUS) desires to record the VEPN Subdivision to create lots of record for the three remaining development sites. The proposed parcelization is consistent with that shown at the time of MPD approval. The VEPN Subdivision also includes a Lot 4 (that was previously Parcel A) situated beneath the Silver Strike Chair with plat notes restricting use to resort and similar activities. Lot 4 is assigned no residential density. Development on each of the three lots will require a Conditional Use Permit.

In the amended application, Lot 2 now includes a 0.13 acre strip of land between PCA-S-98-DD and One Empire Lodge. Lot 2 now also includes a 0.3 acre triangle of land between Marsac Avenue and the southern portion of the Marsac Claim (PCA-S-384). In the amended application, Lot 1 now includes an additional 3.77 acres of land north and east of Parcel PCA-S-98-BB. Total increase in lot area from previous subdivision is 4.2 acres.

With the amended application, permitted development density on Lot 3 is increased from 23.5 UEs to 24.5 UEs, while the permitted number of dwelling units is reduced from 23 to 21. No densities are assigned to Lots 1 or 2 at this time.



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Recorded this ____ day of
____, 2007
at Book # ____ Page # ____

ENTRY NO. 00806100

03/02/2007 02:42:51 PM B: 1850 P: 1897

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR FLAGSTAFF MOUNTAIN,
BONANZA FLATS, RICHARDSON FLATS,
THE 20-Acre QUINN'S JUNCTION PARCEL
AND IRON MOUNTAIN**

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

- A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **“Northside Neighborhood”** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **“Northside Neighborhood Property Owners”** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **“Pedestrian Village”** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **“Planned Unit Development” or “PUD”** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **“Pod Z”** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **“Project”** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **“Residential Accessory Uses”** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **“Resort Accessory Uses”** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
- 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
- 2.1.3. Specific Transit Plan;
- 2.1.4. Parking Management Plan;
- 2.1.5. Detailed Open Space Management Plan;
- 2.1.6. Historic Preservation Plan;
- 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
- 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
- 2.1.9. Private Road Access Limitation Procedures;
- 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
- 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
- 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
- 2.1.13. Wildlife Management Plan; and
- 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 Mountain Village: The Mountain Village is constrained as follows:

2.2.1.1 Small Scale MPD. Site specific volumetrics and configuration will be established in the Small Scale MPD process.

2.2.1.2. Maximum Development Area. In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.

2.2.1.3. Maximum Density. The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.

2.2.1.4. Pedestrian Village. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.

2.2.1.5. Commercial. The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute 1/4 Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K, which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,

Technical Reports

See Link in Exhibit list.

Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
 Master Planned Development
Date: July 28, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass (formerly known as Flagstaff Mountain Resort)
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, State Route 224

Background

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 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 and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved development pods without the necessity of a height increase above the 33-foot RD zone height limit; and
2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Actual Units	Acres
Ten single family homes	Does not count towards 705 total		6.40 acres in Pod B-1

A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.		1.33 acres in Pod B-2
B: PUD-style homes	27 UEs	18	16.99 acres in Pod B-1
C: Ironwood Townhomes	37.5 UEs	25	3.63 acres in Pod B-1
D: Building H	33 UEs plus 1UE Support Commercial	22	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri-plex and a duplex)	7.1 UEs or 14,052 sf	5	Pod A
Paintbrush PUD-style SFD	18.1 UEs or 36,139 sf	7	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	77	28.35 acres outside of Pod A

Proposed Pod A Village (excludes Building H which is in Pod A; includes already approved Paintbrush and Larkspur units)

Lot	Unit Equivalents	Actual Units	Units as PUDs	Single Family
Buildings 1-9	225.6 UEs	217 Units		
PUD-style	85.4	30	30	
Townhomes	64	51	8	
Banner SFD				6
Total	375	298	38	6

Analysis

Master Planned Development Review

Staff has performed a final review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments–MPD Requirements.

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H) already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5 units unallotted. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

Marsac Claim/Mayflower

Please refer to the July 14, 2004 report for discussion on the Marsac Claim and Mayflower holdings. The Court issued a ruling in the partition case between Mayflower and Unite Park. Staff will update the Commission as necessary, but it does not impact this application or approval.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop. This MPD approval only applies to Pod A.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder. The Planning Commission gave a final review of the Visual Analysis and building heights at the July 14, 2004 hearing and preliminarily determined the proposed heights comply with these criteria.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below with Staff comments.

1. The increase in building height 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.

Complies. In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The

analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

2. Buildings 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.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each

structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configurations. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. The end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was

accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

Existing and new trails are accommodated with the proposed plan. All "back-country" work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that each CUP application include a preliminary landscape plan with water-efficient irrigation systems.

Sensitive Lands Compliance

The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

Recommendation: The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Village at Empire Pass as follows:

Findings of Fact

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-used 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 75,000 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) form the standards 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, Exhibit D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), and Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and Construction Sequencing (Exhibit H). 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 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 towards the PUD limit 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 towards 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 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 1-9, 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 has 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 on 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

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; and,
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

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,

Exhibits

- A – Master Plan Development Project Description (8 pages)
- B – Supplemental Project Description and Conditions (3 pages)
- C - Conceptual Plans (10 pages)
- D – Volumetric Analysis (3 pages)
- E – Volumetrics, Buildings 1-9 (19 pages)
- F – Visual Analysis (5 pages)
- G – Architectural Character (6 pages)
- H – Supplemental Plans

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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

Ordinance No. 04-42

**AN ORDINANCE APPROVING A SUBDIVISION PLAT FOR THE VILLAGE AT
EMPIRE PASS, PHASE I, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Village at Empire Pass, Phase I have petitioned the City Council for approval of the subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 22, 2004, to receive input on the subdivision plat;

WHEREAS, the Planning Commission, on September 22, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 30, 2004 the City Council approved the subdivision plat; and

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

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

SECTION 1. APPROVAL. The subdivision 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. The Village at Empire Pass Phase Plat is located in the RD-MPD zoning district.
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-used 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. Two parcels with eleven (11) lots are created with this subdivision plat.

5. A maintenance agreement addressing snow removal and maintenance of the water system exists between Park City Municipal Corporation and the Village at Empire Pass Master Homeowners Association.
6. The Planning Commission held a public hearing on this application on September 22, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law

1. There is good cause for this Subdivision Plat.
2. The Final Subdivision Plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, 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 Final Subdivision Plat.
4. Approval of the Final 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. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
2. The subdivision plat will include a plat note requiring water-efficient irrigation systems, limited turf and disturbance.
3. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
4. 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.
5. 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. The final plat shall contain a note that Village Way is a private road and another note that the maintenance of the water system is the private responsibility of the Village at Empire Pass Master Homeowners Association.

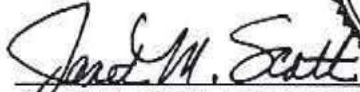
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of September, 2004.

PARK CITY MUNICIPAL CORPORATION

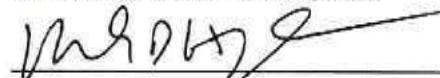

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney

Ordinance No. 05-32

AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS WEST SIDE SUBDIVISION PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass West Side subdivision plat have petitioned the City Council for approval of the Village at Empire Pass West Side subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 25, 2005, to receive input on the Village at Empire Pass West Side subdivision plat;

WHEREAS, the Planning Commission, on May 25, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 26, 2005 the City Council approved the Village at Empire Pass West Side subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass West Side subdivision plat.

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

SECTION 1. APPROVAL. The Village at Empire Pass West Side subdivision 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. The Village at Empire Pass West Side Plat is located in the Residential Development (RD) -MPD District.
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-used 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 MPD and subdivision are subject to the 14 Technical Reports approved on December 12, 2002.
5. On July 28, 2004 the Planning Commission approved a Master Planned Development for the Village at Empire Pass, also known as Pod A. Included in this MPD approval are nine multi-family, stacked-flat, buildings. The plat creates lots for Lodges 5-9, inclusive. In addition, two lots are created for future townhouse and PUD-style condominium projects and one lot as a Conservation Easement.
6. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). The Planning Commission granted height exceptions to the nine Lodges in the Village Master Plan.
7. The applicant's prior dedication of the realigned SR 224 is subject to a claim resulting from ownership of the Marsac Claim. The applicant and UDOT have committed to maintaining public access and taking necessary corrective action.
8. Legal and safe road access is necessary for the public health, safety and welfare.
9. The pedestrian trail system is internal to the Village. A sidewalk on Empire Club Drive was not considered necessary in the approved Trails section of the Village Master Plan.
10. The Planning Commission discussed this plat at its regular meeting of May 25, 2005, and forwards a positive recommendation to the City Council.

Conclusions of Law

1. There is good cause for this Final Subdivision Plat.
2. The Final Subdivision Plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, 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 Final 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

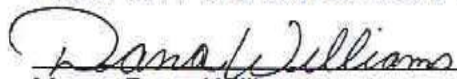
1. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation. The utility plan shall show sewer lines no deeper than 12 feet. The master Empire Pass storm drain detention structure must be completed prior to occupancy of any structure within the Village at Empire Pass (Pod A) West Side Subdivision.
2. Both 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.

3. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the west side infrastructure. No snow hauling off site will be permitted.
4. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer. All street improvements are privately maintained.

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

PASSED AND ADOPTED this 26th day of May, 2005.

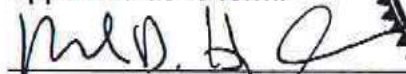
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE and that the same has been or will be correctly located on the ground as shown on this plat. I further certify this plat accurately represents the surveyed property.

John Demkowicz
John Demkowicz

6/15/05
Date

BOUNDARY DESCRIPTION

PARCEL 1

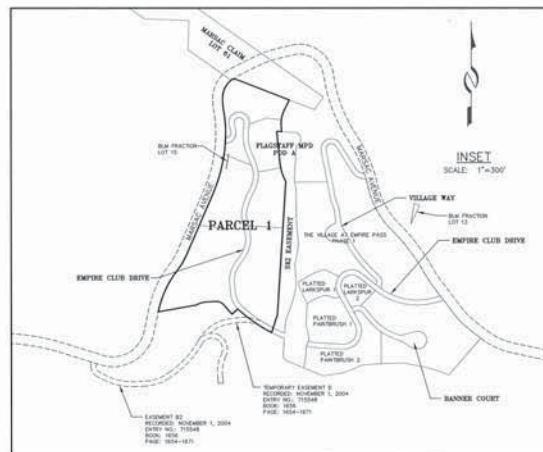
A parcel of land located in the south half of Section 21 and the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 81.3 feet along section line and North 262.11 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 27°16'27" West 56.07 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 75.83 feet through a central angle of 28°57'57" to a point of compound curve to the left having a radius of 300.00 feet, of which the radius point bears North 88°18'30" East; thence southerly along the arc of said curve 20.22 feet through a central angle of 0°39'42", thence South 05°33'11" East 17.15 feet; thence North 86°16'45" West 25.33 feet; thence South 02°33'11" East 157.74 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 84°26'49" East; thence along the arc of said curve 92.29 feet through a central angle of 21°09'04" to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South 63°17'44" West; thence southeasterly along the arc of said curve 11.44 feet through a central angle of 08°13'06"; thence South 03°43'15" West 67.55 feet to a point on a non tangent curve to the left having a radius of 1025.00 feet, of which the radius point bears South 70°22'23" East; thence southerly along the arc of said curve 38.87 feet through a central angle of 02°10'21"; thence South 17°27'15" West 31.90 feet to a point on the northerly right-of-way of Empire Club Drive as shown and dedicated on The Village at Empire Pass, Phase 1, recorded November 24, 2004, as #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence South 17°27'15" West 25.38 feet to a point on the southerly right-of-way of Empire Club Drive, said point also being on a non tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 27°15'53" East; thence northwesterly along the arc of said curve 199.71 feet through a central angle of 14°05'00" to a point of compound curve to the right having a radius of 137.50 feet, of which the radius point bears North 41°20'53" East; thence northwesterly along the arc of said curve 12.52 feet through a central angle of 05°13'06"; thence South 46°33'59" West 40.09 feet; thence North 41°37'40" West 65.38 feet to a point on a curve to the left having a radius of 50.00 feet, of which the radius point bears South 48°22'20" West; thence along the arc of said curve 44.97 feet through a central angle of 51°32'04"; thence South 86°50'15" West 44.62 feet to a point on a curve to the left having a radius of 137.50 feet, of which the radius point bears South 03°09'44" East; thence along the arc of said curve 60.72 feet through a central angle of 25°18'01"; thence South 79°50'46" West 195.15 feet to a point on a non tangent curve to the right having a radius of 509.74 feet, of which the radius point bears South 78°19'48" East; said point also being on the easterly boundary of Moriac Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded #623401; thence along the easterly boundary of Moriac Avenue Right-of-Way the following seven (7) courses: 1) northwesterly along the arc of said curve 234.19 feet through a central angle of 26°19'27" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 51°56'21" West; thence 2) northwesterly along the arc of said curve 93.78 feet through a central angle of 14°19'44"; thence 3) North 23°43'50" East 337.26 feet to a point on a curve to the left having a radius of 775.00 feet, of which the radius point bears North 66°16'05" West; thence 4) along the arc of said curve 304.94 feet through a central angle of 22°32'40" to a point of compound curve to the left having a radius of 625.58 feet, of which the radius point bears North 88°48'45" West; thence 5) northwesterly along the arc of said curve 126.66 feet through a central angle of 11°52'33" to a point of reverse curve to the right having a radius of 275.00 feet, of which the radius point bears North 79°18'42" East; thence 6) northwesterly along the arc of said curve 64.62 feet through a central angle of 13°27'50" to a point of compound curve to the right having a radius of 118.63 feet, of which the radius point bears South 87°15'28" East; thence 7) northwesterly along the arc of said curve 107.81 feet through a central angle of 52°04'13" to a point on the northerly side of the Little Mc mining claim, Lot 53A in the Utah Mining District; thence along the northerly side of the Little Mc mining claim the following two (2) courses: 1) South 85°20'00" East 21.17 feet; thence 2) South 88°50'00" East 289.99 feet to the point of beginning.

Description contains 10.52 acres, more or less.



VICINITY MAP



NOTES:

- All building setbacks from property lines are to be the residential development zone (RD) minimum unless approved otherwise by the Village at Empire Pass Master Plat Development.
- Conditional use permit approval will be required prior to construction on each of the development lots shown herein.
- A declaration of condominium and a record of survey of condominium will be required for the purpose of the sale of individual units within the development lots shown herein.
- All utility and trail easements adjacent to or traversing across the lots, as shown herein, are for public use. No improvements may be made to these public ways that would hinder passage, endanger the users, or interfere with existing utilities.
- The Empire Pass Master (Owner Association, Inc. (the "Master Association")) together with the Master Declaration of Condominiums, Conditions, and Restrictions of Empire Pass ("Master Declaration") requires the membership of each lot owner. Members are subject to the terms of the articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including assessments and transfer fees as provided therein.
- The operation and maintenance responsibilities for the public sidewalk, hiking, and biking trails that may be established across the lots shown herein are set forth in the Master Declaration.
- Public safety access and public utility easements are hereby dedicated for all public and private roadway, emergency access roads, and private driveway.
- A 20' snow storage easement is hereby dedicated along the frontage of all lots.
- A lot extension agreement (LEA) will be required to be filed with the Salt Lake Basin Water Reclamation District (SLBRWD) with the development of each lot.
- Empire Club Drive 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 of Deer Valley in accordance with the Master Declaration. Empire Club Drive is not a public road or right-of-way. This Record of Survey Map shall not be deemed to grant any rights in the public to use Empire Club Drive or create any obligations on the part of Park City Municipal Corporation to maintain or repair Empire Club Drive. All such use and maintenance shall be governed by the terms and provisions of the Master Declaration and the Maintenance Agreement dated March 15, 2004 (and as amended from time to time) between Park City Municipal Corporation, United Park City Mines Company, Blue Lodge Corporation and the Master Association.
- As the title of any recording of Empire Club Drive, the Master Association shall be responsible to adjust wastewater manholes to grade according to Salt Lake Basin Water Reclamation District Standards. Maintenance adjustment of manholes within private roadways included as part of specific developments shall be the responsibility of the homeowners association for such development.
- The Master Association shall be responsible for the maintenance and replacement of all sanitary sewer laterals situated within Empire Club Drive or the SLBRWD easement shown herein. The Master Association shall have the right to assess the cost of such maintenance and repair to parcel(s), unit(s), or condominium associations served by such laterals, in accordance with the Master Declaration.
- The easement in favor of the Jordanville Special Service District is for a water drain tunnel situated approximately 900 feet below the surface of the property.
- All property corners to be set along Empire Club Drive will be set at the intersection of the 9.5' wide public and private utility easement and the lot line or lot corner thereon.
- Any landscaping shall utilize either no irrigation or water efficient irrigation, limited turf, and limited disturbance.
- The maintenance of the water system is the private responsibility of the Empire Pass Master Homeowners Association.
- The utility of the Village of Empire Pass West Side are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.

SUBDIVISION PLAT THE VILLAGE AT EMPIRE PASS WEST SIDE

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 11th day of June, 2005.

EMPIRE MOUNTAIN VILLAGE, LLC
A Delaware limited liability company
By: *John Demkowicz*
Its Manager

Title: *John Demkowicz*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 11th day of June, 2005 by *John Demkowicz* the *Vice President* of *EMPIRE MOUNTAIN VILLAGE, LLC*, a Colorado corporation, Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.

John Demkowicz
Notary Public Commissioned in Utah

John Demkowicz
Printed Name

John Demkowicz
Residing in: *John Demkowicz*

My commission expires: *11-11-07*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT UNITED PARK CITY MINES COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 11th day of June, 2005.

UNITED PARK CITY MINES COMPANY
A Delaware corporation
By: *John Demkowicz*
Its Manager

Title: *John Demkowicz*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 11th day of June, 2005 by *John Demkowicz* the *Vice President* of *UNITED PARK CITY MINES COMPANY*, a Delaware corporation.

John Demkowicz
Notary Public Commissioned in Utah

John Demkowicz
Printed Name

John Demkowicz
Residing in: *John Demkowicz*

My commission expires: *10-10-07*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 11th day of June, 2005.

MOUNTAIN DEVELOPMENTS I, INC.
A Delaware corporation
By: *John Demkowicz*
Its Manager

Title: *John Demkowicz*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 11th day of June, 2005 by *John Demkowicz* the *Vice President* of *MOUNTAIN DEVELOPMENTS I, INC.*, a Delaware corporation.

John Demkowicz
Notary Public Commissioned in Utah

John Demkowicz
Printed Name

John Demkowicz
Residing in: *John Demkowicz*

My commission expires: *11-11-07*

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 West Street, P.O. Box 2044 Park City, Utah 84002-2044	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 22nd DAY OF June, 2005 A.D. BY: <i>John Demkowicz</i> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 19th DAY OF August, 2005 A.D. <i>John Demkowicz</i> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22nd DAY OF June, 2005 A.D. BY: <i>John Demkowicz</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 11th DAY OF June, 2005 A.D. BY: <i>John Demkowicz</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 11th DAY OF June, 2005 A.D. BY: <i>John Demkowicz</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11th DAY OF June, 2005 A.D. BY: <i>John Demkowicz</i> MAYOR	7407944 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <i>John Demkowicz</i> DATE 8-18-05 TIME 11:02 AM BOOK PAGE FEE <i>John Demkowicz</i> RECORDED
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SURVEYOR'S CERTIFICATE
I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as THE VILLAGE AT EMPIRE PASS, PHASE I and that the same has been or will be correctly located on the ground as shown on this plat.

John Demkowicz
Date 11-10-04



BOUNDARY DESCRIPTIONS

PARCEL 1

A parcel of land located in the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at a point that is North 88°02'24" East 290.39 feet along section line and South 78°05' feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly boundary of Marston Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, and running thence along said Marston Avenue Right of Way the following three (3) courses: (1) South 27°14'47" East 84.65 feet to a point on a curve to the left having a radius of 423.00 feet, of which the radius point bears North 32°43'13" East, thence (2) along the arc of said curve 110.79 feet through a central angle of 14°56'10", thence (3) South 52°12'57" East 74.75 feet; thence South 47°23'30" West 246.38 feet; thence North 62°32'30" West 53.49 feet; thence North 74°14'47" West 74.14 feet; thence North 79°42'37" West 114.33 feet; thence South 80°20'25" West 112.35 feet to the southeast corner of Paintbrush Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, thence along the westerly and northerly boundaries of said Paintbrush Homes, Parcel 2, Amended and Restated, the following five (5) courses: (1) North 182.41 feet to a point on a non tangent curve to the right having a radius of 312.50 feet, of which the radius point bears North 34°21'32" East, thence (2) southeasterly along the arc of said curve 95.01 feet through a central angle of 17°25'17", thence (3) North 38°15'17" West 42.43 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 51°46'42" West, thence (4) along the arc of said curve 40.09 feet through a central angle of 83°10'06" to a point of compound of 27.50 feet, of which the radius point bears South 31°42'42" East, thence (5) southeasterly along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point on Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, thence North 28°42'42" West 52.46 feet along said Empire Club Drive to a point on a non tangent curve to the left having a radius of 17.77 feet, of which the radius point bears North 81°14'18" East, said point also being on the westerly boundary of Larkspur Townhomes, Parcel 2, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, thence along the southerly boundary of said Larkspur Townhomes, Parcel 2, the following three (3) courses: (1) westerly along the arc of said curve 26.18 feet through a central angle of 88°23'48" to a point of reverse, of which the radius point bears South 23°09'30" East, thence (2) westerly along the arc of said curve 21.21 feet through a central angle of 34°03'50", thence (3) North 43°01'58" East 110.12 feet to a point on a non tangent curve to the left having a radius of 143.18 feet, of which the radius point bears North 27°13'27" East, thence along the westerly and southerly boundaries of said Empire Club Drive the following four (4) courses: (1) westerly along the arc of said curve 27.93 feet through a central angle of 45°24'32" to a point of compound curve to the left having a radius of 472.41 feet, of which the radius point bears North 16°07'27" West, thence (2) westerly along the arc of said curve 10.58 feet through a central angle of 94°09'02" to a point of reverse curve to the right having a radius of 30.00 feet, of which the radius point bears South 29°42'28" East, thence (4) westerly along the arc of said curve 13.22 feet through a central angle of 25°15'17" to the point of beginning.

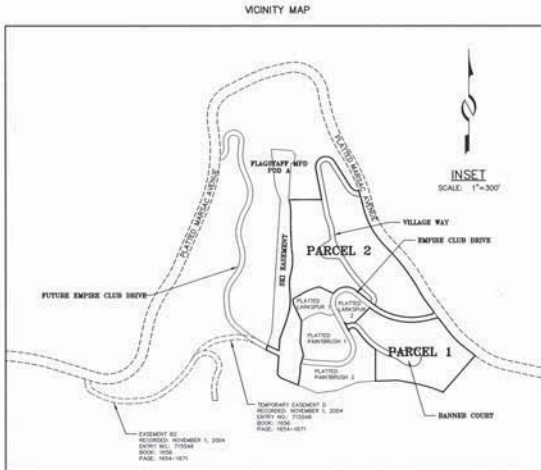
Description contains 3.55 acres, more or less.

PARCEL 2

A parcel of land located in the north half of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°02'24" East 290.39 feet along section line and South 118.28 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly boundary of Marston Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being on a curve to the right having a radius of 775.00 feet, of which the radius point bears North 71°04'46" West, and running thence along the westerly boundary of said Marston Avenue Right of Way the following five (5) courses: (1) southeasterly along the arc of said curve 180.75 feet through a central angle of 92°22'24" to a point of reverse curve to the left having a radius of 423.00 feet, of which the radius point bears North 77°27'40" East, thence (2) southeasterly along the arc of said curve 245.75 feet through a central angle of 33°17'47" to a point of reverse curve to the right having a radius of 975.00 feet, of which the radius point bears South 44°19'32" West, thence (3) southeasterly along the arc of said curve 285.14 feet through a central angle of 16°55'17" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 83°15'47" East, thence (4) southeasterly along the arc of said curve 50.62 feet through a central angle of 0°27'38", thence (5) South 27°14'47" East 68.89 feet to a point on a non tangent curve to the right having a radius of 20.00 feet, of which the radius point bears North 67°16'47" West, said point also being on the northerly boundary of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, thence along the northerly boundary of Empire Club Drive the following five (5) courses: (1) southeasterly along the arc of said curve 18.10 feet through a central angle of 91°50'47", thence (2) southeasterly along the arc of said curve 20.24 feet through a central angle of 47°24'32", thence (3) North 52°12'57" East 74.75 feet to a point on a curve to the left having a radius of 81.00 feet, of which the radius point bears South 38°20'29" West, thence (4) along the arc of said curve 130.05 feet through a central angle of 87°59'39" to a point of reverse curve to the right having a radius of 202.16 feet through a central angle of 47°24'32", thence (5) North 52°12'57" East 74.75 feet; thence (6) South 80°20'25" West 112.35 feet; thence (7) South 47°23'30" West 246.38 feet; thence (8) North 62°32'30" West 53.49 feet; thence (9) North 74°14'47" West 74.14 feet; thence (10) North 79°42'37" West 114.33 feet; thence (11) South 80°20'25" West 112.35 feet to the southeast corner of Paintbrush Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, thence along the westerly boundary of said Paintbrush Homes, Parcel 2, Amended and Restated, the following three (3) courses: (1) North 182.41 feet to a point on a non tangent curve to the right having a radius of 312.50 feet, of which the radius point bears North 34°21'32" East, thence (2) southeasterly along the arc of said curve 95.01 feet through a central angle of 17°25'17", thence (3) North 38°15'17" West 42.43 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 51°46'42" West, thence (4) along the arc of said curve 40.09 feet through a central angle of 83°10'06" to a point of compound of 27.50 feet, of which the radius point bears South 31°42'42" East, thence (5) southeasterly along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point on Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, thence along the southerly boundary of said Larkspur Townhomes, Parcel 2, the following three (3) courses: (1) westerly along the arc of said curve 26.18 feet through a central angle of 88°23'48" to a point of reverse, of which the radius point bears South 23°09'30" East, thence (2) westerly along the arc of said curve 21.21 feet through a central angle of 34°03'50", thence (3) North 43°01'58" East 110.12 feet to a point on a non tangent curve to the left having a radius of 143.18 feet, of which the radius point bears North 27°13'27" East, thence along the westerly and southerly boundaries of said Empire Club Drive the following four (4) courses: (1) westerly along the arc of said curve 27.93 feet through a central angle of 45°24'32" to a point of compound curve to the left having a radius of 472.41 feet, of which the radius point bears North 16°07'27" West, thence (2) westerly along the arc of said curve 10.58 feet through a central angle of 94°09'02" to a point of reverse curve to the right having a radius of 30.00 feet, of which the radius point bears South 29°42'28" East, thence (4) westerly along the arc of said curve 13.22 feet through a central angle of 25°15'17" to the point of beginning.

Description contains 7.65 acres, more or less.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PANTBRUSH RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

PANTBRUSH RESIDENCES, LLC
A Delaware limited liability company

By: *James M. Hill*
Title: *Vice President*

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by James M. Hill, the Vice President of HE HOLDING CORP. II, a Colorado corporation, Manager of PANTBRUSH RESIDENCES, LLC, a Delaware limited liability company.

Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

SHOOTING STAR RESIDENCES, LLC
A Delaware limited liability company

By: *James M. Hill*
Title: *Vice President*

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by James M. Hill, the Vice President of HE HOLDING CORP. II, Manager of SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company.

Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008



THE VILLAGE AT EMPIRE PASS PHASE 1

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 12 DAY OF November, 2004 A.D.

BY: *James M. Hill*
CHAIRMAN

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12 DAY OF November, 2004 A.D.

BY: *James M. Hill*
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 11th DAY OF November, 2004 A.D.

BY: *James M. Hill*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 15th DAY OF November, 2004 A.D.

BY: *James M. Hill*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 14th DAY OF November, 2004

BY: *James M. Hill*
PARK CITY RECORD

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF September, 2004 A.D.

BY: *James M. Hill*
MAYOR

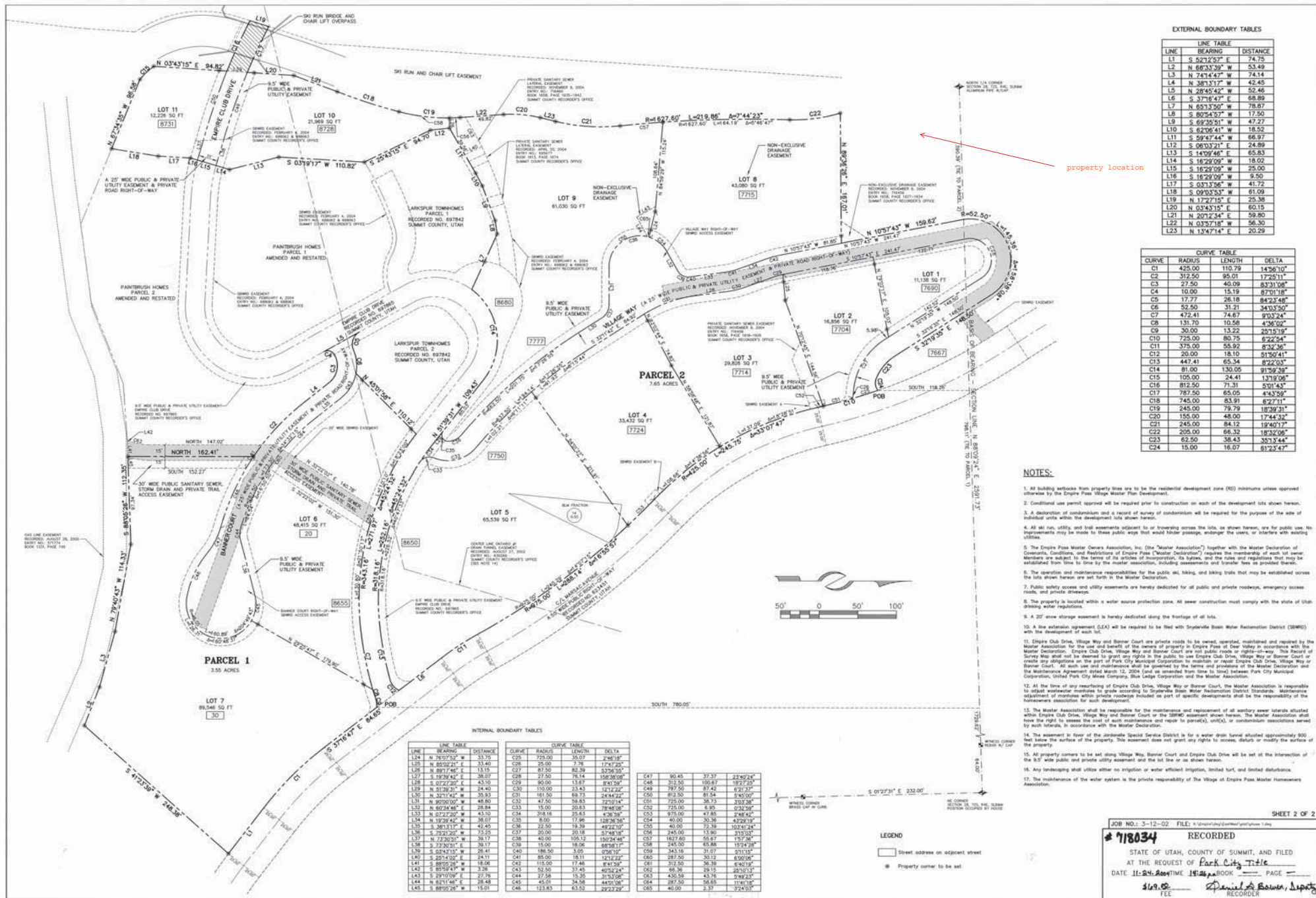
718034 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City TITLE

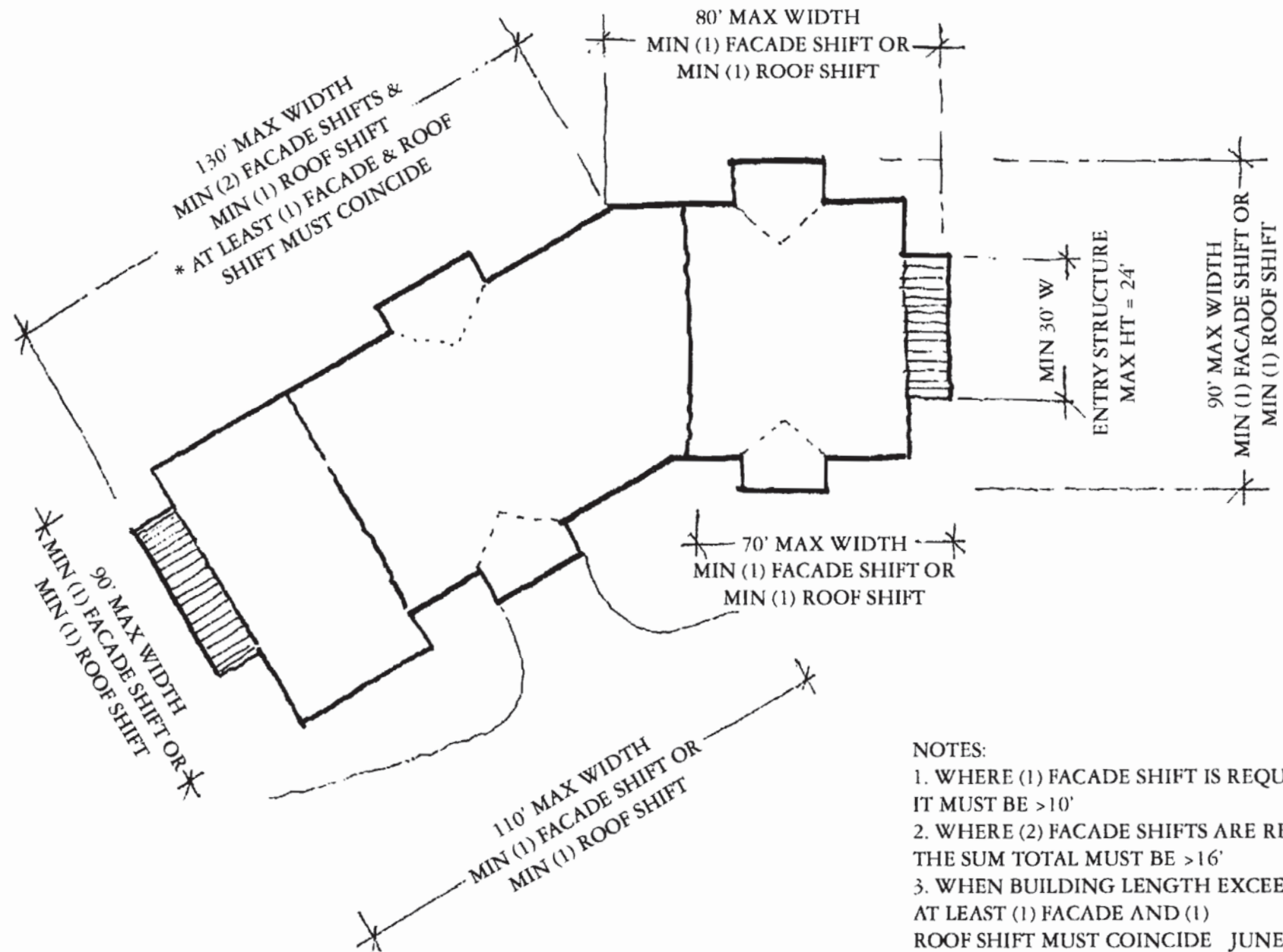
DATE 11-24 TIME 11:45 BOOK 114 PAGE 1
FEE \$12.50 REC'D James M. Hill, Deputy



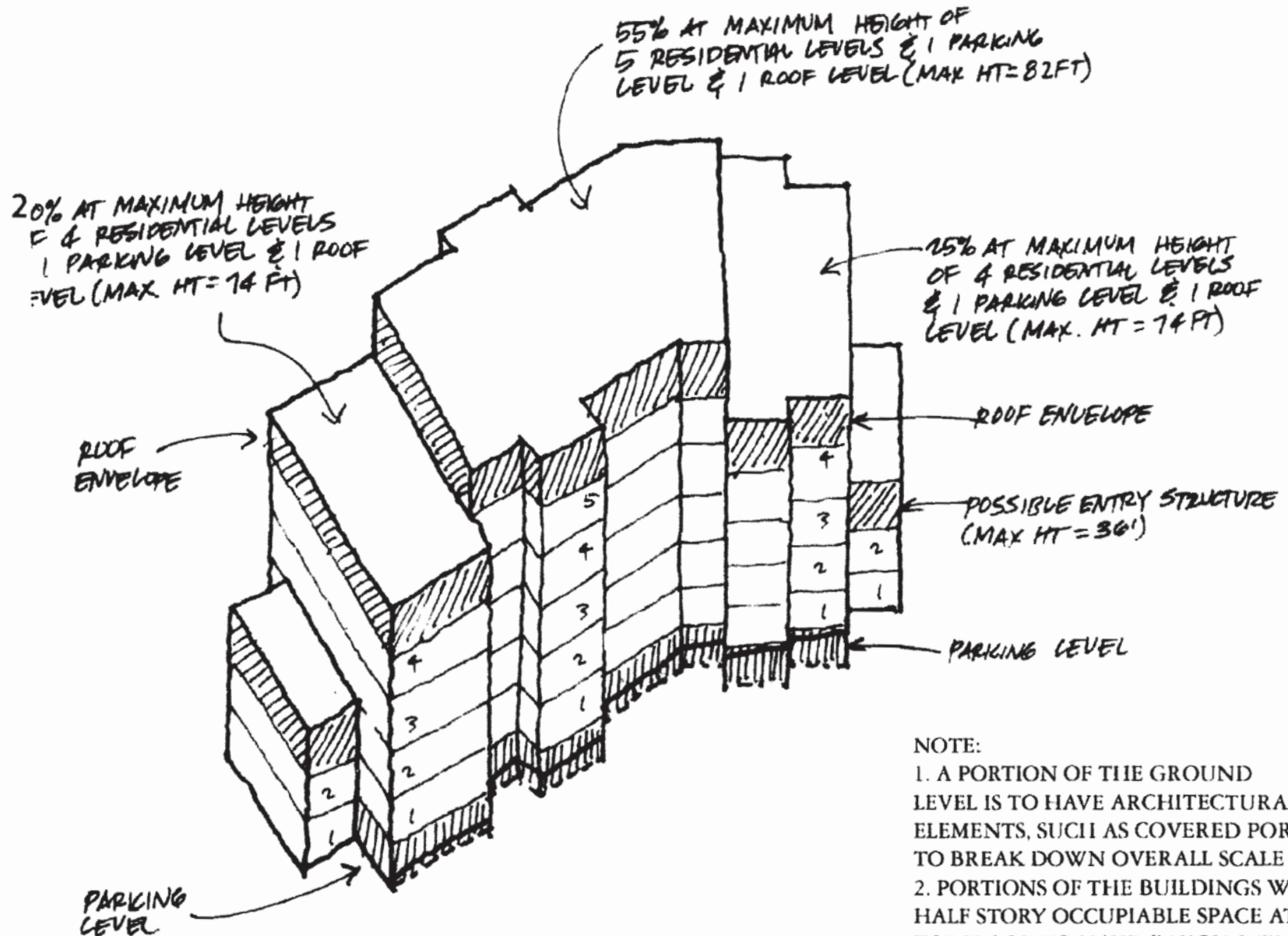
CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS
237 Main Street, P.O. Box 2084, Park City, Utah 84060-2084



Building 3 Volumetrics Plan View

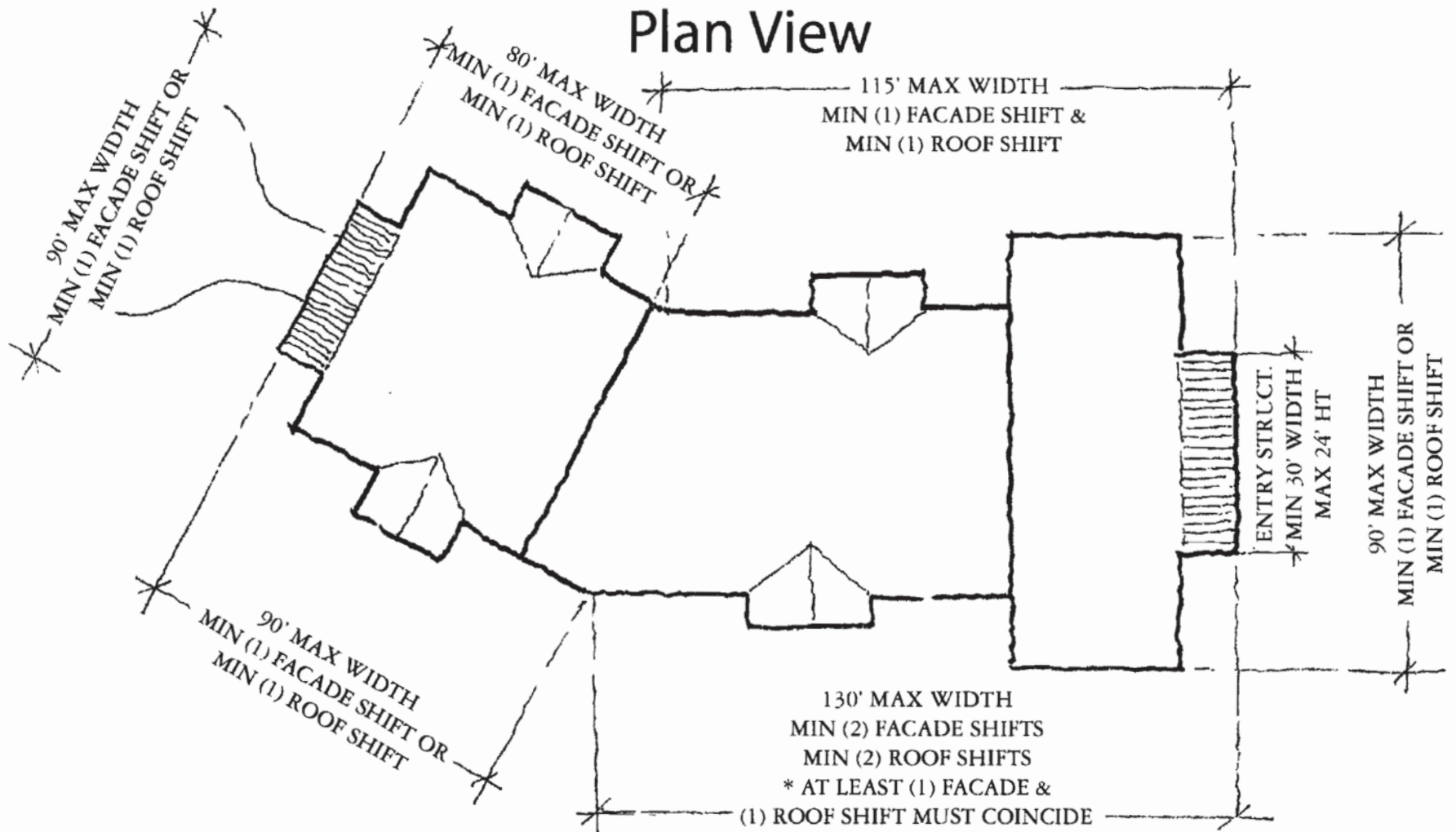


Building 3 Volumetrics Isometric View



JUNE 17, 2004

Building 4 Volumetrics Plan View



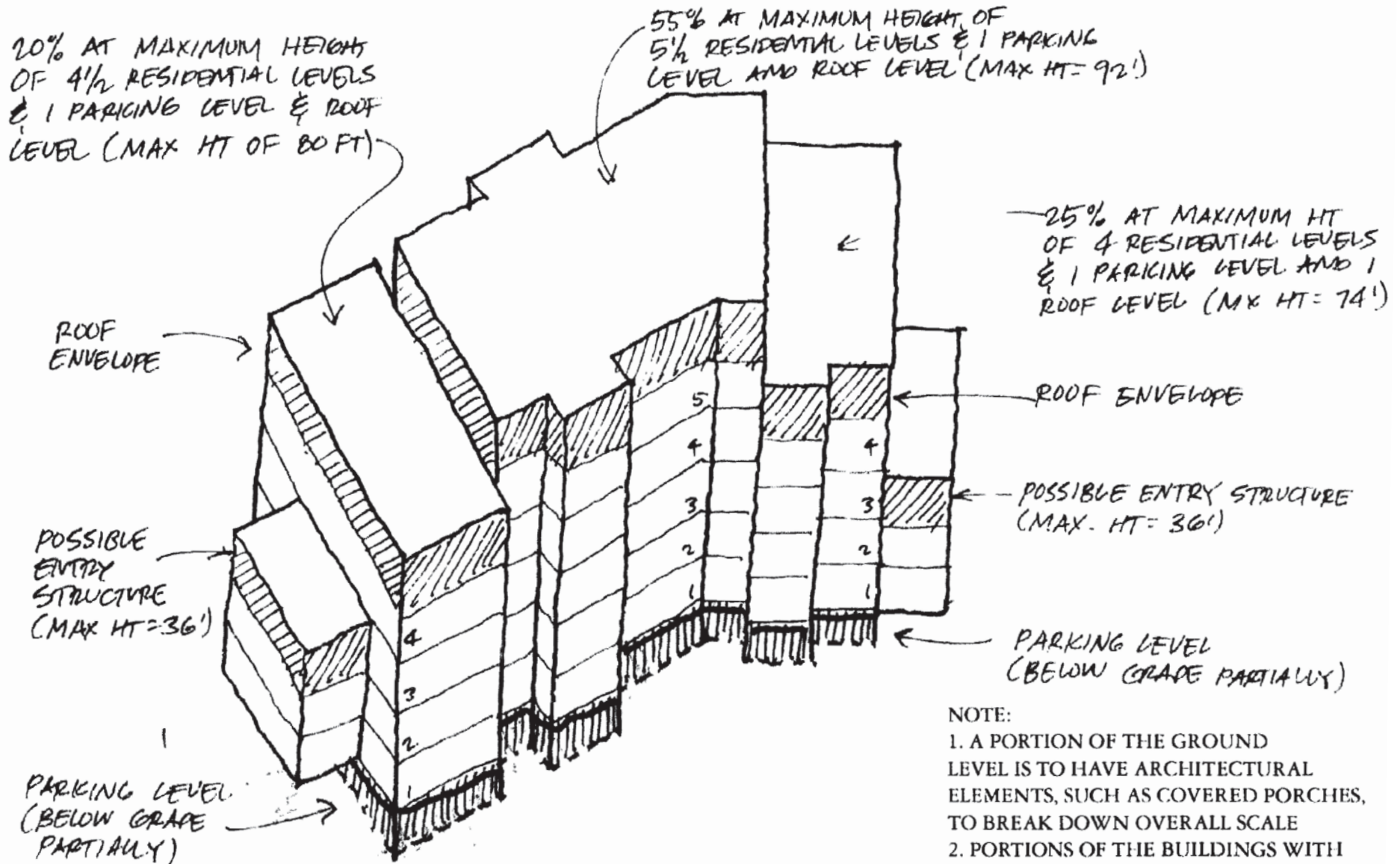
NOTES:

1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE >10'
2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE

JUNE 17, 2004

Building 4 Volumetrics

Isometric View



Development Site
per MPD



Master Plan - Summer

May 6, 2004

HART HOWERTON
PLANNING AND DESIGN
ARCHITECTS

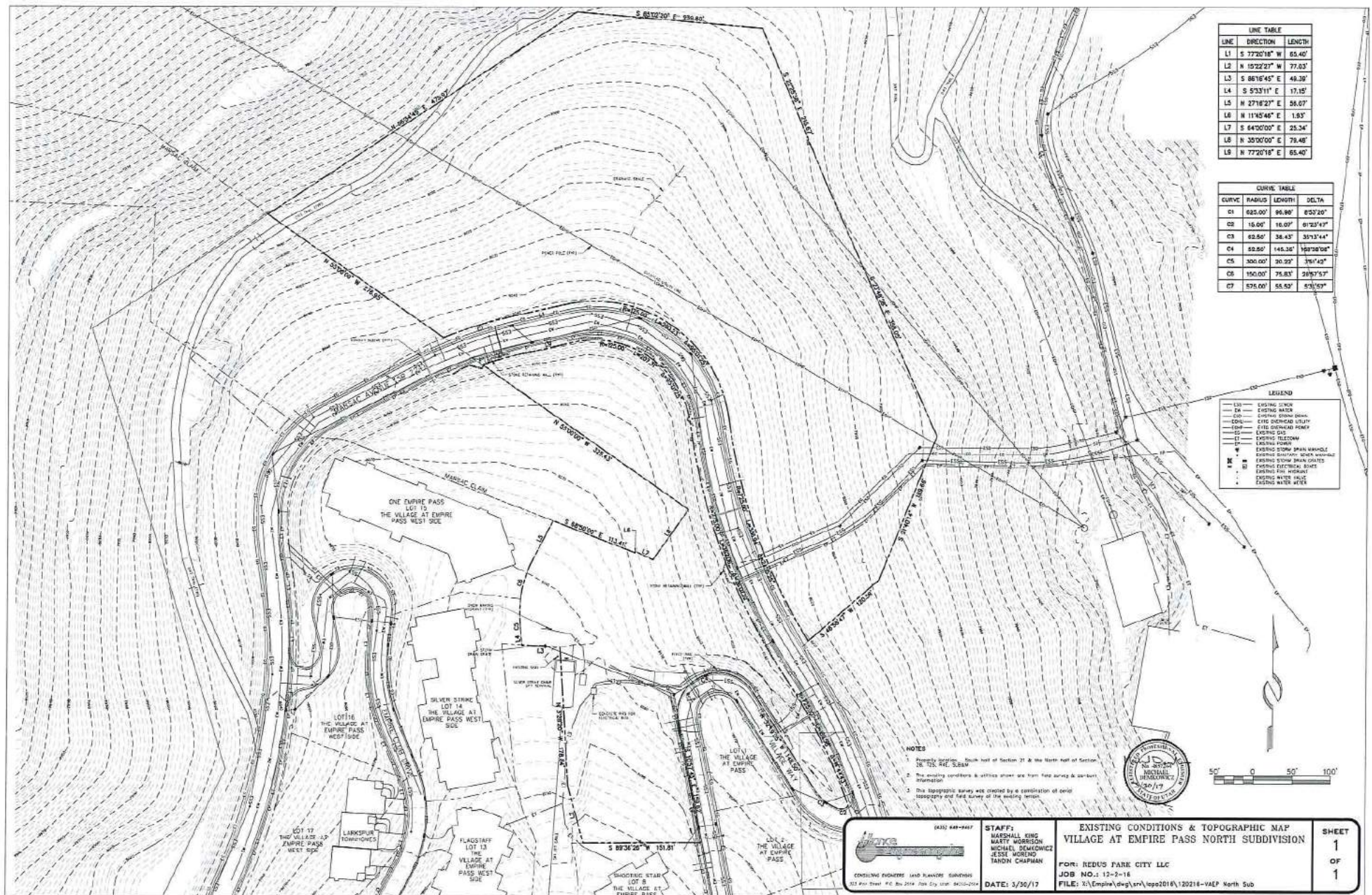
THE VILLAGE AT EMPIRE PASS
Park City, Utah

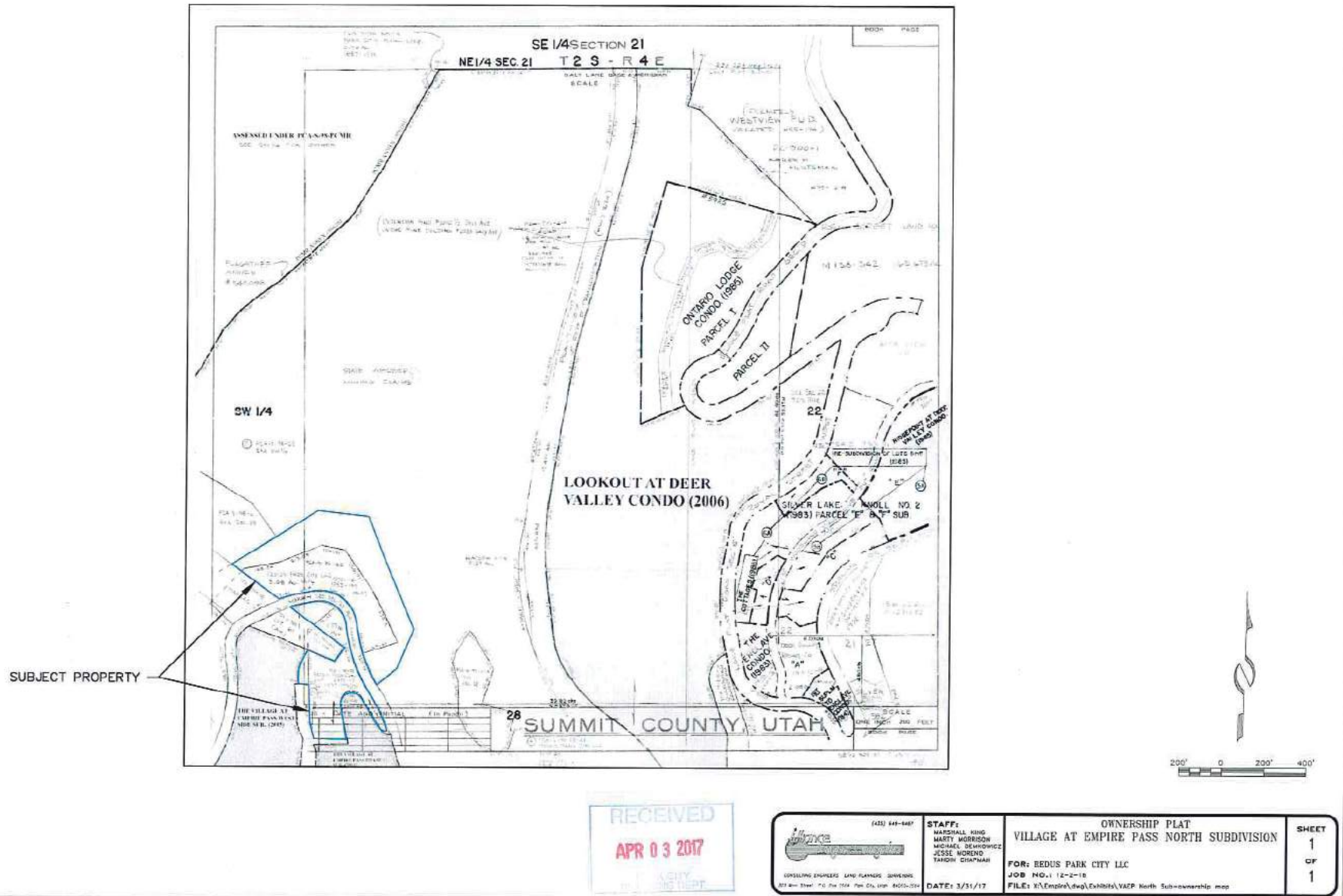


RECEIVED
APR 03 2017
CITY OF PARK CITY

 J. KING & ASSOCIATES, INC. 327 West Street, 4th Floor, Salt Lake City, UT 84101-1014 (435) 545-9447	STAFF: MARSHALL KING MARTY MORRISON MICHAEL STEWART JESSE MORENO TARON CHAPMAN	AERIAL PHOTOGRAPH VILLAGE AT EMPIRE PASS NORTH SUBDIVISION FOR: REDUS PARK CITY LLC JOB NO.: 15-25-16 FILE: K:\Empire\dwg\ExhibitG\VAEP North Sub-aerial.dwg	SHEET 1 OF 1
	DATE: 3/31/17		

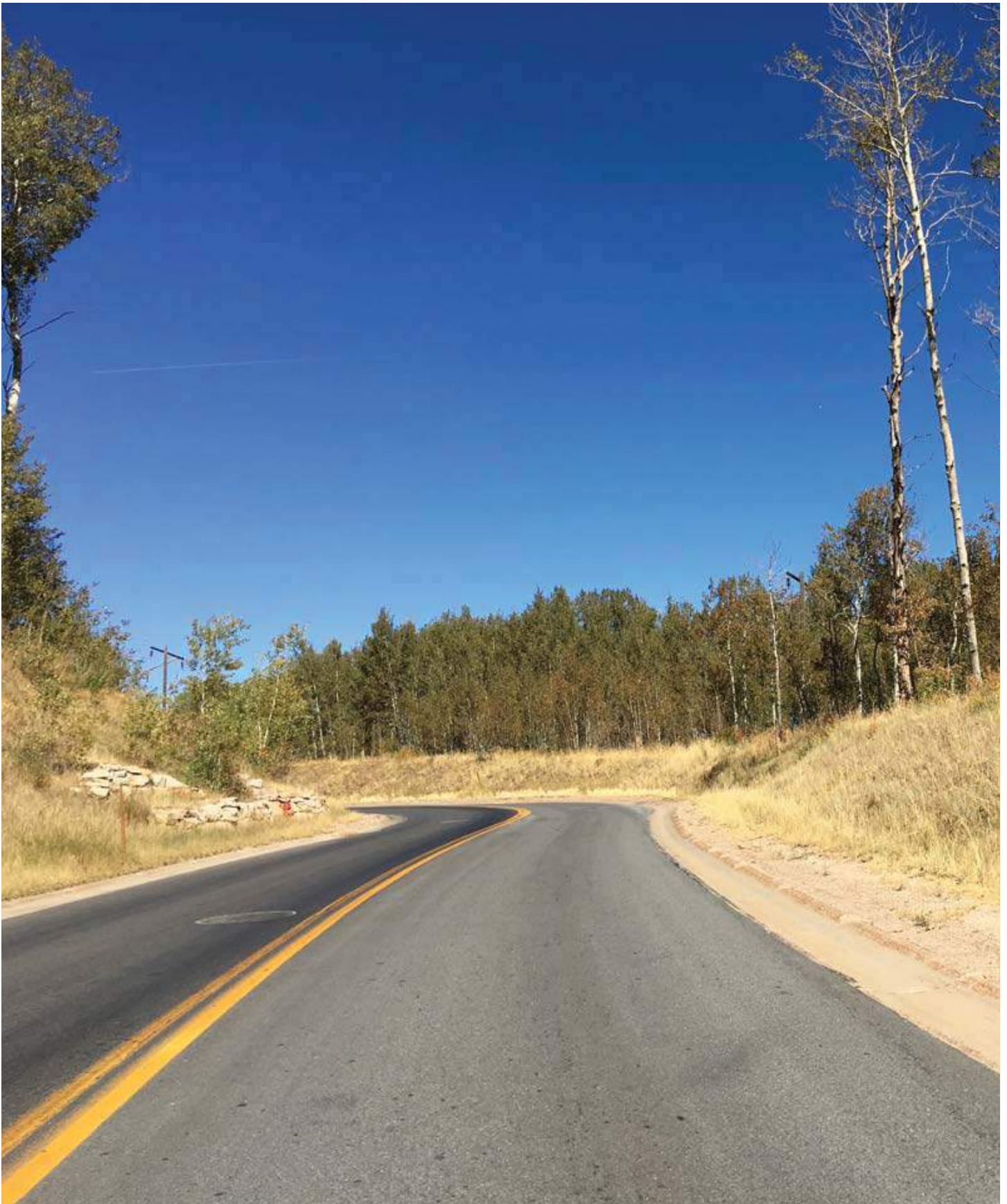
EXHIBIT H 1







Looking west from Marsac to Lot 2



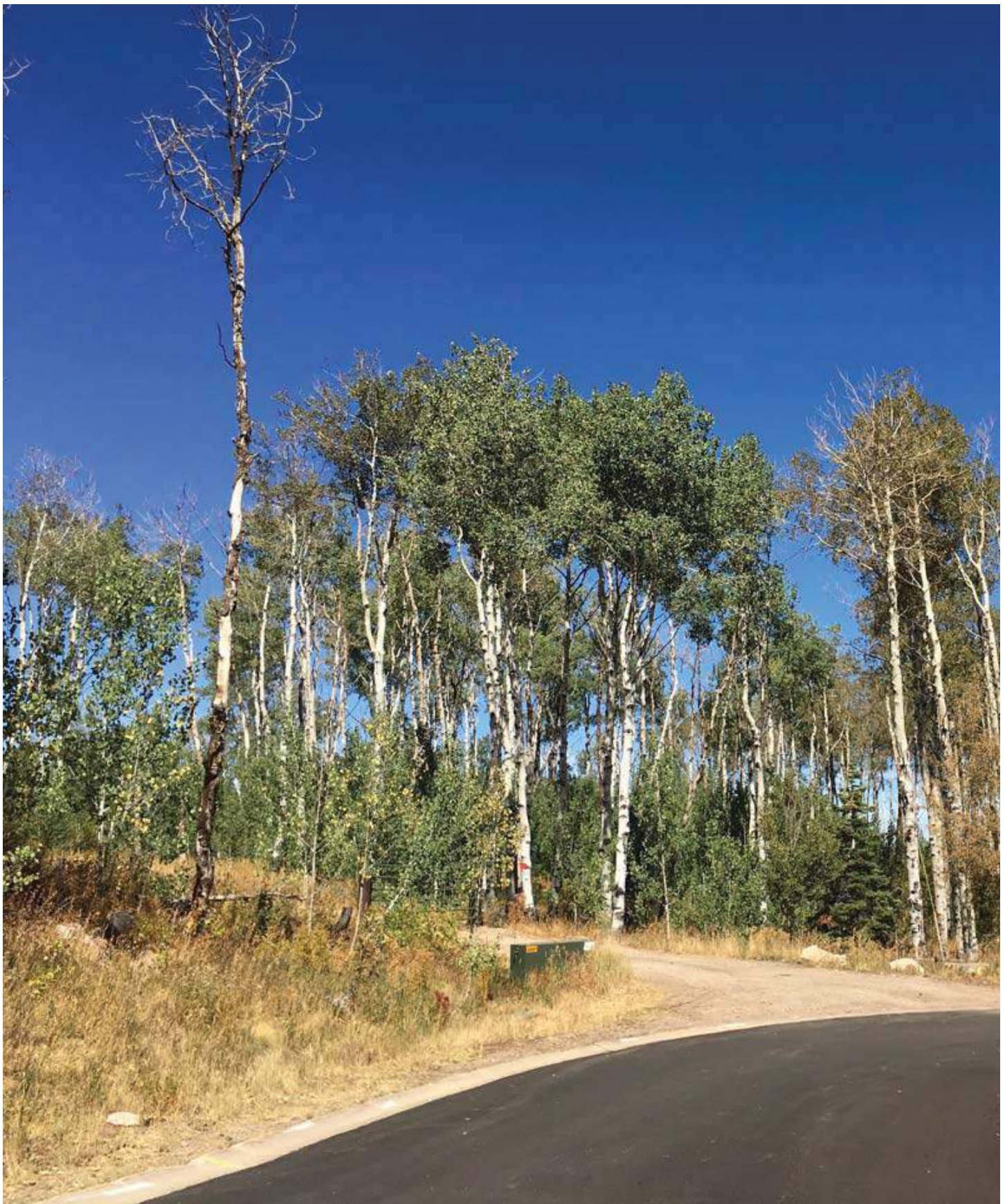
Looking north from Marsac to Lot 1 (right of road)



Looking northwest from Marsac - Lot 1 is on the right.



Looking northwest to Lot 3 from Village Way



Looking northwest to Lots 2 and 3 from Village Way.



Looking west from Lots 2 and 3 to Silver Strike Lift



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

October 31, 2016

Mr. Michael Demkowicz
 Alliance Engineering
 323 Main St.
 P.O. Box 2664
 Park City, UT 84060

RE: Village at Empire Pass North Subdivision
 Plat Review

Dear Mr. Demkowicz:

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat. Please revise the plat as follows:

1. Change the page number for the recorded SBWRD Grant of Easement (Entry #716688) from pg. 1203 to pg. 1199.
2. Add the following note:

Wastewater service to the Village at Empire Pass North Subdivision shall be provided by The Snyderville Basin Water Reclamation District. 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.

Please let me know if you have any questions.

Sincerely,

Bryan D. Atwood, P.E.
 District Engineer

cc: Doug Ogilvy, REDUS Park City LLC
 Project File

Empire Pass Units and Unit Equivalents Updated for 4.26.17 PC

<u>POD</u>	<u>Single Family</u>	<u>Allowed SF lots</u>	<u>SF Permits</u>	<u>SF CO #'s</u>
A	Banner Wood-platted	6	4	4
B1	Northside-platted	10	10	10
D	Red Cloud-platted	30	12	11
Total		46	26	25

	<u>Multi-family</u>	<u>Units</u> <u>Approved/Proposed</u>	<u>Square Feet</u> <u>Platted</u>	<u>Units</u> <u>Platted</u>	<u>UE</u> <u>Approved/Proposed</u>	<u>UE Platted</u>	<u>MF Units as</u> <u>PUDs</u>	<u>ADA</u>	<u>EHU/AUE</u>	<u>CO</u> <u>UE's</u>	<u>CO</u> <u>Units</u>	<u>Status</u>
A	Horseshoe Townhouses on Lot 1 VEPN plat TDB	0		0		0			0	0		Plat under review
A	Lot 3 VEPN plat-(Bldg 3) Proposed	21		0	24	0	0	1	1 EHU/1.1 AUE	0		Plat under review
A	Lot 2 VEPN plat-(Bldg 4) TBD	0		0		0	0	2	1 EHU/2.0 AUE	0		Plat under review
A	Tower Residential- platted lot/no condo plat (Bldg 1)	25		0	38.9	0	0	1	1 EHU/0.84 AUE	0		CUP expired/not platted
A	Shooting Star-platted lot and condo (Bldg 2)	21	36,109	21	18.3	18.055	0	1	0	18.1	21	Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	27	65,026	27	32.8	32.513	0	1	1 EHU/1.125 AUE	0	0	Under Construction
A	Silver Strike-platted lot and condo (Bldg 6)	34	71,305	34	35.6	35.653	0	2	1 EHU/1.1 AUE	35.7	34	Completed
A	Flagstaff -platted lot and condo (Bldg 7)	37	73,506	37	35.9	36.753	0	2	2 EHU/1.6 AUE	36.8	37	Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	46,458	28	24.5	23.229	0	2	3 EHU/ 2.85 AUE	23.3	28	Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	48,746	28	25.7	24.373	0	2	0	24.4	28	Completed
A	Grand Lodge-platted lot and condo (Bldg H)	27	65,344	27	33	32.672	0	2	1 EHU/1.2 AUE	32.7	27	Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	48,693	15	24.4	24.347	6	0	0	24.4	15	Completed
A	Larkspur West Townhouses-all platted/condo	12	41,273	12	20.7	20.637	0	0	0	20.7	12	Completed
A	Paintbrush PUDs- all platted /condo	12	63,076	12	31.9	31.538	12	0	0	32	12	Completed
A	Belles PUDs- all platted/condo	17	90,000	17	45	45	17	0	0	37.85	14 14	Completed
B1	Nakoma PUDs- phase 1 platted/condo	17	90,000	17	45	45	17	0	0	35	13 13	Completed
B1	Ironwood- all platted/condo	24	73,944	23	37.4	36.972	0	1	1 EHU/1 AUE	37.1	23	Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	hotel rooms		hotel rooms	69.6	72.665	0		see condos	72.4		Completed
B2	B2 West Montage condos- platted (apprvd 94)	94	218,669	84	114	109.335	0	5	10 EHU/ 7.8 AUE	109.3	84	Completed
B2	B2 East- B2East Subdivision-proposed	70		0	81	0		2	4 EHU/4.2 AUE	0		Plat under review
Totals (Multi-family only)		509	1032149	382	737.7	588.742	52	24	26 EHU/24.815 AUE 24.725 AUE on mountain	539.75	348	
Maximum Allowed by Flagstaff Development Agreement		550		550	785	785	60	n/a				
Remaining UE/Units/AUE		41		168	47.30	196.258	8	n/a	5.085 (5.175 -.09) AUE off mountain remaining			

<u>MF Totals by POD only apprvd or platted (not SF lots)</u>	<u>Units</u> <u>Approved</u>	<u>Units</u> <u>Platted</u>	<u>UE</u> <u>Approved</u>	<u>UE</u> <u>Platted</u>	<u>MF Units as</u> <u>PUD</u>
A (not including Lot 3 and Tower CUP)	258	258	327.8	324.77	35
B1	41	40	82.4	81.972	17
B2 (plus 174 hotel rooms) not including B2East	94	84	183.6	182	0
A, B1, B2	393	382	593.8	588.742	52

% of MF Total A, B1 and B2 that are in POD A (MPD requires minimum of 50%) 67.50%

SF- Single family lot/house
MF- Multi-family/condominium units
PUD- Planned Unit Development Style MF

EHU- Employee Housing Unit
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)
UE- Unit Equivalent (1 UE = 2,000 sf residential)

ADA- American Disability Act required units
VEPN- Village Empire Pass North Subdivision plat
CO- Certificate of Occupancy

Planning Commission Meeting
February 8, 2017
Page 36

16. Requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 1 has an on-site affordable housing obligation of 4.2 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. All deed restricted units shall be identified on the final condominium plat prior to recordation of such plat.

17. Wastewater service to B2 East Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement approval letter was provided by SBWRD on January 24, 2017. The Owner shall be responsible for extending the public wastewater system within Lot 1 according to requirements of the Line Extension Agreement. Easements associated with this agreement are to be depicted on the plat.

18. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.

19. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.

20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

21. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lot 1, unless otherwise conditioned herein (e.g. soil and mine remediation to be complete prior to building permit issuance). This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.

22. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing building permits.

3. Request for a three lot and one Parcel subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and

Marsac Avenue east of the Silver Strike chair lift, to create platted lots within the approved Village at Empire Pass Master Planned Development for Buildings 3 and 4, and for the Horseshoe Parcel townhouses located on the north side of Marsac Avenue across from the base of the Silver Strike chair lift, and to create a platted Parcel of a remnant parcel for ski area uses.
(Application PL-16-03293)

Director Erickson noted that Planner Whetstone and Assistant City Attorney McLean had spent significant time vetting all the remaining density in Empire Pass and allocating it to all the parcels. He stated that these two plats were a good lesson for how things should be done. Instead of waiting for a development to come forward and platting for density, REDUS had agreed to come forward and plat with density first before a conditional use permit. The result was a perfect allocation of where the density units are located and the unit equivalents for affordable housing.

Commissioner Joyce understood that there was a small amount of commercial space that had not been allocated. Planner Whetstone answered yes.

Mr. Ogleby, representing REDUS, stated that there was also residential density not recorded as a plat that would go on the Tower residences, as well as commercial density that will go on the Tower. Planner Whetstone stated that she used what had been approved for the CUP but had not been platted. They were all condominium plats and every square footage of what was recorded was on the plats. They now know exactly how many square feet are there and the number of UEs and units.

Planner Whetstone reviewed the application for a three lot subdivision with a small Parcel A, located at the Silver Strike Lift. Lots 2 and 3 are part of the Village at Empire Master Planned Development. Lodge parcels were approved with the Master Plan but not with the specific density. The applicant was asking for specific density; a UE and no more than a specific number of units for Lot 3. They were not asking for Lot 2 as this time. Lot 1 is identified in the Master Plan as townhouse and PUD style, means they are condominiumized but individual units.

Planner Whetstone reported that for Lot 3 the applicant was requesting 23.5 UEs, configured in no more than 23 individual units. She pointed out that final density and final design was dependent on the conditional use permit.

The Staff had done a full analysis and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council regarding the Village at Empire Pass North Subdivision, pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as stated in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Village at Empire Pass North Subdivision

1. The property is located at Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD).
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. 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 and amenities for each parcel.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development 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.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units,

provided the number of PUD units do not exceed 60. The Mountain Village is also 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).

8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).

9. With approval of 23.5 UE (up to a maximum of 23 units) on Lot 3 of the Village at Empire Pass North Subdivision, there will be 612.242 UE platted (up to 405 MF units), and 69.4% of MF units in Pods A, B1 and B2 located within Pod A. If 81 UE (70 units) are also built on Pod B2 (see request for B2 East Subdivision at this same meeting) there will then be a total of 693.242 UE and 475 units with 59.2% of MF units located within Pod A.

10. Upon Conditional Use Permit approval of the 23.5 UE for Lot 3 and 81 UE for B2East, 91.758 UE and 75 dwelling units would remain to be allocated to remaining residential development sites in Pod A. The remaining sites include Lots 1 and 2 of this subdivision, Lodge Building 1 (Tower Residential), and Lots 1 and 2 of the Village at Empire Pass Phase 1 subdivision.

11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exists a total of 7,287 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2.

12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with the final condominium plats.

13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A.

14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.

15. The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted

Lots 12-18 of the VMPD (west side).

16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.

17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units are remaining to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 are remaining to be permitted and constructed.

18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.

19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 3.0 acre Lot 1, for future townhouse and PUD units, a 1.57 acre Lot 2 for Lodge Building 4, a 0.67 acre Lot 3 for future Lodge Building 3, and a 0.10 acre Parcel A. The property consists of a total of 5.34 acres.

20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Parcel A has access to Village via a proposed access easement across Lot 2.

21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.

22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD units, and townhouses.

23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.

24. All existing and required easements will be recorded on the plat, including utilities,

storm drainage, access, snow storage, etc. No changes are proposed to existing streets.

25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.

26. There is no minimum or maximum lot size or lot width in the RD District.

27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.

28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).

29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.

30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.

31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 1.1 AUE for Lot 3 and 2.0 AUE for Lot 2 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Buildings 3 and 4 and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1. No AUE are planned or identified for Lot 1 of this subdivision.

32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.

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

Conclusions of Law – Village at Empire Pass North Subdivision

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

Conditions of Approval – Village at Empire Pass North Subdivision

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 plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.

7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac 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.
11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits on Lots 1, 2 and 3.
13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 3 has an on-site affordable housing obligation of 1.1 AUE and Lot 2 has an on-site affordable housing requirement of 2.0 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats.
16. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with

the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.

17. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.

18. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.

19. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

20. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, 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 conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.

21. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit applications and in advance of issuing building permits.

The Park City Planning Commission Meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Application: PL-17-03510
Subject: Peace House Conditional Use Permit
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: April 26, 2017
Type of Item: Administrative

Summary Recommendation

Staff recommends the Planning Commission conducts a public hearing and considers approving the Peace House CUP pursuant to the findings of fact, conclusions of law and conditions of approval as outlined in this report.

Description

Applicant: Peace House, Inc., represented by Doug Clyde and Intermountain Healthcare Health Services, Inc. (IHC), represented by Morgan Busch
Location: 700 Round Valley Drive
Zoning District: Community Transition (CT)
Surrounding Land Uses: IHC Park City Medical Clinic, Summit County Health Department and People's Health clinic, USSA Training Facility, Physician Holdings Medical offices, Quinn's Recreation and Park City Ice Rink complex, US 40, and open space and public trails.
Reason for Review: Final action on a Conditional Use Permit application is made by the Planning Commission following a public hearing.

Summary of Proposal

This application is a request for a Conditional Use Permit (CUP) for construction of an emergency shelter and transitional housing for victims of domestic violence with administrative offices, support uses, and two affordable deed restricted units. The CUP is located on Lot 8 of the Third Amended Intermountain Health Care Medical Campus/USSA Headquarters and Training Facility. Lot 8 contains a total of 3.63 acres (Exhibits A and B for applicant's letter and plans).

Background

January 23, 2007- Annexation Agreement, recorded at Summit County.

May 23, 2007- Planning Commission approved a Master Planned Development (MPD) for the Park City Medical Center (aka IHC MPD) and Conditional Use Permit (CUP) for Phase 1 of the IHC MPD.

October 11, 2007- First Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by

City Council and recorded at Summit County on May 20, 2008 (amending the January 11, 2007 recorded plat).

July 31, 2008- Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by City Council and recorded at Summit County on November 25, 2008.

October 8, 2014- Planning Commission approved the First Amended IHC MPD and a Conditional Use Permit for Phase II.

June 4, 2015- Park City Housing Authority approved the IHC affordable housing mitigation plan including emergency and transitional housing uses, to satisfy a portion of the IHC MPD affordable housing requirements.

June 18, 2015 - Revised pre-MPD application submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.

August 26, 2015- Revised pre-MPD application reviewed by the Planning Commission and findings made that proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.

November 10, 2015- Application for second amendment to the IHC MPD (consistent with the pre-MPD application reviewed on August 26th) and the Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted.

January 13, 2016- Planning Commission approved the Second Amended IHC MPD and Peace House CUP with conditions (see Exhibit G – Action Letter and minutes).

July 21, 2016 -Third Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat approved by the City Council, recorded at Summit County in April 2017 (Exhibit C).

January 13, 2017- Peace House CUP approval expired as a building permit had not been issued within one year of approval. Applicant and IHC were delayed in building plans to address amendments to the IHC MPD Affordable Housing Mitigation Plan.

February 2, 2017 – First Amended Affordable Housing Mitigation Plan for IHC was approved by Park City Housing Authority (Exhibit H).

March 27, 2017- Submittal of CUP application for revised Peace House. Deemed complete on April 3, 2017 (Exhibits A and B).

Analysis

Per Land Management Code (LMC) Section 15-1-10 (D), the City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (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; and
- (3) the effects of any differences in Use or scale have been mitigated through careful planning.

Per LMC Section 15-1-10 (E) the Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

(1) size and location of the Site;

Lot 8 consists of 3.63 acres. The property is accessed from Round Valley Drive, a public street, via State Route 248, near its intersection with US 40.

The two story structure contains a total of approximately 37,000 square feet. Included within this structure are eight emergency housing units (352 sf to 482 sf), twelve transitional housing units (615 sf to 770 sf), two 800 sf deed restricted affordable units, a 480 sf advocates apartment, communal kitchen and dining areas, communal laundry area, a childcare area, client support meeting and classroom areas, client storage, and administrative offices. The site is of sufficient size for the proposed building and uses.

No unmitigated impacts.

(2) traffic considerations including capacity of the existing Streets in the Area;

The site is served by Round Valley Drive via State Route 248. Two bus shelters were also constructed within the MPD, one within 300 feet of this property, to accommodate dial a ride bus service until full service is warranted. Traffic generation is consistent with the traffic analysis reviewed with the Master Planned Development amendment and street capacity is adequate for the use. Traffic mitigation required with the Annexation Agreement was satisfied prior to Phase 1 of the MPD. **No unmitigated impacts.**

(3) utility capacity;

Utilities are available to serve the project. A final utility, storm water, and grading plan is required prior to Building Permit issuance to coordinate location of utilities and storm water facilities on the site. **No unmitigated impacts.**

(4) emergency vehicle Access;

Emergency vehicle access to the site is from Round Valley Drive. For emergency purposes Round Valley Drive loops through the IHC MPD site connecting to Gilmore Way near the Ice Rink. Emergency vehicles are permitted to drive the entire loop. Fire District has reviewed the parking and site layout and has no additional concerns. **No unmitigated impacts.**

(5) location and amount of off-Street parking;

Two separated surface parking lots provide a total of 59 parking spaces. Thirty-two (32) spaces in the north lot and twenty seven (27) in the south lot. The north lot serves as visitor, volunteer and employee parking while the secured south lot serves as resident and employee parking.

A total of 59 spaces (5 more than previous proposal) adequately accommodate the affordable housing units, employees, residents and anticipated volunteers based on requirements for Group Care Facility in LMC Chapter 3. Twenty-three (23) spaces are provided for 46 bedrooms, 1 space for each affordable unit, and 34 spaces provided for employees, volunteers, clients, and visitors (based on number and size of office and support space). The previous plans included a structured parking area, which is no longer proposed due to cost. Landscaping and berms are proposed to partially screen lots from Round Valley Drive. **No unmitigated impacts.**

(6) internal vehicular and pedestrian circulation system;

A public road (Round Valley Drive) provides access to the site from SR 248. Sidewalks and paved public trails exist to connect the site to the Park City Recreation Complex, medical clinics, hospital, bus shelters, and trails within the Round Valley open space area. A six foot wide walkway is proposed to connect the front entrance to the public sidewalk. **No unmitigated impacts.**

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;

Existing vegetation is mostly sage brush and grasses. Landscaping is proposed to minimize the use of turf grass and use appropriate, drought tolerant plant materials to re-vegetate disturbed areas. Wetland areas on the adjacent lot and a fifty foot (50') buffer area around them will remain undisturbed. A water efficient irrigation system will be reviewed with the final landscape plan prior to issuance of a building permit. Landscape plan has significant drought tolerant landscaping around the building and parking lots. Berms and landscaping provide screening of the parking areas from Round Valley Drive. **No unmitigated impacts.**

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

The proposed Peace House building contains approximately 37,000 sf of gross building floor area. The building consists of approximately 23,000 sf of emergency shelter housing and transitional housing, 1,600 sf of deed restricted housing, a 480 sf manager apartment, 8,800 sf of support uses specific to Peace House mission and 3,000 sf of circulation and back of house (mechanical, storage, etc.) uses. The two story building complies with the zone height of 28' and setbacks of 25', as well as requirements for horizontal and vertical building articulation and is compatible in orientation to adjacent buildings with the "L" shaped design oriented to allow an enclosed courtyard/play area with a sunny southeastern exposure. **No unmitigated impacts.**

(9) usable Open Space;

The IHC annexation identified over 80% of the entire 157 acres (annexation area) as open space. Most of the open space will be left in native vegetation or restored with native materials; however, trails are provided through the overall MPD site to adjoin with existing neighboring trails. The building footprint and parking comprise approximately 41,449 sf. Approximately 116,744 sf (74%) of the total 3.63 acre site (158,193 square foot) remains undeveloped. The proposed CUP does not decrease required open space within the MPD area as construction is proposed within development lots. **No unmitigated impacts.**

(10) signs and lighting;

Signs and lighting are required to meet the Park City Land Management Code and will be reviewed and verified prior to issuance of a building permit. A separate sign application is required prior to installation of exterior signs. Parking lot lighting is proposed that meets the standards of the lighting section of the Off-Street Parking chapter of the Land Management Code (15-3-3(C)) and the IHC Master Planned Development. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy. Security lighting is an important element of this CUP and Staff recommends a condition of approval that a security lighting plan be submitted for review prior to issuance of a Building Permit. **No unmitigated impacts.**

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

Surrounding structures such as the Park City Ice Rink, the Park City Medical Clinic and the USSA building are relatively large buildings, generally three stories or more in elevation. The building more closely relates to the surrounding smaller buildings, such as the Summit County Health Department to the south and the Medical Office Building to the north. A variety of styles are represented within the medical campus neighborhood. The proposed building is two stories and compatible in style, design, and architectural detailing. Use of metal panels, stucco accents, Hardi-board, timbers/stone at the entry, sloped roof, and various textured CMU block sections break up the building facades. The building is well articulated in terms of massing both vertically and horizontally and complies with LMC Section 15-5-8. **No unmitigated impacts.**

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

No disturbing mechanical factors, such as noise, vibration, odors, steam, or dust are anticipated after construction is complete. Dry utility infrastructure must be located on the property prior to building permit issuance to ensure that utility companies verify that area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping. **No unmitigated impacts.**

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

Delivery, trash, and service vehicles will access the building on the south side entry and parking lot. Special consideration will be made for delivery vehicles to access the

secure area. Client pick-up and drop-off will occur at the front entry from the north parking lot, which is also the entry point for most of the employees, volunteers and support staff. The trash dumpsters are located in a screened area within the south parking lot. **No unmitigated impacts.**

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
Peace House, Inc. is funding the building and will occupy the facility as owners with a ground lease from IHC. IHC will continue to own the land. Both are non-profit entities. **No unmitigated impacts.**

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.
There are no Environmentally Sensitive slopes or ridge lands. There are wetlands on the adjacent lot to the north. The plans indicate compliance with the 50' required buffer setback from wetlands. The affordable housing resolution requires all new construction meet the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs will be Energy Star qualifying products (Exhibit E). **No unmitigated impacts.**

(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.
The proposal is consistent with the goals and objectives of the General Plan as it addresses housing issues and the design is compatible with the general neighborhood or area.

Department Review

The project was reviewed by the Planning, Building, Engineering and Legal departments as well as the Fire District and utility providers. Issues raised during the review process were addressed with plan revisions and/or by conditions of approval.

Notice

On April 12, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on April 12, 2017.

Public Input

No public input was received at the time of publication of this report.

Alternatives

- The Planning Commission may approve the application for the Peace House CUP as conditioned and/or amended; or
- The Planning Commission may deny the CUP application and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the item to date certain.

Future Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18.

Summary Recommendations

Staff recommends the Planning Commission conducts a public hearing and considers approving the Peace House CUP pursuant to the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. This Conditional Use Permit is for the Peace House facility proposed on Lot 8 of the Third Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council on July 21, 2016 and recorded at Summit County April 2017.
2. Lot 8 includes a total lot area of approximately 3.63 acres. Peace House has a ground lease with IHC for the property.
3. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses from Lots 6 and 8 to Lot 1.
4. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.
5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.
6. On January 13, 2016 the Planning Commission approved the Peace House CUP.
7. On March 27, 2017 an application was submitted for a revised Peace House CUP as the previous approval expired on January 13, 2017 and a building permit had not yet been issued for the project. The application was considered complete on April 3, 2017.
8. The property is located in the CT Zoning District.
9. The property is currently an undeveloped lot and consists of native grasses and low vegetation. Wetlands are located on the adjacent Lot 12 to the north.
10. The proposed Peace House facility consists of approximately 37,000 square feet of gross floor area for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), as well as two deed restricted affordable housing units. A landscaped courtyard is proposed.
11. A total of 59 spaces (5 more than the previous CUP) adequately accommodate the 2 affordable housing units, employees, residents and anticipated volunteers based on

requirements for Group Care Facility in LMC Chapter 3. Twenty-three (23) spaces for 46 bedrooms, 1 space for each affordable unit, and 34 spaces for employees, volunteers, clients, and visitors (based on number and size of office and support space).

12. The building is two stories and at the tallest point is approximately 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.
13. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.
14. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.
15. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from wetlands located to the north and west of the proposed building.
16. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south. Traffic generation is consistent with the traffic analysis reviewed with the Master Planned Development amendment and street capacity is adequate for the use. Traffic mitigation required with the Annexation Agreement was satisfied prior to Phase 1 of the MPD.
17. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to south parking lot. A northern driveway, approximately 300' from the southern driveway, provides access to the main parking area and building's front entrance. An access easement agreement with Summit County was granted for the shared driveway.
18. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the area. The site plan proposes a sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.
19. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.
20. On February 2, 2016, the Housing Authority approved a First Amended Housing Mitigation Plan, amended the June 4, 2015 plan, allowing the Peace House facility, including the two deed restricted units, to satisfy a portion of the remaining IHC MPD housing mitigation requirements.
21. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.
22. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

1. The application complies with all requirements of the LMC.

2. The use will be compatible with surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.
4. The CUP, as conditioned, is consistent with the IHC MPD as amended.

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include drought tolerant and water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
5. All exterior signs require a sign permit, approved by the Planning and Building Departments, prior to installation.
6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on April 26, 2017.
7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development. This project shall comply with conditions and requirements of the First Amended IHC Affordable Housing Mitigation Plan approved by the Housing Authority on February 2, 2017.
9. The wetlands buffer shall be maintained during construction of the project and shall be indicated on the building permit plans. Wetlands delineation for Lot 8 shall be submitted with the Building Permit application.
10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
11. Terms of the ground lease shall include a time frame of 40 years or longer.
12. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.

13. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.
14. The development will disturb over 1.0 acre and will need to meet the requirements of the MS4 storm water permit program.

Exhibits

Exhibit A- Applicant's Letter

Exhibit B- Proposed plans

Exhibit C- Third Amended IHC/USSA Subdivision plat

Exhibit D- Standard Conditions of Approval

Exhibit E- Green Building Intent

Exhibit F- Materials description

Exhibit G- January 13, 2016 CUP approval and minutes

Exhibit H- First Amended IHC Affordable Housing Mitigation Plan (Feb 2, 2017)



DOUGLAS CLYDE
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P.O. Box 561
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Peace House CUP Revisions Summary

Updated 4-20-17

This first revision for the Peace House CUP consists of the addition of 2 employee housing units and a reconfiguration and slight expansion of the parking. In addition, some internal modifications have resulted in changes to the exterior stair towers.

- 1) Parking:
 - a) Remove covered parking and replace with walled and gated parking for emergency shelter residents
 - b) Add more stalls in the front of the structure to allow for previously unaccounted for volunteer staff
 - c) Vegetation and fill will be added between the southern parking and the road along with some evergreen planting (Junipers, pinon pines) to screen the parking (see landscaping)
- 2) Unit Count
 - a) Emergency and Transitional unit count and sq. footage remains unchanged. Two 800 sq. ft., paint to paint, Employee Units have been added.
- 3) Wetlands
 - a) No Corps permits are anticipated in our plan submittal
 - b) The Wetland boundary line is either at or beyond the new north parcel line
- 4) Value Engineering
 - a) One elevator tower was removed and the stair core attached to the building
 - b) Modular concept has been replaced with stick built construction but architectural details remain the same
 - c) The skin of the building remains a combination of decorative block face, metal and Hardi board
- 5) LEEDS and HVAC
 - a) The Project has complied with LEEDS standards in its design. While full analysis will be provided at building permit review, the principal elements of the energy efficiency in the building are:
 - i) An air heat exchanger for the HVAC system that is 41% more efficient then base line
 - ii) A building shell that is a complete shell of solid foam insulation
 - iii) And of course, all LED fixtures

Mountain Resort Consulting Services, LLC
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September 30, 2015

Project Description
For
The Peace House Community Campus
November 10, 2015

Overview

Existing Faculty

The Peace House currently operates inside the City Limits of Park City in a facility of roughly 2,500 sq. ft. plus garage space which is used as storage. The facility was built twenty years ago on land donated by Deer Valley. It has been servicing short-stay victims of domestic violence ever since. The existing facility is essentially a single-family dwelling used to house multiple residents, with shared facilities such as; kitchen, laundry, storage and communal living room.

The residents of the Peace House are considered trauma victims, the services offered are categorized as "trauma informed" and the facility is an "Emergency" shelter. The current mission of the shelter is one of interdicting violence on an immediate need basis. The people housed in the shelter are done so on a short term basis. The people served by this emergency shelter have needs that are analogous to people without health insurance who must wait until an illness becomes an emergency before they can receive help. As a result, and as a continuation of this analogy, the users of this facility are almost always repeat visitors.

The Staff and outreach offices associated with the Shelter are located in a separate facility. Administration and some victim services are provided from these offices. The location of the existing shelter is not a matter of public knowledge for security purposes.

The shelter has generally been at capacity for most of its existence and turns away victims continuously for lack of space. This problem is exacerbated when it comes to large families. The shelter is staffed around the clock by Peace House personnel. While the shelter attempts to offer counseling and provide links to government services, these services are generally inadequate to induce meaningful change in the victims' lives on a long-term basis.

Proposed Facility

The Project, as proposed, is a new and significantly expanded facility both in form and function. The new facilities will expand its role to provide for more holistic care for victims of domestic violence through the following facilities:

1. Provide expanded short term housing in a total of eight Emergency Shelter units with multiple bedrooms within each unit and a common kitchen
2. Provide 12 new Transitional Housing units for people who have terminated their violent relationships and need to rebuild their lives as emancipated individuals or families
3. Combine all therapy, training, childcare and support facilities for all residents in one location
4. Allow for outpatient uses for people transitioning in or out of the facility
5. Provide Staffing facilities for public outreach

The overall purpose of this expansion is not simply a larger facility of increased capacity, but rather a transition to a comprehensive care facility. Rather than simply interrupting violence, the new facility will concentrate on changing people's lives so that they can leave the cycle of violence.

Facility Description

Building and Uses

The new facility is approximately 38,000 sq feet (exclusive of parking) composed primarily of residential uses and Support facilities for those residents. The project is composed of eight Emergency shelter units that can house up to approximately 20 people when fully utilized. In addition, there will be 12 Transitional Housing units that will have a total capacity of roughly 30 people. Each Emergency or Transitional unit will contain only one family. A victims' advocates sleeping facility and office are in addition to these 20 units. Consequently the total nightly residence is in the range of 50 people at one time.

Support Facilities

The Transition and Emergency housing requires support facilities such as child care, common kitchen, laundry and storage. Additional Support is provided in the forms of counseling, training, exercise and common living area. Personnel to staff these functions will be officed on site. These Support facilities are in all senses considered "Support" as defined in the LMC.

Building Occupancy and Construction

The residential uses are of R1 and R2 in building classification with the remainder of the space (office, meeting rooms, etc) being type B (office). The

building will be of type IV construction. The material choices, insulation values, HVAC, and related items will be designed to a maximum level on energy conservation to the greatest extent practical. Details of the building energy design and durable/sustainable materials are provided in a separate memo from the Project's architect.

Parking and Transportation

The Project's parking is primarily for Staff and residents. Parking will be divided into three locations consisting of 12 stalls of enclosed parking and two separate surface lots. The enclosed parking and the surface lot to the south (rear) of the building are secure parking for residents and limited Staff. The parking in the front of the building will be used by Staff, outpatient services and some limited public interaction with Staff and visitors to the residents.

Transportation to the site is by private auto and on-demand transit. An existing bus shelter is located on the adjacent lot occupied by the County Health Clinic. With the development of this facility and in conjunction with the County Clinic, the People's Health Clinic, USSA, the NAC, the Park City recreational facilities and the other medical services in the IHC compound, the opportunity for regularly scheduled transit is optimal given the clustering.

Parking demand is generally driven by Staff and residents. The residential component of this demand is well known and is, on average, less than one car per family. For the purposes of Staff demand, a typical rate of 1.2 people per car would be considered normal. In addition, it is anticipated during the peak demand period that as many as 10 individuals may be visiting the facility, either as volunteers or outpatients. A conservative estimate for the latter uses would be an average of ~ 2 people per car given that they normally contain family members as well. With all of these factors considered the total parking demand is estimated to range between 35 and 45 spaces. While parking is segregated for residents, Staff will be allowed to use either secured parking or public parking. Evening uses of the facility may include up to 20 people for outpatient services (counseling and education) but will not be coincident with peak day time uses. Hence the comingled parking should result in the typical efficiencies observed in multiuse parking. A precise count of Code related parking is to some degree a matter of interpretation as AH units are parked on a one stall per bedroom rate which is not in any way comparable to the type of occupancy in this facility. The parking for office uses by code would likely be 3 per thousand of net leasable. While multiple and complex analyses of the parking per the LMC is possible, in general it would be a number in excess of 50 stalls. In the case of the uses within this facility, the number of employees, residents and people per car would produce numbers substantially less than the possible LMC requirements. As the project has sufficient land for abundant parking, a minimalist approach is proposed at the onset. More parking can be added if required in the future.

Shared Driveway

The facility will have two entrances and two separate parking facilities, as noted above. The back-of-house parking will be secured by gates and monitored by cameras. As this entrance is adjacent with the County Health facility, we have discussed using a common driveway. As the County has similar concerns over security with their own facility, it is likely that we will share a common and secured driveway.

Security

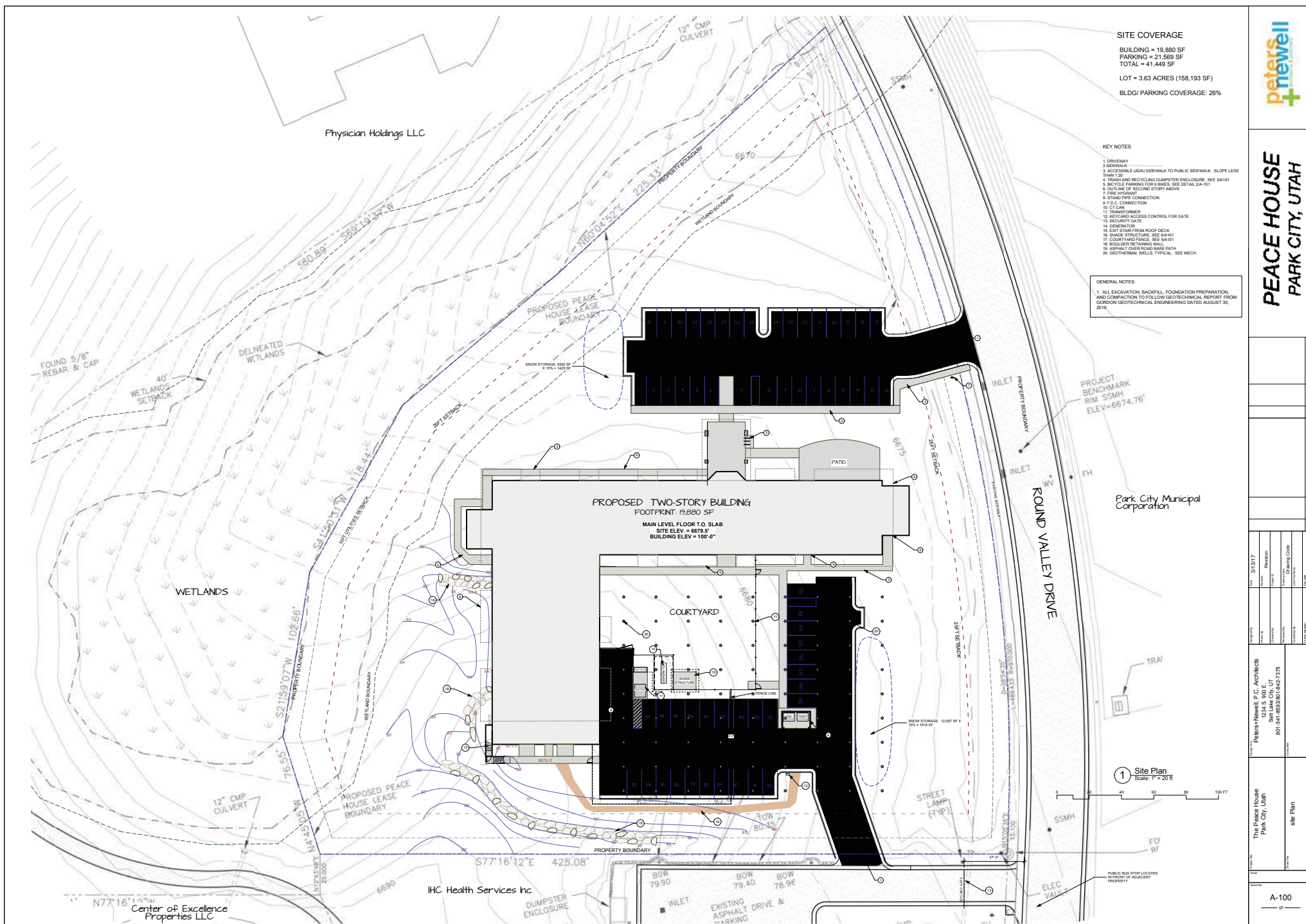
The overall security plan for the facility is multilayered and provides different levels of security for the range of exposures that are encountered within the population of the facility. A completed discussion of this is not appropriate for a public document.

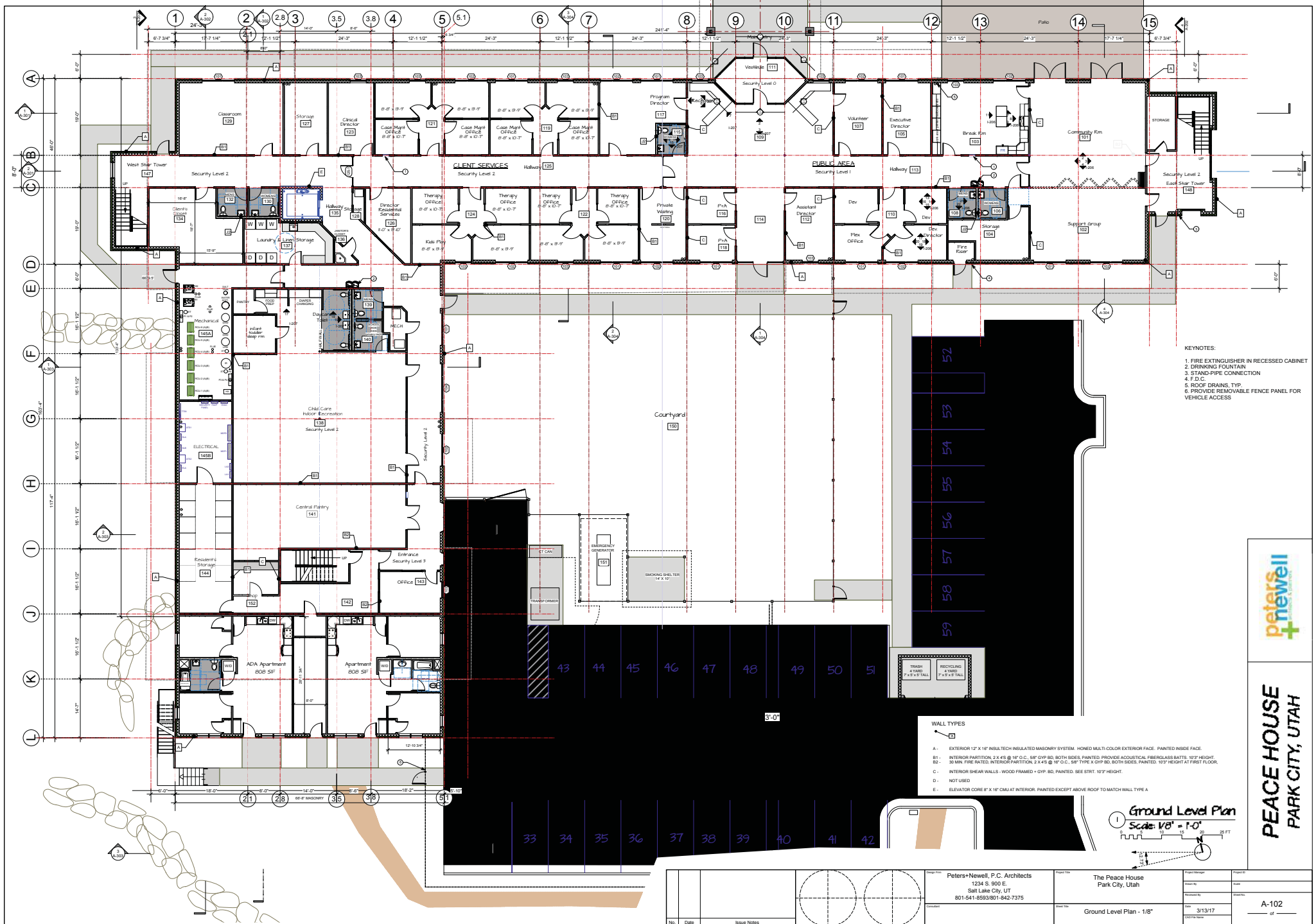
Entitlements

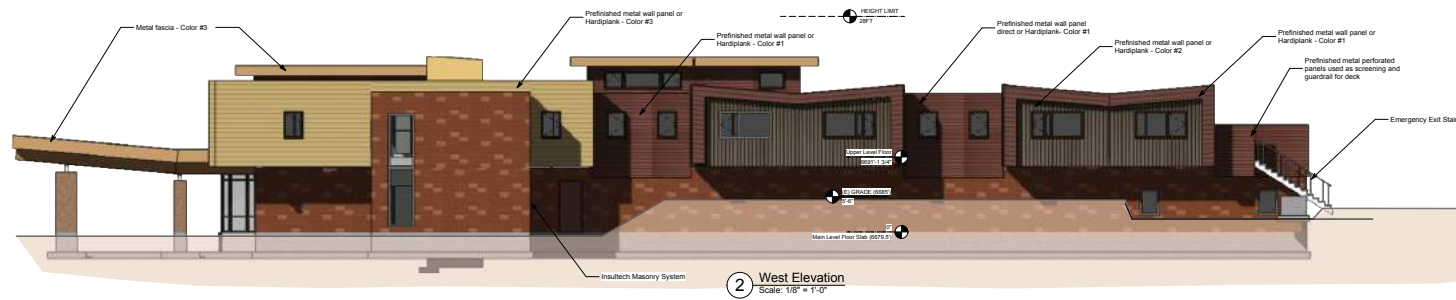
The project is composed of transient and permanent residences, all of which are considered Affordable Housing (AH) units as per the LMC. The support facilities are integral to the residential uses along with the Staff offices. While some small amount of uses could be construed as not integral to Support they, at a minimum, are a subset of the Support uses and are likely not discernable in any meaningful way.

Affordable House Unit Entitlements

The Project's AH units are to be assigned to the IHC AH requirements. The existing Peace House facility is not a part of any other project's AH requirement and that existing usage will terminate when the new facility is built. Monies for the project will be, in part, funded by donations, the lease from IHC (1 \$/year) and an existing grant by the County that is subject to a contract between the County and Peace House. The County monies that are to be used by the Peace House are not associated with a specific requirement to supply AH units and are therefore free to be assigned to mitigation with any project as long as the monies are used by the Peace House as prescribed by that contract. The IHC AH requirement is based on 800 sq. ft. per AHU.









Subdivision Plat (Third Amended) for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility
Amending Lot 8, Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility

**A part of the West 1/2 of Section 35, T1S, R4E,
Salt Lake Base & Meridian, U.S. Survey
Park City, Summit County, Utah**

SURVEYOR'S CERTIFICATE

I, Jason T. Felt, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 9239283 in accordance with Title 58 Chapter 23, Professional Engineers and Land Surveyors Licensing Act. I also do hereby certify that Subdivision Plat (Third Amended) for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Amending Lot 8, Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility in Summit County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Summit County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17, Monumented Lot corners have been set as shown on this drawing.

I also certify that all the lots within the above referenced subdivision meet the frontage and area requirements of the Summit County Zoning Ordinances.

Signed this day of , 2016.

9239283
License No.

Jason T. Felt

BOUNDARY DESCRIPTION

All of Lot 8, subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus USSA Headquarters and Training Facility, Park City, Summit County, Utah.

Being a part of the West Half of Section 35, Township 1 South, Range 4 East, Salt Lake Base and Meridian City, Morgan County, Utah.
Beginning of a point which is 3548.63 feet North 89°32'38" West along the Section line and 503.54 feet North 07°22'22" West to the Southeast corner of the Lot 10 also being on the West line of Round Valley Drive, and running thence two (2) courses along said Lot 10 as follows: (1) North 77°17'12" West 425.08 feet; (2) South 12°43'48" West 25.00 feet to the North line of Lot 5; thence North 77°16'12" West 260.51 feet along said North line to the Northwest corner thereof, being the Northwest corner of Lot 5; thence Two (2) courses along said North line as follows: (1) North 72°46'08" West 81.81 feet; and (2) North 68°17'18" West 168.51 feet to the Easely line of Gilmore Way and a point on the arc of a curve; thence Five (5) courses along said Easely line as follows: (1) Northwesterly along said Easely line and the arc of a 250.00 foot Radius curve to the left a distance of 232.56 feet (Delta angle equals 17°45'03"); (2) Northwesterly along the arc of a 175.00 foot Radius curve to the right a distance of 141.32 feet (Delta angle equals 48°16'35"); (3) Northwesterly along the arc of a 250.00 foot Radius curve to the right a distance of 68.64 feet (Delta angle equals 17°45'03"); (4) North 51°00'31" East 115.16 feet to a point of curvature; and (5) Northwesterly along the arc of a 250.00 foot Radius curve to the right a distance of 68.64 feet (Delta angle equals 17°45'03"); thence North 38°59'29" West, and Long Chord bears South 42°16'08" West 68.38 feet to the Southeast corner of Lot 8; thence South 27°31'05" East 224.46 feet along the Southeast line of said Lot 8 to the most Southerly Corner thereof, being the Northwest corner of Lot 7; thence South 31°15'55" West 248.40 feet to the Southeast corner of Lot 7; thence North 68°17'18" East 580.89 feet along the Southerly line of said Lot 7 to the Southeast corner thereof, being on the West line of Round Valley Drive; thence Five (5) courses along said West line as follows: (1) South 13°49'00" East 87.29 feet to a point of curvature; (2) Southerly along the arc of a 970.00 foot Radius curve to the right a distance of 488.43 feet (Delta angle equals 20°54'35"); (3) Center bears South 78°11'00" West, and Long Chord bears North 0°38'18" East 484.26 feet; and (4) South 15°05'35" West 15.10 feet to the point of beginning.

Contains: 5.934 acres

NARRATIVE

This Subdivision plat was requested by Mr. Morgan Busch for the purpose of amending the subdivision plat of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility, Park City, Summit County, Utah for IHC Health Services, Inc.
A line bearing South 89°32'38" East between the Southwest Corner and the Southeast Corner of Section 35, Township 1 South, Range 4 East was used as the basis of bearings.
Lot corners were monumented as shown.

OWNER'S CERTIFICATION

The undersigned, being the owner of the herein described tracts of land, hereby sets apart and subdivides the same into the lots as shown on this plat. Except as otherwise specified, any and all easements shown on this plat shall be, and remain private for the sole and exclusive use of the center of Lots 8 and 12.
Signed this day of , 2016

IHC Health Services, Inc., a Utah nonprofit corporation.

ACKNOWLEDGMENT

State of Utah
County of Summit } ss
The foregoing instrument was acknowledged before me this day of , 2016 by
Residing At: A Notary Public commissioned in Utah
Commission Number:
Commission Expires:
Print Name

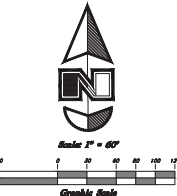
SUMMIT COUNTY RECORDER

ENTRY NO. FILED FOR RECORD AND
RECORDED IN BOOK OF OFFICIAL
RECORDS, PAGE , RECORDED
FOR

SUMMIT COUNTY RECORDER

BY: DEPUTY

04/26/2017-Amendment 2



Line	Bearing	Length
L1	N 4°45'05" W	76.55'
L2	N 21°59'05" E	102.68'
L3	N 41°50'31" E	118.44'
L4	N 62°24'38" E	128.65'
L5	N 60°04'52" E	225.53'

GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST ORSKEN, UTAH 84403
PH: (801) 324-4314 FAX: (801) 324-4314
WWW.GREATBASINENGINEERING.COM

PARK CITY ENGINEER
I hereby certify that I have had this Plat reviewed by this office and it is correct in accordance with available information on file in this office.
Signed this day of , 2016.
Signature

PARK CITY PLANNING COMMISSION
Approved and Accepted by the Park City Planning Commission on this day of , 2016.
Planning Commission Chair

PARK CITY COUNCIL APPROVAL
Presented to the Park City Council this day of , 2016, at which time this plat was approved.
City Recorder

APPROVAL AS TO FORM
Approved as to form on this day of , 2016.
Park City Attorney

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
Reviewed for conformance to Snyderville Basin Water Reclamation District standards on this day of , 2016.
S.B.W.R.D. Authorized Representative

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



GREEN BUILDING STRATEGIES
FOR THE
NEW PEACE HOUSE FACILITY
PARK CITY, UT

It is the intent of Peace House that its new building be as environmentally responsible as it can feasibly be. Peace House thinks that their new facility should set an example of the level of green building that can - and should - be achieved in Park City.

During the design process the design team has referenced the standards set by the USGBC in LEED v4. Accordingly, the new facility for Peace House will incorporate many of the latest green building strategies, systems and materials. The primary, large-scale green components are described below. A checklist for LEED compliance is also included.

The basic green design concept for the building is rather simple:

Make the building envelope as super-insulated and airtight as possible; heat and cool the building with a high-performance and energy-efficient HVAC system; reduce electrical loads as much as possible.

The major building elements of Peace House that work together to achieve this are as follows:

Envelope:

- Super-insulated exterior walls with continuous insulation
- Super-insulated roof system
- High-performance fiberglass windows
- Air barrier building wrap

HVAC System:

- Ground-source heat pump (GSHP) - operating efficiency exceeds 300% - powering a highly-efficient Variable Refrigerant Flow (VRF) heating and air conditioning system

Electrical System:

- LED lighting and energy-efficient electric motors
- Provisions for future installation of roof-mounted photovoltaic (PV) system

Additional green building elements incorporated into the Peace House design are listed below. They are noted in order of their appearance in the LEED documentation protocol. (Please note that the Peace House project is not seeking LEED certification). For the sake of simplicity and to allow us to focus on the most important green building element not all LEED point items are listed:

Location and Transportation:

- Protection of wetlands
- Access to mass transit
- Bicycle facilities - bike racks, showers, changing rooms
- Green vehicle parking and plug-in's

Sustainable Sites:

- Rainwater catchment and re-use
- Heat island reduction - cool roofing materials
- Light pollution reduction - complying exterior light fixtures

Water Efficiency:

- Reduction of outdoor water use - xeriscaping and native plants
- Indoor water use reduction - low flow fixtures and water metering

Energy and Atmosphere:

- Optimize energy performance - see above for HVAC system description
- Advanced energy metering to track HVAC performance and adjust for efficiency
- Green power and carbon offsets - Rocky Mountain Power Blue Sky enrollment or future PV system installation

Materials and Resources:

- Storage and collection of recyclables during building operation
- Construction waste recycling
- Maximize use of regionally-sourced construction materials

Indoor Environmental Quality

- Use materials that do not degrade indoor air quality - i.e. non-VOC and low VOC
- Thermal comfort - provide occupants with operable windows and localized control of heating and cooling
- Daylight - excellent daylighting is provided to most areas of the building



LEED v4 for BD+C: New Construction and Major Renovation Project Checklist

Project Name: Peace House - Park City, UT
Date: 1/8/16

Y ? N

Y	?	N	Credit	Integrative Process	1
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4	0	0	Location and Transportation		16
		0	Credit	LEED for Neighborhood Development Location	16
1			Credit	Sensitive Land Protection	1
		0	Credit	High Priority Site	2
		0	Credit	Surrounding Density and Diverse Uses	5
1			Credit	Access to Quality Transit	5
1			Credit	Bicycle Facilities	1
		0	Credit	Reduced Parking Footprint	1
1			Credit	Green Vehicles	1

10	0	0	Sustainable Sites		10
Y			Prereq	Construction Activity Pollution Prevention	Required
1			Credit	Site Assessment	1
2			Credit	Site Development - Protect or Restore Habitat	2
1			Credit	Open Space	1
3			Credit	Rainwater Management	3
2			Credit	Heat Island Reduction	2
1			Credit	Light Pollution Reduction	1

4	0	0	Water Efficiency		11
Y			Prereq	Outdoor Water Use Reduction	Required
Y			Prereq	Indoor Water Use Reduction	Required
Y			Prereq	Building-Level Water Metering	Required
2			Credit	Outdoor Water Use Reduction	2
1			Credit	Indoor Water Use Reduction	6
		0	Credit	Cooling Tower Water Use	2
1			Credit	Water Metering	1

20	0	0	Energy and Atmosphere	33
Y			Prereq Fundamental Commissioning and Verification	Required
Y			Prereq Minimum Energy Performance	Required
Y			Prereq Building-Level Energy Metering	Required
Y			Prereq Fundamental Refrigerant Management	Required
1			Credit Enhanced Commissioning	6
14			Credit Optimize Energy Performance	18
1			Credit Advanced Energy Metering	1
2			Credit Demand Response	2
0	0		Credit Renewable Energy Production	3
1			Credit Enhanced Refrigerant Management	1
1			Credit Green Power and Carbon Offsets	2

7	0	0	Materials and Resources		13
Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
3			Credit	Building Life-Cycle Impact Reduction	5
1			Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
1			Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
1			Credit	Building Product Disclosure and Optimization - Material Ingredients	2
1			Credit	Construction and Demolition Waste Management	2

13	0	0	Indoor Environmental Quality		16
Y			Prereq	Minimum Indoor Air Quality Performance	Required
Y			Prereq	Environmental Tobacco Smoke Control	Required
1			Credit	Enhanced Indoor Air Quality Strategies	2
3			Credit	Low-Emitting Materials	3
1			Credit	Construction Indoor Air Quality Management Plan	1
1			Credit	Indoor Air Quality Assessment	2
1			Credit	Thermal Comfort	1
1			Credit	Interior Lighting	2
3			Credit	Daylight	3
1			Credit	Quality Views	1
1			Credit	Acoustic Performance	1

2	0	0	Innovation		6
1			Credit	Innovation	5
1			Credit	LEED Accredited Professional	1

1	3	0	Regional Priority		4
1			Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1

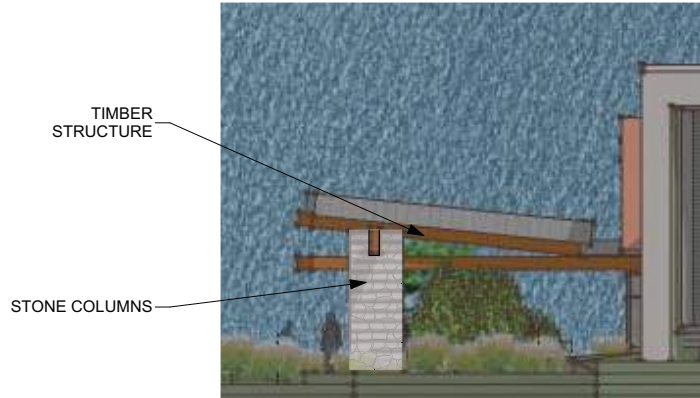
61	3	0	TOTALS	Possible Points: 110
Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110				

EXHIBIT F

MATERIAL CONCEPTS



CONCRETE MASONRY UNITS - TEXTURE CONCEPT
SHIFTS IN BLOCK FOR SHADOWS AND
CHANGES IN FACE TEXTURE FOR PATTERN
COLORED, NOT GRAY



TIMBER AND STONE ENTRY CONCEPT



STUCCO ACCENT WITH HARDIBOARD OR METAL SIDING



PEACE HOUSE
PARK CITY, UTAH

Author	Revised
Drawn	Revised
Check	Revised
Project No.	Project Title
000000	Peace House V8.0.wvt

Project No.	Project Title
000000	Peace House V8.0.wvt

Project No.	Project Title
000000	Peace House V8.0.wvt

A-202.1



February 2, 2016

Morgan Busch
36 South State Street, 8th Floor
Salt Lake City, UT 84111

Doug Clyde
Mountain Resort Consulting Services, LLC
PO Box 561
5258 North New Lane
Oakley, UT 84055

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-15-03000
<u>Address</u>	700 Round Valley Drive
<u>Description</u>	Conditional Use Permit
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	January 13, 2016

On January 13, 2016, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. This Conditional Use Permit is for the Peace House facility proposed on a 3.6 acre portion of Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council and recorded at Summit County on November 25, 2008.
2. Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.6 acres of Lot 8.
3. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses from Lots 6 and 8 to Lot 1.
4. On February 18, 2015, IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was

submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.

5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.
6. On November 10, 2015, applications for a second amendment to the IHC MPD and this Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted to the Planning Department.
7. The applications were considered complete on November 10, 2015.
8. The property is located in the CT Zoning District.
9. The property is currently undeveloped and consists of native grasses and low vegetation with an area of delineated wetlands located to the north and west of the proposed building.
10. The wetlands delineation was done more than five years ago and will need to be updated, re-delineated and re-submitted to the Corp.
11. The proposed Peace House facility consists of approximately 37,600 square feet of new construction for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), and twelve structured parking spaces. An additional 42 surface parking spaces in two separated lots are proposed. An enclosed landscaped courtyard is proposed for outdoor activities.
12. As a mixed use building the Land Management Code requires in the range of 45-50 parking spaces. A total of 54 spaces are proposed.
13. The building is two stories and at the tallest point is 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.
14. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.
15. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.
16. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from delineated wetlands located to the north and west of the proposed building.
17. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.
18. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to the structured and secured surface parking. A northern driveway, separated by approximately 300' from the

southern driveway, provides access to the main parking area and building's front entrance. An access easement agreement is required prior to using the shared driveway.

19. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision. The site plan proposes a 6' sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.
20. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.
21. On June 4, 2015, the City's Housing Authority approved the amended IHC MPD Housing Mitigation plan allowing the Peace House facility, including housing and support uses, to satisfy affordable housing mitigation requirements for the IHC MPD.
22. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.
23. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development, as amended, and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

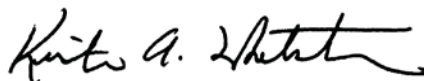
Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
5. All exterior signs require a sign permit, approved by the Planning and Building Departments, prior to installation.
6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on January 13, 2016.

7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development.
9. The wetlands delineation shall be updated and re-submitted to the Corp for approval prior to issuance of a building permit.
10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
11. Terms of the ground lease shall include a time frame of 40 years or longer.
12. Any future changes to the use of the building or property, as other than transitional and/or other affordable housing, will require a Conditional Use Permit and may depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable housing.
13. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.
14. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,



Kirsten Whetstone, MS, AICP
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 13, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney

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The Planning Commission held a joint meeting with the Snyderville Basin Planning Commission prior to the Regular Meeting. That discussion can be found in the Work Session Minutes dated January 13, 2016.

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 6:43 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

December 9, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of December 9, 2015 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson appreciated that the Commissioners had taken the time to listen to the Transportation presentation this evening. Questions could be forwarded to him or Alfred Knotts at any time. The Planning Commission will be looking at the Code changes in the second quarter of 2016. The Planning Commission could expect to see

area, in Park City, and in the entire State of Utah. He has now lost his great friend Stein Eriksen who he first met when Mr. Eriksen came to the United States in 1953. Mr. Eccles stated that years later he help Mr. Eriksen realize his dream as First Security financed the construction of his named lodge. Later the convention center and the spa. Mr. Eccles reported that years later he, his wife and four children bought the Goldener Hirsch Inn next door to Stein's. It was a family investment in 1991 and they just started their 25th year of operation. Mr. Eccles thought it was obvious that they were committed to the Silver Lake area and they were excited to work with everyone to put the exclamation point on what is already the finest ski area in the country. He stated that this expansion is part of their great vision of Park City and Deer Valley and they look towards working with everyone once again on something great for the entire Park City community. Mr. Eccles thanked the Planning Commission for allowing them time to give their presentation and for giving him time to tell them about the background and the love and affection that has gone into the Goldener Hirsch Inn.

Planner Whetstone requested that the Planning Commission continue this time to February 24th instead of February 10th as listed on the agenda.

MOTION: Commissioner Joyce moved to CONTINUE the Goldener Hirsch Hotel and Residence CUP and Plat Amendment to February 24th, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. **900 Round Valley Drive- Request to amend the Intermountain Health Care Master Planned Development to allow the Peace House facility to be constructed on Lot 8 of the IHC/USSA Subdivision plat, as partial fulfillment of required affordable housing, and other administrative changes.**
(Application PL-15-02999)
4. **Public hearing and possible action 700 Round Valley Drive- Conditional Use Permit for new construction of the Peace House facility to be located on a portion of Lot 8 of the IHC/USSA Subdivision plat for an emergency shelter, transitional housing and support uses.** (Application PL-15-03000).

The Planning Commission discussed these two applications simultaneously.

Chair Strachan noted that Planning Commission had reviewed the applications at previous meetings.

Planner Whetstone reviewed the request to amend the IHC Master Planned Development. During the pre-MPD process the Planning Commissioner reviewed the proposal with the exception of the requested 50,000 square feet of density. That discussion had been continued.

Planner Whetstone stated that there were three amendments to the MPD. One is to allow the Peace House facility to be located on Lot 8. Second is to allow Lot 8 to be subdivided into two lots. She noted that the actual subdivision application has not yet been submitted but it would come before the Planning Commission. The amendment would allow a subdivision to occur. The third amendment relates to the 50,000 square feet of density that was previously continued for discussion at a future meeting.

Planner Whetstone commented on two additional administrative amendments that included corrections on conditions and a development agreement to memorialize the changed to the IHC MPD.

The Staff report detailed the history of the IHC MPD, the criteria for the CT zones, as well as the MPD Chapter in the LMC. The Staff recommended that the Planning Commission conduct a public hearing and consider approving the MPD amendments pursuant to the findings of fact, conclusions of law and conditions of approval as outlined in the Staff report.

Planner Whetstone reported that the application for 700 Round Valley Drive was a CUP for the Peace House to be constructed on Lot 8.

Morgan Bush, representing IHC, had read through the Staff report and concurred that it reflected everything that was discussed through the pre-MPD process and what was submitted in the Amended MPD application. He had nothing further to add.

Doug Clyde, representing the Peace House, remarked that Bob Dillon, legal counsel, had one item to address with the Planning Commission.

Bob Dillon, representing the Peace house, referred to Condition of Approval #11 of the CUP. He noted that the Peace House had executed the lease approximately a year ago as a condition for obtaining funding from the County. Mr. Dillon requested that Condition 11 be rewritten to only say, "Terms of the ground lease shall include a time frame of 40 years or longer." The remaining language would then become a separate condition and modified to read, "Any future changes to the use of the building or property **as other than transition and/or affordable housing** will require a Conditional Use Permit and may, depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable." Mr. Dillon remarked that the ground lease requires the

Peace House to operate it as such; otherwise the ground lease terminates. He thought it was important to address the requirement as a separate condition and not as part of the ground lease.

Mr. Clyde pointed out that if the Peace House terminates its operation at any time for any reason, it would not negate IHC's obligation to provide affordable housing. Therefore, the requested change to the condition of approval would not change anything, but it would avoid complicating the lease issue. Planner Whetstone understood that it was a 40 year lease. Mr. Clyde replied that it was a 40 year lease with two five year renewals.

Assistant City Attorney McLean was comfortable with the change to Condition of Approval #11 as proposed by Mr. Dillon.

Chair Strachan opened the public hearing on both the Amendment to the IHC MPD and the CUP for new construction of the Peace House.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE the Second Amended Intermountain Health Care Master Planned Development for 900 Round Valley Drive pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to APPROVE the Peace House Conditional Use Permit at 700 Round Valley Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 900 Round Valley Drive

1. On November 10, 2015, the City received a complete application for an MPD Amendment for the Intermountain Healthcare Master Planned Development (IHC MPD).

2. The proposed MPD Amendment includes the following items:

- Allow the Peace House facility to be located on Lot 8 of the IHC/USSA

subdivision plat to fulfill a portion of the remaining affordable housing obligation for the IHC MPD. A Conditional Use Permit (CUP) is required prior to building permit issuance. A CUP application was submitted for concurrent review with the MPD Amendment application.

- Allow Lot 8 to be subdivided into two lots with the eastern 3.6 acres proposed to be leased to the Peace House as Lot 8 and the western 6.334 acres to become a new Lot 12 retained by the Intermountain Healthcare with no density assigned to it. A plat amendment application is required and has not yet been submitted.
- Add 50 Unit Equivalents (UE) of density as 50,000 square feet of support medical offices/clinics to the overall IHC MPD to be located on Lot 1. (Note- this item was continued for further analysis and discussion with Staff recommendation to bring it back to the Planning Commission later in 2016.)
- Make administrative corrections to conditions #16 and #17 of the October 8, 2014, approval of the First Amended IHC MPD.
- Include a condition of approval requiring recordation of a Development Agreement to cover all items of the original MPD as well as the First and Second Amendments.

3. The IHC MPD was approved by the Planning Commission on May 23, 2007.

4. A First Amended IHC MPD was approved by the Planning Commission on October 8, 2014, transferring assigned medical support density from Lots 6 and 8 to Lot 1, along with other amendments related to Phase 2 of the Medical Center construction.

5. The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the Second Amended Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivision) approved and recorded at Summit County on November 25, 2008.

6. The property is generally located on Round Valley Drive west of US 40 and east of Round Valley in the Quinn's Junction neighborhood of Park City.

7. The approved IHC MPD includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10.

8. Lot 2 of the IHC/USSA Subdivision plat is dedicated as open space.

9. Lot 3 is not part of the IHC MPD and is the location of the USSA Headquarters and Training Center MPD.

10. Lot 4 was the original location of 28 affordable, deed restricted townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval. Lot 4 currently has no designated density and is an open space lot.

11. Lot 5 was dedicated and transferred to the City for future recreation uses.

12. The density initially designated for Lot 6 was transferred to Lot 1 with the First Amendment to the MPD.

13. Lot 7 contains the 25,000 sf medical support office density and is also known as Physician Holdings or MOB (Medical Office Building).

14. The density initially designated for Lot 8 was transferred to Lot 1 with the First Amendment to the MPD.

15. Lot 9 contains a small Questar gas regulating facility.

16. Lot 10 is the location of the Summit County Health Department and People's Health Clinic utilizing 25,000 sf of support medical office density. Summit County has a ground lease from IHC on this lot.

17. Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.

18. This MPD amendment is being processed concurrent with a Conditional Use Permit application submitted for the Peace House proposed to be located on the eastern portion of Lot 8 with a ground lease to the property from IHC.

19. The Peace House includes approximately 25,964 sf of emergency shelter and transitional housing, 8,622 square feet of shelter and housing support uses related to the Peace House mission, 2,096 square feet of circulation and back of house uses (mechanical, storage, etc.), and 4,096 square feet. The proposed building also includes a 4,096 square foot parking structure for a gross building size of approximately 41,000 square feet.

20. On June 4, 2015 the Park City Housing Authority approved an amended Housing Mitigation Plan outlining the affordable housing strategy for the IHC MPD and approved the Peace House as part of that strategy.

21. The June 4, 2015 Housing Authority approval included a condition of approval that future density increases for the IHC Medical Campus at Park City Medical Center

will be reduced by 10 AUEs or 8,000 square feet to address the issue that a portion of the Peace House facility is provided as satisfaction of an affordable housing obligation for the Tanger Outlet expansion through the Summit County approvals.

22.The June 4, 2015 Housing Authority approval also included a condition that if the Peace House ceases operation of their program on Lot 8 prior to 50 years from the date of signing the amended Housing Mitigation Plan agreement, IHC will owe the City 12.5 AUEs.

23.The Park City Housing Authority is the decision making body responsible for approving any amendments to the IHC MPD Affordable Housing Mitigation Plan and for determining the number of AUEs the Peace House facility will count for. A final Housing Mitigation Plan will be reviewed by the Park City Housing Authority based on uses, residential units, and square footages of the final approved Peace House CUP.

24.The IHC MPD is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007.

25.A plat amendment application is required to be submitted for review by the Planning Commission with final action by the City Council in order to subdivide Lot 8.

26.An Annexation Agreement for this property was recorded on January 23, 2007.

27.The Annexation Agreement is currently the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the IHC/USSA subdivision plat, such as roads, utilities, and trails.

28.The property is located in the Community Transition (CT) Zone.

29.The maximum Building Height in the CT Zone is 28 feet (33 feet with a pitched roof). The IHC MPD provided height exceptions for the Park City Medical Center on Lot 1. The remaining lots are subject to the CT Zone Height. No changes to MPD approved heights are proposed.

30.The proposed Peace House building on Lot 8 complies with the maximum Building Height of the CT Zone.

31.The setbacks within the CT Zone are twenty five feet (25') in the front, rear, and sides. The proposed Peace House building complies with these setback

requirements.

32. There is no minimum lot size in the CT Zone.

33. The base density in the CT Zone is 1 unit per 20 acres. Maximum density allowed in the CT Zone for non-residential projects is 3 units per acre provided that all Density bonus requirements set forth in LMC Section 15-2.23 A are met and the additional standards are incorporated into the Master Planned Development. This MPD Amendment does not change the allocated density within the IHC MPD.

34. Eighty percent (80%) open space is required for approved density and this MPD Amendment does not change the total open space within the MPD. With construction of the Peace House facility the open space for the entire annexation area will be at approximately 85%.

35. Trails and linkages to trails as shown on the approved IHC MPD comply with the City's Master Trail Plan. No changes to the trails or linkages are proposed with this MPD Amendment.

36. A pre-MPD application for these MPD Amendments was submitted on September 14, 2014 and reviewed by the Planning Commission on April 8th, August 26th, October 28th, and Nov 11th, 2015. The Planning Commission conducted public hearings on these dates and made findings that the proposed MPD Amendments initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) Zoning District.

37. Green Building requirements are part of the Annexation Agreement and continue to apply to the Peace House CUP.

38. Administrative corrections to conditions #16 and #17, of the October 8, 2014 approval of the First Amended IHC MPD, are included as part of these MPD amendments.

39. Condition #16 was left over from the original MPD approval and states that prior to issuance of a building permit for future phases the applicant and Staff shall verify that all items agreed to by the applicant (as listed in Finding of Fact #21 of the original approval), as mitigation for the loss of the use of the planned ball field at the Park City Recreation Complex, have been completed. The applicant and Staff verified that these items have been satisfied and this Condition is not necessary and should not be included in the language of the Development Agreement.

40. Condition #17 states that the applicant shall conduct and present to the Planning Commission a parking study of the Medical Center site as part of the October 8th Amendments. The Commission discussed the timing of the study and determined that the study was not needed with the Second Phase of construction but should be included with any applications for future construction of the Medical Center.

41. A condition of approval requiring recordation of a Development Agreement to cover items of the original MPD as well as the First and Second Amendments is included as part of this amended MPD.

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

Conclusions of Law – 900 Round Valley Drive

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, 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 amendment, 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 amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – 900 Round Valley Drive

1. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
2. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Second Amended subdivision plat shall apply.
3. Construction of the Peace House facility on Lot 8 shall be subject to an approved Conditional Use Permit, as well as to all applicable conditions of approval of the MPD, as amended, the Annexation Agreement, and the Subdivision plat.
4. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission within 6 months of final action on the MPD Amendment application.
5. The Development Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD, included the approved amendments.
6. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.
7. All construction within the IHC MPD is subject to the plat notes and conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008, as well as conditions of approval of the IHC MPD, as amended, including amendments to Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval, as described in #8 below.
8. Conditions #16 and #17 of the October 8, 2014 approval of the First Amended IHC MPD shall be amended, and reflected in the development agreement, as follows:
 - a) Condition #16 shall be deleted.
 - b) Condition #17 shall be amended to state the following: The applicant shall submit

a parking study as part of an application for the next Medical Center expansion. The study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas. Along with impacts to street intersections out to and including SR-248.

9. In order to create a separate lot of record for the Peace House, a plat amendment application would be required to be submitted to the City.

Findings of Fact – 700 Round Valley Drive

1. This Conditional Use Permit is for the Peace House facility proposed on a 3.6 acre portion of Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council and recorded at Summit County on November 25, 2008.

2. Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.6 acres of Lot 8.

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

4. On February 18, 2015, IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.

5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.

6. On November 10, 2015, applications for a second amendment to the IHC MPD and this Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted to the Planning Department.

7. The applications were considered complete on November 10, 2015.
8. The property is located in the CT Zoning District.
9. The property is currently undeveloped and consists of native grasses and low vegetation with an area of delineated wetlands located to the north and west of the proposed building.
10. The wetlands delineation was done more than five years ago and will need to be updated, re-delineated and re-submitted to the Corp.
11. The proposed Peace House facility consists of approximately 37,600 square feet of new construction for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), and twelve structured parking spaces. An additional 42 surface parking spaces in two separated lots are proposed. An enclosed landscaped courtyard is proposed for outdoor activities.
12. As a mixed use building the Land Management Code requires in the range of 45-50 parking spaces. A total of 54 spaces are proposed.
13. The building is two stories and at the tallest point is 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.
14. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.
15. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.
16. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from delineated wetlands located to the north and west of the proposed building.
17. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.

18. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to the structured and secured surface parking. A northern driveway, separated by approximately 300' from the southern driveway, provides access to the main parking area and building's front entrance. An access easement agreement is required prior to using the shared driveway.

19. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision. The site plan proposes a 6' sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.

20. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.

21. On June 4, 2015, the City's Housing Authority approved the amended IHC MPD Housing Mitigation plan allowing the Peace House facility, including housing and support uses, to satisfy affordable housing mitigation requirements for the IHC MPD.

22. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.

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

Conclusions of Law – 700 Round Valley Drive

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development, as amended, and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 700 Round Valley Drive

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
5. All exterior signs require a sign permit, approved by the Planning and Building Departments, prior to installation.
6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on January 13, 20
7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development.
9. The wetlands delineation shall be updated and re-submitted to the Corp for approval prior to issuance of a building permit.
10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
11. Terms of the ground lease shall include a time frame of 40 years or longer.

12. Any future changes to the use of the building or property as other than transition and/or affordable housing will require a Conditional Use Permit and may, depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable

13. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.

14. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.

5. **8910 Empire Club Drive- Conditional Use Permit for construction of Building 5 of the Village at Empire Pass Master Planned Development, consisting of 27 residential units, 1 ADA unit, and 1 deed restricted unit located on Lot 15 Village at Empire Pass West Side Subdivision. (Application PL-15-02983)**
6. **8910 Empire Club Drive- Condominium record of survey plat for 27 residential units within Building 5 of the Village at Empire Pass Master Planned Development. (Application PL-15-03003)**

The Planning Commission discussed the two applications simultaneously.

Planner Whetstone reported that the Planning Commission had reviewed the application at a work session during a previous meeting.

Planner Whetstone reviewed the application for a conditional use that is subject to the Flagstaff Annexation and Master Planned Development; and more specifically subject to the Village at Empire Pass MPD. She had prepared a density chart on page 377 of the Staff report. Planner Whetstone explained that the site was not identified for this amount of density. There is a pool of density which they can pull from, and in this case the applicant purchased an x-number of UEs from Talisker. She pointed out that they had not exceeded that density. Planner Whetstone stated that the benefit of having a condo plat is that every square foot of the condominium plat is identified with the square footage. The Staff had reviewed the condominium plat in detail. They will review it again prior to recordation to make sure remains at or under the density that was purchased.

FIRST AMENDED AFFORDABLE HOUSING MITIGATION PLAN FOR THE MEDICAL CAMPUS AT PARK CITY MEDICAL CENTER FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL

WHEREAS, the owners of the Medical Campus at Park City Medical Center located on Round Valley Drive have a total housing obligation of 90.47 AUEs established within the Annexation Agreement recorded January 23, 2007;

WHEREAS, 44.78 AUEs are fulfilled through development of 28 townhomes within the Park City Heights development and 22.37 AUEs are deferred or transferred through land deals, and 12.5 AUEs are fulfilled in exchange for a land lease with Peace House providing land for a new, expanded facility, and a balance of 10.82 AUEs remain to be fulfilled;

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the 1st Amendment to the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan submitted by the Owner is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The original Annexation Agreement was recorded January 23, 2007.
2. The housing obligation is subject to the requirements of Housing Resolution 17-99.
3. The Housing Authority approved an overall housing obligation equal to 90.47 AUEs.
4. A Housing Mitigation Plan was approved on June 4, 2015 by the Housing Authority. Other than as amended herein, its findings of fact, conclusions of law and conditions of approval continue to apply.
5. The June 4, 2015 Housing Mitigation Plan has a typo in Line 3 of the Conclusions of Law stating that 11.82 AUEs remain to be fulfilled. It should read 10.82 AUEs.
6. Deferral of units resulting from the construction of the USSA facility equals 10.71 AUEs. The June 4, 2015 Housing Mitigation Plan finding of fact 4 stated 10.47 which is a typo.
7. Construction of 28 affordable townhomes within the Park City Heights development will fulfill 44.78 AUEs.
8. Transfer of development rights for one 25,000 square foot medical support building to Summit County for the Health Department and People's Health Clinic equals 5.83 AUEs.
9. Transfer of development rights for one 25,000 square foot medical support building to Physicians Holdings, LLC equals 5.83 AUEs.
10. Fulfillment of 12.5 AUEs were approved in exchange for a land lease to the Peace House for a campus that includes a minimum of the following: 12 transitional housing units totaling to 10,000 square feet, 7,200 square feet of

shelter space, and one employee apartment of a minimum of 800 square feet. The document signed for the June 4, 2015 approval stated 9,600 SF for the transitional housing space which is a typo. This typo does not affect the overall AUEs calculated for the project.

11. The Peace House campus equals a total of 22.5 AUEs of which 10 are in fulfillment of a Summit County housing obligation and therefore removed from the calculation resulting in 12.5 AUEs.
12. Lot 8 on which the Peace House campus will be constructed has no density due to its community benefit.
13. If IHC amends the MPD and has additional density assigned to the overall project, the density associated with the Summit County housing obligation (10 AUEs equaling 8,000 SF) shall be counted against any future density allocated to the overall project under the MPD. It is density being used for an outside entity's housing obligation.
14. The Owner submitted a proposed 1st Amendment to the Housing Mitigation Plan that would fulfill an additional 4 AUEs in exchange for a donation of \$816,000 to Peace House for the increased square footage incorporated into updated site plans for the new facility.
15. While the updated site plan added 8,057 SF, the Housing Authority only approved 5,599 square feet to be credited as AUEs. A chart is included below to illustrate the agreement.

Peace Housing New Facility Square Footage	Original 2015	Accepted by 1 st Amended
Transitional & Shelter units (2nd Floor)	17,200	21,300
Employee Units (2nd Floor)	800	2,080
Residential support (1st Floor)		
Laundry	N/A	219
Closet & Storage	N/A	-
Pantry & Storage	N/A	-
Total applicable AUE Square footage	18,000	23,599
divided by 800 - per AUE	22.50	29.50
Less county obligation	-10	-10
Less DV MPD AUEs	N/A	-3
Less IHC July 2015 approval	N/A	-12.5
AUE Credit	12.50	4.00

16. The existing Peace House shelter, which has been sold and will no longer fulfill housing obligations once the new facility opens, was built in fulfillment of three (3) AUEs of the housing obligation resulting from Deer Valley's MPD as amended (ELEVENTH AMENDED AND RESTATED LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT signed on March 23, 2011, page 5). Those three (3)

- Deer Valley AUEs will be fulfilled by the new Peace House facility and those three (3) AUEs will be removed from the calculation credited for the facility.
17. The donation amount of \$816,000 is equal to the following: August 2016 increase to the in-lieu fee of \$229,500 divided by 900 SF (current AUE) which equals \$255 per SF then multiplied by 800 SF (the definition of an AUE in Housing Resolution 17-99 which is the governing document for the Owner's housing obligations): $\$255 \times 800 \text{ SF} = \$204,000 \text{ per AUE} \times 4 = \$816,000$).

Conclusions of Law:

1. The Owner currently has 10.82 AUEs outstanding
2. The Owner will fulfill 4 AUEs with this Approval of an in lieu fee payment of \$816,000 to Peace House.
3. The Owner will have a balance of 6.82 AUEs still to be fulfilled following the completion of this plan.

Conditions of Approval:

1. If IHC amends the MPD and has additional density assigned to the overall project, the density associated with the Summit County housing obligation (10 AUEs equaling 8,000 SF) shall be counted against any future density allocated to the overall project under the MPD. .
2. If Peace House ceases operation of their program on Lot 8 prior to 50 years from the date of signing this agreement, the Owner will owe the City 16.5 AUEs.
3. The Peace House must build the space consistent with the table in finding of fact 15 above.

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

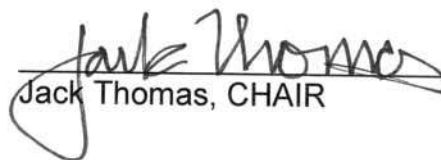
PASSED AND ADOPTED this 2nd day of February 2017.

PARK CITY HOUSING AUTHORITY

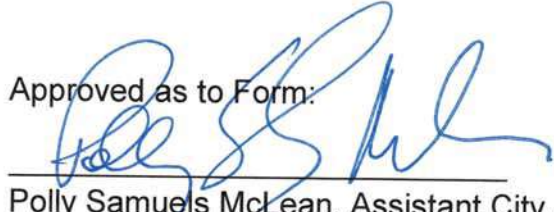


Attest:


Michelle Kellogg, City Recorder


Jack Thomas, CHAIR

Approved as to Form:


Polly Samuels McLean, Assistant City Attorney